



# UTILITY REPORTER

OFFICIAL VOICE OF IBEW LOCAL UNION 1245 AFL-CIO

## PG&E Lineman's firing arbitrated

Arbitrator Sam Kagel, who is often referred to as the "King of Arbitrators," heard Arbitration Case No. 125 at a two-day hearing in San Francisco on December 13 and 14. The Union and Company are scheduled to file written briefs with Arbitrator Kagel on February 18, which means that a decision in the case can be expected by the summer.

The case involves the suspension and discharge of Al Simontacchi, a North Bay Lineman who is nationally known as a result of his active participation in the issue of PCBs, and the use of other toxics in the workplace.

**Simontacchi** was suspended in December 1983, after declining an overtime assignment involving the cleanup of a PCB spill in the Company's Sonoma yard. He was fired a month later after refusing to changeout a blown transformer.

According to Staff Attorney Tom Dalzell, who handled the case for Local 1245, the arbitration involved several issues. "The most obvious issue is that of health and safety. In 1982 Arbitrator Armon Barsamian set down the standards to be followed in discipline cases involving PCB cleanups. We believe that a comparison of Arbitrator Barsamian's decision in the Sunnyvale case with the facts of this arbitration supports us — the jobs weren't safe and the refusal to work was justified," Dalzell stated.

According to Dalzell, the suspension raises another issue, and that is the correct interpretation of contract section 212, which governs emergency overtime. "The contract recognizes the right of an employee to decline emergency overtime, yet here the employee was disciplined," explained Dalzell.

As for the discharge, the Union believes that the evidence supports its contention that the Company singled out the grievant in assigning him to the cleanup, and that his discharge was thus not for just cause.

Testifying for the Union were Assistant Business Manager Manny Mederos, Business Representative Ed Caruso, and Sonoma members Al Patrick, Lineman; Kim McFarland, Apprentice Lineman; and Al Parrott, Lineman.

### MEMBER ALERT

Members at PG&E and PG&T should submit proposals for amending the Health, Dental and Vision Agreement, and Part IV Savings Fund Plan of the Benefit Agreement at their February and March Unit Meetings.



Going over arbitration issues prior to the hearing are, L-R, Assistant Business Manager, Roger Stalcup, Staff Attorney Tom Dalzell, and Lineman Al Simontacchi.



Testifying for the Local Union were Sonoma members, Lineman, Al Patrick and Kim McFarland, Apprentice Lineman.

## Truckee - Donner ratifies

Members at Truckee-Donner Public Utility District recently accepted a new three-year settlement effective January 1, 1985.

Ratification votes were tallied on December 17, 1984, following two months of negotiations.

Highlights of the settlement include a 4 percent wage increase effective January 1, 1985, and then effective July 1, 1985, an additional three percent.

The same 4-and-3-percent formula will be applied in January,

and July of 1986 and 1987.

The contract also calls for some longevity provisions for extended years of service, and a new maintenance of membership clause.

New sick leave buy-back provisions were also established.

Business Representative Lee Thomas praised Negotiating Committee members, Bruce Crowe, Ron Reynolds, Larry Russell, and Nancy Waters, for their efforts in working to bring Truckee-Donner salaries into parity with surrounding areas.

## Outside Line, NECA contract extended through August

Local 1245 representatives, including Business Manager Jack McNally and Business Representative Tommy Heyl, met with representatives of the National Electrical Contractors Association, NECA, during the first week of January to discuss the Outside Underground Agreement which was set to expire in May. The parties agreed to extend the agreement until August, with the following modifications in the contract: (1) contributions to LINECO will increase from \$1.00 an hour to \$1.25 an hour; (2) the contractor crews will observe the same inclement weather policies as the utilities for which the work is being performed; and (3) improvements were negotiated in payroll deduction and union security provisions.

## New pact for SMUD members

Business Representative Mack Wilson reports that members at SMUD took a second look at a three-year package, and accepted a new contract as they voted at various sites throughout the District on January 2 and 3.

The new contract calls for a 4.5 percent wage increase in the first year, and 4 percent across-the-board increases on January 1, 1986 and 1987.

In 1986, and 1987, if the CPI changes more than 4 percent, SMUD members will receive six-tenths of 1 percent for each percent above 4 percent, up to a total maximum of 8 percent.

Other first year items include: Equity for Chemistry and Health Physics Technicians • Maintenance of membership clause through July 1, 1986 • Additional floating holiday effective November 1, 1985 • Changes in OT meal provisions • A 1% Nuclear premium • Pagers for Emergency NCR requirements only, Rancho Seco • All unresolved grievances will be arbitrated in the first year • Word changes in Emergency call-outs • Changes in health insurances, establishing varying premium coverages • Geysers 12-hour shift schedule • Maximum personal-care leave carryover extended to 50 days per year • Educational reimbursement plan increased to \$300 annually • Joint Safety Committee, with regularly scheduled meetings.

Other first year items include: Temporary change of headquarters-pay: portal to portal, not to exceed one hour travel each way • Mileage expense for private automobiles increased from 15 cents to 18 cents per mile • Special four-hour rest period • Travel outside District service area meal allowance increased to \$22.75 daily • Travel at Geysers; eliminate \$1.50 per day charge for employees who travel in District vehicles • Title change for Craft Helpers at Rancho Seco to Radiation Waste Handler • Effective May 1, 1985, optional dental care program provided; Patient Care Center, Sacramento.

