



## Sick leave bill signed into law

Employees will soon be able to use their sick leave to care for a child, parent or spouse, thanks to a bill sponsored by organized labor.

Signed into law July 23 by Gov. Gray Davis, AB 109 requires an employer who provides sick leave to permit employees to use half their sick leave to attend to the illness of a child, parent, or spouse.

The law prohibits an employer from denying the use of sick leave and spells out penalties against employers who discriminate in any manner against employee who try to exercise their rights under this law.

According to the California Labor Federation, the law applies to workers covered by collective bargaining agreements as well as to workers who are not.

AB 109 passed the Assembly in its final version 51-21. The Senate approved the measure 21-17.

## PG&E Negotiations

# Subcommittees grapple with key issues

**G**eneral Bargaining subcommittees composed of Local 1245 members and PG&E vice presidents and managers labored through the month of August in an effort to find common ground in six key areas.

The subcommittees will present their findings this month to the General Bargaining Committee, which will attempt to put together an overall agreement to present to the Local 1245 membership for ratification.

Subjects investigated by the subcommittees were: Displacement Procedures, Contracting of Work, Field Services, Wage Study, Employment Retention (AB 1890 Section 375 Competition Transition Charges), and Benefit Plans.

"We know our members at PG&E want information on the progress of negotiations," said Business Manager Jack McNally. "When we've heard back from the subcommittees we will be reporting back directly to our members at PG&E."

Job security issues are a factor in



Photo: Eric Wolfe

### SUBCOMMITTEE ON CONTRACTING OF WORK

Union members serving on the Contracting of Work subcommittee at work in late August were, from left: Assistant Business Manager Roger Stalcup, Chrissey Schimeck, Dan Mayo, and John Delsman. Not pictured: Brian Gines.

several of the subcommittees, especially those dealing with Displacement Procedures, Contracting of Work, and Employment Retention. On-going restructuring in California's gas and electric industries virtually guarantees change in the composition of the workforce at traditional utilities like PG&E.

The current agreements between Local 1245 and PG&E—Physical,

Clerical, Health, and Benefits—expire on Dec. 31.

Union members serving on the subcommittees are: Jim Grady, Jeff Van Hook, John Kent, Arlene Edwards, Mike Scafani, Tony Norman, Steve Ward, Bill Hunt, Brian Gines, Dan Mayo, John Delsman, Chrissey Schimeck, "Jypsy" Joe Johnson, Ed Dwyer, Charles Willis, Jeff Smethurst, Judy Richter, Donna Ambeau, Larry Darby, Brian Kapaun, Jim Findley, Ken Richards, Millie Phillips, Mike McBroom, Kevin Herd, and Tom Moore. Members of McNally's staff serving on the committees are Darrel Mitchell, Roger Stalcup, Dorothy Fortier, Perry Zimmerman, Tom Dalzell, and Ken Ball.

## Citizens Communications pushes concessions



Photo: Eric Wolfe

Joe Aquilio serves on the union's Bargaining Committee at Citizens.

**C**itizens Communications pressed for major concessions in benefits and working conditions during general negotiations with Local 1245 Aug. 23-27.

Citizens' management has sought significant concessions in post-retirement medical coverage and in Long-Term Disability benefits, according to Local 1245 Business Rep. Jack Osburn.

Management is also seeking authority to contract out "non-core" busi-

ness, to impose unlimited amounts of forced overtime, and to erode current standards for standby pay.

The company has served the union with notice of its intention to cancel the labor agreement if no new agreement is reached.

The union committee is slated to meet again on Sept. 13 to prepare for the next joint bargaining sessions, scheduled to begin Sept. 20.

Local 1245 represents about 300 Citizens' employees in California.

## Bargaining updates

For the latest bargaining information: attend unit meetings, read bargaining updates distributed by the union at the worksite, and check the Local 1245 page on PG&E's Intranet.

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## EVENTS

September 6  
HAPPY LABOR DAY!

November 6  
Local 1245 Advisory Council  
Concord, CA

## APPOINTMENTS

IBEW  
Local 1245 Safety Committee  
Keith Hopp

SACRAMENTO REGIONAL  
TRANSIT  
1999 Negotiating Committee  
Constance Bibbs  
Richard Kelsey  
John Mendonca

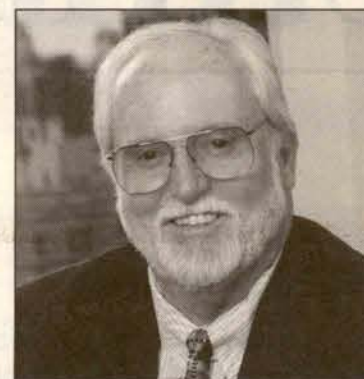
## CONFERENCES, COUNCILS &amp; CONVENTIONS

Inter Union Gas Conference  
Andrea Bickel  
Richard Bignall  
Jim Lynn  
Jim McCauley  
Jack McNally  
Shawn O'neil  
Archie Taylor  
Richard Trusall  
Howard Steifer  
Robert Wilk

## POINT OF VIEW

## Restructuring process just perpetuates itself

By Jack McNally, Business Manager



When California began to seriously consider electric utility restructuring back in 1993, there was a lot of rhetoric about marketplace efficiencies and cutting bureaucratic waste.

Well, it's six years later and as far as I can see there's been no reduction in bureaucratic waste. In fact, the restructuring process has now become an industry unto itself, with lifetime employment opportunities for a whole new bureaucracy of consultants, lobbyists and lawyers—and that's on top of the bureaucracies that existed before.

The fate of our union's bill in the California legislature, AB 1421, is a case in point. It's readily apparent that most consumers have little or no

interest in "shopping" for gas and electric service providers, and aren't thrilled at the idea of being bombarded by high-pressure dinner-time phone solicitations from unproven start-up companies. They are rightly concerned about news reports of scam artists entering California's energy "marketplace." Our bill was designed to simplify things for consumers by allowing them to remain with their current gas and/or electric provider unless they specifically expressed a desire to change.

When certain environmental organizations opposed our bill, we attempted to find ways to accommodate their concerns. But the environmental consultants weren't interested in finding a solution, and effectively blocked the electric provisions of our bill in a California Senate committee (even after our bill had passed the California Assembly on a 50-18 vote.) Another environmental lobbyist told me: "Let's work out something for next year."

The point is, by blocking a sensible solution *this* year, certain consultants and lobbyists have assured themselves of employment next year. And probably for years beyond that.

The whole flap over the San Francisco power outage last December is another example. Even when it's clear that the Independent System Operator is the appropriate authority to investigate the outage, the California Public Utilities Commission insists on sticking its finger in the pie. Isn't this the same CPUC regulatory bureaucracy that utility "deregulation" was supposed to streamline or eliminate? If PG&E doesn't like the CPUC's finding, the whole thing could end up in court and take years to resolve.

Or consider a recent workshop

sponsored by the ISO on planning for transmission upgrades to handle future load requirements. A consumer group objected to the process the ISO was using, and to the fact that so few "stakeholders" showed up for the workshop.

Well, maybe people didn't show up because they don't give a damn about transmission planning and want to leave it to the experts to figure out. But the consumer group can carve out a nice little niche for itself in the restructuring bureaucracy by objecting to the process, thereby creating and perpetuating jobs for its own people.

Then there's Performance-Based Ratemaking. It's supposed to be so much more efficient than the old way of doing things. But it's a pretty safe bet that some disgruntled parties in these PBR cases will run, not walk, down to the CPUC to file petitions to re-open the cases. More work for regulators.

