

# 1245

International Brotherhood  
Of Electrical Workers

Local 1245, AFL-CIO

September 1989 XXXVII Number 8

# UTILITY REPORTER

## Local 1245 files final brief in 10 year battle with PUC

The bets are in, the money's down, and the wheel is spinning in this year's attempt by the staff of the Public Utilities Commission to interfere with collective bargaining between Local 1245 and PGandE.

Over the last four months, Local 1245 has been locked in another in a series of battles with the PUC Staff over wages and fringe benefits, a battle which started more than ten years ago on the employee discount issue. This year, in PGandE's general rate case the PUC Staff is arguing that PGandE's union-represented workers are paid too much and that PGandE should not

pay the entire cost of medical insurance for its union workers.

After several months of hearings on the rate case, on August 16, Local 1245 filed its final brief in the case with the Commission. The Administrative Law Judge who heard the case will now write a proposed opinion dealing with all the issues which have come up in the rate case hearing, including the collective bargaining issues, and this proposed opinion will be sent to the parties later in the fall. The full Commission will then review the evidence, the briefs from the different par-

ties, as well as the proposed decision by the Administrative Law Judge, and then make it own, final decision. If the Commission is true to history, the final decision will not come out until the last week in December.

In its brief, Local 1245 made four main arguments against the Commission getting involved in collective bargaining. Below, I have tried to summarize these arguments into short, understandable capsules.

### Federal Pre-emption of Labor Matters

Our first argument is that a

legal doctrine known as "federal pre-emption" prohibits the Commission from getting involved in any issues covered in our contract with PGandE.

To understand the pre-emption argument, you start with the idea that all collective bargaining between Local 1245 and PGandE is controlled by the National Labor Relations Act, a law originally passed by Congress in 1935. Our right to bargain with PGandE comes from that law, that law tells PGandE and Local 1245 what subjects must be negotiated (wages, See PAGE FIVE

## Drugs at work: Part I

**T**wo recent incidents involving undercover operatives and members of Local 1245 have brought home once again the serious problem caused by the use of drugs and other harmful substances on the job. The use of "police" tactics by employers against their own workforce illustrates the desperation and helplessness that employers feel in the face of this important social problem. This month and next, the Utility Reporter will examine drugs on the job, looking at both the positive and negative ways in which our members and employers respond to the problem.

This month we examine the "police" tactics used by employers to respond to drug use. Our lead article looks at several examples of these tactics. A profile article by IBEW Local 1245 attorney Tom Dalzell paints a portrait of the "snitch", the undercover operatives used by the employers. And a final article reviews important legal decisions about drug testing recently issued by the Supreme Court.

See PAGE SIX

## Davey Tree ratifies contract offer

IBEW members employed by Davey Tree Surgery Company voted to ratify the three-year agreement. The balloting results were 84 "Yes" votes to 28 "NO" votes.

Major provisions include:

- An effective date of January 1, 1989.

- General Wage increases of:

- 3.2% for employees in Districts 33, 34, 35, 36, 37, 50, 51, 52, and 53 effective January 1, 1989, through December 31, 1989.

- 3.2% for employees in Districts 22 and 23 effective January 1, 1989, through July 31, 1989.

- 3.2% for employees in District 19 and 20 effective January 1, 1989, through the end of the existing PG&E contract.

- 4.2% for employees in Districts 15, 16, 17, 18, and 21 effective November 1, 1989, through October 31, 1990.

- The Company will give Union provided sign-up forms to all new employees.

- A provision that when an employee quits, with or with-

out any notice, the employee will receive all unused Paid Time Off credits.

- The establishment of semi-annual joint labor-management meetings. ■

## New Business Rep joins Local staff

Dennis Seyfer, a twelve year veteran Local 1245 activist, recently joined the Local Union staff as a business representative. Dennis will take the San Jose area as his assignment. He will work with PG&E Clerical and Physical employees, PLO and Davey Tree.

Dennis comes to the Local 1245 staff from the Sacramento Municipal Utility District where he was a lineman and then a troubleman.

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## CALENDAR

### OCTOBER

7 - Clerical Job Evaluation Training (Concord)

14 - Clerical Job Evaluation Training (Sacramento)

14 - Clerical Job Evaluation Training (Fresno)

21 - Clerical Job Evaluation Training (Santa Rosa)

21 - Clerical Job Evaluation Training (San Jose)

21 - Public Sector Shop Stewards' Conference

### NOVEMBER

4 - Advisory Council

5 - Advisory Council



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# 7th Annual IBEW Local 1245 Golf Tournament

## FINAL DEADLINE: OCTOBER 7

DON'T MISS OUT! GET OUR NAME AND MONEY IN NOW!

FEE: \$40 - NO REFUNDS

OCTOBER 28, 1989 - 8:00 A.M.

MANTECA PARK GOLF COURSE, MANTECA

- Non-Members are welcome -

Please check status below

- Carts are included with the \$40 fee -

A turkey shoot will also be included in this tournament

The annual tournament will not be a two-man scramble - regular golf

- Foursomes are not necessary -

**Pleas Print clearly**

**Member Non-Member**

Name \_\_\_\_\_ ( ) ( )

Address \_\_\_\_\_ ( ) ( )

City \_\_\_\_\_ State \_\_\_\_\_ ( ) ( )

Zip \_\_\_\_\_ Phone \_\_\_\_\_ ( ) ( )

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Starting time will be mailed back to you.

Make checks payable to: Local 1245 Golf Tournament

Mail to: Lou Anzaldo/Golf Tournament

35524 Cleremont Drive, Newark, CA 94560

Phone: (415) 793-0677

## UNIT MEETING PLACE AND TIME CHANGE

**Unit 4420 - Davey  
Tree/Napa**  
Pietro's  
999 Trancas St  
Napa, CA  
Third Tuesday of each  
Month  
5:00 p.m.

**Unit 3315 - Lakeport**  
527 Konocti Ave  
Lakeport, CA  
First Tuesday of each  
Month  
7:00 p.m.

## Drug Abuse

From PAGE THREE

the board in this field agrees  
that addiction is an illness  
and should be treated as  
such.

I believe that programs  
such as the one started in  
PG&E's Central Division are  
a step in the right direction.  
Education and awareness of  
the effects of substance  
abuse and the knowledge  
that help is available are the  
necessary ingredients for  
change. Co-workers and  
management must present  
an image of sincere concern  
and understanding to the  
abuser. This is the only way to  
open the door to recovery  
and rehabilitation. ■

## August Utility Reporter

Due to extenuating circum-  
stances with recent staff  
changes the July issue of the  
Utility Reporter is being fol-  
lowed by this issue of the Util-  
ity Reporter. ■



## APPOINTMENTS

### PACIFIC GAS AND ELECTRIC COMPANY

#### PG&E Wage Negotiating Committee

Danny Jackson  
Jeff Knisley  
Debbie Mazzanti  
Landis Martilla  
Russell Rylee  
Barry Humphrey  
Robert Olsen

#### LOCAL UNION 1245

Local Union 1245  
Trustees Committee  
Norma Ricker

#### CONFERENCES AND CONVENTIONS

##### 1989 Inter-Union Gas Workers Conference

Jack McNally  
Darrel Mitchell  
Jim McCauley  
Al Knudsen  
Richard Bidinost  
Robert Olsen  
Frank Locati  
Frank Hutchins  
Frank Saxsenmeier  
Ed Caruso  
Robert Wilk  
Joel Ellioff

##### Nevada State AFL-CIO Convention

Jack McNally  
Darrel Mitchell  
Kathy Tindall  
Frank Davis  
Robert Vieira  
John Stralla

##### National Safety Council Congress and Exposition

Ron Fitzsimmons

## CLERICAL SHOP STEWARDS

# Job Evaluation Conferences set

**T**hroughout October the Local Union will hold a series of Training Conferences for Clerical Shop Stewards. The one-day sessions will include detailed information about all phases of the Clerical Position Evaluation System. The System will be fully implemented and thereafter available for use in accordance with Letter Agreements R1-82-111, 87-78, and 89-80 as follows: Regions and General Office Operating - December

1, 1989 (Customer Services and Operating Lines of Progression); Controller's and Customer Accounting - May 1, 1990 (Accounting Line of Progression).

The sessions will be held on a geographical basis. Individual letters of invitation are being sent to PG&E Clerical Stewards this month. In the letters, IBEW Local 1245 Business Manager Jack McNally emphasizes that this "training is extremely important" in keeping our membership well-informed of new developments at the Company. ■

#### The sessions are scheduled as follows:

1. **October 7 — Concord**  
(PLO, Golden Gate Region, East Bay Region, General Office) - HOLIDAY INN, 1050 Burnett Avenue, Concord, CA 94520.
2. **October 14 — Sacramento**  
(Sacramento Valley Region)  
SACRAMENTO HILTON INN, 2200 Harvard, Sacramento, CA 95815.
3. **October 14 — Fresno**  
(San Joaquin Valley Region)  
CEDAR LANES, INC., 3131 North Cedar, Fresno, CA 93703.
4. **October 21 — Santa Rosa**  
(Redwood Region)  
LOS ROBLES LODGE, 925 Edwards Avenue, Santa Rosa, CA 95401.
5. **October 21 — San Jose**  
(Mission Trail Region)  
LE BARON HOTEL, 1350 N. First Street, San Jose, CA 95112.