Effective January 1, 1986: Reduce employees PERS contribution from 4% to 3.5% • Friday after Thanksgiving will be holiday in exchange for Veteran's Day, provided—all employee groups agree to proposed change • Increased OT meal allowances • New

SEE Page Seven





# YOUR LEGAL RIGHTS

Neyhart, Anderson, Nussbaum, Reilly & Freitas, P.C.

## Utility Reporter

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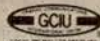
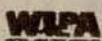
**Ron Field**

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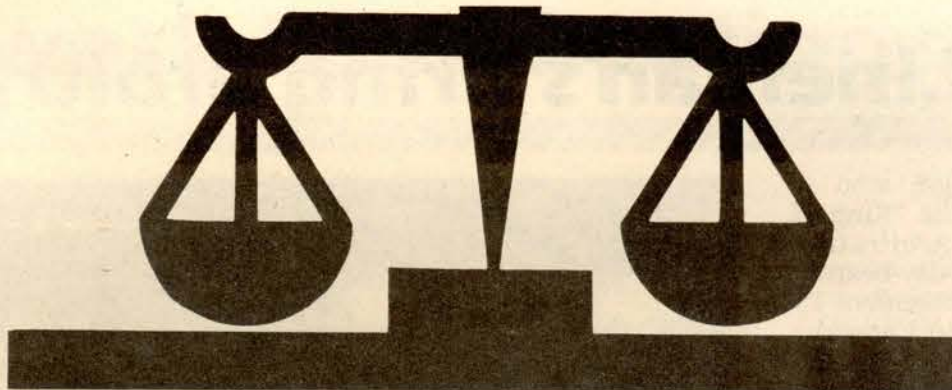
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Contributing writers Tom Dalzell  
and Ann Miley, Staff Attorneys.



## Dog bites, and your rights . . .

*By Joan Zoloth Foster*

Each year, several hundred Local 1245 members - mostly Meter Readers but also Gas Servicemen, Troublemens, and other classifications are bitten by dogs while on the job. Some of the most frequently asked questions about an employee's legal rights after being bitten by a dog are answered below.

**Question: Do I have the right to file a Workers Compensation claim if I am bitten by a dog on the job?**

Absolutely. A Meter Reader, for example, who is bitten by a dog while attempting to make a backyard gas meter read is injured in the course of performing his or her work and may file a Workers Compensation claim. The same goes for any dog bite received on the job.

**Can the Company deny my claim because they say that I could have avoided the dog bite?**

No. In California, the Workers Compensation system is a no-fault

system. Your negligence or failure to pay attention is not an issue. The use of HALT or other dog protection devices and good common sense can reduce the number of dog bites, but even a conscientious and careful employee can become the victim of a dog bite. Your negligence or lack of care is not an issue in a Workers Compensation claim.

**Why should I use an attorney for my Workers Compensation claim?**

First, an attorney who specializes in Workers Compensation is familiar with the legal procedures involved and can expedite the handling of your claim. Secondly, an attorney who is an expert in the field can help evaluate all your damages—medical expenses, travel expenses, lost earnings. Thirdly, an attorney can advise you as to your rights with respect to possible future medical expenses and how to best protect yourself in the future. Fourthly, an attorney can advise you as to other possible legal rights you may have.

**What other legal rights might I have?**

In California, dog owners are held strictly liable for dog bites under Civil Code section 3342, as well as various leash laws. This means that the owner of the dog, or in some cases landlords who own premises where the dog bite occurred, can be sued for damages above and beyond those which you can recover from your employer in a Workers Compensation case.

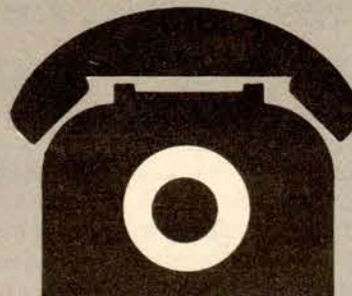
**What should I do to protect my legal rights if I am bitten by a dog on the job?**

We advise you to consult an attorney who specializes in Workers Compensation immediately, *before* talking to anyone, especially an insurance adjuster for the dog owner. The attorney can then counsel you and steer you in the right direction, both in terms of a Workers Compensation claim against your employer and a possible third party lawsuit against the dog owner.