Where is the benefit to all of this? When, if ever, does it end? And who pays for all this make-work?

The fact is, we're all paying. Independent Energy Producers. Utilities. Environmentalists. Agricultural interests. Consumers of all stripes. And our union, too. Everyone has to have their hired guns to keep up with the others.

These overlapping bureaucracies and jurisdictional disputes assure full employment for attorneys, consultants and lobbyists for years to come. Utility restructuring is their own personal Full Employment Act.

It's a monumental waste of resources. Logic tells me it should come to an end.

But we'd probably have to form another industry just to figure out how to do it.



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## PG&E Gas Pipeline Replacement



Utility Worker Kevin Monds, in his second year as a Local 1245 member.

**R**eplacing San Francisco's aging network of cast iron gas lines with new ones made of plastic has been a good source of work for Local 1245 members at PG&E.

"It's been going on four or five years," says Backhoe Operator

Mark Pitcher, a 14-year union member in General Construction. "They say it could take eight to 10 more years to finish."

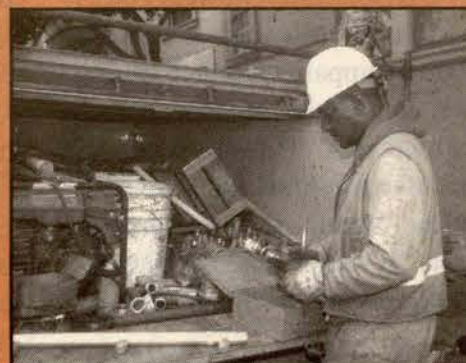
Pitcher was on one of five crews working in San Francisco's Alamo Square/

Hayes Valley neighborhoods on an overcast morning last month.

According to Pitcher, PG&E crews are replacing 30 miles of pipe per year on average. Their work helps assure San Franciscans of safe and reliable gas delivery for decades to come.



Mechanical Equipment Operator Gené Grant, an 11-year member of Local 1245.

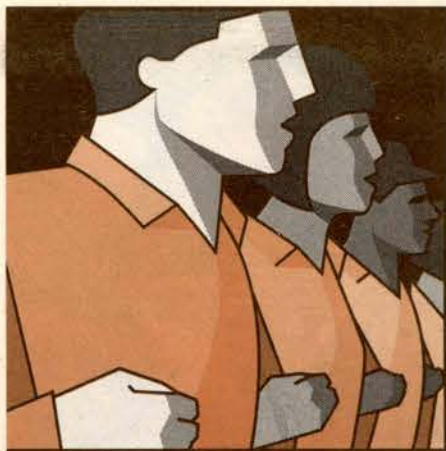


Larry Silmon, sheet fitter, is a 25-year member of Local 1245.



Mark Pitcher on the backhoe.





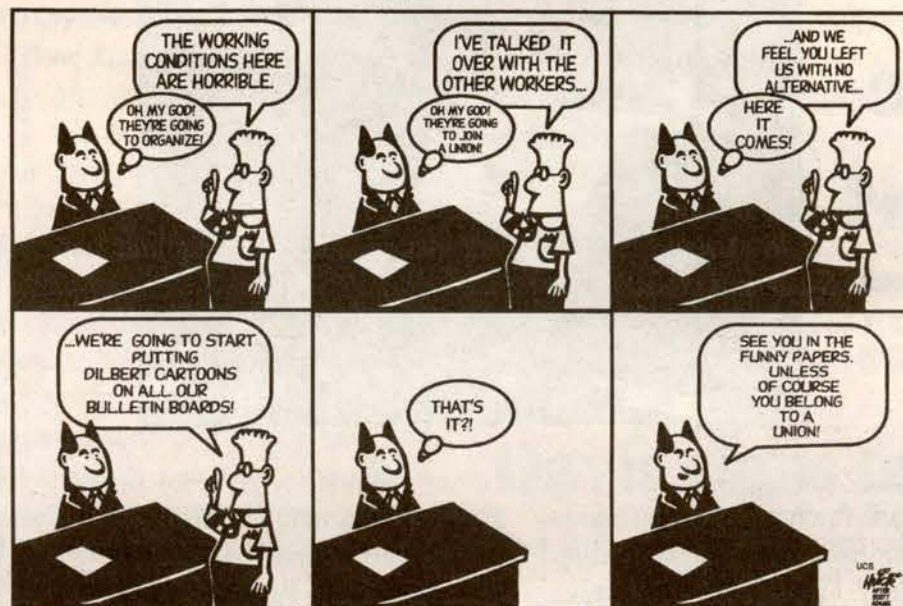
## Union bikers, labor TV & laugh-free offices

**T**he San Francisco Board of Supervisors voted last month to boycott products of Rocky Mountain Steel Mill in Pueblo, Colo., and called on the Bay Area Rapid Transit District (BART) to refrain from purchasing rail for track replacement and repair from Rocky Mountain Steel Mill until a labor dispute is resolved. A thousand steelworkers struck the company and were subsequently permanently replaced in the fall of 1997. According to the Colorado Labor Advocate, 218 industrial accidents were registered in the struck mill in 1998, including crushed legs, hands, feet and fingers; burned arms, hands, necks and faces; and fractured ribs, elbows, teeth and fingers. Rocky Mountain Steel Mill is a division of Oregon Steel.

► **Try Not to Laugh:** A survey of 275 employers found that 8% said they discourage humor in the workplace. Another 8% included fun as part of their values or mission statement. Four percent even hired a humor consultant. The study was commissioned by William Mercer Inc. of New York.

► **Bikers Organize:** Bicycle messengers in San Francisco have selected ILWU Local 6 (Longshoremen) as their representative, the ILWU Dispatcher reported. The 27-15 victory followed a closely-watched campaign in which the anti-union consultant ran captive audience meetings. "The meetings made some of us more adamant about getting the union," said member Joe Vigna. "It was so obvious (the consultant) was just in it for the money."

► **If At First...:** Low pensions—\$100 a month for a worker retiring after 30 years of service—were a major issue when 5,200 workers at Fieldcrest Cannon's six plants in Kannapolis, NC voted union. The June victory for UNITE came after a long string of union defeats stretch-



ing back to 1921, Labor Notes reported.

► **Labor Television:** Livelyhood, the acclaimed PBS series produced by The Working Group, returns this season with two premiere and four encore episodes about Americans who are dealing with workplace change. Featuring humorist Will Durst, programs include Working Families Values, Chipping Off the Old Block, Honey—We Bought the Company, and Carpool to Nirvana. Call your local PBS station to confirm broadcast dates and times.

► **Solidarity from South Africa:** Eight hundred rubber workers at Continental Tyre Ltd. in Port Elizabeth, South Africa struck for two hours on June 24 to support 1450 members of United Steelworkers Local 850, who have been striking Continental's General Tire plant in Charlotte, North Carolina since last September, Labor Notes reported. The South African workers said that the company's refusal to negotiate a fair contract in North Carolina was "an international disgrace."

► **Telecomm strike:** More than 10,000 South African telecommunications and postal workers went on strike Aug. 16 for higher pay, Reuters reported. The Communications

Workers' Union (CWU) wants a pay increase of up to 14%, a housing allowance, and a minimum monthly wage of 2,600 rand, about \$425. South Africa also faced possible strikes by 12 public sector service unions and the National Union of Mineworkers.