## POINT OF VIEW

# Unions take a hard look at drug abuse

By Jack McNally, IBEW 1245 Business Manager

Local 1245 shop stewards and managers from the Central Division at PG&E recently came together for four hours to discuss the problem of drug and alcohol abuse on the job. This joint effort is very encouraging to me.

Substance abuse is among the most serious problems facing this country today. Although we consider our country to be the wealthiest and most fortunate in the world, drug and alcohol abuse are eating away at our lives from the inside.

I think it is important to clarify the Union's role and position in responding to this issue.

Many of you are familiar with a situation where a fellow worker has been disciplined or discharged because of drug or alcohol-related activity on the job. In many of these situations, the Union has intervened and taken such a case through the grievance procedure in an attempt to have the discipline reduced or the employee reinstated.

#### Labor does not condone drug use

Some observers respond to the Union's intervention by suggesting that labor condones the use of drugs or alcohol on the job. But this is NOT the case. The Union movement does not condone substance abuse on the job or otherwise.

However, the Union is charged under the law to represent every employee in the bargaining unit fairly in matters of discipline and discharge. It is the Union's duty to see that the employee gets a fair hearing - his or her day in court, so to speak - in the matter. Defending fairness is not at all the same as defending substance abuse.

But we do recognize that the nature of this problem is so deep and complex that simply defending everyone who gets disciplined because of substance abuse is not enough. Employees with drug problems have begun to appear in all areas of PG&E and with many of our other employers as well. The problems are found across Divisions and among management employees as well.

Recently, two-thirds of our members at a small cable television firm were fired for alleged involvement with drugs. Examples of similar actions at PG&E, where large numbers of employees are disciplined or dismissed in one sweep, can also be cited. Such cases now appear to be the norm rather than the exception.

#### Substance abuse is a medical problem

Unfortunately, as the articles in this month's special report on Drugs at Work indicate, such disciplinary sweeps, carried out with the assistance of undercover snitches, tell us very little about the cause of such problems. They also do very little to solve the problem.

This is because the fundamental source of substance abuse problems on the job are social and medical, not disciplinary. Such "law and order" tactics offer no realistic opportunity for rehabilitation. Yet every single expert across

See PAGE TWO

## Have you moved?

My new address is:

Name \_\_\_\_\_

Street \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Social Security # \_\_\_\_\_

Return to:

P.O. Box 4790 Walnut Creek, CA 94596



## PUC trivia quiz

Below, the *Utility Reporter* offers its readers the once-in-a-lifetime chance to test their familiarity with the ongoing attempt by the Public Utility Commission's Division of Ratepayer Advocates to interfere with wages and fringe benefits at PGandE. We'd like to have Don Pardo announce dozens of glamorous prizes for readers who guess the correct answers, but, kind reader, that is simply not possible.

Go ahead, though, test your knowledge, and when you are done and you have checked your guesses with the correct answers, you can stop and weep at the idiocy that California's tax payers are financing at the PUC.

**1. The Division of Ratepayer Advocates (DRA) believes that the wages of highly skilled, high seniority, unionized PGandE clerical workers working in San Francisco should be compared with:**

- (a) Other highly skilled, high seniority, unionized clerical workers working in San Francisco.
- (b) Minimally skilled, newly hired, non-union bank tellers in Mississippi.

**2. In their analysis of PGandE wages, the DRA relied on a number of private wage surveys from PGandE's Compensation Department. Which statement would best describe the DRA analysis of the underlying surveys:**

- (a) The DRA spent more than 100 hours reviewing and analyzing the reliability and validity of the underlying surveys.
- (b) The DRA spent approximately 40 hours reviewing and analyzing the reliability and validity of the underlying surveys.
- (c) The DRA never saw the underlying surveys.

**3. The position of the DRA on the wages paid a Lineman with 27 years of Company service is:**

- (a) Given the extensive training, physical demands, danger, and responsibilities associated with the job, the Lineman is paid a fair wage.
- (b) The Lineman is paid \$1.97 an hour more than he should be; his wages should be reduced by \$4097.60 a year.

**4. A PGandE Utility Clerk trying to support a family in San Francisco on an annual wage of \$23,000 is:**

- (a) Paid a fair wage, considering the typing and secretarial skills involved in the job.
- (b) Paid \$2.53 an hour too much; her wages should be reduced by 27.5%, or

\$5,262 a year.

**5. PGandE's executives, whose salaries average \$200,045 a year, are:**

- (a) Paid too much;
- (b) Paid a fair salary for their work;
- (c) Paid too little; they should be paid another \$10,195 a year.

**6. The DRA witness who compared a telephone Lineman with an electric utility Lineman:**

- (a) Understood the differences between telephone line work and electric line work, and made adjustments in the wages for comparison purposes.
- (b) Thought that telephone line work and electric line work were the same, and that the telephone company has electric Linemen.

**7. As part of its analysis of union wages at PGandE, the DRA:**

- (a) Did not consider the productivity of PGandE's workers at all.
- (b) Took into account the evidence showing that PGandE's clerical workers are 25% more productive now than they were 5 years ago.
- (c) Took into account the evidence showing that PGandE's workers are almost the most productive utility workers in the United States.

**8. In PGandE's 1986 General Rate Case, the Public Utilities Commission completely rejected the attempt by the PUC Staff to get involved in wages for PGandE's workers. In this year's case, the DRA witness:**

- (a) Was very familiar with the 1986 decision, and had persuasive answers to all the concerns raised by the Commission in 1986.
- (b) Was not familiar with the 1986 decision or case.

**9. The DRA witness subtracted 21% from 118% and got:**

- (a) 100%
- (b) 97%

**10. When confronted with statistics showing how low employee turnover is at PGandE, the position of the DRA witness was:**

- (a) Low turn-over means reduced training costs and is good for ratepayers.
- (b) Low turn-over means more experienced employees which is good for ratepayers.
- (c) Low turn-over means that PGandE workers are paid too much; wages should be lowered so that PGandE workers don't stay with the Company so long.

*Answers on page 8*

## Consumers' advocate Sylvia Siegel retires

**T**he long-time advocate for utility consumers' rights, Sylvia Siegel, announced her retirement recently as head of TURN, Towards Utility Rate Normalization. Thus a unique chapter in the history of California utilities ends: since TURN's founding by Siegel in 1973, the huge utility monopolies which dominate the energy and communications industry in California always knew that there was an effective watchdog working on the behalf of their customers.

TURN will carry on its work with Siegel now serving only on the organization's board of directors.

For Siegel, age 71, her retirement is the end of a long history of activism on behalf of workers and consumers. Her career began on the staff of the nurses' union, the California Nurse's Association. When Siegel went to work for the CNA in 1946, the organization was more of a professional association than a union. Siegel

established the CNA's collective bargaining division.

### Career began as a trade Unionist

She credits this early exposure to the economics of hospital administration with giving her the tools necessary to understand the utility business. Siegel's trade union background also guaranteed that TURN would respect the right of workers to bargain collectively with their employers, without interference by the government or other groups. This pro-collective bargaining stance is relatively unusual among today's so-called "public interest" groups.

Siegel's consumer activism began in 1969 when she took a post at the Association of California Consumers. She represented the San Francisco Bay Area. Pacific Bell wanted a rate increase at the time and Siegel found herself in the midst of her first Public Utilities Commission (PUC) hearing.

"When we went to that first PUC hearing," Siegel recalled during an interview with the *Utility Reporter*, "none of us knew what they were talking about. They all looked alike and dressed alike. They were all men. It was like a men's private club there at the PUC."

"That first experience peeked my curiosity," Siegel said. "Reagan was the governor then. He was trying to cut the PUC staff down to size because they were too good. He was transferring them all around. So I got together with then State Representative

George Moscone and we called a press conference in Sacramento to protest Reagan's actions."

"I kept asking questions about how the PUC process worked and kept getting answers," she said. "The process intrigued me and I learned more and more about the way a utility company operates."

"I soon realized that no one was paying any attention to the PUC, despite the profound effect their decisions have on a consumer's budget.

### TURN built brick-by-brick

"I just learned something new everyday. It was an exciting process. And brick-by-brick I built up TURN. It started on my dining room table, when I was working as an individual.

"But you need troops behind you, so I got a small grant and hired an economist. I continued to work without a salary. It's a long, hard process when you are independent. You always have to raise money. Expert witnesses are expensive."