## Legal Questions ?

**Contact IBEW Local 1245's  
Legal Service Plan**

**In California  
(800) 652-1569**



**In Nevada  
(702) 329-1735**



# APPOINTMENTS

## PACIFIC GAS AND ELECTRIC COMPANY General Construction Joint Grievance Committee

Alfred D. Calleros

### Pipeline Operations Hours Committee

Jim Rozzell  
Mike McGinley  
Harold Albright  
Pamela Grosslin

## U.S. BUREAU OF RECLAMATION

### Ballott Committee

John E. Gallagher  
Barry A. Bandermon

## PACIFIC TREE EXPERT COMPANY

### Negotiating Committee

Marvin Horton

## DAVEY TREE SURGERY COMPANY

### 1985 Wage and Benefit Allocation Committee

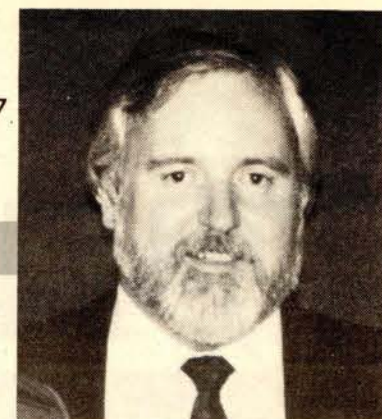
Steve Roland  
Mark Antonelli  
John Smullen  
Vince Hoffmann  
Ken Bissmeyer  
John Carajan  
Ron Freeman

## CENTRAL LABOR COUNCILS

### Sacramento Central Labor Council

Mark Abercrombie

# POINT OF VIEW



IBEW 1245 Business Manager

## Don't want fringes taxed? Tell your representatives-now!

With the holidays over and the start of the new year, elected representatives of both the U.S. Congress and the state legislatures are getting back in session to do their best to represent their constituencies.

One of the big burning questions that the U.S. Congress has to address is how to reduce the national debt and whether or not to impose an income tax increase.

The Treasury Department has submitted a tax reform proposal that would end the tax exempt status for almost all employee benefit plans. The Treasury Department's recommendations include taxing, (1) health care premiums paid by the employer that exceed \$70 per month for individuals and \$175 per month for families; (2) premiums for group life insurance; (3) tuition payments and other educational benefits; (4) payments for legal services; (5) child care provided by the employer. The value of these benefits would be included with your gross income and subject to federal tax withholding. In addition, the proposal would end tax exempt status for 401(K) savings plans.

In the Treasury Department's statement on taxation of fringe benefits, it points out that contributions to qualified retirement plans, accident and health plans, and group life insurance are among the most important fringe benefits presently excluded from taxes, and that, "it is unfair that one taxpayer is excused from paying income tax on the value of a fringe benefit, while another who wants to enjoy the same goods or service, but does not receive it as a fringe benefit, must purchase it with after-tax dollars."

Government statistics show that over 50% of the work force are covered by some types of these benefits, and now the Treasury thinks some workers are being discriminated against.

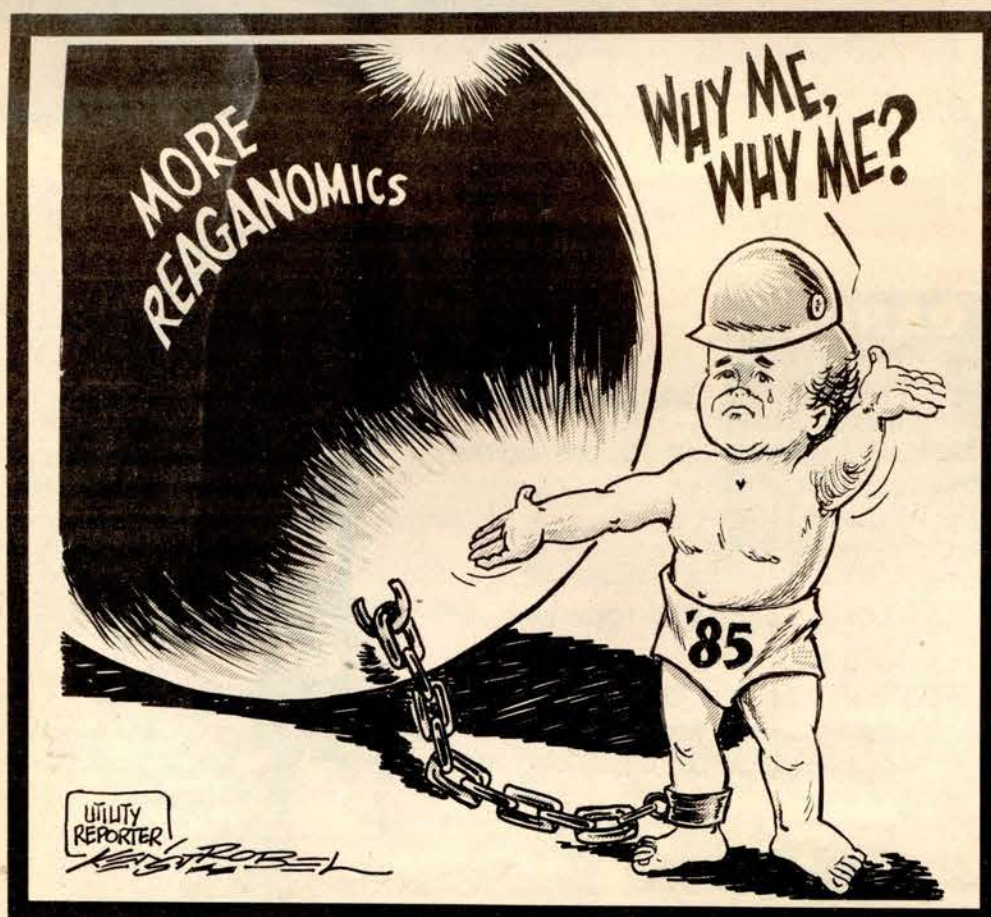
All of our members are covered in some way or another by these types of benefits. Depending on the tax bracket of the individual, a member may be required to pay \$300 to \$600 per year more in income taxes under the Treasury Department's proposal.