► **Unions Improve Win Rate:** At least 475,000 workers in the US formed new unions at their workplaces in 1998. Workers won 1653 elections, 51.2% of the total in 1998, compared to 1591, or 50.3% in 1997. The number of elections increased by 2.2%. AFL-CIO President John Sweeney called the statistics "good news for American workers because growing unions mean better jobs and stronger communities."

### Utility Reporter wins two awards

The Utility Reporter won the Saul Miller Award of Excellence for its coverage of the 1998 elections.

The Local 1245 newspaper also won a second place award for best use of graphics in connection with its election coverage. The awards were sponsored by the International Labor Communications Association.

## Tax loopholes for big business

Tax bills considered this summer by Congress would give corporations billions of dollars in new tax breaks at a time when many large corporations are already avoiding paying taxes.

Out of 2.3 million US corporations, more than half paid no federal income tax at all between 1989 and 1995, according to a study by the General Accounting Office of the US government. Four out of every 10 companies with more than \$250 million in assets or \$50 million in gross receipts paid less than \$100,000 in federal taxes in 1995.

Paying \$100,000 on \$50 million in receipts is a mere 2/10 of one percent. Taxed at that rate, a wage earner with an annual income of \$50,000 would pay exactly \$100 bucks in federal taxes.

How do the big guys get away with it? According to no less an authority than the Wall Street Journal (Aug. 4, 1999):

"They establish financial subsidiaries in tax havens. They indulge in tax shelters so complex government auditors can't always understand them. They shift profits to low-tax countries by manipulating prices when doing business with their own overseas branches. And they take full advantage of the tax breaks that Congress has awarded over the years, while dispatching lobbyists to plead for still more."

Those pleas have found a friendly ear in this Congress. In the \$792 billion tax-cut bill passed by the US House, corporate lobbyists persuaded elected officials to include \$100 billion in new tax cuts for business over 10 years.



## Union expands clerical unit at PG&E

A group of previously-unrepresented employees performing clerical work for Pacific Gas & Electric at 123 Mission in San Francisco is now covered by the Local 1245 Clerical Agreement.

The employees earlier this year elected Local 1245 as their bargaining representative. The secret-ballot election was conducted by the National Labor Relations Board.

Negotiations earlier this year produced an agreement that, with some minor modifications, folded the group into the Local 1245 Clerical Agreement.



The newly-organized Clerical group at PG&E, pictured here shortly after the NLRB election, consists of Puri Mojica, Donna Jones, Patty Sadaya, Paz Lee, Beatriz Foronda, Jeanne Walsh, Tawnya Carter, Maryann Dennehy, and Richard Kozakiewicz. Also shown is Local 1245 Business Rep. Debbie Mazzanti, who assisted the organizing effort.

Photo: Eric Wolfe

**\$10.6 million is average pay**

## Pay gap widens between workers, top execs

It's not just your imagination: someone is looking down on you from the top of a very tall ladder.

A study released late last month has found that the pay gap between the average worker and top corporate executives in the United States has widened dramatically during the 1990s.

The report found that the average annual compensation for a chief executive of a large company was \$10.6 million last year, roughly a fivefold increase from the \$1.8 million of 1990. In 1998 alone, the pay of executives rose 36%, compared with 2.7% for the average blue-collar worker.

According to the report, "A Decade of Executive Excess," the ratio of top executive to factory worker pay has rocketed to 419 to 1. In 1980, the ratio was 42 to 1.

If the pay of workers had increased at the same rate as the boss's pay, the average production worker today would be earning more than \$110,000 annually, compared to the \$29,000 he or she actually makes.

If the minimum wage had kept pace with executive pay, it would now stand at \$22.08 an hour rather than the current \$5.15.

Large advances in the stock market have helped fuel the massive gains in executive pay during the 1990s. Most corporate leaders now rely on exercising stock options for the bulk of their annual compensation.

But boards of directors also have been increasing the amount of options they grant to senior executives, according to a story by Tim Smart in the Washington Post.

### Grants Getting Larger

"The size of the grants is getting somewhat larger," Yale Tauber, a management consultant, told The Post. He said grants in 1998 were anywhere from 35% to 50% higher than a year ago.

The compensation of some executives has reached truly staggering proportions. Michael Eisner, head of Disney, took in \$575 million last year, which works out to over \$11 million a week.

Citigroup chief Sanford Weill had to settle for a meager \$167 million, or just \$2.2 million a week.

Some executives justify their exorbitant salaries by pointing to the

profits their companies have made during their watch. However, according to the AFL-CIO, executive pay has risen an average of 500% over the past 15 years, a pace three times faster than corporate profits.

## SMUD seeks warehouse modifications

In its on-going effort to "re-engineer" its workforce, the Sacramento Municipal Utility District is seeking to modify its warehouse functions.

SMUD began piloting a project in Supply Chain Services in March. The pilot ended July 31, and SMUD has now turned its attention to the warehouse functions within the supply chain, according to Local 1245 Business Rep. Dennis Seyfer.

The functions under review include receiving, issuing, salvage, and pole and wire yard positions.

The District recently posted three exempt positions and is now moving to redesign the IBEW-represented warehouse positions. SMUD has sought and received recommendations from Local 1245 for union members to serve on the committee that will redesign those positions, Seyfer said.

## Walter 'Maurice' Mims



The death of Walter "Maurice" Mims on Aug. 20 was mourned by Local 1245 members and staff who remembered him as a dedicated shop steward who spoke his mind and defended the rights of his fellow workers.

Mims worked as a heavy equipment operator for PG&E in Richmond, having served the company for over 30 years.

Mims is survived by his children, Monica Marie Mims of Mesa, Ariz., Nicole Lynn Mims of Richmond, and Eric Walter Mims, an IBEW member in Houston, Texas.



**2,000 in 2,000**

## IBEW member Steve Harvey aims for seat on Richmond City Council



In 1998 Steve Harvey paid his own way to attend the Second Annual Conference for Union Members Elected or Appointed to Public Office in Washington, DC. Harvey, a member of IBEW Local 302 in Richmond, Ca., wasn't an elected official. But he liked what he heard at the conference, where AFL-CIO President John Sweeney encouraged more union members to run for office because "there are damn few working people making decisions for working people."

Harvey, a member of the local Planning Commission for nine years, decided to make a run for the Richmond City Council.

Defending worker rights is the heart of his campaign.

"On the City Council," Harvey says, "I will fight for the rights of working men and women by supporting prevailing wages for City construction projects."

He has also pledged to work for "increased health and safety protections in both the public and private sectors," and to support "training opportunities, retraining, and union apprenticeship programs for all city residents."

In short, Steve Harvey is exactly what AFL-CIO President John Sweeney had in mind when he called on working people to elect 2,000 union members to elective office in the year 2000.

Campaigning for local planning commission, school board, or legislature provides union members with an opportunity to spread the word about issues that affect working families. Winning office means creating leaders who understand the issues that workers face, and who respect

the importance of union organizing.

Part of the process of electing "2000 in 2000" is finding union members who already hold elective office. There are more than you might think.

One of the highest-profile unionists in public office is the Speaker of the California Assembly, Antonio Villaraigosa, who has extensive experience as a union organizer.

"Working families win when we are represented by one of our own," says Villaraigosa. "Union members not only know what matters to working families, but we understand how to balance interests and negotiate agreements. We're trained in the fine art of compromise, and our approach is based on teamwork, fairness and respect."

According to the California Labor Federation, there are at least 78 union members currently holding office in California. To help the AFL-CIO reach its goal of "2000 in 2000," California's proportional share is 280 unionists on the ballot next year.