But over time, Siegel's efforts were very successful. Today, TURN has a dues-paying membership of 50,000. Annual dues are \$15.00. The labor movement is represented on TURN's board by Dick Liebes, the former SEIU economist, and Jeff Green-dorfer, a West Coast representative of the AFL-CIO.

The utility industry in California is regulated by the PUC, whose five members are appointed by the gover-

*See PAGE EIGHT*



# Local 1245 members speak out against PUC

To back up our presentation to the Public Utilities Commission, we asked our members to express their opinion to the PUC about its decision to interfere in the collective bargaining process. Below we reprint selections from some of the many letters that were forwarded to both the PUC and state legislators.

Dear Commissioner Hulett:

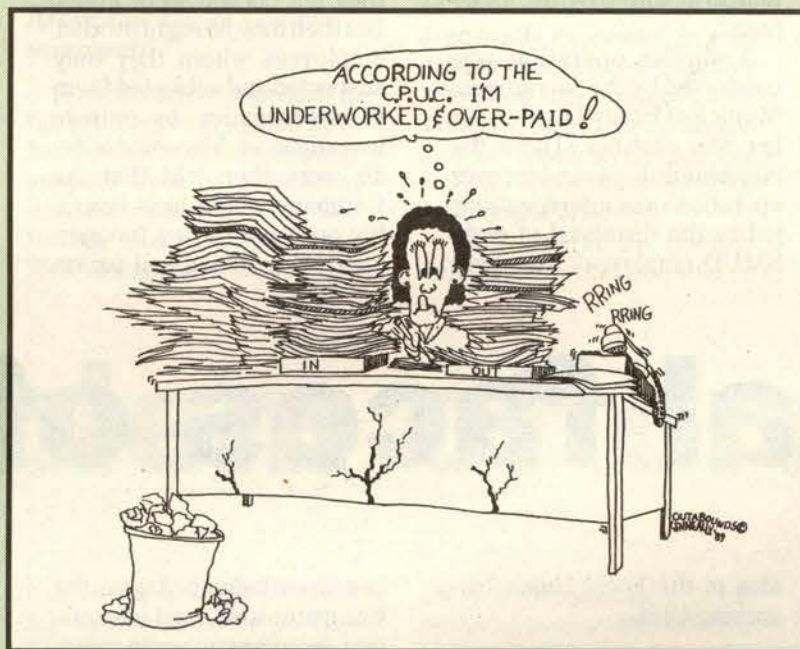
I am a member of Local 1245 IBEW, a single parent and an employee of PG&E for almost twenty years. I am a California taxpayer and also a PG&E ratepayer.

My responsibilities as an employee cover setting up construction scheduling for crews; scheduling new installations of gas and electric meters; checking out potential

hazards; or ensuring our customers of continued gas and electric service; e.g. winter storms, earthquakes, fire, etc. All these tasks necessitate intelligence, diligence and responsibility, along with much knowledge of the workings of the company, plus a courteous demeanor at all times. I feel I earn the salary and benefits I receive.

To compare my wages with non-union companies and with companies all over the U.S.A., in areas with lower cost of living is absolutely unreasonable, yet the Division of Ratepayers Advocates (DRA) claim that our wages and benefits are "unreasonable." Such a claim is nonsensical!

If the commission accepts this "claim"; morale and work standards within the company will plummet and dire problems with safety and service could result.



I urge you not to accept their "unreasonable" claims and ensure the salaries and benefits of all PG&E workers.

Yours Sincerely:

Wendy E. Moore

Dear Commissioner Hulett:

I am writing to ask the PUC staff to desist in their outrageous pursuit of dictating the wage rate of PG&E employ-

ees. I am a single mother with eleven years in the PG&E clerical workforce and I struggle paycheck to paycheck, yet I'm to believe I'm overpaid? You must adhere to the belief that a person in my position should be grateful for a roof over my head and whole beef hot dogs. Well, idealist that I am, I would like to raise my daughter in an environment that is not constantly over shadowed with, "You can't have that".

Your wage studies are flawed with inequity; your reasoning reeks of political travesty, and your pursuit is a bureaucratic blunder. PG&E management has already elevated the meaning of attrition to new heights. We do more and more with less and yet

See PAGE TEN

## PUC Case

from PAGE ONE

hours, and other terms and conditions of employment), and that law tells PGandE and Local 1245 what they are required to do to bargain in good faith and, conversely, what constitutes bad faith bargaining and an unfair la-

government all issues where Congress has not made laws. Although this argument can get pretty complex and theoretical, it is basically easy to understand. If there is a conflict, federal legislation pre-empts or prevails over state legislation.

Take these two ideas and what do you get? Right you

which make this issue considerably less clear-cut than what I have just described, but in a nutshell that is the doctrine of pre-emption and how we feel it prohibits the PUC from getting involved in our negotiations.

## Wage Discrimination Against Women

The second argument that we made in our brief was that the PUC staff is trying to turn back the clock on wages for clerical workers at PG&E and that by comparing the wages of PGandE's clerical workers with wages in non-union industries such as banking and insurance, the Commission Staff is really arguing that PGandE should discriminate against women.

In our brief, we pointed out the tremendous contributions which PGandE's female-dominated clerical workforce makes to the operation of the company. Business Manager Jack McNally introduced testimony showing a remarkable increase in productivity by the clerical bargaining unit over the last five years, and the Company made a comparison of PGandE's productivity with other utilities and showed that PGandE is one of the

most productive utilities in the country.

In our brief, we pointed all this out, and argued that it is inappropriate for the Commission to compare PG&E's clerical wages with wages at insurance companies or banks, where wage discrimination is a fact of life.

While it may not be the Public Utility Commission's job to end pay discrimination, we don't think that it should be their job to create discrimination where it has not existed, which is exactly what they would be doing if they tried to set clerical wages at PG&E at levels found in the market in general.



Douglas Thorpe, IBEW member testifies on local 1245's behalf.

## Management Invaded

Our third argument was that the PUC Staff is robbing PG&E management of the discretion it needs to run the company efficiently. Our bargaining with PG&E over the years has followed the prevalent practice in the United States in that we bargain on a package basis. We come to the bargaining table with our demands, PG&E comes to the table with its demands, and the arguing and trading starts. In the end, we have gotten some of what we wanted, often in the form of wage increases, and the Company has gotten some of what it wanted, often in the form of productivity improvements.

If the PUC were to start setting wages through surveys, it would take away from management the discretion to trade wage increases for concessions on other issues. Without the ability to buy productivity, sooner or later (probably sooner than later), we would find ourselves in the type of adversary relationship that drove the International Association of Machinists out on strike against

See PAGE TEN



Local 1245 Business Manager Jack McNally (right) lwith staff attorneys Tom Dalzell and Jane Brunner.

bor practice under the law.

The next building block in the pre-emption doctrine is a series of cases which begin in the earliest days of the United States Supreme Court, holding that the federal government takes precedence over, or pre-empts, state government on any issue where Congress has made law, leaving to state

are - because Congress has created the National Labor Relations Act to control collective bargaining and the National Labor Relations Board to police the conduct of collective bargaining, states may not interfere with the conduct of, subject of, or results of negotiations.

As you might have guessed, there are cases



## DRUGS AT WORK PART I

FROM PAGE ONE

By Steve Diamond

At Monterey Peninsula Cable Television Company, twenty four Local Union members, two thirds of all Union members at the Company, were fired earlier this year for alleged drug use at work. The Company had placed an undercover operative on the job next to Union members to inform on the activities of Company employees.

Only one worker was dis-

persuaded to provide damaging information about their own drug use during "interrogation" sessions conducted by Confidential Management Services, a private investigation firm hired by the Company.

A similar operation was conducted by the Sacramento Municipal Utility District earlier this summer. There the combination of undercover operations and interrogations led to the dismissal of eight SMUD employees who were

operative was sent in to try to gather information about drug use on the job. With only a little information to go on, the Company moved against the small number of employees they felt certain were guilty. But then they brought in other employees whom they only suspected and subjected them to interrogation by outside investigators. These individuals were then told that the Company would look favorably on them if they "cooperated". Frightened and uncer-

ence with such cases demonstrates that the presence of a shop steward during such interrogation sessions can greatly reduce the effectiveness of management's attempt to intimidate employees. Every employee called into such a meeting has the right to a shop steward. With a shop steward present, the Union can help steer such investigations back to the real source of a substance abuse problem, if there is one. One employee at Monterey Cable Television

favorite tool of the various private investigators who specialize in this dirty work for employers. It has also been used by the Union's largest employer, Pacific Gas and Electric Company.

### PG&E's police tactics

As a large and well-known corporation, PG&E does make some attempt to appear socially conscious in response to serious problems. For many years it has had an Employee Assistance Program (EAP) in

# Local faces off against

missed based on the information provided by the operative (known in the labor movement as a "snitch" - See the "Profile of a Snitch" by IBEW attorney Tom Dalzell, in this issue). But the other employees were

also in the Local Union bargaining Unit.

