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Utility Reporter

IBEW LOCAL 1245 • AFL - CIO

Vol. 51 • No. 5

May 2002

Unity Is Strength



Keith Jackson, Tree Trimmer for Sacramento Municipal Utility District.

Story & Photos
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First meeting May 13

Union names PG&E bargaining committee

The Local 1245 bargaining committee will meet May 13 at the union's Walnut Creek headquarters to begin sorting through 650 proposals submitted by members for upcoming negotiations with Pacific Gas and Electric Co.

The bargaining committee will also review over 200 letters from retired union members concerned about recent sharp jumps in their out-of-pocket medical costs.

Business Manager Perry Zimmerman has named Assistant Business Manager Bob Choate to

lead the negotiations with PG&E. Assisting in the bargaining will be veteran negotiator Manny Mederos, who rejoined the Local 1245 staff in March after a long stint on staff at IBEW headquarters in Washington DC.

"We have very capable individuals to lead the bargaining, and we're going to bring a tremendous amount of talent to the table," said Local 1245 Business Manager Perry Zimmerman.

The union's bargaining committee, appointed by President Ed

Mallory, consists of Donna Ambeau, Senior Service Rep. I, Oakland; Sherry Barton, Operating Clerk Typist, Bakersfield; Cheryle Bradley,

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Sierra Pacific Power could face bankruptcy

A \$205 million rate hike sought by Sierra Pacific Power could mean the difference between financial viability and bankruptcy for the ailing utility, where some 665 physical and clerical workers are represented by Local 1245.

The utility is seeking the rate increase to cover costs incurred during last year's energy crisis, when wholesale power prices went through the roof.

Walt Higgins, chairman and CEO of the utility's parent company—Sierra Pacific Resources—warned on April 26 the company may be unable to purchase power if the Public Utilities Commission of Nevada (PUCN) doesn't approve the \$205

million "deferred energy" rate request.

Local 1245 Business Manager Perry Zimmerman expressed deep concern over the utility's financial health and the possible impact on service and employees.

"The lights need to stay on, and you have to have qualified people to do that," said Zimmerman. "Letting this company slide into bankruptcy is not a solution to the problem."

Hearings on the rate hike began April 29 in Reno.

The threat of bankruptcy became suddenly real in late March when the PUCN cut a rate request by Nevada Power—the Sierra Pacific Resources subsidiary in southern Nevada—

from \$922 million to \$485 million. That action triggered a one-day drop in Sierra Pacific Resources stock from \$15.09 to \$9.11 on April 1, and also battered the company's credit rating, which has descended to junk status.

"If our suppliers refuse to sell us power, bankruptcy might be an alternative," the Reno Gazette-Journal quoted Higgins as saying. But, said Higgins, the company was "doing everything it can to obtain the financial resources it needs to provide services" and the company's two utilities were up to date in paying their power-purchasing bills.

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CPUC threat to retirement funds

Current and retired employees could suffer a significant loss in their retirement savings if the California Public Utilities Commission plan to reorganize PG&E is ultimately adopted.

PG&E estimates that company stock—a major source of retirement savings for thousands of PG&E employees—could lose 40% of its value if the CPUC plan prevails over PG&E's own reorganization plan. An independent analysis confirmed the possibility of substantial losses in PG&E stock value if the CPUC plan is ultimately adopted.

The creditors committee in PG&E's bankruptcy case will vote on the two competing plans beginning in June in a process

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JUNE 15

Stewards Conference
Sacramento, CA

JULY 27-28

Advisory Council
Reno, NV

SEPTEMBER 7

Service Awards
Bakersfield, CA

APPOINTMENTS

ASPLUNDH TREE EXPERT CO.

Ballot Committee
Salvador Castaneda
David Glass
Baldemar Torres

CONFERENCES AND
CONVENTIONSA. Philip Randolph California Section
19th Statewide Conference

Adrienne Franks
Norma Ricker
Bernard Smallwood
Lula Washington

Western Labor Communications
Assoc. Annual Conference

Eric Wolfe

National Safety Council
Labor Division Meeting

Jim McCauley

2002 IBEW Telecommunications/
Broadcasting Conference

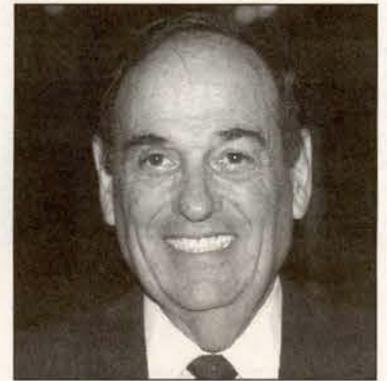
Mike Grill
Sheila Lawton
John Ramos

2002 Ninth District Progress Meeting

Anna Bayless-Martinez
Ed Caruso
Phil Carter
Michael Davis
Ed Dwyer
Jim Findley
Christine Habecker
Edward Mallory
John Mendoza
Jeff O'Donnell
David Scott
Sam Tamimi
Mark Taylor
Kathy Tindall
Perry Zimmerman

Bargaining breathes life into union

By Perry Zimmerman, Business Manager



The basic job of a trade union is collective bargaining. Yes, we are involved in politics and when our employers are regulated we are involved with the regulators and when our employers are bankrupt we are involved in bankruptcy court, but our basic job is collective bargaining. It is what we know best, do best, and like best.

There are years when there is not much bargaining going on at Local 1245, simply because of the timing of the contract terms. Then there are years like this one, when we are up to our eyes in bargaining. Every tree trimming contractor has been or is in bargaining this year. The Sacramento Municipal Utility District is in bargaining. Sierra Pacific will be in

bargaining. Pacific Gas and Electric Company will be in bargaining. A dozen other properties from the City of Berkeley to the City of Shasta Lake will be in bargaining.

Negotiating always breathes life into the union. Our members mobilize to submit and debate proposals for changes in the collective bargaining agreement. The "silent majority" of the union membership that is not involved in the grievance procedure and that may not attend every unit meeting focuses on the contract and possible improvements.

Once the proposals are submitted, the bargaining committee gets to work. This is one of the most fascinating and rewarding aspects of our job, taking dedicated volunteers from

the bargaining unit to sift through the many proposals and determine which should be included in the opening proposal to the employer.

The actual negotiating process demands the most of union staff and the bargaining committee. Costing proposals, knowing and thinking of options, and assessing the best tactics and timing demands our collective expertise and experience. If the days of the union negotiator pounding a fist on the table while demanding "more!" ever really existed, they are long gone, replaced by a more sophisticated and challenging process.

From start to finish, negotiations bring out the best in us and our members.

One particular challenge in this year's negotiations is the aging workforce. Many of the employers whom we represent have not done much hiring in the last ten years, which has produced a workforce that is rapidly approaching retirement. We have heard the concerns of the aging workforce as we prepare for bargaining – medical benefits after retirement and improved pension benefits. We have also heard the concerns of the employers, who are afraid that any incentive for employees to retire will decimate the workforce and management's ability to get its job done.

These two concerns can be reconciled, I am sure. We have a few ideas and I am sure that when we bring together the bargaining unit committee we will come up with a lot more and that when we meet with management we will come up with even more. I don't know what the answer will be, but I believe that there will be an answer that meets the needs of our members while letting management get its job done, too.



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Medical costs, pensions & political endorsements



Pension erosion

To the Editor:

As a retiree of 3 years now from PG&E, I wish to add my thoughts and support to those of you, both active employees and retired, who are very concerned about the erosion of pensions and benefits when in retirement.

I knew that PG&E had frozen the amount they would contribute to medical premiums with the year 2000. What I didn't know was that only the retirees would have to shoulder this additional expense—a group already under seige from rising drug costs and inflation. I wasn't part of the past negotiations that burdened only the retirees with this plan, but I had faith in my fellow union representatives that my and future retirees' futures would be considered as important as is the present working force. Since we can't change the past, I hope that our present union representatives will be mindful that such an inequality will be there waiting to drag down each and everyone's standard of living stepping into retirement.

Unfortunately, in our culture, the older employee is still largely seen as a cost liability to the corporate world. As we have seen, some of those knowledgeable, experienced and dependable people are "encouraged" to move out of the way for a younger, lower-paid employee. That same mind-set carries over to the retirees when they leave the workforce. All too often, this group is treated like a disrespected family relative. Were it not for our union representing both active and retired employees, there would not be close to the decent wages and benefits that we have grown accustomed to receiving.

Now is the time to wake up and realize that you will some day expect to retire and when you start to take count of what you now receive in pay and benefits versus what may be

a sobering reality, you may wonder how you can afford to retire.

As a retiree, my sentiments as well as those of my fellow retirees is this: May both sides of the negotiating table recognize the contributions made by the past generations of men and women at PG&E, and do the decent and honorable thing of rewarding and maintaining the dignity of those who served their company for most of their adult lives.

Wayne Kirkbride
Former shop steward
Twain Hart, CA

Think about the future

To the Editor:

Being the widow of a 30-plus year PG&E retiree, I am concerned about others in my position, as well as future retirees. My husband was Bert Logan—lineman, line foreman, shop steward.

Ten years ago, Bert passed away. He was 20-plus years with cancer. Throughout the years, there were many treatments, procedures, surgeries, tests, transfusions, and medications. With our health insurance negotiated by the company and union, everything was paid.

We moved to Oregon when Bert retired. Gave up electric discount, had a good retirement with widow's benefit. We were both covered by company and union negotiated medical insurance. Top-notch coverage, too. When Bert died I went into a nursing home.

Through the years in Oregon, I have had both knees totally replaced, two hip surgeries and now two back surgeries. Soon as Bert passed away—company health benefits changed abruptly! Premiums were too expensive on my widow's pension and Social Security income.