"A union member—one who has experienced the power and the victories that come from organizing—is just the person to run for office with an inspirational, can-do message for the community," says Villaraigosa. "Once in office, we are able to make real changes in the policies affecting working families. This year, for example, the state Legislature has restored daily overtime pay and upheld fair prevailing wages. We're

now working to ban discrimination against older workers, protect the right to unionize, clean up the underground economy and strengthen workplace safety and health policies."

### Fight for Good-Paying Jobs

Steve Harvey wants to be among those who are advancing the goals of working people by seeking elective office. Harvey pledges to fight for more good paying jobs for Richmond residents, and expansion of adult job retraining, mentoring and apprenticeship programs for youth. Safe streets and safe schools will be among his top priorities, which he hopes to achieve through a combination of prevention and protection that includes support for children's recreation and education programs, and more police in the community.

Community service is not a new calling for Harvey. In addition to his service on the Planning Commission, he led the volunteer effort to install the electrical work for eight

homes built by Habitat for Humanity in Richmond's Iron Triangle neighborhood.

Harvey lives in Richmond with his wife, Jill, and their one-year old son. He has been a member of IBEW Local 302 since 1984 and became a journeyman electrician in 1987.

If you would like to see Steve Harvey win election to the Richmond City Council, guess what? You can help! Starting Labor Day, the Harvey campaign will be walking door to door, passing out literature and identifying supporters.

For more  
information,  
or to volunteer:  
(510) 222-2755

**Steve Harvey is exactly what AFL-CIO President John Sweeney had in mind when he called on working people to elect 2,000 union members to elective office in the year 2000. Harvey pledges to fight for more good paying jobs for Richmond residents, and expansion of adult job retraining, mentoring and apprenticeship programs for youth.**





Members of the Executive Board and Advisory Council gave a standing ovation to Roger Stalcup, who was honored at the August Advisory Council meeting for his long service on the Local 1245 Review Committee. From left: Ed Mallory, Roger Stalcup, Darrel Mitchell, Jim McCauley (behind Mitchell), Chris Habecker, and Mike Davis.

## ADVISORY COUNCIL

RENO, NEVADA

AUGUST 14-15

1999

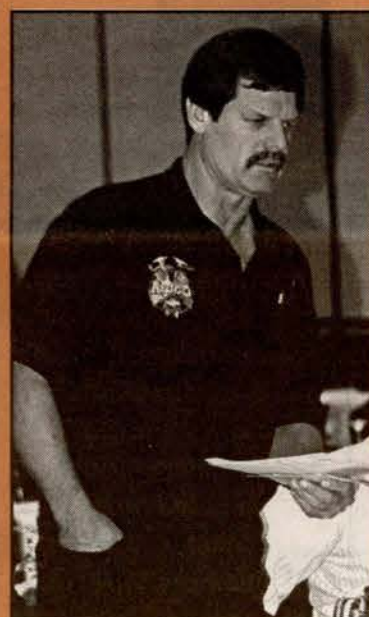
### Stalcup honored for service

Assistant Business Manager Roger Stalcup was honored at the August Advisory Council meeting for 20 years of distinguished service on the PG&E Review Committee.

"Roger spent two decades handling PG&E grievances at the top level. He got the cases that other people couldn't settle at the lower levels of the grievance process," said Senior Assistant Business Manager Darrel Mitchell.

Handling grievances at that level is quite legalistic and technical, Mitchell noted, and Review Committee decisions carry added importance because they are precedent setting.

Thanks to Stalcup, the union prevailed in many key cases, including decisions on the contracting out of work, the right of individuals in overtime situations to determine if they're capable of continuing to work, and a case involving the discharge of a war veteran suffering from Post-Traumatic Stress Syndrome.



Bob Vieira

### Sierra Pacific merger

Nevada Advisory Council representative Bob Vieira reported on the Sierra Pacific Power merger with Nevada Power.

Vieira credited Business Reps Bob Choate and Ray Thomas for "working out a lot of the kinks for our brothers and sisters in the power plants, which have to be sold" as a condition of the merger.

Grievances that accumulated during recent negotiations are now being whittled down, Vieira reported. One grievance helped 26 people bridge their points to be qualified for retirement.



Tom Rowley

### Light rail & fiber optics keep Outside Construction busy

Outside Construction Advisory Council representative Tom Rowley reported that the work picture "is still going steady."

Currently there is a lot of light rail work in the San Jose and Sacramento areas, as well as fiber optic work all over northern California.

Rowley noted an increase in takeovers in the industry, with Taylorbuilt recently taking over Quanta, owner of Par Electric.