### Undercover operatives

At both SMUD and Monterey, the employer used a similar tactic: an undercover

tain, these individuals gave the Company additional information, including in some cases, a signed confession, without the benefit of Union representation.

The Local Union's experi-

who did have a shop steward present during his interrogation has already had his dismissal withdrawn by the Company.

The undercover/interrogation method appears to be a

effect which aims to help out employees with drug, alcohol or other personal problems. The Program attempts to help employees solve those problems so that they may continue productive work for the Company.

It is not simply a matter of appearing responsible, of course. The Company has large sums of money invested in every employee. Also, the Company appears to recognize, at least with alcohol abuse, that the problem is so widespread that simply getting rid of all the employees with such problems would leave the Company unable to operate.

But the Company's response to the use of illegal drugs on the job has been contradictory. On the one hand, the Company has agreed to a fitness for duty policy rather than simply allowing drug testing to take the place of the careful and conscientious examination of employee behavior on an individual basis. And the EAP continues to exist to back up this policy.

On the other hand, the Company has also used the undercover/interrogation method of responding to drug use. In 1986, the Company placed an undercover operative in its Reprographics Department in the San Francisco General Office. "They thought they were after a big drug sales operation," according to Austin Lea, a former employee of the Department who now is on the staff of Local 1245. "But in fact the amount of drug use there was relatively low - social usage at the most."

Lea feels that the Company

## Profile of a snitch

By Tom Dalzell  
IBEW Local 1245 Attorney

Have you ever wondered what could possibly make a person go to work informing on their friends and co-workers? Over the last ten years, Local 1245 has run into a dozen professional snitches, hired for one purpose and one purpose only - to inform on fellow employees. To write this article, I dug into Local 1245's files and pulled out notes on four of the sorriest snitches we've seen, two hired by the Sacramento Municipal Utility District and two by PG&E.

As the cliché goes - read this and weep. Brothers and sisters, let me introduce you to four of the finest snitches that SMUD and PG&E ratepayers' money could buy - John Bob Logan, Donnie Garner, Dan Stewart, and Mary C. Tucker.

### SMUD: The Dynamic Duo from Memphis

In early 1981, SMUD hired two snitches from the Guardsmark Corporation in Memphis, Tennes-

see, and planted them in unskilled positions at the Rancho Seco Nuclear Power Plant. The two, John Bob Logan and Donnie Garner, worked less than five months at Rancho Seco as part of an "inside investigation."

John Bob Logan graduated from high school in 1970, and spent the next nine years drifting from job to job. For the first five years after his high school graduation, Logan attended Memphis State University, where he took courses in "just about everything." Despite diligent studies for five years, a two-year degree somehow eluded him and he left having earned only 90 hours credit of the 132 hours required for a two-year degree.

For the next two years, Logan worked as a manager trainee for a catalog showroom. He next worked for five months with a jeweler, then quit because he "decided to go down to Jackson, Mississippi for a while."

While in Mississippi, Logan stayed "with a couple of ladies" that he knew and attended jewelry design classes at Northwest Junior College in Stenatobia, Mississippi. After

another year in Junior College, Logan still did not have enough credits for a two-year degree.

For the next four months, Logan inched his way back to Tennessee, "working as a bouncer at various clubs." He got another jewelry job which he quit after a few months, and then sold used cars for seven months. In November, 1979, Logan, answered a newspaper ad for Guardsmark, and became a professional snitch.

Logan's training as a snitch lasted only "several days" before being sent out on his first assignment. He was neither licensed nor bonded as a private investigator in Tennessee, Illinois, Virginia, Arkansas, Ohio, or California, all states in which he performed "undercover assignments."

At SMUD, Logan was almost fired after three months on the job because of his dismal work performance, and only the intervention of a supervisor who knew that he was working as a snitch saved his job. Logan's principal activity while on the job at Rancho Seco was to "read" explicit, pornographic magazines.

After his snitch assignment at SMUD, Logan quit his job with Guardsmark and returned to College. When last heard from, he had finished his seventh year in quest of a two-year degree.

Donnie Garner's past was slightly less spectacular he had stumbled into his calling as a snitch while in the service, and he seemed to be destined for a career in the field.

While in the United States Coast Guard, Garner got himself "cornered in something I didn't have any business in" - he "sort of walked into a mess and I guess I became a snitch, as they call it." Garner was court-martialed as a result of the "mess", but he then agreed to testify against the others involved in the fight. In exchange for ratting, the charges against Garner were dropped.

After his discharge from the Coast Guard, Garner went to work for Guardsmark as a snitch and had been there for three years before coming to SMUD.

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treated the employees like criminals not like individuals with an illness. "Drug use is a sickness, like any other illness. They would not fire an employee who had ten years seniority because he was diagnosed as having cancer, would they?"

Lea said that he and his fellow employees were aware of the Employee Assistance Program, but they did not trust the program. "The program is a good idea, but you have no real guarantee of privacy," Lea

ienation. The more a worker felt he was an important part of the organization - because of a strong union, an important job or activity in a worker-management committee - the less likely he was to use drugs. Zabala's "prescription for curbing drug abuse is simple," the article concluded, - "worker input."

This analysis of the drug problem is confirmed by the experiences of Local 1245 members. Jim McCauley, a member of the Local Union

one. The work was "boring", McCauley said, and when the merger forced people to commute and to receive lower pay, the appeal of drugs began to take over.

#### Arbitrator backs positive approach

A constructive approach to the problem of drug and alcohol use on the job has received support from an arbitration decision issued recently. Following the dismissal of a SMUD employee who tested

Kelly noted that SMUD was officially committed to "a medical" approach rather than a disciplinary approach to drug use by its employees. This commitment, she wrote, is "consistent with the view frequently expressed in arbitration that where a treatable condition has produced misconduct, employment should not be conclusively severed until an opportunity for rehabilitation is afforded."

Kelly ordered the grievant reinstated so that he could be

Because the grievant in this case had not made much progress to solve his drug problem while the grievance was being processed, she did not award him back pay.

A medical approach is the first step that every company must take if it is to help solve this serious social problem. Positive programs and policies can be developed, especially when the Company works closely with employees through their Union. Next month in the Utility Reporter

# growing problem of drugs

said. "You have to tell up to three bosses above you about your involvement in the program. Long before the Company hired the snitch, I went to my own counsellor to guarantee privacy and it worked for me. The use of snitches only further undermines the EAP."

#### Problem is everywhere

There is no way to overestimate the widespread nature of the problem of drugs on the job. One study concluded that drug abuse has cost the economy more than 26 billion dollars in lost productivity, medical expenses and crime. One management executive said that drug use is the number one problem facing industry today, affecting the morale of all on the job, not just abusers. Drug users are one third less productive and three times more likely to be injured than other workers. Absentee rates for drug users are much higher than for other employees.

Many experts point to job-related stress and boredom as a major factor in growing drug use. One medical expert told Newsweek: "I don't know if you've had the opportunity to stand in a pit and turn a screwdriver over your head hour after hour, but I have. It's almost like torture. These people bring mind-altering drugs to ease the boredom, the tension and the stress of doing their job."

Craig Zabala, an economist with the Census Bureau and a former auto worker at General Motors, told Newsweek that there was a direct relationship between drug use and an employee's feeling of al-

Executive Board, remembers that drug use at the Fremont Gas Meter plant skyrocketed when the Company merged three separate Gas plants into

positive for drug use, arbitrator Kathy Kelly held that SMUD had "deprive[d] [the grievant] of any realistic opportunity for rehabilitation."

given the opportunity to undergo treatment and rehabilitation. At the same time, she stressed the obligation of the employee to seek such help.

*Drugs at Work: Part II* examines new programs established by Union members to respond to drug and alcohol use on the job. ■

## U.S. Supreme Court uses drug fears to attack Bill of Rights

By Steve Diamond

With political pressure to "do something" about our society's drug problem at an all-time high, the United States Supreme Court, now dominated by conservative Reagan appointees, decided in two recent cases to restrict dramatically a citizen's right to freedom from government interference in their private affairs.

The two cases, decided on the same day earlier this spring, allow employers greater opportunity to use mandatory drug testing, including blood and urine samples, of employees involved in hazardous occupations or who are involved as law enforcement officers in drug fighting efforts. It is ironic that the conservative Court, born in an alleged attempt to fight Big Government, has granted the Federal Government and employers new sweeping powers.

The lead decision, *Skinner v. Railway Labor Executives Association*, held that the mandatory

breath, blood and urine testing of all railway train employees working on a train involved in a serious accident or incident was constitutional, even if railway management had no reason to suspect that the employees contributed to the cause of the accident.