Of course, as we age, health changes. Teeth get bad, hearing fails, sight changes, plus arthritis, cancer, Alzheimers, heart disease, etc.

I chose HMOs for health coverage. I could afford it, and it covered all my ailments, until my last back surgery. They *refused* to pay! So, I went to a Supplement with Medicare. The cost is much more. I am not sure how long I can afford it, but it's necessary at this point. Through PSEA I have Dental and Vision coverage, and pay for a Home Health Care Insurance.

Today's world is not "the good old days." The old "family doctor" isn't there anymore. Today's physicians are all "delegators" to specialists. Prescriptions are "out of sight." Our health status changes as we age, and then there's the thought: "Who is going to take care of the old folks?"

I hope anyone thinking about retirement seriously considers life as it is today, with much thought to the future. Can life be easier upon aging? Just what is the current cost-of-living? What do I pay, percentage-wise, for health care? What are health insurance rates today for anyone in my status?

So, as life goes on, I wish good health, good luck and good benefits to those coming along in the world behind me.

Audry Logan
Widow of Retired Member
Woodburn, OR

Endorsing Davis

To the Editor:

What is happening? Eric Wolfe writes in the February Utility Reporter, "When it comes to endorsing specific politicians, Local 1245 makes those endorsements based on the individual candidates' positions on issues that affect working people, regardless of the candidates' party affiliation." Give me a break! That is absolute bull. Not only has Davis cheated 15,000 union members with his "position" and appointments to the PUC (some of us to the tune of \$900 a month of retirement income),

he also "managed" to get the State of California into the red by 10 billion dollars from a surplus of 9 billion. Meanwhile Lockyer is wasting our money by suing PG&E over and over again (for the 4th time now, I believe) for the same thing.

In February the union endorses these guys again. Of course, not because they are Democrats but "for what they stand for"! Good grief, is anybody still sane in the People's Republic of California?

Rene Giger
Retiree
Martinez, California

Editor replies: The CPUC commissioners have their faults, as does Davis, no question about it. But democracy doesn't offer perfect candidates; it requires us to choose between imperfect candidates. Gray Davis is far from perfect, but he appointed two of the most pro-worker CPUC commissioners in California history. Just last year this Commission intervened to bar PG&E from laying off our members, an unprecedented move by a state utility commission. Gov. Davis has signed legislation protecting overtime pay, improving job safety, increasing Workers Compensation, and increasing Unemployment Insurance. Attorney General Lockyer has used lawsuits to try to recover some of the money that unregulated power generators siphoned out of California last year. Ideals are great, but results are what count.

Speak Out!

Got something to share with your fellow union members? Send letters (with name, Social Security Number and phone number) to:

Utility Reporter Letters
IBEW 1245
PO Box 4790
Walnut Creek, CA 94596

Opinions expressed on this page are those of the individual authors and do not necessarily reflect the views of IBEW Local 1245.



Court allows suit against Nike

California's Supreme Court ruled May 2 that sportswear giant Nike Inc. can be sued for false advertising in a publicity campaign that sought to dispel reports that it operates Asian sweatshops.

California's top court found that Nike's efforts to defend its Asian business practices were in essence commercial, and thus not subject to the free speech protections guaranteed by the U.S. Constitution.

"Our holding ... in no way prohibits any business enterprise from speaking out on issues of public importance or from vigorously defending its own labor practices," the court said in its 4-3 majority decision.

"It means only that when a business enterprise, to promote and defend its sales and profits, makes factual representations about its own products or its own operations, it must speak truthfully."

In dissenting opinions, three justices argued that Nike should enjoy free speech protections when attempting to protect its labor record.

The case stems from a 1998 civil lawsuit filed in California which charged Nike with willfully misleading the public about working conditions for the Vietnamese, Chinese and Indonesian laborers who produce the footwear. The suit said Nike knew that these workers were subjected to physical punishment and sexual abuse, endured dangerous working conditions, and were often unable to earn a "living wage" despite workdays that could be 14 hours long.

It charged Nike with violating California laws barring false advertising by deliberately obscuring these facts.

Millions rallied worldwide to mark May Day, for over 100 years an international day of labor solidarity. Around 75 demonstrations were held across Spain, where the center-right government has proposed unpopular reforms to unemployment benefits. In Italy, where unions are in a bitter fight with Prime Minister Silvio Berlusconi's government, half a million people rallied against proposed reforms they say will make it easier to sack workers. About 7,000 anti-globalization protesters and others staged a noisy but peaceful march through London. And in Calcutta, India, around 2,000 prostitutes held a torchlight march to demand legal status and social benefits.

► **Jobless Rate Rises:** The US Labor Department reported May 3 that unemployment rose from 5.7% in March to 6% in April—the highest in eight years. Some 8.6 million Americans are officially jobless.

► **Billion Dollar OT Bill:** Starbucks Corp., Farmers Insurance Exchange Group and 200 other retail and insurance companies have been ordered to pay \$1 billion in back overtime under a new California law that has sparked nationwide suits, Bloomberg.com reported. The 2-year old California law makes it easier for managers and administrators to qualify for overtime than the federal law that most companies use as a payroll benchmark. Starbucks, the largest chain of coffee shops, agreed last month to pay \$18 million to workers misclassified as exempt from overtime. Farmers Insurance, the third-biggest U.S. insurer of cars and homes, is appealing a \$130 million jury verdict—the largest of its kind—won by its California claims adjusters in July.

► **Outsourcing Strike:** Up to 800 workers from Yallourn Energy in Australia and its contractors were



expected to take industrial action May 7 over company plans to outsource maintenance work, according to theage.com, an on-line news service. The workers claim the company has reneged on agreements to introduce a 36-hour week.

► **Nuke Workers Walk:** More than 700 workers at the Sellafield nuclear power plant in Cumbria, England walked out last month in a dispute over contracts. Contract construction workers say they are being laid off at the end of their contracts and replaced by agency staff who are taken on for a wage which is 50% lower.

► **No Right to Bump:** Disabled employees who say they need a less-demanding job generally do not have a right to bump workers with more seniority, the Supreme Court ruled last month. The Americans with Disabilities Act of 1990 said that workers with a physical or mental impairment have a right to work so long as they can do so with a "reasonable accommodation" by their employers. But the law also said this accommodation must not put an "undue burden" on the employer. Employers say they should not have to bump more-senior workers in favor of a

disabled employee, and the Supreme Court largely agreed.

► **Reliant Workers Vote IBEW:** The 300 employees at Reliant Services LLC in Zionsville, Ind., voted April 26 for representation by IBEW Local 1393. Reliant provides meter reading, cable and line locating services and underground construction for utilities.

► **Cable Strike Set:** About 2,200 employees at Videotron, Quebec's largest cable company, were set to go on strike May 8. The strike announcement came several days after the 2,200 workers voted almost unanimously in favor of walking off the job. The union says Videotron is asking for \$30 million worth of cut-backs, threatening more than 1,000 jobs.

► **Index Minimum Wage:** Union and low-income workers told the California Industrial Welfare Commission on May 3 it should raise the state's minimum wage from the present \$6.75 an hour. Some speakers advocated indexing the minimum wage, which would tie automatic increases to increases in the cost of living.

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Unit Meeting Schedule

- Unit Meetings
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Contact Information

Photos

At Work: Curtis Zahourek, Lineman, Sierra Pacific Power

News Updates

Energy News Update... Battle over California's power market ... Davis signs power plant inspection bill (Posted 4-29-02) [FULL STORY](#)

Judge Clears PG&E Plan ... Creditors to vote on plan in June (Posted 4-25-02) [FULL STORY](#)

Rate Hike Hammered ... Utility's financial health ... (Posted 4-25-02) [FULL STORY](#)

PG&E Contract ... Use this proposal form at unit (Posted 4-17-02) [PROPOSAL FORM](#)

Perry Zimmerman
BUSINESS MANAGER



Your Union

"Making Time for Members" ZIMMERMAN

Workers Comp

Business Manager's Report

Bookmark the IBEW 1245 page for quick access to reliable information about your job.

Members at PG&E can find additional information on their PG&E computer at wwhr/ibew.

Only a fool would try to deprive working men and women of the right to join the union of their choice.

-President Dwight D. Eisenhower

Union shopper

Shopping Opportunities

SACRAMENTO MUNICIPAL
UTILITY DISTRICT
**LINE CLEARANCE
TREE TRIMMERS**



SMUD tree trimmer Tirian Remer trimming branches away from power lines.

Out On A Limb

People are passionate about their trees. And they may not be terribly understanding when someone comes by to trim branches away from power lines. That's why diplomacy is one of the skills SMUD relies on in its line

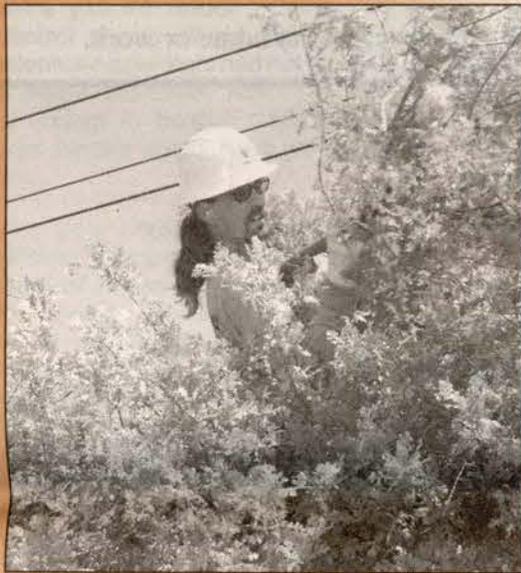
clearance tree trimmers, along with the ability to wield a power saw and other tools of the trade.