Please Post

POLITICS

# Overtime vote reveals

*Did your State Senator vote to*

## Restore Overtime



Burton



Perata



Speier



Sher



Figueroa



Ortiz



Chesbro



Johnston



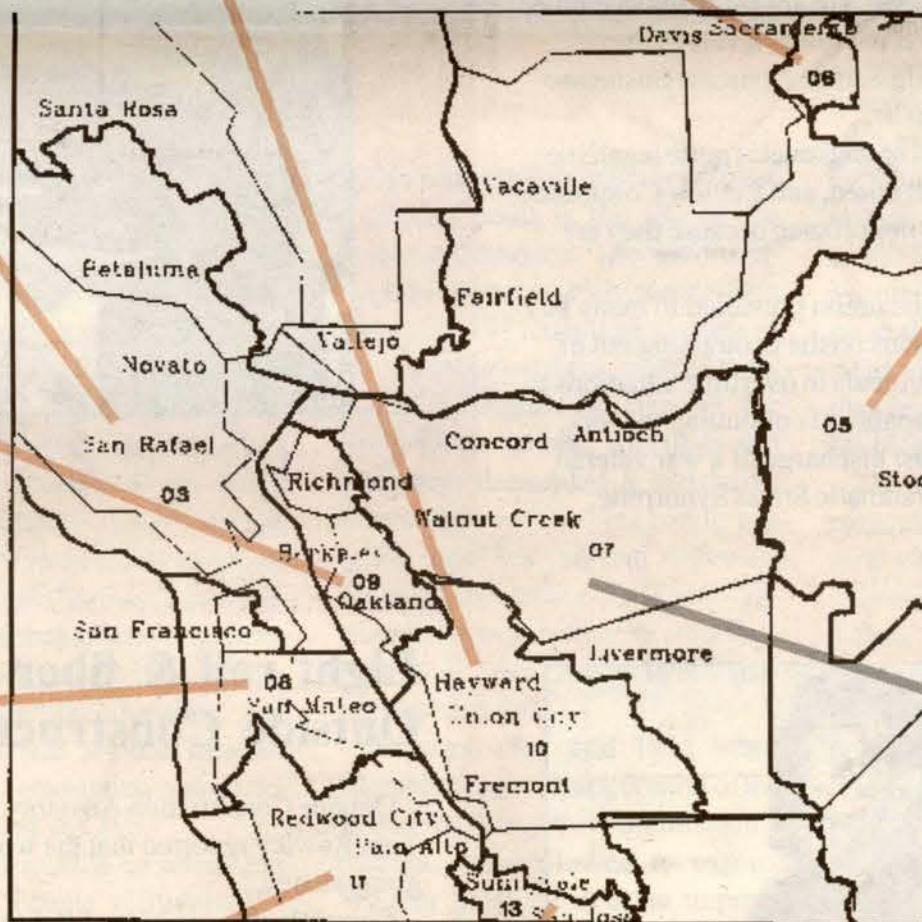
Costa



Vasconcellos



O'Connell

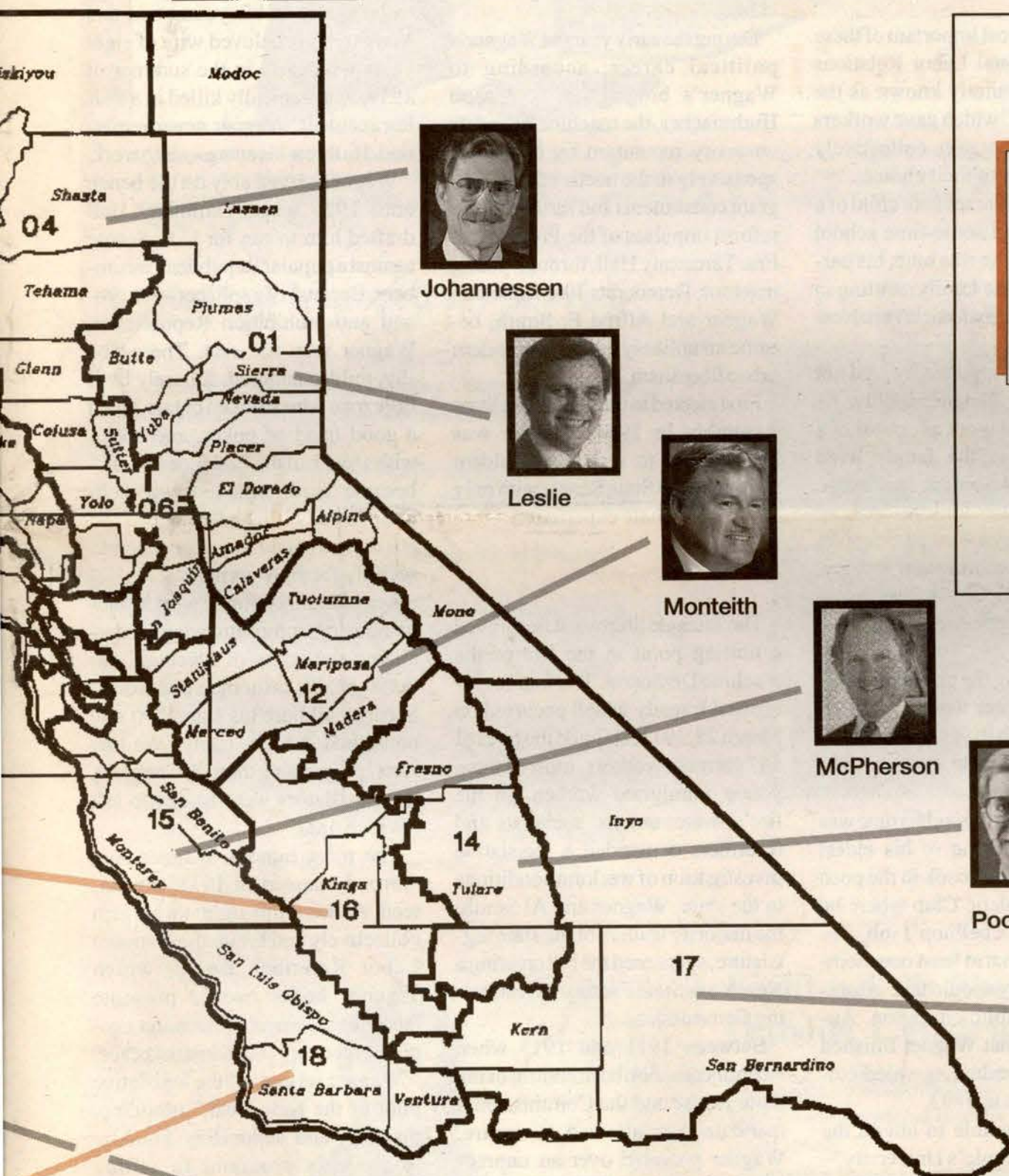


See Bay Area Map



# legislators' true colors

Restore overtime pay, or to kill it?



## Key

Voted to  
**Restore**  
Overtime  
Pay

Voted to  
**Kill**  
Overtime  
Pay

How did your  
State Senator  
vote?



McPherson



Poochigian



Knight



Rainey

**Kill Overtime**



# Wagner championed workers' right to organize

**Remembering the privation of his boyhood, Wagner would later say, "I came through it, yes. But that was luck, luck, luck! Think of the others!"**



**Legislation for public works, public housing, minimum wage, federalizing the crime of lynching, national health insurance and Social Security all bore Wagner's stamp. The Wagner Act of 1935 guaranteed workers the right to bargain collectively and set up the National Labor Relations Board.**

By Debra E. Bernhardt

**O**n June 8, 1877 in Nastatten, Germany, a child was born who would grow up to draft and push into law dozens of measures in support of workers' economic and social rights.

One of the most important of these was the National Labor Relations Act, more popularly known as the "Wagner Act," which gave workers the right to bargain collectively through unions of their choice.

Wagner was the seventh child of a textile dyer and some-time school teacher. When he was nine, his parents uprooted the family, settling in Yorkville, a German enclave in New York City.

The "land of opportunity" did not treat the elder Wagner kindly; he could only find work as janitor of a tenement where the family lived rent-free in a basement apartment. Wagner's mother took in washing and all the children worked to supplement their father's meager income. After school, "Bobby" sold newspapers, delivered groceries and peddled candy.

Remembering the privation of his boyhood, Wagner would later say, "I came through it, yes. But that was luck, luck, luck! Think of the others!"

Part of Wagner's good fortune was to have the backing of his eldest brother, August. A cook in the posh New York Athletic Club where he got his brother a bellhop's job, August believed that at least one member of the family should take advantage of free public education. August saw to it that Wagner finished high school, graduating valedictorian of his class in 1893.

"Bobby" was able to attend the tuition-free "People's University"—City College—where he played football and joined the debating team. Upon graduation in 1898, he was about to embark on a career as school teacher when a boyhood friend convinced him to enroll in New York Law School.

He graduated with honors, and after passing the bar in 1900, formed

a partnership with his friend.

Wagner became involved in politics as many young lawyers do, to build his practice. At that time New York City politics was the domain of the Tammany Hall Democratic machine.

During the early years of Wagner's political career, according to Wagner's biographer, J. Joseph Huthmacher, the machine belied its unsavory reputation by acting responsively to the needs of its immigrant constituents and furthering the reform impulses of the Progressive Era. Tammany Hall, through young machine Democrats like Robert F. Wagner and Alfred E. Smith, became an unlikely cradle for modern urban liberalism.

First elected to the New York State Assembly in 1904, Wagner was hand-picked to serve as president pro tem of the State Senate with only two years Senate experience.

## Triangle Shirtwaist Fire

The Triangle Shirtwaist fire proved a turning point in the life of the machine Democrat. The famous industrial tragedy which occurred on March 25, 1911, claimed the lives of 147 garment workers, most of them young immigrant women. In the fire's wake, unions, socialists and reformers demanded a legislative investigation of working conditions in the state. Wagner and Al Smith, the majority leaders of the state legislature, sponsored the bill creating a New York State Factory Investigating Commission.

Between 1911 and 1915 when Republicans took back control of the State House and the Commission's mandate was allowed to expire, Wagner presided over an unprecedented and detailed analysis of America's new industrial order. Wagner heard hundreds of witnesses testify and made tours of factories and tenements throughout the state.