This case rested on whether or not railway employees were protected by the Fourth Amendment to the Constitution, which holds that "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

The Court held that no warrant or probable cause for the tests would be required and that dismissal of employees for refusal to submit to the tests would be constitutional.

#### Totalitarian language

In cold and direct language reminiscent of a totalitarian state, the Court wrote that "the Government may take all necessary and reasonable regulatory steps to prevent or deter [drug and alcohol use], and since the gravamen [most important part] of the evil is performing certain functions while concealing the substance in the body, it may be necessary, as in the case before us, to examine the body or its fluids to accomplish the regulatory purpose."

Is there anything left in the Constitution left to protect citizens from Government interference in our very thoughts? Two members of the Court, Justices Marshall and Brennan, the Court's most senior members, think there should be. In the dissenting opinion to this case written by Marshall and joined by Brennan, equally strong language is to be found.

"The issue in this case," Marshall wrote, "is not whether declaring a war on illegal drugs is good public policy. The importance of riding our society of such

drugs is, by now, apparent to all. Rather, the issue here is whether the Government's deployment in the war of a particularly draconian weapon - the compulsory collection and chemical testing of railroad workers' blood and urine - comports with the Fourth Amendment. Precisely because the need for action against the scourge is manifest, the need for vigilance against unconstitutional excess is great.

#### A new Red Scare?

"History teaches that grave threats to liberty often come in times of urgency, when constitutional rights seem too extravagant to endure. The World War II relocation-camp cases....and the Red Scare and McCarthy-Era internal subversion cases....are only the most extreme reminders that when we allow fundamental freedoms to be sacrificed in the name of real or per-

See PAGE ELEVEN



## SIEGEL RETIRES

from PAGE FOUR

nor. TURN, as an interested party, can intervene in the PUC hearing process on behalf of consumers. It can challenge evidence introduced by the utilities and introduce its own testimony. TURN attempts to establish what it considers a fair price for energy and telephone services. Usually, what TURN views as fair is far below what the utility companies request from the PUC.

In recent years the staff of the PUC, known as the Division of Ratepayer Advocates (DRA), has attacked wages and benefits paid to utility employees. TURN has always argued that such issues should be left to the collective bargaining process.

"The DRA is supposed to be independent," Siegel says. "And to a certain extent they are. But they cannot appeal a PUC decision to court so they really cannot be considered independent. A lot of the staff bend to what they think the PUC would go for."

"But they should not pay any attention to political considerations," Siegel said. "But TURN can be independent."

### Siegel warns of possible customer charge.

Siegel continues to have strong opinions about current issues in the California utility industry. She notes that the DRA is "hot on setting up a customer charge." This monthly charge of \$3.00 or \$3.50 would be added to every consumer's bill no matter what amount of energy they used.

Siegel considers such a charge "a regressive tax" (where those with low incomes have to pay the same as those with high incomes). She also argues that such a charge would "discourage energy conservation."

Siegel is also very critical of the recent settlement of the Diablo Canyon Nuclear Power Plant settlement. "That was a horrendous political sellout by John Van de Kamp (the California attorney

general) and Warren Christopher of O'Melveny and Meyers (a southern California law firm representing PG&E)," Siegel said.

### Angered by Diablo settlement

"As a result of this agreement, we are socked into con-

not even appointed yet, a year after the settlement. Its starting budget is at 500 grand from the ratepayers. Nine people were nominated by the PUC. Each of the nine has some tie to the nuclear or utility industry - so it will hardly be an impartial body. Outrageous. The settlement repre-

nice letters" from the utilities "after they trashed me for all those years. But that always told me that I was having an effect."

### Siegel encourages IBEW members to join TURN

Siegel concluded the interview with a final note that the



tinuing escalating rates on Diablo beginning with the highest possible rate for energy - beginning at 9.8 cents per kilowatt hour; while the average for other independent power producers is 6.7 cents per kilowatt hour.

"If Diablo is shut down, PG&E is cushioned by a \$3 billion dollar floor. This is not performance-based pricing. The agreement set a 58% capacity factor based on average nuclear production, but Diablo has been producing at much higher than that right from the beginning - up to over 90%. In cross examination by me, Dick Clarke said production was at 72%."

"In six or seven years," Siegel argues, "they will collect all of their 6 billion dollar loss, including the cost of the mistakes and all of that."

"We were not included in the negotiations nor were any other parties. This is truly a private arrangement."

"The safety commission has no real enforcement power," Siegel argues. "It's

sents an added cost to consumers with no real benefit."

"It is also an intervention in the regulatory process because it interferes with due process. There should have been a public hearing. None of the testimony on earthquake safety went to a hearing. That evidence should have gone on the record. None of it was subjected to cross examination."

"The original recommendation was for a 4.1 billion dollar disallowance against PG&E! How come they settled for so little?"

"And this would not have effected their market position. They still have a monopoly. They are not in a free market. PG&E will post a 61% increase in second quarter profits because of Diablo. And their year-end reports will be stunning."

With strong views like these, it is no wonder that Siegel believes the "utility executives are tickled pink that I am retiring." She says that she is receiving "all sorts of

PUC may go after the employee utility bill discount again. But she insists that they should not interfere in the wages and benefits that result from collective bargaining. "Why don't they cut the salaries of the top executives?" Siegel asks.

She encourages all IBEW members to join TURN. "You can't stand out there alone," Siegel argues. Individuals can do so by sending \$15.00 to TURN, 625 Polk Street, San Francisco, California 94102. ■

## Cal/OSHA YES!

## October Cal/OSHA Conference Set

Now that the voters of California have voted to override Governor Deukmejian and reinstate California's nationally recognized Occupational Safety and Health Agency, Cal/OSHA, a statewide conference is set for the weekend of October 6 and 7 to discuss a new agenda for the agency.

The Conference will be sponsored by U.C. Berkeley's Labor Occupational Health Program (LOHP) and Worksafe, a health and safety coalition which assisted in the labor campaign to restore Cal/OSHA. Local 1245 is an active member of Worksafe.

A variety of speakers from labor, environmental, political and academic groups have been invited to address the two-day meeting. The session will begin on Friday, October 6, at 8:30 AM and run until 5:00 PM. The meeting will reopen the next day, Saturday, October 7, at 8:00 AM and run until 1:00 PM. The registration fee for both days is \$30.00; and \$7.00 for Saturday only.

The conference will convene at the International House on the U.C. Berkeley campus, 2299 Piedmont Avenue, just west of the Berkeley Football Stadium.

Among the topics to be discussed are: "Making Cal/OSHA Work For You", "Occupational Health - Environmental Health: Friends or Foes?", and "Effective Health and Safety Standards for the Workplace in the 90's."

For further information, call LOHP at (415) 642-5507 or Worksafe at (415) 638-1174. ■

### From PAGE FOUR

**Answers to PUC Trivia Quiz:**  
1. (b); 2 (c); 3 (b); 4 (b); 5 (c); 6 (b); 7 (a); 8 (b); 9 (b); 10 (c).

**What was your score?**

10 correct answers: Congratulations, you are eligible to be hired as an attorney by the DRA.

7 to 9 correct answers: You are eligible to work for the DRA, and with a little luck you might make it as an attorney some

day.

**4 to 6 correct answers:** Keep working. You've got a little too much common sense to work for the DRA yet, but there's definite promise.

**0 to 3 correct answers:** Sorry, there is no hope for you. You are too logical, you know too much about utilities, or you were blessed with too much common sense at birth.



## DRUGS

### Profile of a snitch

From PAGE SIX

In his entire adult life, Garner had not earned a dollar other than by snitching.

### PG&E: Beauty and The Beast

Over the years, PG&E has planted a number of snitches around the system. Two, Dan Stewart and Mary Tucker, figured in more than ten terminations of Union members in the last few years.

Dan Stewart moved to Val-

lejo from Illinois in 1980. Before going to work at PG&E, Stewart had been only intermittently employed, had gone long periods without any work, had held no job for more than a year, and had no marketable job skills.

For the seven years before going to work for PG&E as a snitch, Stewart's friends were members of motorcycle gangs who were heavy drug users and dealers, and Stewart himself came to the attention of the Vallejo Police Department as a suspected drug user. Sgt. Robert Lee of the Vallejo Police Department described Stewart's criminal record when he went to work at PG&E as "basically clean in comparison to some people" - he had been convicted of non-sufficient funds, petty theft, and wife beating!



A few years before PG&E scooped up Stewart and put

him on a gas crew in Vallejo, Stewart began selling information about his biker friends to the Vallejo Police at \$20 a pop. For several years, Stewart lived from squeal to squeal, \$20 here, \$20 there. During the PG&E arbitration, Stewart spoke almost dreamily about his unfulfilled life working in law enforcement, and how satisfying it was for him to be part of the "team" as a snitch for the Vallejo Police.