This approach to tax reform will have far reaching effects on wage and salary earners in this country. Taking away the tax incentives of fringe benefits would probably be the demise of group plans.

Since 1921, the government has provided favorable tax treatment to employee benefits. Many of the basic needs are now provided through fringe benefit group plans. Health care and life and disability group insurance have protected millions of Americans against financial disaster. These types of fringe benefits are middle class benefits. This proposal would adversely affect union workers and management employees alike.

Your representative in Congress will be considering ways to increase revenue to the government. Taxing fringe benefits is one proposal your representatives will be asked to consider. It is a bad proposal, and representatives in Congress need to hear from their constituency about this approach to an income tax increase.

In Unity— *Jack McInerney*





# IBEW Local 1245 - Y



**UTILITY R**  
OFFICIAL VOICE OF IBEW

## January

### IBEW Local 1245 members at PGT ratify new contract in January



After several meetings, IBEW Local 1245 reached tentative agreement on December 6, 1983 with Pacific Gas Transmission Company on a proposed contract. It was submitted to the members to vote on by mail ballot and was ratified on January 12, 1984 with 39 yes and 7 no votes. The new agreement calls for a 5.5 percent general wage increase retroactive to January 1, 1984 and wage increases for 1985, 1986, and 1987 of 3 percent for each year plus 1 cent per hour for each .3 points rise in the July-to-July Consumer Price Index. It also provides for continued full health care benefit coverage, improvements in the retirement program and no take-aways. The PGT members are also covered under the recently negotiated benefit agreement between Local Union and PG&E. The Union's Negotiating Committee pictured above, excluding Assistant Business Manager Manny Mederos, are left to right, Paul C. Hathaway, Frank Locati, Business Representative Bob Gibbs, Mark A. Latta and Les Santa. — Congratulations on a job well done!



**Jeri Keeler:**  
a 1980's pioneer

Clerical project underway

Meter Reader bargaining reopens in Feb.

## February

A night to remember—  
Foss honored at dinner



**LIFELINE** — HEALTH AND SAFETY  
Local's Industrial Hygienist monitors Reprographics area



In Memoriam  
Tanishia Dudley  
September 11, 1982  
January 3, 1984

**Happy Birthday, Melba Gregory!**

It's a time for mourning for friends of Tanishia



City of Alameda members OK 5.5 percent wage hike



## May



**Powerful 'Powerlink' crews; job well done!**

### Local 1245's long battle to protect discounts successful



It's a first for Outside Line— Local prepares safety guide



THE DUKE OF HAZARDS

## June

\$2000 Scholarship awarded student

PAC Tree Trust drafted



Scholarship winner Susan Parsons.

1245'ers TO BE COUNTED AMONG THOUSANDS

**Massive July 15 S.F. Labor Parade set**

**We can do it!**  
AFL-CIO Transfers U.S. 1942

Local keeps close eye on Sierra Pacific changes

## September

## October



IBEW Local 1245 shocked, by Jerry Robinson's death

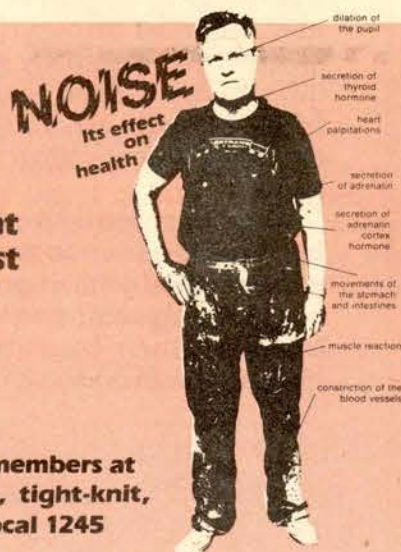
**PG&E, PGT COLA adjustment reaches \$12.40 for 1985 boost**

### NEVADA SCENE

**Member Sue Davidson applauded for years of service at Lynch**



**SMUD members at Geysers, tight-knit, 100% Local 1245 group**



**Control of noise exposure—your legal rights detailed**

**DANGER**  
Reagan is hazardous to American workers' health

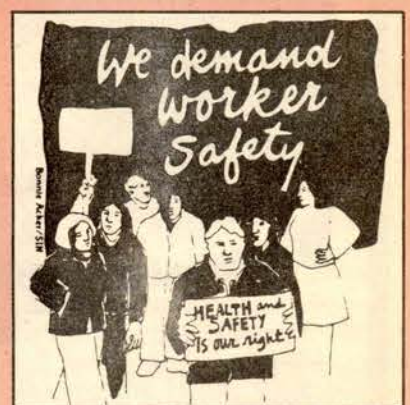
Arbitrator Kagel to decide Local's work dispute case

**Major public sector bargaining starts in jurisdiction**

**Local 1245 Golf Tourney, big success!**



On the putting green.