He would not quickly forget what he saw. Based upon the Commission's recommendations, Wagner and Smith introduced 60

measures for humanizing the work place; 56 of them became state law.

When Al Smith was elected New York's governor in 1918, Wagner chose to run for and was elected to the New York State Supreme Court to be closer to his young son and Margaret, his beloved wife of eight years who early in the summer of 1919, was tragically killed in a trolley accident. Wagner never remarried. He threw his energies into work.

Wagner served ably on the bench until 1926 when Tammany Hall drafted him to run for U.S. Senate against a popular Republican incumbent. Because of a split between pro- and anti-prohibition Republicans, Wagner won the seat. There, the shy, mild-mannered, squarely built little man who smoked cigars, liked a good hand of poker, and spoke with a touch of the East Side ("work" became "woik"), moved with "Teutonic tenacity" toward his objectives. His objective had become economic security for all Americans.

Legislation for public works, public housing, minimum wage, federalizing the crime of lynching, national health insurance and Social Security all bore his stamp. At one point there were so many "Wagner Acts" progressing through Congress, that legislators were forced to ask "Which one?"

The most famous Wagner Act, narrowly passed in 1935, guaranteed workers the right to bargain collectively and set up the National Labor Relations Board, which Wagner hoped would promote labor-management cooperation, economic recovery and industrial peace.

Wagner served as "the legislative pilot of the New Deal," prodding, planning and supporting Franklin Roosevelt's program. In failing health, he lived to see passage of what he called the "reactionary, unfair, and unduly political" Taft-Hartley "amendments" to his act. He resigned from the Senate in 1949 and died in 1953.

Deborah Bernhardt is head of the Robert F. Wagner Labor Archives at New York University.



## Why was the National Labor Relations Act (Wagner Act) passed into law and what was it intended to accomplish?



*"The workers desire to get as much as possible, the masters to give as little as possible. It is not, however, difficult to foresee which of the two parties must, upon all ordinary occasions, have the advantage in the dispute."*

By Megan Downs

This quote, stated in Adam Smith's *The Wealth of Nations* almost two centuries ago, still holds true today. By forming unions, organized workers have succeeded in creating a better standard of living for Americans.

The struggle for social justice was not easily attained. Our hero, the worker, has fought bravely against the oppressing employers. He achieves few victories. However, one, victory, the Wagner Act, gives our hero the advantage of bargaining collectively; thus, ensuring his rights as a valuable employee.

Unions were unprepared to deal with the devastating changes the depression brought to the workplace. Membership declined as layoffs increased and shops closed. As panic and hunger grew throughout America, so did the availability of cheap labor, striking another blow towards the union movement.

A legislative bill, the National Industrial Recovery Act (NIRA) gave laborers the right to organize through unions of their own choosing, but did not state that the employers should advocate unions. Under the NIRA employers were given the authority to control production and wages, both which they abused. Unfortunately, employers were successfully resisting collective bargaining demands.

Finally, Sen. Robert Wagner introduced a bill that set up a National Labor Relations Board (NLRB), protecting the nation's industrial workers by assuring them the right to organize. Wagner's bill ensured that unions would not be ignored.

The NLRB provided new chances for the worker. The Wagner Act's original intent was to prohibit unfair practices by employers like firing, espionage, violence, and strikebreakers. The board would also conduct elections that determined if the workers desired to collectively bargain and if so whom they wanted to represent them.

Clearly, when the act was introduced, it was not acclaimed by the employers. Many organizations sought to paralyze the board. Luckily, in the Supreme Court case *NLRB v. James & Laughlin Steel Corp.* it was stated that the NLRB could resume its function, free of harassment; therefore empowering the worker.

Since the Wagner Bill was passed, unions have made vast improvements in the working world. Unions have strived for the forty hour work week, abolition of child labor, workers compensation and Social Security.



Photo: Landis Martilla

### ESSAY WINNER

Megan Downs was awarded the 1999 Al Sandoval Memorial Competitive Scholarship at the Advisory Council meeting in Reno, Nev. last month. Downs won the \$2,000 scholarship for her essay (reprinted here) on this year's topic: "Why was the National Labor Relations Act (Wagner Act) passed into law and what was it intended to accomplish?" Contest judge was retired Assistant Business Manager Orv Owen. Downs is the daughter of Local 1245 steward Scott Downs, who works at Sierra Pacific Power. Pictured above, from left, are: Orv Owen, Scott Downs, Megan Downs, Brenda Downs, and Brianne Downs.

As time marches on, union enrollment is drastically declining. In today's world of relentless cost cutting and weaker unions, it is easier for bosses to defy the Wagner Act. For aggressive bosses, unionbusting comes virtually risk-free. If tried by the NLRB because of illegal firings, the only punishment is re-hiring the

worker, many times with less pay.

It's obvious that the original intent of the NLRB has lost some of its religious fervor. The modern day workplace is in dire need of workers and board members faithful to the union movement and its ideal. Organizing the workers is the key to the future of the union movement.

## Wagner Act paved way for our wages & benefits

Local 1245 members would have few of the contractual protections they enjoy today without the Wagner Act.

Pacific Gas & Electric, for example, was so opposed to collective bargaining that management refused to recognize unions even *after* the Wagner Act was passed in 1935.

In 1938, the National Labor Relations Board issued a complaint against PG&E for promoting a company union in an effort to defeat legitimate union drives at the company. PG&E General Manager P.M. Downing defiantly told the NLRB the company would not comply with its order.

In 1941, the US Ninth District Circuit Court of Appeals upheld the NLRB, and PG&E was forced to halt its illegal efforts to defeat the union. With the protection of the Wagner Act, PG&E employees eventually elected IBEW 1245, as did employees at Sierra Pacific Power, Sacramento Municipal Utility District, and dozens of other private companies and public agencies.

Many decades of collective bargaining then produced the wages, health benefits, holidays, vacations, sick leave, apprenticeship programs, and the other benefits and working conditions that Local 1245 members enjoy today.







## Worker deaths prompt fines

**C**al-OSHA has lowered the boom on two employers responsible for recent workplace fatalities.

Last month, Cal-OSHA fined Tosco Refining Co. \$810,750 for 33 alleged violations of state workplace safety regulations. Cal-OSHA's investigation was triggered by a Feb. 23 accident in which four employees died and another was seriously injured.

Sixteen of the alleged violations were classified as "willful," signifying that the employer committed an intentional and knowing violation or was aware that a hazardous condition existed and made no effort to

eliminate it.

Cal-OSHA cited Quantic Industries, Inc. for 26 alleged violations of the state workplace safety regulations as a result of the state agency's investigation into a fatal explosion last February at the company's facility in Hollister.

One employee died and another was seriously burned in the explosion. Cal-OSHA issued \$146,475 in penalties, including two fines for willful violations.

A criminal investigation now underway by Cal-OSHA's Bureau of Investigation is focusing on possible criminal liability.

## For-profit HMOs fall short

**F**or-profit HMOs provide lower quality medical care than their non-profit counterparts, according to a study published in the July 14th issue of the Journal of the American Medical Association.

The study, by Harvard physicians David Himmelstein and Steffi Woolhandler, analyzed all the quality indicators collected by the National Committee for Quality Assurance. For-profit HMOs scored lower on all 14 measures.

In for-profit plans, toddlers and adolescents were 12% less likely to get immunizations; women were 8% less likely to receive mammograms, 6% less likely to get early prenatal care, 5% less likely to get postpartum checkups, and 10% less likely to get pap smears.