In the spring of 1986, Stewart found himself living in his van, unemployed, without any job skills, and facing a felony charge for wife beating. When PG&E asked the Vallejo Police to recommend a snitch to put on a gas crew in Vallejo, they suggested Stewart.

From the first day on the job, Stewart, with his biker looks (shaved head, 300 pounds, cut-off sweatshirt, and constant dark glasses) and you-can't-make-me-work attitude, was spotted as a snitch. His attendance was dismal, and his weekly excuses of "I had to get an allergy shot and so couldn't come to work" prompted a supervisor, who knew that he was an undercover snitch, to intervene.

At about the same time, PG&E planted professional snitch Marv Tucker in the graveyard shift at the San Francisco General Office. Tucker's major work experience had been as a waitress. When she applied for a snitch

job at PG&E, Tucker wrote that her job as a waitress at the Tee Pee Tempe in Tempe, Arizona, had been the "provision of efficient (her spelling) courteous service to a wide range of individuals, demonstrating organization and communication skills."

Tucker told PG&E that she would make a good snitch because of her "ability to accurately (her spelling) draw deductive courses of action pursuant (her spelling) to the assignment entailed, coupled with my alliance to follow clients and/or employers instructions." (If any Utility Reporter readers have any idea what Tucker meant when she wrote that, please contact me at Local Union headquarters - I'd like to know.)

For about a year, Tucker worked the graveyard shift, pleading with employees to buy her cocaine almost every night, writing daily reports about employees "departing to the upper levels of 245 Market Street via elevator", her "accompaniment" (her spelling) of an employee to his car during a break, and her stay in the employee's car ("the duration of my positionment within the vehicle").

After leaving PG&E, Tucker is rumored to have hired on as a snitch at the San Onofre Nuclear Power Plant in Southern California.

### Conclusion

Given the intense professionalism and sense of pride in image and service which we associate with SMUD and PG&E, one has to wonder at their decisions to hire the likes of Logan, Garner, Stewart and Tucker. You would think that companies with the size, resources, and creativity of SMUD and PG&E could come up with something better than this collection of losers, drifters, and convicted criminals. I think I once read that a century ago, the mongoose was brought to Hawaii to take care of the snake problem. Some years later the snakes were gone, but there was a new problem - the mongoose.

Get the point? We've got a mongoose Problem on our hands. There's got to be a better way of doing things. ■

## Financial Planning Seminars set

Local Union 1245 has made arrangements to offer Financial Planning Seminars to our members and their spouses. These Seminars will cover all aspects of pre-retirement preparations including financial and tax planning which will be explained by financial advisors employed by Merrill Lynch.

It is our goal to kick off the educational and planning process of financial planning with this Seminar. Our intent is to be sure you are aware of the many options you must consider as you begin to identify areas in which you may need additional information and preparation.

The topics of discussion will be:

- \* Planning for your retirement
- \* Why Should I Reduce My Consumer Debt
- \* Home Ownership
- \* Do I Have Enough Insurance
- \* Should I Contribute to an IRA
- \* Contributing to the Company's 401(K)
- \* How to Save for my Children's College Expense
- \* Pacific Gas and Electric Stock Forecast
- \* Interest Rate and Inflation Forecast 1989-1990
- \* How to Obtain Long-Term Health Care
- \* How to Save Income Tax

The Merrill Lynch presentation will be given by Robert Gallo, Vice President, Consumer Markets, Diane Shulman, Associate Producer, and David Brantley, Director of Investments, who have agreed to discount their services to Local Union 1245 members.

After attending the presentation you may arrange an individual conference with the Merrill Lynch planning specialist to analyze your particular situation. Of course, the seminars and conferences are free of charge and involve no obligation.

### The dates and times of each seminar are as follows:

- September 7, 1989 Thursday, 7:30 PM, Surdi's, 2030 Fremont Street, Monterey, (408) 646-0100
- September 9, 1989 Saturday, 9:30 AM, Royal Oak Motor Hotel, 214 Madonna Road, San Luis Obispo, (805) 544-4410
- September 19, 1989 Tuesday, 7:30 PM, Discovery Inn, 1340 North State Street, Ukiah, (707) 462-8873
- September 23, 1989 Saturday, 9:00 AM, Red Lion Inn, 3200 Camino Del Rio Court, Bakersfield, (805) 323-7111
- September 23, 1989 Saturday, 1:00 PM, Ramada Inn, 324 East Shaw Avenue, Fresno, (209) 224-4040
- September 30, 1989 Saturday, 9:00 AM, Red Lion Inn, 1830 Hilltop Drive, Redding, (916) 221-8700
- September 30, 1989 Saturday, 1:00 PM, Best Western Heritage Inn, 25 Heritage Lane, Chico, (916) 894-8600
- October 7, 1989 Saturday, 9:30 AM, Best Western Bonanza Inn, 1001 Clark Avenue, Yuba City, (916) 674-8824.

**TO RESERVE A SPACE AT ONE OF THE ABOVE SESSIONS, CONTACT WENDY BOTHELL AT THE LOCAL 1245 OFFICE IN WALNUT CREEK (415) 933-6060.**



# Members speak out

From PAGE FIVE

seemingly you expect that productivity and morale can be maintained.

While in attendance at a recent rate hearing I noticed that only one rate payer addressed the staff. I am left to ponder, who are you representing? Certainly not mine the PG&E employee, stockholder, voter, citizen, rate payer...

Sincerely,

Karen A. Russell

Dear Commissioner Hulett:

I am writing you regarding PG&E rate case application # 88-12-005. As a PG&E employee with over twenty years experience in hydro, substation and System Dispatcher operations I can tell you that the average PG&E employee's productivity has increased markedly over the last five to six years. If our wages are slightly higher than non-union wages in other parts of the country it is not because PG&E is overly generous, it is because we are committed to doing our work safely, efficiently and in a manner that brings the greatest benefit to PG&E. A good comparison might be the record of Diablo Canyon PP versus Rancho Seco PP. I don't believe any form of government, no matter what good intentions it may have, has the right to dictate wage rates or wage cuts to private individuals, especially ones that work under a union contract. It is my opinion

that if the CPUC were to be successful in lowering wages at PG&E the long term effect would not be a savings for the ratepayers but a loss, due to the loss of morale and consequent loss of productivity. PG&E is currently streamlining their operations via state of the art supervisory controls at my and many other switching centers. They are adding additional responsibilities and work, something they might not have been inclined to do without a vigilant PUC. For this I thank you, but I think basing rate increase decisions on existing wage rates is, in the long run, counter productive.

Thank You,

John K. Brown

Commissioner Hulett:

I am a P.G.&E. employee in Willits, and I am writing about the PG&E rate case, Application #88-12-005 the renewed attack on employee wages by the Division of Ratepayer Advocates. I am a taxpayer and a ratepayer as well and should also be represented as such. I strongly resent this renewed attack on my wages and feel this is another attempt to interfere in the collective bargaining process which is prohibited by the National Labor Relations Act. We employees have earned everything we have had negotiated for us, and to force the Company to take away any portion of our benefits or wages would destroy the morale and productivity of all the P.G. & E. employees system-wide. We are currently very apprehensive about the security of our jobs. Several of our co-workers have recently been "displaced" in the system and

some, laid-off. This is not the end. There are more jobs in jeopardy and everyone is wondering who is next. This attack on our wages and benefits could be the straw. This type of working atmosphere is not conducive to high productivity and profits. We realize the Company is undergoing changes and we are willing to cooperate to the fullest extent. But we also realize the Company is having record profits which seems to be at the employees' expense.

We have a long way to go in the transition the Company is undertaking, and eliminating positions and attacking wages, benefits and morale is not the right way to go about it. I feel it is the PUC's responsibility to provide support not to hamper this transition.

Sincerely,

Sama Hagen

Dear S. W. Hulett:

I've gone through a lot of changes since my time with PG&E with added responsibilities. It's unfair that my wages be compared to wages at non union companies, at companies all over the United States in areas with a lower cost of living and at companies outside the utility industry.

I am a California taxpayer and a PG&E ratepayer as well as a PG&E employee. It's ludicrous to believe that what I earn is "unreasonable." A nuclear power plant is a very delicate place to work and I work at my best every day and I know if the Commission accepts these unjust claims, the morale of all employees and productivity would be devastating. A job like this is quite demanding and I believe the wages and benefits are equal

to the duties performed.

Laurie A. Salazar

Dear Assemblyman Leslie:

We are writing to ask you to vote for California Senate Bill 441 which will protect collectively bargained agreements from meddling and amateur second guessing. As an eighteen year employee of Pacific Gas & Electric Company we find it very tiresome that the P.U.C. is continually attacking the company and its employees by trying to lower wages and/or benefits. As you are well aware the cost of living in California is higher than the majority of the country. However, the P.U.C. in its latest attack is comparing wages and benefits nationwide and also including non-union wages as well. We do not feel the government has any business trying to alter collective bargaining agreements.