**SHOP STEWARDS**



# Year In Review, 1984

**REPORTER**  
LOCAL UNION 1245 AFL-CIO

**POINT OF VIEW**

By Jack McNally

IBEW 1245 Business Manager



**March**

**April**

## OUTSIDE LINE

**Fight for pension payment won by IBEW Local 1245**



Coalition of Labor Union Women meet in Chicago



**Moves to mend relations bring Gridley settlement**



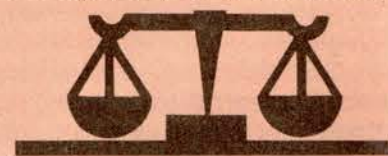
Among those IBEW Local 1245 members at the City of Gridley to be included in the recent settlement were, L-R, Gene Smith, Utility Foreman; Barbara Roberts, Accountant II; Tom Wiles, Apprentice Lineman; and Al McBride, Interim Fire Chief.

## BARGAINING REPORT — PUBLIC AGENCIES

**City of Chico**



## YOUR LEGAL RIGHTS



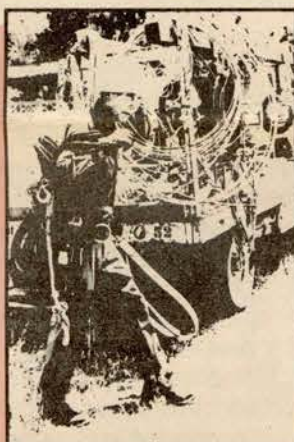
**July**

**August**



**Plenty of boating fun at Delta Poker Run**

**Very young 69-year-old, not ready to hang up his hooks**



**Rancho Seco power plant accident claims two lives**



Wayne Greer and Shop Steward Tom Ramirez.

**Avonseal vapors: IBEW Local 1245 observes test methods**

**Successful leadership conference held Aug. 11, 12 in Concord**



**Successful Leadership Conference for Unit Officers**

## ON THE JOB

**Oroville-Wyandotte Irrigation District members construct new piping system**



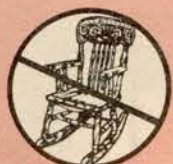
**IBEW LOCAL 1245 MEMBERS JOIN MARCHERS**



**With one voice—150,000 unionists reaffirm Labor's values**

**November**

**December**



**Retirement Guide available**



**Bill Miller honored at Advisory Council**



Kathy Tindall

**Tindall gets key Nevada CLUW post**



IBEW Local 1245's Utility Reporter closed out the year with four press awards. From the Western Labor Press Association, the Utility Reporter received first place for a news story which detailed the battle that member Bill Loud waged to overcome Post Traumatic Stress Syndrome. The same article received a second place award from the International Labor Communications Association. The Utility Reporter was awarded third place for Best Overall Local Union Newspaper from both the WLP and ILCA.

**Public Agency conference held in Sacramento**



**Write Congress: Don't Tax Fringes!**



# AROUND THE SYSTEM - PG&E

## General Construction Tool List

The next meeting between the Company and Union is scheduled for February 7. Senior Assistant Business Manager Darrel Mitchell reports that the committees are approximately half-way through the old tool list and face some of the more difficult and controversial issues in the coming weeks.

## General Construction Mechanical Services

Senior Assistant Business Manager Darrel Mitchell reports that this committee will next meet with the Company on February 11, at which time the Company owes the Union a counter-proposal dealing with both lines of progression and several inequity increases, primarily in the Paint Department.

## Incentive Pay

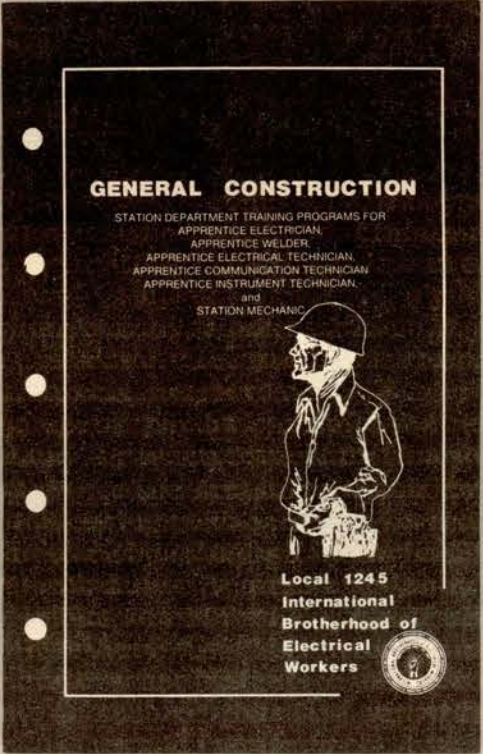
Company and Union representatives met on January 18 to discuss a Company proposal dealing with incentive pay for employees involved in the Company's ZIP (Zero Interest Program) and BPP (Balanced Payment Plan) programs. Under the National Labor Relations Act, all wages and compensation, including incentives in the form of cash or merchandise for work performance, attendance, or any other reason, are what are referred to as "mandatory subjects of bargaining," which simply means that the incentive programs may not be instituted—or discontinued—without agreement from the Union.

## ARBITRATIONS

The Company and Union filed their briefs in **Arbitration Case No. 118** on January 21. The case, which was heard by Arbitrator Barbara Chvany, involves a Union grievance filed when the Company began performing routine work under portable canopies in the Sacramento Division during inclement weather.