In for-profit HMOs, 27% fewer diabetics got the eye care they needed to prevent blindness, and heart attack patients were 16% less likely to get life saving beta-blocker drugs.

## Fewer Californians die on job

**F**ewer California workers died on the job in 1998 than in 1997, according to preliminary reports.

In 1998, 617 workers were killed on the job, compared to 652 in 1997, according to the California Department of Industrial Relations' Division of Labor Statistics and Research.

"While we aim toward eliminating all workplace fatalities, the decrease in deaths during 1998 is welcome news to us," said Steve Smith, director of the Department of Industrial Relations.

"Now that we are expanding our Cal-OSHA enforcement staff for the first time in years, we hope to further

reduce the number of workplace fatalities."

Transportation accidents represented the leading cause of workplace deaths in 1998, with 249 fatalities or 40% of the total in California.

Assault and violent acts caused 147 deaths, making this the second leading cause of workplace fatalities. In 1993, assaults accounted for 245 occupational fatalities; in 1997 the number was 174.

Falls killed 80 workers (13% of the total). Exposure to harmful substances and environments, such as electrical current, wiring and transformers, took 57 lives.

By the Local 1245  
Safety Committee



## Know your knots

**A**re you using ropes at work or at home? How well do you know your knots?

Well enough to trust your life with? Well enough to avoid getting injured or causing some property damage?

Whatever you tie, it is a good idea to tie a couple halfhitches behind your knot. That way if your original knot fails you will have a backup knot to catch it.

Also, is the rope you are using rated for the load, and what about

friction?

Friction and heat can cause ropes to fail. Inspect your ropes by checking for frays. You can twist open a 3-4 strand rope to inspect the internal strands. If they are frayed, discontinue use of the rope for any heavy loads.

Multibraids can be inspected the same way, but external wear is a good indication of a bad rope. Any rope with a friction burn (melted point) should have that point removed (cut out) and replaced.

## Work smarter, not harder

**A**s workers gain more experience, we need to learn how to work smarter.

We need to know our limitations, and our experience should allow us to work more efficiently with less stress to ourselves.

Knowing how much you can do

allows you to plan your job with less risk of injury. If you need help, ask for it.

And remember to pass on to our newer members your knowledge on how to make the job easier and safer.

A lost-time accident does not do anyone any good.



"You here to complain about lathe number five again?"

Current members of the Local 1245 Safety Committee are: Rod Wright, Modesto Irrigation District; Grant Ritchie, SMUD; Mark Rose, Davey Tree; Ralph Muraca, City of Santa Clara, and Business Rep. Art Murray.





## Women deserve equitable treatment from our Social Security system

By Orv Owen

**T**he more I study the facts of the current Social Security system, the more convinced I become that there are some reforms needed to provide fairness and equity for women.

Social Security is the nation's universal pension and family insurance system. It is the single most important source of retirement income for women, who live longer, earn less, change jobs more often, work fewer years due to childbirth and care, and tend to work in jobs that do not have pension plans.

A recent study of poverty among the elderly finds that without Social Security, 52.6% of elderly women would have dropped below the poverty line in 1997.

Women represent nearly three-fourths of all people in poverty over age 65. Only 13% of women over age 65 receive a pension. One-quarter of all Hispanic women and one-third of black women over age 65 live in poverty. Women over age 65 have a median income that is almost 57% less than their male counterparts, \$10,062 per year for women versus \$17,768 per year for men in 1997.

On average, women live four to five years longer than men, and as a consequence, women are far more likely to end up in nursing homes and far more likely to need long-term care assistance than men.

Because women are traditional family care-givers, they are more likely than men to stay home to care for children and sick or elderly relatives.

At present, Social Security benefits are based on the average wage over a beneficiary's work life with an allowance to drop the five lowest years. However, many women have additional low or no earning years while raising children and providing their care. During these child caring years, there is a significant negative

impact on the amount of their Social Security benefit.

Women who choose to remain out of the labor market to care for their children should receive recognition for that choice. This recognition should be not only social, but also material. This would recognize and give credence to the social and economic value of parental caregiving.

Since the decision is shared by parents on who will be the wage earner and who will stay home and care for the children, it would appear only fair that both parents should share equally in the Social Security benefits.

Keep the faith!

Orv Owen is former Assistant Business Manager for Local 1245.

## Davis signs law to combat bias against older workers

**G**ov. Gray Davis has signed into law a bill sponsored by the California Labor Federation that allows victims of age discrimination to take action against their employers.

In the last five years, nearly 15,000 claims of age discrimination have been filed in California. In theory, workers were already protected by the California Fair Employment and Housing Act, which prohibits discrimination based upon sex, race, age and other protected categories.

Unfortunately, these protections were rendered almost useless by a 1998 court case, *Marks v. Loral*, where the California Court of Appeals held that workers had to show that their employer intentionally discriminated against them.

The court held that an employer

may choose to hire or retain employees with lower salaries, even though this may result in choosing younger employees. The *Marks* decision was binding on all trial courts statewide.

Older workers with long service to their companies were put at serious risk by this court decision.

Under the new law, Senate Bill 26, employees can use "disparate impact" analysis to prove age discrimination by showing that an employer's policies and/or practices *disproportionately impacted* a group of persons, even if the worker can't show the employer discriminated against them individually.

SB 26 marks a victory for older workers, a victory made possible by California's labor unions and our allies in the California legislature.

## Congratulations!

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

William Benning, 14 years  
Sonoma, CA

John Daudet Jr., 38 years  
Hollister, CA

James Elling, 37 years  
Tracy, CA

Robert Ferrari, 34 years  
Carmichael, CA

Dorothy Fini, 7 years  
San Jose, CA

John Gasaway, 29 years  
Pleasanton, CA

Joseph Gomez Jr., 41 years  
Salinas, CA

Richard Gracie, 36 years  
Greenville, CA

Arthur Hatch, 42 years  
Rohnert Park, CA

Ralph Heinrich, 39 years  
Modesto, CA

Clifford Hembree, 40 years  
Susanville, CA

Virgil Hollingsworth, 28 years  
Bakersfield, CA

Thomas Hoskins, 33 years  
Burney, CA

Janace James, 15 years  
Fayetteville, AR

David King, 26 years  
Davis, CA

James Klugherz, 16 years  
Willits, CA

Warren Meyers, 27 years  
Santa Cruz, CA

Frank Montoya, 35 years  
San Leandro, CA

Don Murrison, 40 years  
Modesto, CA

Felipe Ornelas, 26 years  
Tracy, CA

Delbert Schulze, 32 years  
Sutter Creek, CA

## You are cordially invited . . .

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

**East Bay Chapter:** meets 2nd Thursday each month, 10 a.m., at Local 1245 headquarters, 3063 Citrus Circle, Walnut Creek, CA.

**San Jose Chapter:** meets 1st Thursday each month, 10 a.m., at Local 332, 1870 Stone Ave., San Jose, CA.





## 50 Years

Accepting a 50-year Service Award from Business Rep. Kathy Maas was Jim Brent.



## 40 Years

Accepting a 40-year Service Award in person was Bruno Guerriero.



## 35 Years

Accepting a 35-year Service Award in person was Al Randall.



## 30 Years

Accepting 30-year Service Awards in person were Len Worsham, Wayne Johnson, Mel Eurich, and Bob Sorentrue.



## 20 Years

Accepting 20-year Service Awards in person were Karen Russell, Peter Ortiz, and Douglas Mattson.