Line clearance tree contractors now perform much of SMUD's routine trimming, but SMUD usually turns to its own crews when doing work for the city, county or state. SMUD crews also get the call when it comes to providing clearance for tree contractors performing private work.

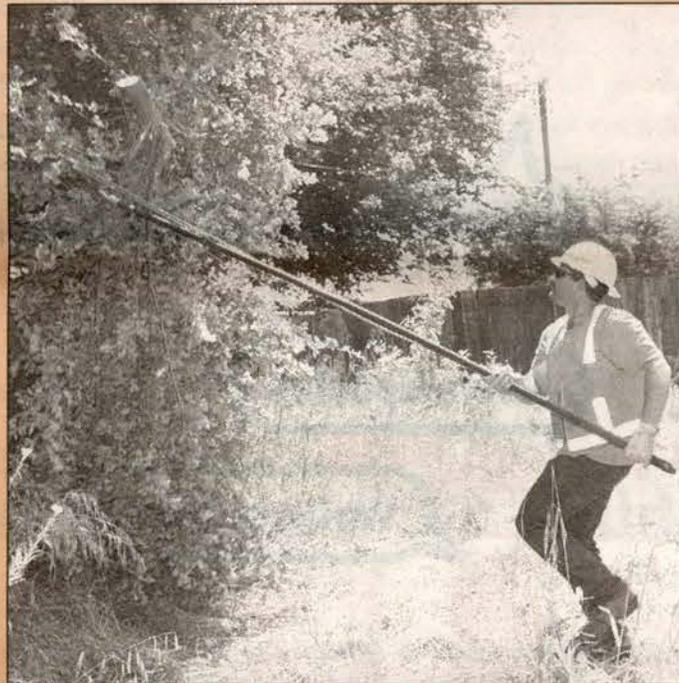
"If the tree is within ten feet of a power line, the contractor has to call in SMUD," says Tree Trimming Foreman Jess Avila.

SMUD's tree trimming workforce includes 28 certified arborists, about a third of the tree trimming workforce. That's good news for the public, whose electric reliability—and personal safety—depend on the skills and training of SMUD's tree trimming workforce. Earlier this spring nine SMUD tree trimmers attended day-long training in Chico as part of an on-going program to retain their certification.

Some people may say they're willing to go out on a limb for you. But when SMUD tree trimmers say it, it's not just a figure of speech. It's what they do every day.



SMUD tree trimmer Keith Jackson trimming branches away from power lines.



SMUD tree trimmer Bill Hall grabbing trimmed branches and pulling them from the tree.

Story & Photos by Eric Wolfe



SMUD tree trimmers at work on a sunny day last month in Sacramento are, from left: Jess Avila, Foreman; Keith Jackson, Tree Trimmer 1; Frank Weathers, Tree Trimmer 2; Bill Hall, Tree Trimmer 1; Tirian Remer, Tree Trimmer 1.

Tom Riley: early organizer of Local 1245

Tom Riley, one of the original organizers of the union at Pacific Gas & Electric Co. and a long-time president of the Local 1245 Retirees Club East Bay Chapter, died on April 1 in Concord at the age of 92.

Riley spent 10 years at sea as a radio operator before coming to work for PG&E as a laborer at Station C in Oakland in February 1941. A few weeks into the job he was transferred to the Avon power plant in Contra Costa County, moving up to the position of oiler.

"Percentage-wise that was the biggest raise I ever got—from laborer to oiler," Riley recalled in a 1991 interview. "I went from \$4.40 to \$5.08 a day."

Soon Riley fell in with Ron Weakley, Don Hardie, Ray Michael and other power plant personnel who wanted to organize a union to improve pay and

working conditions. Their efforts helped establish the Utility Workers Organizing Committee in Contra Costa County, and the union succeeded in organizing PG&E in the Bay Area in the early 1940s.

In the late 1940s Riley joined the others in switching to the IBEW in an effort to create a single union to represent all PG&E employees.

"He was in there from the beginning as far as the development of the Utility Workers and the IBEW," said Weakley, the principal founder of the union at PG&E. Riley's unionism carried over to the next generation—his daughter, now deceased, was active in the Screen Actors Guild in New York City.

"I cared for Tom, his wife Alice, and family," said Weakley.

In the 1980s, Riley played a leading role in efforts to organize a Local 1245 Retirees Club. Along with Hardie and Gene Hastings, Riley



Tom Riley, in 1991

attended state and county seniors conventions, representing Local 1245 retirees. After the Local 1245 Retirees Club was officially established, Riley became president of the East Bay chapter.

"You could always depend on him, that's something I always appreciated," recalled Hardie.

Staff updates

Business Rep. Bill Brill has assumed responsibility for serving members employed by PG&E's CGT facility in Milpitas previously represented by Mike Grill.

Business Rep. Mike Haentjens has assumed responsibility for serving members employed at PG&E's Hollister, Salinas, King City, Monterey, and Moss Landing facilities previously represented by Bill Brill.

Business Rep. Mike Haentjens has assumed responsibility for serving members employed at PG&E's CGT facility in Hollister previously represented by Mike Grill.

CPUC plan threatens PG&E retirement funds

► **From Page 1**

orchestrated by federal bankruptcy Judge Dennis Montali.

Montali approved PG&E's disclosure statement—essentially a blueprint of the reorganization plan—on April 24. CPUC's disclosure statement, yet to be approved by Montali, will be the subject of a May 9 court hearing. The judge has indicated he wants both plans ready for submission to a creditors' vote on June 17.

The CPUC plan, formally unveiled on April 15, proposes a new stock sale and claims the company can be brought out of bankruptcy without a rate increase or a loss of state oversight.

The CPUC plan says PG&E's customers would pay \$2.7 billion more than the cost of providing their power through January. The cus-

tomers also would pay \$2 billion in interest costs associated with new debt acquired by PG&E. PG&E stockholders would contribute \$3.35 billion, including \$1.6 billion in earnings from the utility and \$1.75 billion from the sale of PG&E stock.

The CPUC contends that its plan avoids \$13.5 billion in higher energy and other costs associated with PG&E's own plan. Commission General Counsel Gary Cohen said the CPUC plan would repay creditors in full, return PG&E to financial viability by January and help the state get out of the power-buying business, with enough room under the current rates for a rate decrease in 2003.

PG&E has called the CPUC plan unworkable, saying it tries to illegally suspend stockholder profits for more than two years. PG&E said the plan would fail to restore the

company's credit rating and would be unfair to shareholders.

While consumer advocates sometimes like to cast shareholder as villains in California's on-going energy drama, many of those shares are held by employees who hoped their years of service to the public would culminate in a just and predictable retirement income.

PG&E's reorganization plan would transfer its power plants and transmission system to new companies regulated by market-oriented federal agencies and use them to generate loans to repay creditors.

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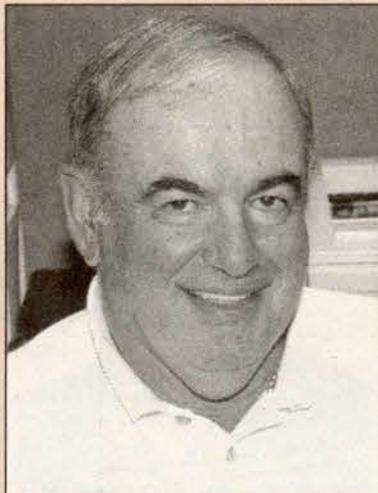


Golf
Tournament

San Ramon

2002
Sept. 7

Mederos returns to Local 1245



Manny Mederos was hired on March 25 as Assistant Business Manager for Local 1245 to assist in upcoming general bargaining with PG&E.

Mederos, who was initiated into Local 1245 in 1962, became a PG&E Gas Serviceman and quickly involved himself in union affairs. He served as Unit Chair in Concord, served on the 1970 negotiating committee, and was brought on staff in 1971 by then-Business Manager Ron Weakley.

Mederos returned to PG&E in

1973, became an Executive Board member of the union, and came back on staff again in 1976. He was named as an Assistant Business Manager in 1978, and served as chief spokesman for every PG&E bargaining committee between 1980 and 1988.

He accepted a position as International Representative for the IBEW Utility Department in Washington DC in 1988, and was named as Director of Safety and Health in 1995.

Welcome back, Manny!

PG&E bargaining committee

► From Page 1

Service Rep., Fresno; John Delsman, Troubleman, Salinas; Art Freitas, Foreman's Clerk, Santa Cruz; James Hayes, Mechanic Rigger, Diablo Canyon; Robert Oftedal, System Operator, Auburn; and Mike Scafani, Fitter, Petaluma. Heading the committee is Business Manager Perry Zimmerman, with Assistant Business Manager Bob Choate leading the day-to-day negotiations.

Appointed to serve on the bargaining subcommittee dealing with Benefits issues are: Terry Andreucci, Lineman, Auburn; Bryan Carroll, Service Representative, Sacramento Call Center; James Grady, Telecom Tech, Diablo Canyon; Stu Neblett, Telecom Crew Foreman, Cottonwood; Mark Newman, Telecom Crew Lead, Salinas; Gaylon Woods, Electric Maintenance Crew Lead, Moss Landing. Heading the subcommittee are Senior Assistant Business Manager Tom Dalzell and Assistant Business Manager Dorothy Fortier.

Appointed to serve on the bargaining subcommittee dealing with General Construction issues are: Casey Baker, Lineman, Salinas; Russell Blacker, Electrician, Benicia; Larry Darby, Working Foreman A, San Carlos; Brian Kapaun, 1st Field Clerk, San Jose; and Ronald Malfatti, Sub Foreman A, Davis. Heading the subcommittee will be Assistant Business Manager Roger Stalcup.