Briefs will be filed in **Arbitration Case No. 125** on February 18. Details of this case, which involves the discharge of a North Bay Line-

**New booklet available....**



This updated booklet is now available through Shop Stewards, or your Business Representative.

## Company Reorganization, OSDU

As this issue of the Utility Reporter went to press, members of the Local 1245 administrative staff, led by Business Manager Jack McNally, were scheduled to meet with Manager of Industrial Relations, I. W. Bonbright to discuss the immediate impact of the Company's reorganization on grievance handling. Of pressing concern, for example, is the reorganization of the various Joint Grievance Committees; special attention was to be

paid to what was formerly the Peninsula District of the San Jose Division, which in the OSDU reorganization will be severed from the rest of the old San Jose Division. Negotiations on other issues, such as bidding and demotion, have yet to commence; pending any agreement between the Company and Union, former Division boundaries will be honored for all contractual purposes.

## Steam Generation

Local 1245 President Howard Stiefer will be appointing a Steam Generation bargaining committee in the next several weeks. The committee, which will be led by Assistant Business Manager Manny Mederos, will be considering wage rate issues for operators.

## Underground Installer

Assistant Business Manager Ron Fitzsimmons reports that what he hopes will be the final meeting on the subject was set for January 25, with the Company to review the proposals made by the parties at their last bargaining session on December 11. Wage rates, training, and lines of progression for a classification to perform underground secondary service work are the subjects of these ongoing negotiations.

## Rerate

Union and Company committees met in San Francisco on Thursday, December 13. Assistant Business Manager Corb Wheeler, spokesman for the Local 1245 bargaining committee, emphasized at this meeting that Local 1245 would not bargain away provisions of the O.I.T. program in return for upgrades of various substations as suggested by the Company. When the Company realized that the Union is serious about wanting to bargain each substation on its own merits, the Company stated that further negotiations on rerating will have to be deferred until completion of the Company's internal reorganization.

## Clerical Job Evaluation

Assistant Business Manager Roger Stalcup and the Clerical Job Evaluation Committee continue with their Herculean bargaining task. Stalcup reports that the committee is about to enter into the "validation phase" of its work. Based on the more than 300 questionnaires which have been completed by clerical employees in the field, benchmark duty statements have been prepared, with various duties being assigned point values. For the next several months, the duty statements which have been drafted will be validated, based on continuing input from employees in the field. Once this phase is completed, the committee will move on to negotiating cut-off points for different classifications based on the duty point values of individual employees.

## IN MEMORIAM

●  
**Russell Frith**

**July 22, 1948**

—  
**January 2, 1985**

## Shop Steward Dies

Active Shop Steward Russell Frith, a Lineman in Fresno, died on January 2.

A member of IBEW Local 1245 for 13 years, he is survived by two sons, Fred of Fresno, and Joseph of Porterville. Deepest sympathies are extended to his family. He will be missed.

**AMERICAN IS BEAUTIFUL**  
**Buy American... and look for the Union Label!**

UNION LABEL AND SERVICE TRADES DEPARTMENT, AFL-CIO



# SENIOR MEMBERS

## New pact for SMUD members

Senior members in San Francisco recently were honored for their long years of service at a special recognition dinner.



Attending the recent San Francisco recognition dinner were, L-R, Mike Escobosa, Business Manager Jack McNally, Mr. and Mrs. Edward Murphy, Mr. and Mrs. Raymond Densen, Mr. and Mrs. Joseph Rezentes, Mr. and Mrs. Ivan Safronoff, and Business Representative Dorothy Fortier.



Also attending the dinner were, L-R, Business Representative Veodis Stamps and Senior Assistant Business Manager Darrel Mitchell.

FROM Page One

language on coffee breaks • Mileage expenses for personal vehicles increased to 20 cents • Travel outside District service area per diem increased from \$22 to \$24 daily • GEO operations employees medical insurance: District to pay 100% of premiums and all deductibles • Provide vision care plan for employees only, \$25 deductible.

Effective January 1, 1987: Increase nuclear premium from 4% to 5% • Travel outside District service area: meal allowances increased from \$22.75 to \$24.75 • Increased per diem rate from \$24 to \$26 • Mileage expense on personal vehicles increased to 22 cents per mile • OT meals payment increased to \$11.66.

Effective July 1, 1987: Vision care: provide family coverage under vision care plan, \$25 deductible per person.

Effective September, 1987: District will pay 100% of all rate increases for health insurance plans.

Members of the Negotiating Committee included Ken Meyers, Lineman; Gary Hansen, Plant Mechanic, Hydro; Mark Stirtz, Operator, Geysers; Brian Knox, Electrician, Rancho Seco; Jim Payseno, Plant Mechanic, Rancho Seco; Robert Harper, Cable Splicer; Pete Ramon, Gardener, and Business Representative Mack Wilson, Spokesman.

### PACIFIC GAS AND ELECTRIC COMPANY 1985 SHIFT AND RELIEF PREMIUMS

To determine your shift and relief premiums, multiply 4.5% by the 1985 hourly weighted average for the second shift and multiply by 9% for the third shift. Computation for arriving at the hourly weighted wage rate is indicated below, along with steps for figuring premiums. See Sections 110.2 and 110.7 of the Physical Contract, and 11.2 and 11.7 of the Clerical Contract.