We look forward to hearing your opinion on this matter.

Sincerely,

Alan Johnson

Vicki Johnson

Commissioner S.W. Hulett

Shirley Chisom, the black congresswoman, once said: "female discrimination knows no race barriers." How true—here we go again.

There are a few jobs left where female employees make a decent wage. At PG&E that issue is again being taken care of by your staff.

Thanks to your efforts, two years ago PG&E was able to see that the clerical employees got only a bonus and 1.75 increase in two years and our beginning wages tiered

AGAIN. The physical dept. got a 2.75 increase each year. They're 99% men and are taken care of by all parties concerned including your staff.

Most of the women that work for PG&E aren't militant. They're used to having the union take care of them. But that isn't happening anymore. How can the union bargain when PG&E throws your quotes up at the bargaining table. So who gets the shaft—women—clerical.

Your argument about what other clerical jobs pay is a smokescreen. Cheap wages paid to females in other jobs doesn't require your committee to recommend that we must follow suit.

Your reasoning is about as correct as the way minorities were treated years ago—keep minorities where they belong—keep women in low paying jobs.

Even our jobs are different. Clerical are understaffed and are expected to put out ten hours worth of work in eight. Physical are also understaffed but the men are expected to put out eight hours worth of work in eight hours.

There aren't that many men in clerical—take out the meter readers and there are very few. Most of the men we have in clerical revolved in from meter reading years ago.

If you feel you have to hit at PG&E please look for something else—leave the women alone.

Linda Lillehaugen

## PUC Case

from PAGE FIVE

Eastern Airlines, a situation which would not be good for PGandE's customers.

### Methodology

The current PGandE rate case is the fourth rate case in which the PUC Staff examined union wages. In three of the past cases (the 1986 PGandE case, the 1987 Southern California Edison case, and the 1988 General Telephone case) the Commission flatly rejected the

Staff proposals because their survey methodology was so shoddy. In the fourth case (the 1988 San Diego Gas and Electric case) the PUC Staff itself found that the wages were "reasonable" and did not recommend any rate adjustments, meaning that the full Commission did not pass judgment on the methodology.

We have reviewed the methodology in the four previous cases, plus the methodology used in another case that is going on right now (the Southern California Gas

Company's general rate case), and there is no question — the job that the PUC Staff did in this case was the worst yet.

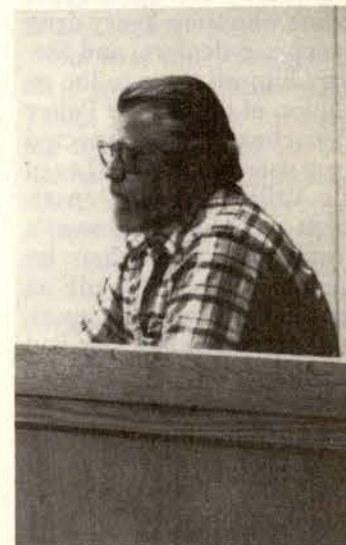
The fourth section of our brief was thus to criticize the Staff's methodology. The only problem with this part of the brief was figuring out how to say everything they did wrong in less than fifty pages.

### Conclusion

There you've got it — the condensed version of the arguments we made in our

brief. The proposed decision of the Administrative Law Judge should give us a good read on what the Commission will do. Even though the Commission is now made up entirely of conservative Republicans appointed by Governor Deukmejian, we believe that our arguments are good solid arguments which should carry the day. ■

IBEW member Jim Findley provides testimony regarding physical job responsibilities at PG&E.





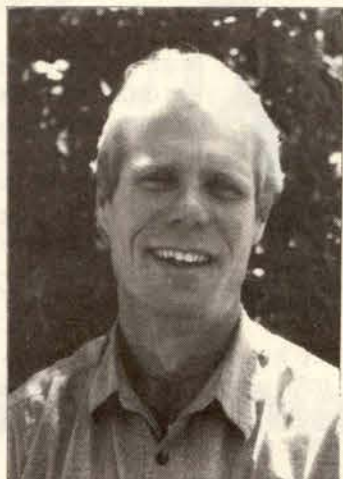
## Business Rep

from PAGE ONE

Dennis is a second generation Local 1245 member. His father, Keith Seyfer, now retired, was a SMUD tree trimmer for 28 years. Growing up in a trade union household made a big difference in Dennis' life.

"I know the benefits of belonging to a union firsthand. A lot of younger people don't understand where their wages and benefits come from. They are confused about the important role that unions play in improving our lives," Dennis told the *Utility Reporter*.

Dennis believes that his direct involvement with the rank and file of the Local Union will be an important part of his success as a business representative. "An active and informed membership is a key to the Union," he said.



Dennis, 35 years old, was born and raised in the Sacramento area. He spent four years in the Navy as a hull technician. He joined Local 1245 soon after coming to SMUD in 1978. He has been a shop steward and a Unit Chairman. He is single and has a 17 year old daughter, Sharon.

Welcome aboard, Dennis! ■

## Diablo Canyon

from PAGE TWELVE

Elliott, Ann Martinez, and Terry Nelson to bargain on a Fitness-For-Duty policy for employees having unescorted access to nuclear sites as mandated by the Nuclear Regulatory Commission. The committee has been meeting in union's office in Walnut Creek and will be prepared to meet with PG&E in September.

Local 1245 is continuing to review legal options that would challenge various applications of random drug testing and other provisions of the NRC's mandated program. Additionally, Local 1245 has to bargain on the program in order to protect the interests of union's membership in the event legal options do not provide any relief.

The NRC program raises a large number of technical issues in additions to a number

of other issues that will be discussed as a result of the matter being a mandatory subject for bargaining as determined by the National Labor Relations Board.

### ADDITIONAL ITEMS

Local 1245's committee has also identified other items it will want to address in the interim meetings concerning the nuclear plant. These include the contracting out of work, the utilization of swing shifts for traditional day employees and overall compensation for work at the nuclear site. The committee will have developed detailed proposals by mid-September.

Local 1245 has informed PG&E that our complete interim committee is ready to meet on September 19th with proposed meetings on the following two days concerning the Fitness-For-Duty policy. ■

## Supreme Court

from PAGE SEVEN

ceived exigency, we invariably come to regret it.

"In permitting the Government to force entire railroad crews to submit to invasive blood and urine tests, even when it lacks any evidence of drug or alcohol use or other wrongdoing, the majority joins those shortsighted courts which have allowed basic constitutional rights to fall prey to momentary emergencies.

"The majority's acceptance of dragnet blood and urine testing ensures that the first, and worst, casualty of the war on drugs will be the precious liberties of our citizens. I therefore dissent."

Behind the Court's majority decision lies a new approach to Constitutional rights. The Court held that these rights may be denied whenever a "special need" arises. Clearly, the opportunity to suspend constitutional rights is greatly widened with the adoption of such a doctrine. This doctrine came under direct attack in Marshall's dissent:

"Constitutional requirements like probable cause are not fair-weather friends, present when advantageous, conveniently absent when 'special needs' make them not....

What about the right to be left alone?

"There is no drug exception to the Constitution, any more than there is a communism exception or an exception for other real or imagined sources of domestic unrest...Because abandoning the explicit protections of the Fourth Amendment seriously impairs the right to be let alone — the most comprehensive of rights and the right most valued by civilized men,...I reject the majority's 'special needs' rationale as unprincipled and dangerous."

And finally Marshall pointed to the Court majority's willingness to be caught in the current hysteria about drug abuse:

"A majority of this Court, swept away by society's obsession with stopping the scourge of illegal drugs, today succumbs to... popular pressures....In upholding the [Federal Railway Authority's] plan for blood and urine testing, the majority bends time-honored and textually-based principles of the Fourth Amendment — principles the Framers of the Bill of Rights designed to ensure that the Government has a strong and individualized justification when it seeks to invade an individual's privacy.

"I believe the Framers would be appalled by the vision of mass governmental

intrusions upon the integrity of the human body that the majority allows to become reality. The immediate victims of the majority's constitutional timorousness will be those railroad workers whose bodily fluids the Government may now forcibly collect and analyze. But ultimately, today's decision will reduce the privacy all citizens may enjoy, for...principles of law, once bent, do not snap back easily."

In a related case decided the same day as *Skinner*, the Court held that employees of the U.S. Customs Service who apply for positions which require the use of a firearm could also be required to submit to a urine or blood test for drug use. The Court also held that a lower court must review the record for evidence that applicants who would have access to classified documents should also be subject to drug tests. Once again, the "special needs" hole in the Bill of Rights was used. Marshall and Brennan once again dissented. But this time they were joined by an unusual ally, the ultra-conservative new appointee to the Court, Antonin Scalia.