Committee members have the daunting task of sorting through the hundreds of proposals put forward by members and crafting them into a package to present to company negotiators.

Union and company tentatively plan to exchange proposals at the beginning of July, with actual bargaining to begin around Labor Day.

Local 1245 will keep members informed of progress in negotiations at unit meetings, through postings on worksite bulletin boards, and regular postings on the union's two web sites. On PG&E's Page One, go to: www/hr/ibew. On the Internet, go to: www.ibew1245.com.

Sierra Pacific faces growing threat of bankruptcy

► From Page 1

The danger is real for both customers and employees. Sierra Pacific Resources has already announced cuts in the capital budgets of Nevada Power and Sierra Pacific Power. It is possible the company could attempt to use employee layoffs at the two utilities as a way to cut costs further. PG&E and Southern California Edison tried to go this route in early 2001 until Local 1245 and other unions successfully petitioned the California Public Utilities Commission for an order barring any staff reductions that jeopardize service.

Nevada's consumer advocate has proposed that regulators reject the \$205 million rate hike for Sierra Pacific Power, and further recommends

that current rates be slashed by as much as \$156 million. The staff of the PUCN wants the proposed hike to be reduced by about \$38 million.

These critics argue that Sierra Pacific Resources missed opportunities to lock-in electric prices in long-term power contracts, and then paid too much money for too much power in last year's chaotic energy markets. The utility maintains that it was able to keep the lights on even when neighboring California was experiencing blackouts. Company officials said it would have been too risky to enter long-term power-purchase contracts in 1999 because of the risk that retail electricity deregulation would shrink their customer base.

The start of the deferred energy hearing follows an earlier PUCN

hearing into Sierra Pacific Power's separate \$16 million general rate hike request. The company is seeking that money to cover on-going expenses. Both cases are to be decided by June 1.

According to utility officials, when the two rate proposals are combined, bills would only go up about 3%, to just under \$80, for average residential customers using 715 kilowatt hours of electricity a month, while increases in bills of business customers would range from 13% to 17%.

It is still possible that Sierra Pacific Resources could receive some measure of economic relief from federal regulators. Nevada Power and Sierra Pacific Power claim they were victims of market manipulation by energy suppliers, and the Federal

Energy Regulatory Commission recently granted both utilities permission to pursue their arguments before an administrative law judge.

The threat of a federally-mandated rollback of prices might induce some suppliers to renegotiate their contracts with the utilities. The state of California, negotiating under a similar federal mandate, was able to reduce the costs of some of its long-term contracts with energy suppliers.

But there is no guarantee that suppliers will agree to renegotiate their contracts, which leaves the current deferred energy rate case as the best available vehicle for giving Sierra Pacific Resources some financial relief and averting the risks and uncertainty that bankruptcy would bring.

To grieve or not to grieve

That is the question a union business representative must ask when confronted with a workplace dispute.

At a recent training session for potential new business reps, old pros offered an inside view of the grievance process.

Senior Business Rep. Kenny Ball has seen a lot of grievances and he has a word of advice for any new business representative who is thinking about filing one:

"Recognize whether you have a case or not." Consider the company's arguments, Ball says, and if they have a good case, settle it right then and there. "If you're going to lose, better to settle early."

Ball, who handles grievances that make it to the Pre-Review Committee at PG&E, recommends that business representatives write grievances broadly so they won't be tied down to specifics before all the facts come out. They also need to be sure to include "make whole" in the remedy section of the grievance.

To get the facts, Ball says, obtain discipline logs, security reports, and supervisor e-mails. Find out what stewards know about this case and any similar cases in the past.



Adam Routson, AC Transit steward

"The company has to make the case," says Ball. "Let them make their case and get the information they have."

Keeping the grievant calm can sometimes be a challenge. It helps to fully brief the grievant on how the process works and what part they will play when it comes time to sit down with management. Taking a caucus can be an effective way to defuse tension or evaluate new information.

"If the grievance is referred to a higher level, it's crucial that the write-up be accurate," Ball warns. A good report "ought to be concise, with all pertinent facts," including all exhibits.

Public Sector

Senior Business Rep. Frank Saxsenmeier offered a list of questions a business rep should ask him- or herself when handling grievances in the public sector:

- Was the employee adequately informed of the consequences of his or her conduct?
- Was the rule responsible, and related to the business?
- Did management fulfill its obli-

gation to investigate?

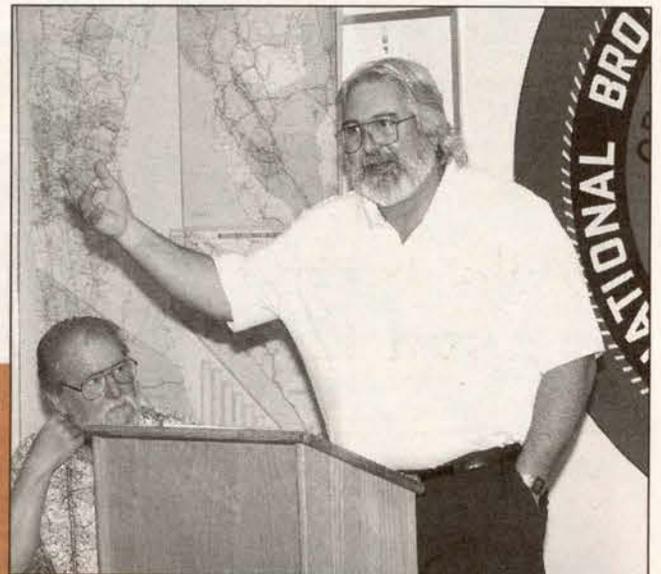
- Was the investigation fair and objective?
 - Did the investigation show evidence of guilt?
- If consequences are severe, Saxsenmeier noted, the evidence must be greater.
- Were the rules of discipline administered equally?
 - Is the penalty related to the infraction?

Library

An overview of union resources was provided by Local 1245 Librarian Lita Martin, who keeps track of all the paperwork generated by the upper levels of the grievance procedure.

Martin is also the go-to person for copies of Letter Agreements and can refer business reps to a host of publications on labor law and industrial relations.

She maintains the invaluable Contract Section Index, which offers a thumbnail sketch of letter agreements and grievance decisions at PG&E, categorized by contract section. Updates to the index are provided to business reps on a regular



Senior Business Reps. Ken Ball (above, right) and Frank Saxsenmeier discussed grievance handling strategies. Local 1245 Librarian Lita Martin (left) described resources available in the union library, including grievance decisions, and how to access them.

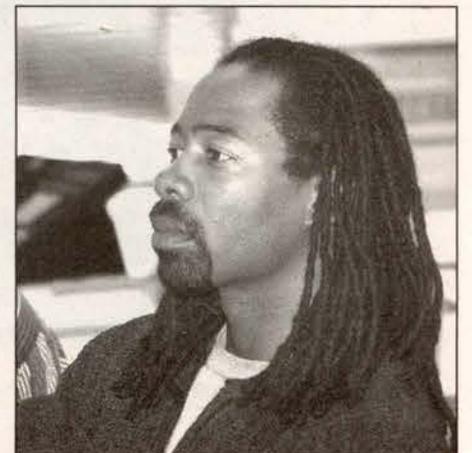


basis, and are also made available on-line through IBEW web page on PG&E's Page One. (Go to www.hr/ibew and select Contract Index.)

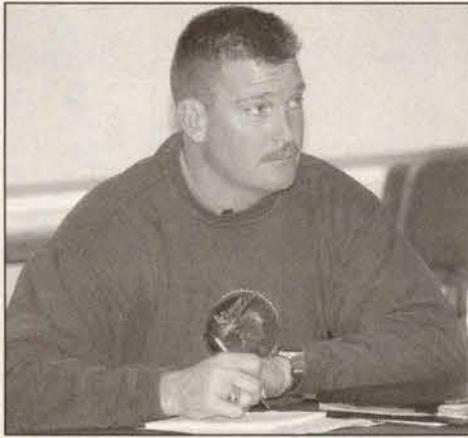
"I was real impressed with the library," said Adam Routson, a steward with AC Transit. "It will be a nice place to do research (on grievances)."

Al Fortier, a steward at Alameda Power & Telecommunications, found the review of grievance strategy to be especially helpful, "especially the part about letting the employer lay out their case first."

Watch future issues of *Utility Reporter* for more coverage of "The Future Is Now" conference.



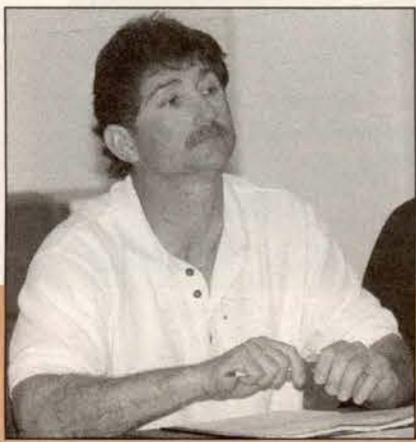
Al Fortier, Alameda Power & Telecommunications steward



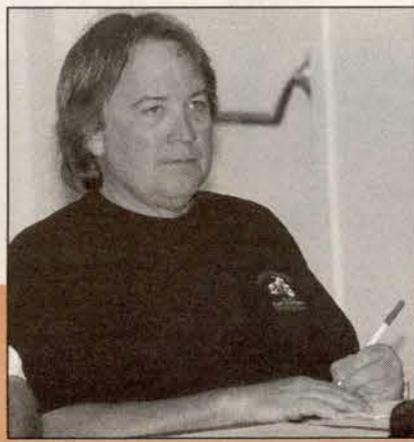
Mike Barton, City of Roseville

Getting certifi

First-ever Local 1245 water conf
examines new California training require
for water distribution operators



Andy Diaz, City of Redding



Mike Pierce, City of Redding

When we turn on the furnace, we want safe gas. When we flip the light switch, we want safe power. And when we turn to the tap for a drink, we want safe water.