December 31, 1984 Hourly Weighted Average	=	\$	14.13
3% of above	+		.42
C.P.I. Increase	+		.31
1985 Hourly Weighted Average	=	\$	14.86

SECOND SHIFT PREMIUM	THIRD SHIFT & SUNDAY PREMIUMS
\$14.86 × 4.5% = \$.668	\$14.86 × 9% = \$1.337
Rounded = \$.67	Rounded = \$1.34

RELIEF PREMIUM - \$15.72  
8 × \$1.34 = \$10.72 + \$5 = \$15.72

#### 1985 NUCLEAR PREMIUMS

To determine your nuclear premium, multiply the third shift premium (\$1.34) by 1.1, 1.6, 2., or 2.6, depending on your license and classification.

Nuclear Auxiliary Operator Premium (Third Shift Premium \$1.34 × 1.1)	\$1.47
Reactor Operator License Premium (Third Shift Premium \$1.34 × 1.6)	\$2.14
Senior Reactor Operator License Premium (Third Shift Premium \$1.34 × 2.0)	\$2.68
Senior Reactor Operator, Licensed Senior Control Operator's Premium (Third Shift Premium \$1.34 × 2.6)	\$3.48

#### 1985 REMOTE REPORTING EXPENSE ALLOWANCE SECTION 202.21(C) of the Physical Contract

(i) Less than 15 Miles.....	\$ 9.00 Per day
(ii) 15 Miles or More.....	\$12.75 Per day

#### PG & T Premium Changes

As provided for in Sections 3.101 and 3.301 of the Agreement the following Premiums shall be effective January 1, 1985.

Out-of-District Premiums	\$ .81 per hour
Second Shift	\$ .73 per hour
Third Shift	\$1.46 per hour

Next  
IBEW Local 1245  
Advisory Council  
Meeting  
Sat., February 2  
and  
Sun., February 3, 1985  
Sheraton Inn, Concord

## 1245 UPDATE

### GEO

Business Representative Bob Choate and his bargaining committee met with Company representatives on December 27 and 28 and were able to hammer out a tentative agreement in the two days of bargaining. Terms of the three-year agreement, which still must be ratified by the membership, include general wage increases of 5%, 4%, and 4%. The Company will maintain its present medical plan until June 1, and then will implement a new health, dental and vision package. It is hoped that the Company will, at that point, agree to become part of Local 1245's Health and Welfare Trust Agreement.

### Davey Tree

Members at Davey Tree started the New Year out with a wage adjustment of 3.2 percent across-the-board.

### Pacific Tree

Proposals and counter proposals have been exchanged with Pacific Tree during negotiating meetings over the past two months.

Assistant Business Manager Orv

Owen reports that the Company is currently reviewing the Local's last counter proposal, and that the negotiating team is encouraged over the possibility of an early settlement.

Committee members include Doug Bonham, Bill Colbert, Mike Higgins, Marv Horton, and Dave Vanderplas.

### CP National

After meeting with the Company on December 17, the Union bargaining committee is prepared to recommend ratification of a new pension and long-term disability benefit agreement. Ballots will be mailed to all members at CP National in January with a complete explanation of the proposal and the committee's reason for recommending ratification.

Assistant Business Manager Orv Owen reports that the current benefit agreement covering health, dental, vision, and short-term disability insurance will expire on April 30 and that a bargaining committee will be appointed shortly to begin preparation for these negotiations.



# Barehand work issue heating up

By Ann Miley, Staff Attorney

The issue of high-voltage barehand helicopter work at PG&E is heating up. The Union first learned that PG&E was considering hiring an outside company to replace spacers on the 500 Kv line between Table Mountain and Round Mountain Substations near Oroville on September 27, 1984, when a representative from IBEW Local 47 called to inform this Local Union that PG&E had announced its intention in a meeting called by Cal/OSHA on only two days' notice.

**Local 1245** then contacted other locals to voice their opposition to performing such work in California on the grounds that it is a dangerous practice and one which is regulated under Federal OSHA, but a practice which is not contemplated by any Cal/OSHA standards.

On October 31, PG&E showed Union representatives a videotape of the procedure as demonstrated by the Haverfield Helicopter Company in Florida. The procedure showed an employee strapped to a platform outside the helicopter from the time the craft became airborne, through the changing of the spacer, until the craft landed. Prior to changing the spacers, the helicopter and personnel were brought to the same electrical potential by fastening hooked wands to the line.