### Conservative Justice says Court went too far

Scalia believes in the "spe-

cial need" doctrine, but felt that the Court had gone too far in this case. This "is a type of search particularly destructive of privacy and offensive to personal dignity," Scalia wrote. "What is absent in the Government's justifications — notably absent, revealingly absent, and as far as I am concerned dispositively absent — is the recitation of even a single instance in which any of the speculated horrors actually occurred: an instance, that is, in which the cause of the bribe-taking, or of poor aim, or of unsympathetic law enforcement, or of compromise of classified information, was drug use....

"[I]n extending approval of drug testing to that category consisting of employees who carry firearms, the Court exposes vast numbers of public employees to this needless indignity. Logically, of course, if those who carry guns can be treated in this fashion, so can all others whose work, if performed under the influence of drugs may endanger others — automobile drivers, operators of other potentially dangerous equipment, construction workers, school crossing guards."

Scalia closed his opinion with a strong reminder of the importance of the Constitution especially in times of na-

## Buy Union Shop Union \ Use Union services

Where to find the Union Label

**Gloves** — inside upper edge

**Neckties** — small end

**Coats** — lining of inside pocket

**Pajamas** — front hem of coat

**Rainwear, Sportswear, Heavy Outerwear** — lower pocket

**Shirts** — bottom of front tail

**Snow Wear, Boys' Wear** — inside pocket

**Suits** — inside right breast pocket

**Trousers** — inside right hip pocket

**Bathing Suits** — with size on bra

**Blouses** — neckline or side seam

**Children's Wear** — neckline

**Dresses** — above hem in side seam or in waistband or neckline

**Skirts** — waistband or below zipper of inside seam

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tional emergency. The quote he used, ironically, comes from Justice Brandeis, a famous liberal Supreme Court member appointed by President Franklin D. Roosevelt:

"[I]t is...immaterial that the intrusion was in the aid of law enforcement. Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding."



## Movers and shakers from Local 1245



Pictured above are two of the Movers and Shakers named by the Santa Clara County Central Labor Council COPE at a recent awards dinner held in San Jose. Many of our readers will recognize one of the most fiery picket line brothers from Local 1245, Bill Twohey, on the right. On the left is Carol Webb of the American Federation of Teachers, Local 957. Other Local 1245 members who shared the award with Bill and Carol were Bill Brill, Karen Russell, Ron Weeks and Sandra Weeks.

## City of Healdsburg arbitration

**O**n August 22, 1989, Arbitrator Joe Henderson issued an Award and Decision in an arbitration between Local 1245 and the City of Healdsburg involving the City's refusal to grant an employee a medical leave of absence and its decision to fire him instead.

The grievant in the case was a fifteen-year employee who was injured on the job on March 23, 1988. That fall, the City's Workers Compensation carrier decided that the grievant was not longer temporarily disabled and it cut off his benefits.

The grievant still felt unable to return to work, and his treating physician had determined that he probably could not return to work for several more months. The grievant thus applied for a leave of absence from the City under the section of our Memorandum of Understanding permitting automatic leaves of absence "due to medical necessity."

The City denied a leave of absence because it believed that a medical necessity did not exist and because of the business demands of the department. The grievant did not return to work, and was terminated on January 9, 1989.

In his award, Arbitrator

Henderson addressed both the conflict in medical opinion and the city's operational needs.

First, Mr. Henderson noted that "the overwhelming focus of the City was on operational needs." Mr. Henderson did not downplay the importance of the City's operational needs, but he did point out that medical leaves of absence are supposed to be automatic, and so held that "The arguments regarding work necessity and the excessive absences of the Grievant being sufficient grounds for denying him a leave of absence are not matters the Arbitrator feels are necessary to be considered." The Arbitrator also pointed to various sections in the contract which Local 1245 had negotiated to help the City meet its operational needs in situations such as this, such as the provision for temporary employees.

Turning to the conflicting medical evidence, Mr. Henderson concluded that the medical evidence provided by the Grievant, especially the recommendation of his treating physician at Kaiser, should have been considered as establishing that he was not capable of returning to work, and that the City should have granted a leave of absence.

This was the first arbitration between the City of Healdsburg and Local 1245 in ten years, and it arose from an honest disagreement over the proper interpretation of contract language. Arbitrator Henderson's decision displays the typical arbitrator reasoning which hurts unions as much as management - if a contract says one thing, the arbitrator will not second-guess the parties about what would be more fair, but will simply apply what the contract says. ■

## Diablo Canyon interim Negotiating Committee meet

**L**ocal Union 1245 has established an interim negotiating committee to address various issues affecting our members working at the Diablo Canyon Power Plant. This committee has been meeting since June preparing for expected meetings with PG&E on a wide range of matters.

### GAINSHARING

Local 1245 initially met with PG&E representatives to discuss the possibility of establishing a "gainsharing" program that could apply to all employees working at the nuclear site. Also in attendance at this meeting were representatives of ESC and consultants hired by PG&E who would possibly assist in establishing the concept of such a program. As a result of the discussions between the parties, Local 1245 members participated in the initial information gathering steps that were used to establish the perimeters of the methods to proceed further.

Company then proposed to establish eight groups that would further develop the gainsharing concepts. Additionally, one member from each group would participate in a so-called "Shiffer's Roundtable" to coordinate the activity between the various groups. PG&E proposed that Local 1245 would appoint representatives to constitute one of the eight groups.

At this time IBEW rejected Company's suggested for-

mat. The union is not willing to become one-eighth of the discussions instead of one-half of the involvement that is normally the situation in the traditional bargaining arena where the two parties meet on an equal one-on-one basis.

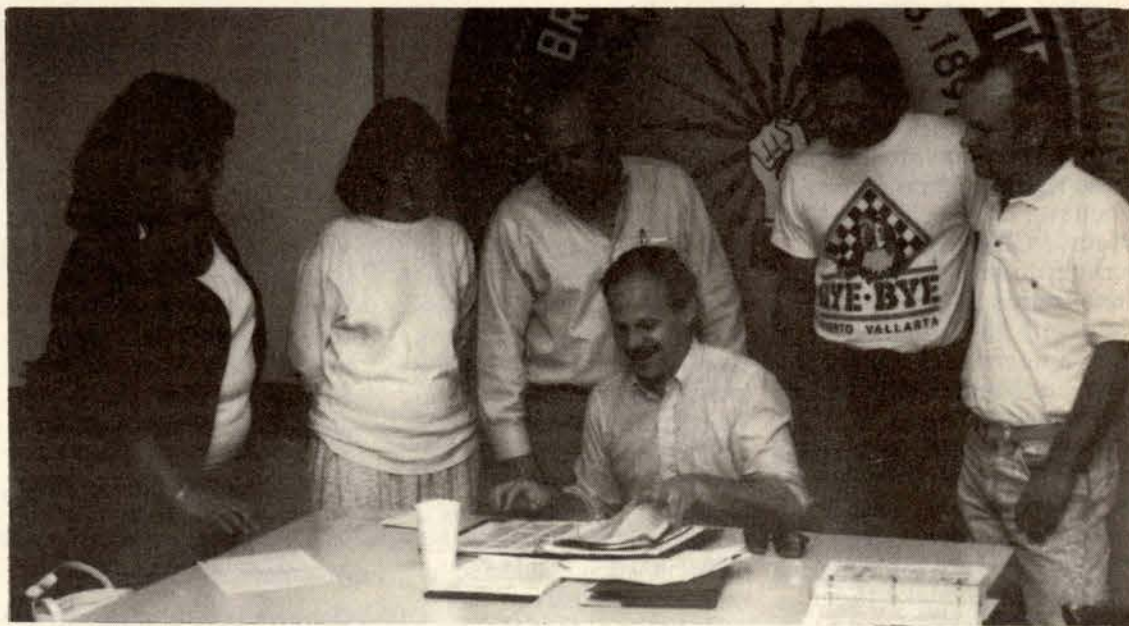
Beyond the refusal to meet with the Company on such a diluted basis, Local 1245 also informed PG&E of additional concerns regarding a gain-sharing plan for only a portion of union's bargaining unit. These included the replacement of increases to wage rates by a "bonus" provision and the resulting impact or lack of impact on various benefits that are tied to wages; the criteria that would be utilized would receive such a bonus and the factors that would determine the amount of the payments; the possible resulting effect of bargaining unit employees being compensated in an inconsistent discriminatory manner.

At this time it does not appear that the Company will be prepared to present a proposal to the Union prior to the start of the next outage. However, it is possible the Company may propose an "interim" concept that could apply to the next outage scheduled to start in October.

### FITNESS-FOR-DUTY

The union has established a subcommittee comprised of Senior Assistant Business Manager Darrel Mitchell, Staff Attorney Tom Dalzell, and shop stewards Hari Nam

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DCPP Fitness for Duty committee from left to right: Ann Martinez, Jane Brunner, Darrel Mitchell, Tom Dalzell, Terry Jones, and Hari Nam Elliot.