# San Jose July 24, 1999



## 50 Years

Brent, Jim

## 40 Years

Guerriero, Bruno  
Hernandez, Jose

## 35 Years

Alvarez, Charles  
Biggs, R D  
Gauthier, Richard  
Kerstulovich, J  
McCurdy, Dowl  
Perez, Rigo  
Ramirez, Jose  
Randall, A E  
Volquardsen, Harke  
Woodward, Michael

## 30 Years

Calhoun, C  
Carter, Reidar  
Colvin, Paul  
Cook, Ronnie  
De La Cruz, Elpidio  
Eastman, Everett  
Eurich, Melvin  
Freund, Gerhard  
Garza, Don  
Gonzales, Alex  
Gretchen, James  
Johnson, Wayne  
Kirkbride, Clifford  
Leikam, Ted  
Meyer, John  
Meyers, Warren  
Mints, Tom  
Moro, John  
Peters, J G  
Peters, Jerry  
Sorentrue, Robert  
Thomas, David  
Villegas, Jose  
Weeks, Ronald  
Worsham, Lenward  
Ybarra, Esteban  
Ybarra, Pablo

## 25 Years

Ahn, Byung  
Benavides, John  
Boyen, Richard  
Cain, Dorothy  
Cardinale Jr, John  
Carr, Jeffery  
Cramer, Stephen  
Eng, Helen  
Hernandez, Jose  
Herrera, Robert  
Jensen, David  
Kasper, Charles  
Lacy, Danny

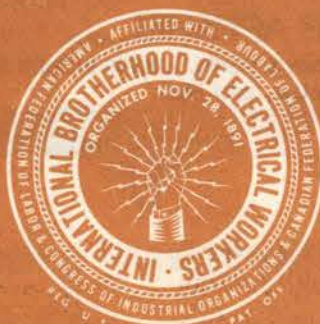
Lira, Rosendo  
Mann, Dale  
Munoz, Magdalena  
Munson, Paul  
Muro, David  
Nyberg, Richard  
Ohara, Janie  
Petrucci, James  
Rayner, Lance  
Robedeaux, Kenneth  
Rodriguez, Rocky  
Romero, Ivan  
Sanchez, Lenard  
Scheepe, Woulter  
Smtih, Donald  
Solorio, Armando  
Suniga, Anthony  
Tomey, Robert  
Villagomez, Robert

## 20 Years

Alvarez, Manuel  
Atondo, Ricky  
Battiato, Richard  
Berault, Charles  
Bertran, Joseph  
Boudreaux, Anthony  
Boynton, Scott  
Bravo, Mario  
Ceniceros, Marc  
Coronel, Ramiro  
Eads, Paula  
Fung, Jeffrey  
Garcia, Marie  
Gazay, Michael  
Houston, Russell  
Ingoglia, James  
Keith, Gary  
Kelly, William  
Lachapelle, Dale  
Lansing, Ansje  
Libbey, Steven  
Lunn, Steven  
Mason, Sheryl  
Mattson, Douglas  
Merrill, Joann  
Myers, Alan  
Nakanishi, Clifford  
Nazareno, Oscar  
Norrenberg, Alfred  
Ogden Ili, James  
Ortiz, Peter  
Perez, John  
Redondo, Ronald  
Rodriguez, Richard  
Rounds, Jean  
Russell, Karen  
Silva, Fernando  
Stover, Charles  
Thomas, Richard  
Vallejo, Craig  
Waters, Jim  
West, Michael  
Wortman, Terre

## 25 Years

Accepting 25-year Service Awards in person were David Muro, John Cardinale, Dorothy Cain, and Al Beltran.







# Please Don't Patronize!

Boycotts Endorsed by the AFL-CIO



## BUILDING MATERIALS & TOOLS

### BROWN & SHARPE MFG. CO.

Measuring, cutting and machine tools and pumps  
Machinists

### JET EQUIPMENT & TOOLS

Auburn, Wash., distributor of "JET" brand metal and wood-working power and hand tools for home and commercial use.

Teamsters

### SOUTHWIRE CO.

Commercial and industrial wire and cable; Do-it-yourself brand Homewire

Electrical Workers (IBEW)

## FURNITURE

### STRAITS FURNITURE CO.

Jackson, Miss. manufacturer of entertainment centers, dining-room and bedroom furniture. Brands include: Canbrough Oak Collection, Downing Street Collection, Cherry Creek Collection, Hood, Straits.

Electronic Workers, Furniture Workers Division

## TRANSPORTATION & TRAVEL

### ALITALIA AIRLINES

Air transport for passengers and freight

Machinists

### BEST WESTERN-GROSVENOR RESORT

Hotel in Lake Buena Vista, Fla.; located at Disney World, but separately owned and operated

Hotel Employees & Restaurant Employees

### CROWN CENTRAL PETROLEUM

Gasoline sold at Crown, Fast Fare and Zippy Mart stations and convenience stores.

Oil Chemical & Atomic Workers

### FOUR POINTS BY SHERATON

Hotel in Waterbury, Conn.

Hotel Employees and Restaurant Employees

### HOLIDAY INN SUNSPREE HOTEL

Hotel in Kapaa, Hawaii

Longshore & Warehouse Union

### NEW OTANI HOTEL & GARDEN

Hotel in downtown Los Angeles

Hotel Employees & Restaurant Employees

If you had to strike because your employer was unfair, you wouldn't want someone to cross your picketline. It's the same with boycotts. These boycotts have been called because unfair employers have refused to honor the rights of working people. Think of it as a consumer picketline: *don't cross it!*

## FOOD & BEVERAGES

### CALIFORNIA TABLE GRAPES

Table grapes that do not bear the UFW union label on the carton or crate

United Farm Workers

### DIAMOND WALNUT CO.

Diamond brand canned and bagged walnuts and walnut pieces

Teamsters

### FARMLAND DAIRY

Milk sold under the Farmland Dairy label in stores in Connecticut, New Jersey and New York.

Teamsters

### MT. OLIVE PICKLE CO.

Pickles and relishes sold under the Mt. Olive and other labels, including the Food Lion and Harris Teeter supermarket "house" labels.

Farm Labor Organizing Committee

## CLOTHING

### MASTER APPAREL

Men's and boy's pants. Labels include Botany 500, Hills and Archer, and Blair

Electronic Workers

## ENTERTAINMENT/RECREATION

### BLACK ENTERTAINMENT TELEVISION

BET cable television, Action pay-per-view, Bet on Jazz

Electrical Workers (IBEW)

### REGAL CINEMAS

Chain of 250 movie theaters: "Regal Cinemas" & "Cobb Theaters"

Stage Employees & Moving Picture Technicians

## OTHERS

### CF&I STEEL and OREGON STEEL MILLS, INC.

Steel, including rod, bar, rail, pipe and steel plate

Steelworkers

### WELLS FARGO & NORWEST BANKS

Wells Fargo has branches in Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Texas, Utah and Washington; Norwest has branches in Arizona, Colorado, Indiana, Iowa, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, South Dakota, Texas, Wisconsin and Wyoming.

Steelworkers

### R.J. REYNOLDS TOBACCO CO.

Cigarettes: Camel, Winston, Salem, Doral, Vantage, More, Now, Real, Bright, Century, Sterling, YSL/Ritz; Smoking Tobaccos: Prince Albert, George Washington, Cater Hall, Apple, Madeira Mixture, Royal Comfort, Top, Our Advertiser; Little Cigars: Winchester

Bakery, Confectionery & Tobacco Workers

Please Post