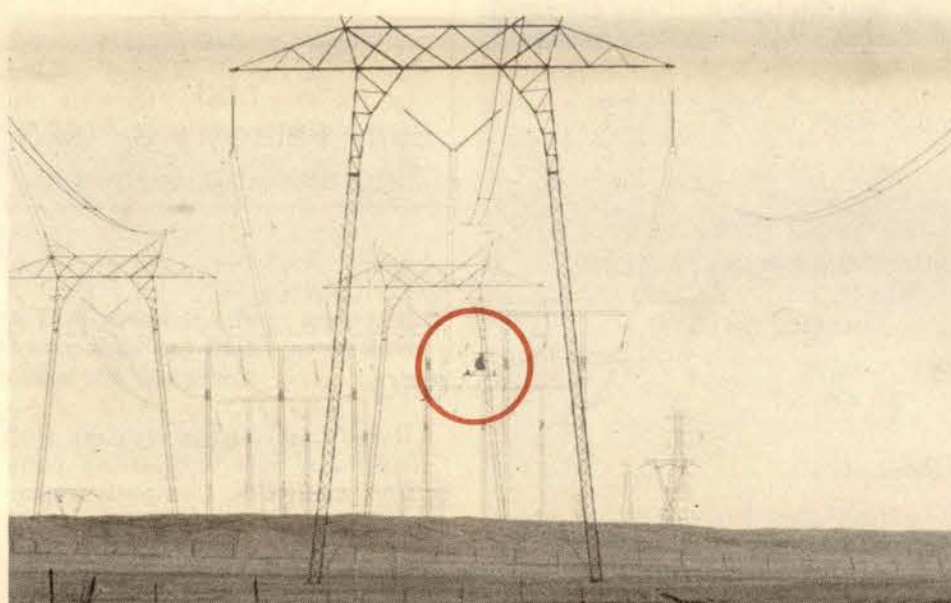
The terrain in which the work was taking place was flat and the winds were calm, unlike the mountainous, windy terrain in Northern California where the procedure was proposed for use. PG&E announced their intention to begin operations on or about December 1, 1984.

**After attempting** for several weeks to get an opinion on the legality of this work from Cal/OSHA, a decision declaring that "the proposed work operation falls outside the scope of permissible work procedures," was issued by the Division on November 29, 1984. On Friday, November 30, an attorney for PG&E told Union Staff Attorney Ann Miley that PG&E had no definite date to proceed with the project and would reconsider its plan in light of Cal/OSHA's decision. PG&E also declined Cal/OSHA's proposal that they apply for a variance prior to performing the work.

A meeting was called by Cal/OSHA in Sacramento for Monday, December 10, to discuss the Division's opinion. PG&E and their contractor continued to maintain that their proposed procedure was legal and safe, although the Union disagreed. The meeting ended with PG&E stating that they would



Artist's rendering details worker on helicopter platform adjacent to high voltage line.



Barehand work being done from helicopter on 500 Kv line.

make a final determination; the Company, however, maintained their position that the work is permissible.

**On the following day**, Assistant Business Manager Ron Fitzsimmons engaged PG&E's Manager of Transmission and Distribution in a conversation during the lunch break of the Joint Trenching Committee. In response to Fitzsimmons' request that the Union be given the courtesy of notification when the helicopter work began, the manager replied, "We've already started." Later, the Union learned that the work may have begun as early as December 3, and though termed "a demonstration," it actually involved changing out spacers.

On December 11, the Union in-

formed Cal/OSHA of PG&E's unilateral action in beginning the operation and followed up by filing a complaint with the Division on December 12. At the same time, the Union began exploring the possibility of filing a court action to stop the barehand helicopter operation.

**On Thursday, December 18**, a Union business representative witnessed Cal/OSHA inspectors returning from observing the helicopter operation. By the next day, Cal/OSHA had decided that it might issue citations if the operation got beyond the "demonstration" stage. When no definite determination had been made by December 24 that any citations would be issued or that injunctive relief would be sought from the

courts, the Local Union indicated its disappointment in a letter to Cal/OSHA's chief counsel.

On Monday, December 31, Cal/OSHA issued one serious and willful violation to Haverfield Helicopter Company, with an abatement date of January 1, 1985. Three days later, Business Representative Gene Wallace observed and photographed the helicopter company still at work on the high-voltage lines.

**As of January 8**, Haverfield Helicopter Company has neither appealed the citation, nor has it ceased its activity — had Haverfield appealed the citation, the abate date would be stayed from the date of the filing of the appeal.

On January 2, the Local Union forwarded to the Cal/OSHA Legal Office further information regarding the health effects of working in the electromagnetic field of high-voltage lines. The Union also learned that Haverfield Helicopter Company does not possess an Electrical Contractor's license in the State of California.

The Local Union sent a letter to Ron Rinaldi, Director of the Department of Industrial Relations, detailing the chronology of events, outlining the Union's concerns and calling for immediate action on the part of Cal/OSHA to obtain an injunction to stop the illegal activity. By press time, two working days later, the Union had received no response from Cal/OSHA. Cal/OSHA does plan, however, to issue at least three more citations, this time to PG&E.

**Three avenues** remain to stop this dangerous work: Cal/OSHA could file for injunctive relief in the courts on the basis of dangerous and illegal activity; the State Contractor's Licensing Board could file for injunctive relief on the basis of performing high-voltage electrical work without a license; or the Local Union could file either or both of the above two actions.

To date, the Union has primarily provided assistance and incentive to the governmental agencies. However, if the agencies refuse to act, the Local Union stands ready to file its own legal actions in order to terminate this illegal barehand high-voltage electrical work from a helicopter. In addition, the Union has contacted an IBEW Local in Florida, home state of Haverfield Helicopters, and the Florida Local will contact Federal OSHA regarding the Company's alleged illegal activity in that state.