But how do we know? How can we be confident in the safe delivery of modern life?

As with gas and electricity, the safety of drinking water depends on the skills and training of the workers who deliver it. Even Congress has taken this one out. That's why the federal Safe Drinking Water Act, reauthorized by Congress in 1996, now requires all states to implement programs for water distribution operators.

Water system operators represented by Local 1245 came to the conference to explore together the impact on their jobs as California moves forward with the new federal mandates. They came from city agencies, irrigation districts, and they came with questions:

How do districts come into compliance with the new mandates? How do we get training, and who must they get that training from? What level of certification must they have?

To answer their questions, Local 1245 invited Jon Strickland, a representative of the State Water Resources Control Board, to explain how operators who have already been doing certification until they have a chance to take the requirements.

But in the end, those who want to continue doing their jobs, he said. California law now requires that water system operators for a variety of specified duties. These include various operational activities, such as install, disinfect, disinfect and maintain distribution reservoirs; test and maintain domestic water wells.

Water systems are rated according to their levels at which water distribution operators can perform.

The new training requirements have generated seminars, generating substantial revenues for the districts.

"You don't need to go to expensive seminars. Our own systems can train their own people."

"There's a lot of expertise and resources out there. We're noting that nearly a dozen different agencies are doing this."

"We want to explore ways the union can help without it costing an arm and a leg."



Robert Pritchard, City of Santa Clara



Michael Luce, Shelter Cove



Local 1245 Business Rep. Jack Osburn



Dorinda Scofield, Oroville-Wyandotte Irrigation District

When we turn on the furnace, we want safe gas. When we flip the light switch, we want safe power. And when we go to the tap for a drink, we want safe water.

But how do we know? How can we be confident in the safe delivery of these necessities of modern life?

As with gas and electricity, the safety of drinking water depends to a great extent on the skills and training of the workers who deliver it. Even Congress was able to figure this one out. That's why the federal Safe Drinking Water Act, reauthorized and amended by Congress in 1996, now requires all states to implement programs to certify water distribution operators.

Water system operators represented by Local 1245 came to the union hall on April 18 to explore together the impact on their jobs as California moves to come into compliance with the new federal mandates. They came from city agencies, public utility districts, and irrigation districts, and they came with questions:

How do districts come into compliance with the new mandates? How do individuals get training, and who must they get that training from? Who must be certified, and what level of certification must they have?

To answer their questions, Local 1245 invited Jon Strutzel, Chief of the Certification Unit for California's Department of Health Services Drinking Water Program. Strutzel explained how operators who have already been doing the work can obtain temporary certification until they have a chance to take the required exam.

But in the end, those who want to continue doing the work must obtain certification, he said. California law now requires that water systems must utilize certified distribution operators for a variety of specified duties. These include making decisions addressing various operational activities, such as install, disinfect and connect water mains; drain, clean, disinfect and maintain distribution reservoirs; test broken water mains, and disinfect and test domestic water wells.

Water systems are rated according to their level of complexity, and there are corresponding levels at which water distribution operators can be certified.

The new training requirements have generated a cottage industry in water operator training seminars, generating substantial revenues for the trainers and substantial costs for the water districts.

"You don't need to go to expensive seminars," Strutzel assured the union gathering. "Water systems can train their own people."

"There's a lot of expertise and resources available at some of our employers," said Osburn, noting that nearly a dozen different agencies were represented at the April 18 conference.

"We want to explore ways the union can play a role in helping folks get the training they need without it costing an arm and a leg."



Greg Bates, Truck Authority



or Cove



d, Oroville-Wyandotte

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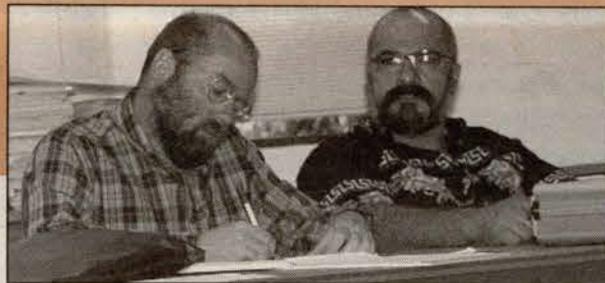
ory & Photos by Eric Wolfe



Phil Alleman (above, right), discusses status of training at Bella Vista Water District. Jon Strutzel (inset, left), California Department of Health Services, holds up a copy of the new regulations on water operator certification requirements.



Greg Bates, Truckee Meadow Water Authority



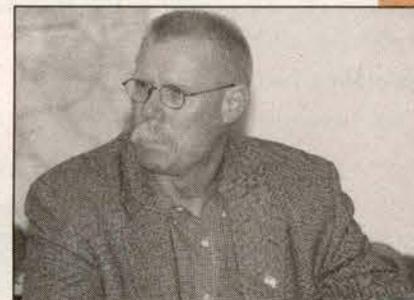
Mike Connell (left) and George Caballero, Truckee-Donner Public Utility District



Roger Schreiber, Clear Creek Community Service District



Mitch Prather, City of Roseville

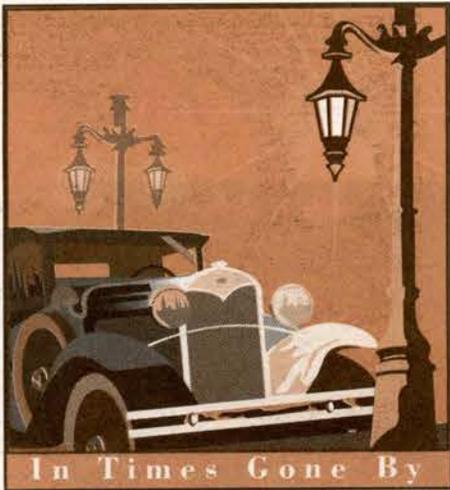


Assistant Business Manager Dennis Seyfer



Jerry Linville, Paradise Irrigation District





Living Remote

By Audrey Logan

My husband was Bert Logan—lineman, line foreman, shop steward. At one time I was sure everyone in PG&E knew “my Bert.” A great man was he. He was happy to be with and retired from this company and its union, Local 1245. He was loyal and faithful to PG&E and the union to his dying day.



Audrey Logan

Bert worked 30-plus years with PG&E. We spent several years at remote area power houses, where he generated electricity, walked penstocks and patrolled canals as Station Attendant. We lived in company housing.

I, too, worked for PG&E—as a contractor—cleaning cook houses, bunk houses and VIP guest houses and also doing the laundry.

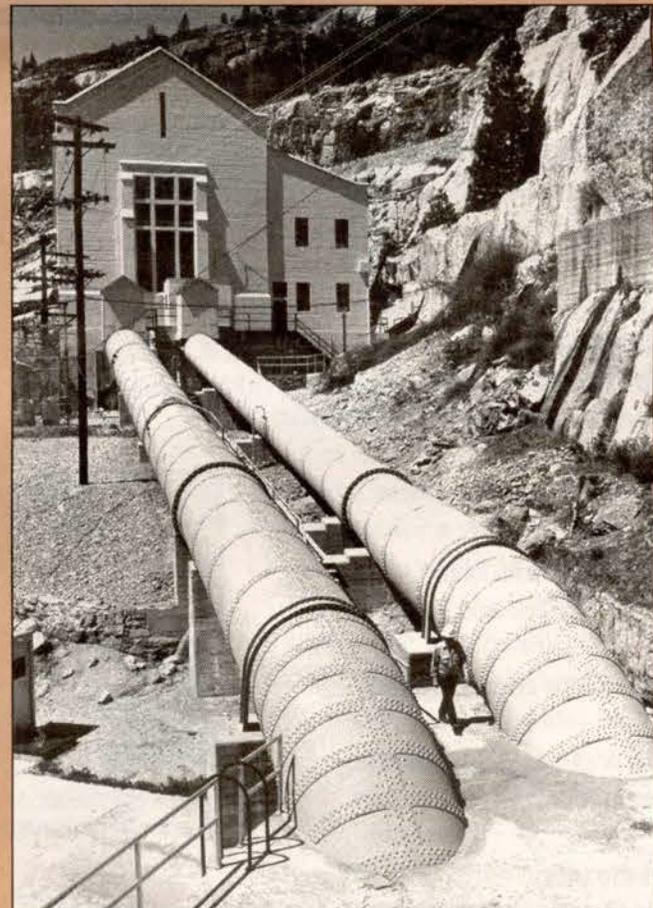
We lived and loved the remoteness of the regulator cottage above Tiger Creek Power House, of Spring Gap Power House below Long Barn/Cold Springs near the Dardnells in the beautiful elevations of those Sierra Nevada mountains.

Bert and I retired from Salt Springs Power House after several years there. We shared many very interesting situations during those years, that only “living remote” could bring—usually no one else around, 50 miles from town and only a company “peanut line” to contact anyone else (the outside.)

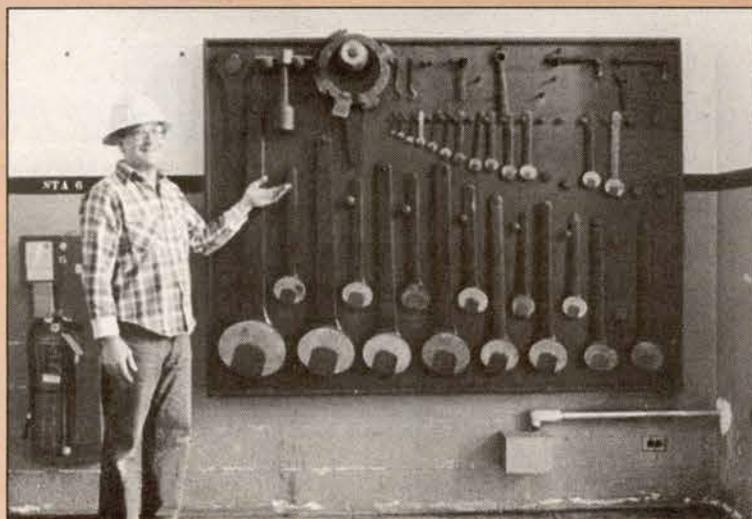
Audry Logan is the widow of PG&E retiree Bert Logan.



‘Living remote’ suited the Logans just fine.



Penstocks at Salt Springs Power House.



Bert Logan shows off his tools.

The continuing fight for retiree benefits

By Pete Mandon

Do not start singing that ole song, "Turn Out The Lights, The Party is Over." We have just begun to fight.

If our insurance premiums are going up at such an alarming rate, why wouldn't we be getting at least the same care? Instead the doctors are dropping United Health Care due to problems getting paid. I'm informed that the union and company are holding quarterly meetings to try to address such problems. We certainly need to get this straightened out.

Our union has put a retiree on the negotiating committee in an advisory capacity. That will be our long time union brother, Jack Hill. His knowledge and long time association with the union should be helpful. Go get them Jack. Thank you Mr. Zimmerman.

Our faithful Advisory Council rep, Bill Wallace is helping us carry the torch for retirees. I talked to Lee Thomas, the Advisory Council rep from Humboldt and he is waving the same flag. Thanks, you guys. God

knows we need all the help we can get.

Lassen Municipal District approved a new contract that includes fully paid medical for active employees and retirees. That sounds to me like a joint effort in maintaining a standard and dignity of life. A great job by all. I also see that the Business Rep is Ray Thomas. After 38 years around here I am glad we haven't run out of those Thomas boys. They come from good union stock.

Start a Retiree Club Chapter

For all of you that are retired and want to have a union-sponsored retirees meeting in your area contact the union headquarters in Walnut Creek. It is easy to do and your local business rep can be helpful. All you need is a copy of the bylaws and a place to meet. Some local unions let union groups meet at their union halls, so check out unions in your area for meeting space. It might help if you were to attend a retirees meeting in Walnut Creek or San Jose to see how they are conducted.

If you know Local 1245 retirees

who do not receive the Utility Reporter have them call the union office at (925) 933-6060. You might have moved after you retired and did not fill out a change of address card. Believe it or not, they don't know where you are.

Do you know that it has happened? Some retirees' pay has been completely eaten up by insurance premiums, and they are being billed for the excess.

Up and down the PGE system there was a tremendous amount of support by our working members to make motions to improve conditions for retirees. Thank you!

A lot of old friends have e-mailed me since last month and I appreciate all of their support. For all of you out there keep your comments and concerns coming.

I hear the Enron sign might come down at Pac Bell Park. Keep your fingers crossed.

Keep the faith!

Peter Mandon belongs to the South Bay Chapter of the Local 1245 Retirees Club. Contact him at: pkmandon@aol.com



Make a Date...

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 IBEW Local 332, 2125 Canoas Garden, San Jose.

In Memoriam

Tom Riley, 92

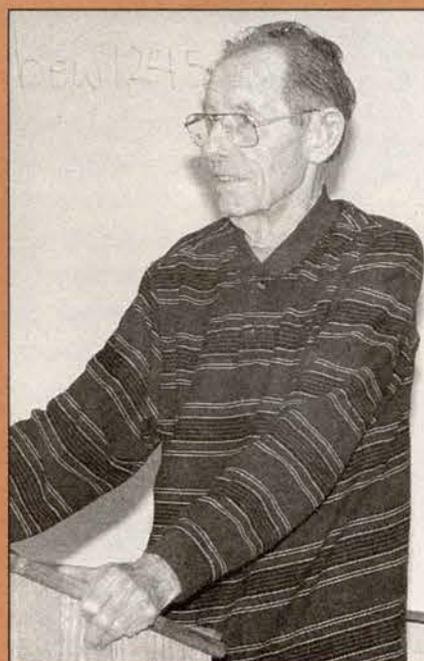
See Page 7

Local 1245 honors Hardie

Retired member Don Hardie, who started organizing at PG&E in 1941, was honored at Local 1245's "The Future Is Now" conference in February. Hardie, who remains active with the East Bay Chapter of the Local 1245 Retirees' Club, was recognized for his 61 years of service to the union cause.

Hardie's reflections on early organizing efforts at PG&E stirred the audience to a standing ovation. Hardie told of a local work stoppage at the Concord yard to protest the company's refusal to upgrade the senior man to foreman. The crew, Hardie said, refused to roll the trucks out until the situation was fixed.

One of the conference participants inspired by Hardie's remarks was PG&E Troublemaker Russ Rylee. "That's why we're here today with all the things we've got, because of those guys," Rylee said, referring to Hardie and the other union founders.



Don Hardie

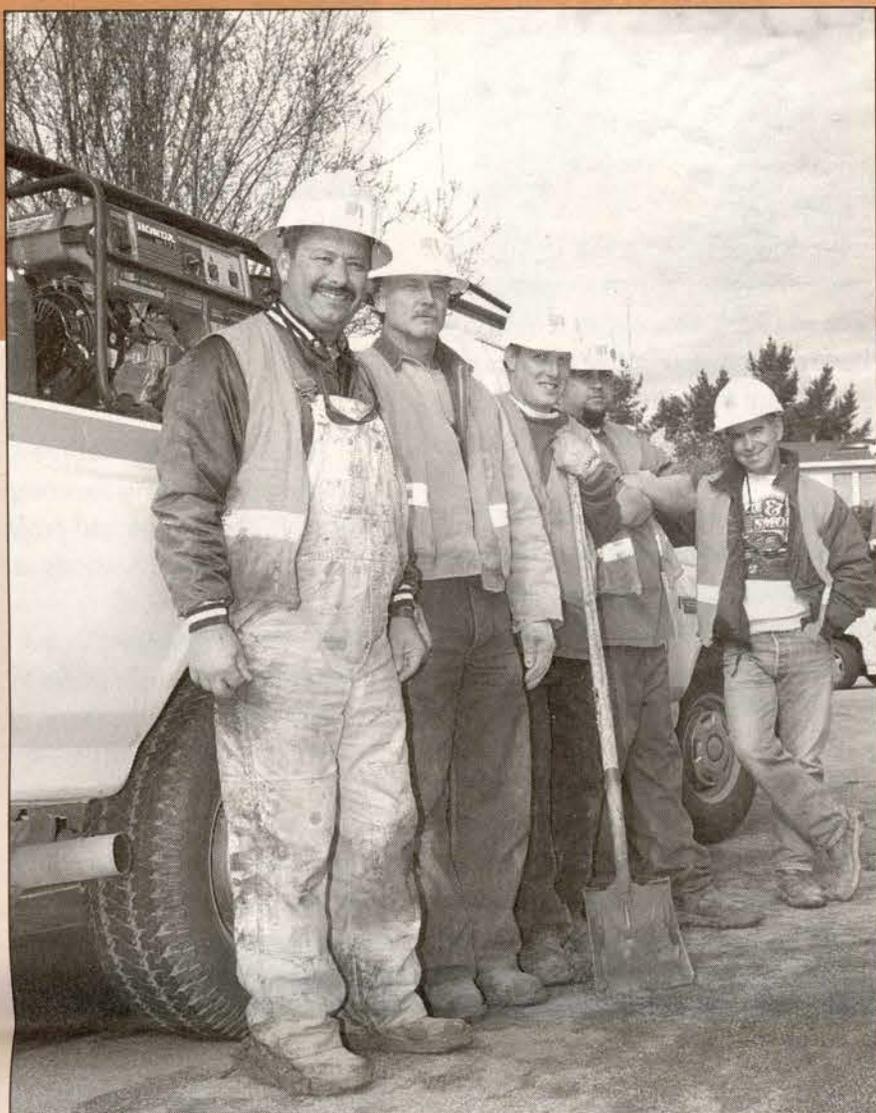
Sarah Kelly, Club recorder

Sarah "Sally" Kelly, recording secretary for the East Bay Chapter of the Local 1245 Retirees Club, has passed away, to the sorrow of the retired union members she served so well.

Kelly, 87, was initiated into Local 1245 in July of 1967, retiring from PG&E in 1977.

She remained an active member of the Retirees Club to the end. Local 1245 extends its condolences to the friends, family and colleagues of Sally Kelly.

PULLING WIRE



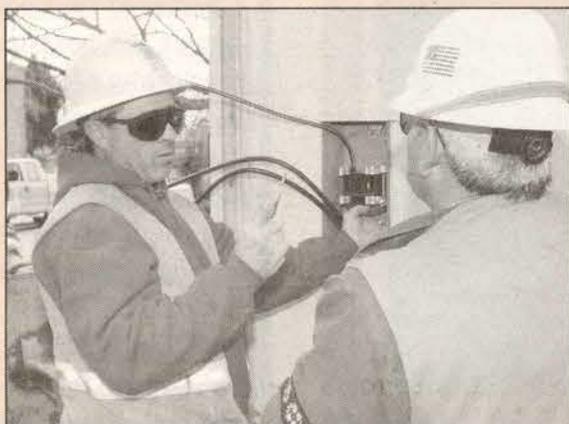
The electric crew on the job consisted of (from left): Tim Caires, Backhoe Operator; Paul Gabriel, Fieldman; Jason Pate, Utility Worker; Antonio Misito, Utility Worker; and John Perry, Working Foreman A.



Russell Grass



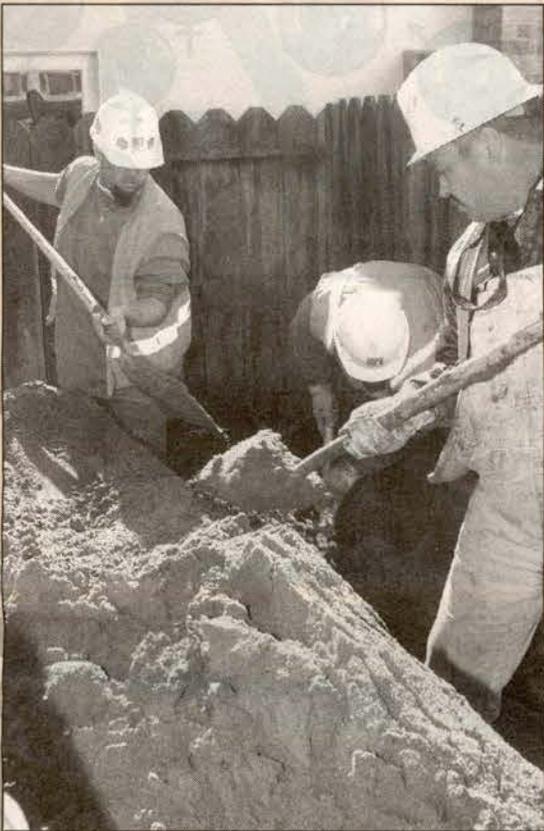
Jason Pate (left) and Tim Caires



Joseph Adamo (left) and Russell Grass

PG&E General Construction gas and electric crews joined forces to put 3-inch conduit into two residential units and pull secondary wire into it during a routine job on Lassen St. in Pleasanton, Ca. in February. The crews also put in a new meter panel.

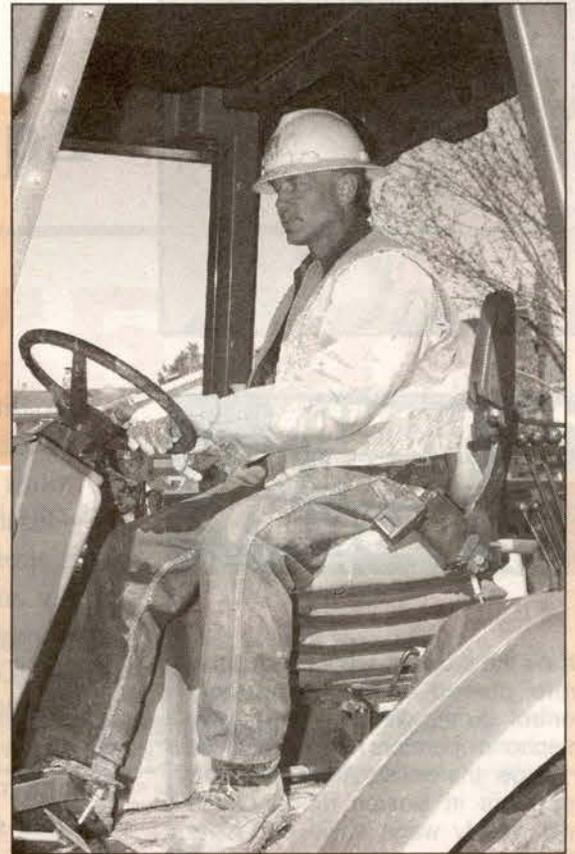
Photos by Eric Wolfe



From left: Antonio Misito, Jason Pate and Tim Caires



Roby Douglas



Paul Gabriel

Pacific Gas & Electric General Construction



Joseph Adamo



The electric crew on the job consisted of (from left) Juan J. Barron Jr., Foreman; Russell Grass, Lineman; Joseph Adamo, Miscellaneous Equipment Operator; Roby Douglas, Lineman; Brian Turpin, Utility Worker; and Larry Sherrod.



'Equal Pay Day' targets gender gap in pay

WOMEN WORKERS' HISTORY

Ringing Up Changes

Of all the workers whose industries were placed under government control during World War I, only telephone operators had not received a wage increase. After the war, operators in Boston demanded a new weekly wage scale of \$10 to \$22.

The New England Telephone Co. referred the operators to Postmaster General Burlison, who did nothing for months. The union again asked the Boston telephone company for relief. When the company refused, the union struck. Said union president Julia O'Connor, the operators "could expect no justice under the present system and the only way they could get it was to fight for it."

To everyone's surprise, more than 3,000 telephone operators throughout New England joined the Boston area operators, shutting down service throughout the region. On the second day of the strike, the women were followed by 12,000 IBEW cable splicers and other workmen.



The telephone companies recruited scabs from Harvard University and MIT. The young strikebreakers said they were looking forward to "sport and diversion." They got it—several had their teeth knocked out by the striking women, who yelled, "He is taking our bread. Give it to him!"

It took the operators only five days on the picket line to make the right connections. At an April 20 meeting, company officials accepted the wage scales demanded by the union. The men, who walked out without demands of their own, got a 50 cent a day raise. Said Julia O'Connor: "It is the best agreement ever reached by the telephone operators." Soon after, she went on a nationwide speaking tour to urge operators to organize.

A coalition of unions, political leaders and women's organizations joined together on April 16—Equal Pay Day—to press for legislation to remove the gender gap in pay and ensure women receive equal pay for equivalent work, the AFL-CIO reported.

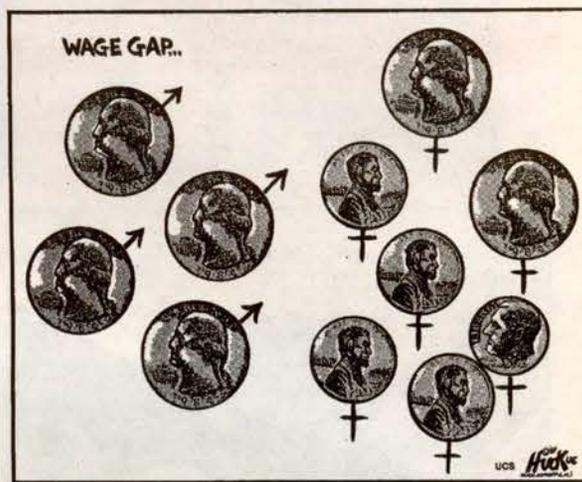
In 2001, the average woman worker was paid 73 cents for every dollar a man is paid. April 16 is the day that symbolically marks when women's wages catch up with men's wages from the previous year.

"The wage disparity is unjust, it's unfair and we are determined to struggle to close the gap," AFL-CIO Executive Vice President Linda Chavez-Thompson told participants at a Capitol Hill press conference. Chavez-Thompson, along with members of Congress, workers and celebrities such as Olympic gold medal swimmer Donna de Varona, called on Congress to pass the Pay-

check Fairness Act, sponsored by Senate Majority Leader Tom Daschle (D-S.D.) and Rep. Rosa DeLauro (D-Conn.).

Women who are managers also need the Paycheck Fairness Act, said Chavez-Thompson, who also is chair of the National Committee on Pay Equity, a coalition of 315 unions and civil rights, women's and community groups, which spearheads Equal Pay Day. In the 10 industries where 71% of American women work, women managers earn as little as 62 cents for every dollar earned by men, according to the U.S. General Accounting Office.

Women are not the only victims of the wage gap, she said. "The other real victims of unequal pay are the families who depend on women's



income and men with jobs that are traditionally considered women's work."

Other speakers included Sens. Edward Kennedy (D-Mass.) and Hillary Rodham Clinton (D-N.Y.), Reps. DeLauro and House Minority Whip Nancy Pelosi (D-Calif.), de Varona and Washington Freedom soccer star Ann Cook.

Unions negotiate for childcare benefits

Unions continue to have important successes in bargaining for childcare assistance, Labor News for Working Families reported.

Office and Professional Employees International Union Local 378 negotiated for a subsidy to reimburse employees for child care expenses incurred when employees are re-

quired to work overtime or be away overnight. When employees have to pay additional childcare expenses, they are entitled to reimbursement up to \$25 per day with a receipt for a maximum of 15 days a year.

Canadian Union of Public Employees Local 2316 negotiated reimbursements for dependent care ex-

United Food and Commercial Workers Union Local 1776 has a childcare fund which was negotiated with multiple grocery store employers through a Trust Fund. The funds are used to provide slots in childcare centers at greatly reduced prices.

The Fund works with a "network" of 13 centers where members can send their children for \$6 for a full day and \$3 for a half day. The Fund pays the remainder of the cost.

These "network" centers are required to keep a set number of slots open for the children of Fund participants. Some facilities also provide before and after school care. If a worker is unable to use a "network" center, the Fund reimburses up to \$10 per day per child for five days a week in a licensed center.



"We're a family-friendly company. If you're required to work more than 90 hours a week, we'll contribute \$1500 toward the cost of your divorce."



35 Years: Receiving 35-year awards are (beginning second from left) Marvin Fleming, Jerry Haberlack and Eli Afana. Congratulating them are Business Reps. Mike Haentjens (left), Dan Lockwood (right) and Assistant Business Manager Bob Choate (second from right).

San Luis Obispo, Ca.
March 9, 2002



30 Years: Bob Fascallini, Charles Fox, Bob Minetti.



25 Years

The Honorees

50 YEARS

Mowrey, Robert S.

35 YEARS

Afana, E. N.
 Fleming, Marvin
 Haberlack, Jerry
 Lariviere, R. J.
 Moore, Alfred L.

30 YEARS

Alves, L. J.
 Dalcerrri, Frank P.
 Fiscallini, R. K.
 Fox, Charles
 Garcia, D. E.
 Minetti, Robert
 Quesada, D. M.
 Rademacher, R.A.
 Valencia, Carmen
 Wilson, Don

25 YEARS

Angel, Richard
 Apodaca, Johnny
 Bailey, Samuel

Bennett, Stanley
 Carpenter, Kevin
 Cates, Douglas
 Ebel, Steven
 Elder, John
 Friesen, Brenda K.
 Glese, Gary
 Hedlund, Mark
 Kendrick, C. W.
 Kern, Randall
 Koens, Maryann
 Lugo, Greg
 Martin, Gary
 Morasca, Gregory
 Nunez, Alfred
 Paslay, Doug
 Pope, Bill C.
 Ramos, Donald
 Rider, Harmon
 Smith, Craig
 Sumner, Phillip H.
 VandenElkhof, R.
 Welch, David
 Wilson, Hector
 Wilson, Robert B.
 Zambo, Lorene



25 Years

Photos: Lynn Moon



By the Local 1245
Safety Committee

Take time to inspect home

There was only three loads of laundry to do, but when I came back the washer was still full of water! Looking for the reason I found the problem: the wall had been on fire where the outlet was.

This could happen to anyone. In this case, the house was remodeled five years ago and then sold. Who would have thought there could be a problem lurking in that outlet?

Investigation revealed that the receptacle was used as a bus bar and the connections were loose. Time allowed the loose connections to burn away the insulation on the wire and eventually cause the outlet to overheat and set itself, the plastic

box and the wall on fire. This small fire went out on its own and did not trip the breaker.

The outcome of this incident required a little work to replace the assembly. But it still gives me an uneasy feeling about the electrical system until all the outlets have been inspected.

When purchasing a house, spend the time to find out if the work was done with permits, and have a home inspections performed. For those of us that have an older house, think about maintenance on the electrical system. It might just help you avoid a fire.

Ralph Muraca

Recently-reported injuries

Your Safety Committee would like to share some statistics with you in the hope that your workplace safety awareness will benefit.

In the month of February, tree trimmers reported 12 of the 14 injuries that were submitted to the Local 1245 Safety Committee. Shoulder and back strains were responsible for 50% of injuries, while repetitive motion injuries counted for another

20%.

Spider bites and poison oak reports demonstrate the hazards that can await those who clear brush.

The Safety Committee would like to remind everyone to practice good lifting techniques and stay mindful of your surroundings. And please continue to report workplace injuries to the committee.

Richard Lane

"This is much cheaper than fixing his faulty equipment."



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Current members of the Local 1245 Safety Committee: Stoney Burk, Alameda Power & Telecomm.; Keith Hopp, Pacific Gas & Electric; Ralph Muraca, City of Santa Clara; Al White, Pacific Gas & Electric; David Vipond, Citizens Communications; Rich Lane, Turlock Irrigation District; and Assistant Business Manager Jim McCauley.



SAFETY COMMITTEE

Local 1245 Safety Committee members meeting in February at Walnut Creek headquarters are (standing from left): Rich Lane, Assistant Business Manager Jim McCauley and David Vipond. Seated, from left, are: Stoney Burk, Al White and Ralph Muraca. Not pictured: Keith Hopp

Bush's flawed job safety plan

After more than a year of delays, the Bush administration announced April 5 a weak and unenforceable "plan" that offers workers no real protections against the nation's biggest job safety problem—ergonomic injuries such as carpal tunnel syndrome, caused by repetitive motions, heavy lifting and poorly designed work.

"With today's announcement the Bush administration again caters to corporate special interests and abdicates its responsibility to protect workers," said AFL-CIO President John Sweeney.

Sweeney called the announcement "a meaningless measure that yet again delays action and provides no protection against ergonomic hazards—the nation's biggest safety problem."

The new "plan" does not outline an enforceable ergonomic standard—only a stated intention to eventually develop voluntary guidelines for selected industries. None of those industries have been identified.

Its enforcement "component" also fails to identify industries targeted for inspection. Not even the highest risk industries with known problems were identified.

Instead of fixing dangerous workplace hazards, the plan relies on vol-

untary assistance and passive outreach tools such as new web sites leaving workers unprotected from this job safety problem.

Exactly how the Labor Department would implement even its limited plan is a mystery. Bush has proposed cutting the Occupational Safety and Health Administration's enforcement and training budget by more than \$10 million and the job safety research funding by \$20 million.

More than a year before the April 5 announcement, on March 20, 2001, President George W. Bush granted one of the corporate community's biggest wishes when he signed legislation repealing OSHA's standard for preventing such workplace ergonomic injuries as carpal tunnel syndrome and back strain.

In the year since, almost 1.8 million workers across the country have suffered ergonomic injuries, many of which could have been prevented if OSHA's strong, enforceable and comprehensive ergonomics standard had been in force.

**Work
Safe!**

New law increases benefits for injured workers

By Julius Young

After vetoing bills to increase Workers' Compensation benefits over the past three years Gov. Davis on Feb. 15 signed a bill to increase Workers' Compensation benefits.

Overall, the bill (known as AB 749) will provide \$2.4 billion in long-overdue benefit increases for injured workers. The bill has a number of positive features for injured workers which I will attempt to summarize in this article.

Please note however, most provisions of this bill do *not* take effect until after Jan. 1, 2003 and the benefit increases in the bill do *not* apply to most workers injured before Jan. 1, 2003.

Key Provisions

Among the key provisions of the bill that will be of interest to injured workers are the following:

1. The maximum weekly temporary disability and permanent and total disability is increased from \$490 per week up to \$602 per week for injuries occurring on or after Jan. 1, 2003, to \$728 per week maximum for injuries occurring after Jan. 1, 2004, and up to \$840 per week for injuries occurring on or after Jan. 1, 2005.

For injuries occurring after Jan. 1, 2006 and each January thereafter, the maximum and minimum temporary disability and permanent total disability benefit will be increased by an amount averaged to the percentage increase in the state average weekly wage. Thus, the bill signed by the Governor provides for a cost of living "COLA" for temporary total disability and permanent total disability benefits, a feature long sought by injured workers and labor unions in California.

2. Permanent partial disability benefits are increased somewhat for injuries after July 1, 2004 for disabilities from 1% up to 20%. Also, benefits for disabilities in excess of 70% are increased for injuries after Jan. 1, 2003.

3. Death benefits payable to de-

pendents of workers killed on the job are doubled.

4. While prior law had provided that the findings of a treating physician are presumed correct unless rebutted, the newly signed bill limits the operation of this presumption to situations where a worker treats with his or her personal physician or personal chiropractor predesignated prior to the date of the injury. Thus, the bill limits the so called "presumption of correctness" of the treating physician.

5. The bill creates a new position of Court Administrator within the Workers' Compensation system. The Court Administrator will administer the Workers' Compensation adjudicatory process and supervise the Workers' Compensation judges, revise regulations concerning judicial ethics and adopt uniform rules of practice and procedure.

6. The bill changes certain procedures for getting medical reports. The bill allows a nonrepresented employee who obtains a lawyer after receiving a medical legal report to get additional reports as if he or she had been represented by counsel from the time the dispute arose.

7. The bill provides for a study of medical costs, controls and treatment provided for injured workers.

8. The bill enhances enforcement and penalty assessments against uninsured employers and stiffens penalties for fraud committed by any party.

9. Changes are made in the audit process to establish certain priorities of state auditing of workers' compensation insurance company files.

10. The bill creates a workers' occupational safety and health education fund to be paid for by fees from insurers; the proceeds of this fund are to be spent to establish and maintain a worker occupational safety and health training program.

11. The bill requires use of generic medications unless physicians specify the basis for not doing so.

12. The bill creates a grant-based return to work program to go into

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effect after 2004 to subsidize employers that return injured workers to modified or alternate work.

13. The bill increases employer access to medical information related to the diagnosis and treatment for injury for which a claim has been filed.

14. The bill limits the time within which lien claimants may file liens on Workers' Compensation cases.

15. The bill clarifies that when an employee dies without dependents, death benefits will be paid to the parents.

16. The bill allows settlement of rehabilitation services with a one-time payment to the employee not to exceed \$10,000 for the employee's use in self-directed vocational rehabilitation. For settlement of voc rehab, the settlement agreement must be submitted to and approved by the Workers' Compensation Appeals Board Vocational Rehab Unit upon the finding that the employee has knowingly and voluntarily agreed to relinquish his or her vocational rights.

17. The bill expands the role of HN40s (in Workers' Compensation known as HCOs) in treating work injuries but limits mandatory medical treatment by HCOs to 180 days.

The provisions summarized above are only a few of the many changes in the law specified in AB 749. If past years are any guide, there

will probably be follow-up legislation to clarify certain provisions of this comprehensive bill and so any injured worker should realize that the full impact of AB 749 may slightly change depending on whether the so-called "clean-up legislation" is enacted.

The benefit increases in AB 749 are going to be a great help to injured workers who are temporarily totally disabled. The increases in permanent disability payments are welcome but will not impact most settlements or ratings until at least 2004 and in many cases 2006.

Procedural changes in the bill may be of some benefit to injured workers as well.

Injured workers owe particular thanks to the following who did so much to make this bill happen: the California Applicants Attorneys Association, the California Labor Federation, State Senator John Burton, Assemblyman Tom Calderon, and the Democratic majorities in the State Assembly and State Senate who voted for the bill.

Overall, AB 749 has very little "down side" for injured workers. To see the entire AB 749 (120 pages), go to www.leginfo.ca.gov

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**Stockton, Ca.
March 22, 2002**

40 Years: Roy Foster is congratulated by Business Manager Perry Zimmerman.



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30 Years



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