



TEAMSTER

Northern California

Serving more than 70,000 Teamsters and their families

Volume 48, Number 1

February/March/April 2003

Trucks will not have full access to US highways until government assesses impact on air quality

Teamsters, environmentalists' lawsuit keeps border closed to Mexican trucks

A U.S. federal court has stalled implementation of a Bush Administration order to open the border to trucks from Mexico. The ruling, issued in January by the Ninth Circuit Court, forces the Department of Transportation to prepare a full Environmental Impact Statement and Clean Air Conformity Determination before it can open the border.

"In a rush to open the border, the administration failed to pay attention to the health concerns of U.S. citizens," said Jim Hoffa, Teamsters General President. "We are pleased that the court recognized the inherent dangers of the department's policy and is enforcing our nation's laws."

"This is really a significant decision," added Joint Council 7 President Chuck Mack. "This ruling will keep the border closed while the government complies with California's clean air standards. That will take a while—even if they appeal."

Mack noted that "fair trade advocates win so few of these issues in the legislature, at the executive branch or

in the courts, it's a very pleasant surprise to have a decision in our favor."

The ruling recognized the importance of trade agreements, he said, "but they quite clearly stated that you

"The court has acted decisively to prevent an influx of trucks into the U.S. until we know how they could affect the air we breathe."

can't just cavalierly dismiss state or federal laws that were passed to protect the environment or the citizenry."

DOT acted arbitrarily

On May 1, 2002, the union joined a broad-based coalition of environmental, labor and consumer groups in a lawsuit to stop the Bush Administration from opening the border to Mexican truck traffic. Other coalition members include: Public Citizen, the Environmental Law Foundation (ELF), California Federation of Labor, AFL-CIO, and the California Trucking Association.

The lawsuit charged the Bush Ad-

ministration with violating environmental laws for not considering the environmental impact of Mexican trucks, which emit more pollution than U.S. trucks.

In its ruling, the court found that the Department of Transportation "acted arbitrarily and capriciously" by failing to prepare a full Environmental Impact Statement.

Mexican trucks would increase air pollution

In its move to open the border, the Bush Administration failed to address environmental health concerns with Mexican truck emissions. The lawsuit claimed that trucks from Mexico would dramatically increase U.S. air pollution because:

At least 30,000 Mexico-domiciled diesel trucks could enter the U.S. in

a single year, including many older, pre-1994 trucks that are the most egregious polluters.

By the year 2010, trucks from Mexico will emit twice as much particulate matter and nitrogen oxides as U.S. trucks. Fine particulate matter is considered to be the largest environmental public health problem in the U.S. today.

There is no process in place to systematically inspect the emissions of trucks coming over the border from Mexico.

Trucks from Mexico may not be covered by a 1998 settlement that requires U.S. trucks to remove "defeat devices" which enabled them to test clean at inspection sites but run dirty on the open road.

"Over the last several decades, we have made significant progress creating and enforcing laws that protect people from the dangers of diesel emissions. We cannot allow this flawed policy to erase all of our progress," said Mack.

Making our case for fair driving rules

At the end of September, the Federal Motor Carrier Safety Administration (FMCSA) promulgated rules that would suspend a truck driver's commercial driver's license for citations that occur off the job. In December, the Teamsters and several other unions met with the FMCSA to suggest alternate rules.

A Commercial Driver's License (CDL) holder, for example, who gets a "driving under the influence" citation in his/her personal car loses his or her CDL for a year. Receive a second DUI, even ten years later, and the CDL is suspended for life. Just as bad, maybe worse, a driver who gets two "serious" citations in a three-year period loses his/her CDL for 60 days. One more citation in that time frame tacks on an additional 120 days.

"These rules are draconian," says Joint Council 7 President Chuck Mack. "A truck driver has double exposure—on and off the job—and a penalty that goes far beyond anybody else's—job loss."

The Teamsters have petitioned the FMCSA for reconsideration. To date, no reply has been received. "If the agency refuses, we're prepared to file suit and make our case in court," said Mack.

In early December, Mack brought Fred McLuckie, IBT Government Affairs representative, to meet with Julie Cirillo, former FMCSA head, and Annette Sanberg, newly appointed FMCSA Director. Ed Wytkind, Chair of the AFL-CIO Transportation Trades Department, and representatives from the IBEW and Amalgamated Transportation Union also participated in the meeting.

"The unions had an opportunity to make their case and both Cirillo and Sanberg were attentive," Mack reports. "Their questions were on the mark and they expressed a willingness to do what's right. We'll see."

Mack says that the Teamsters' goal is reconsideration by the FMCSA and a revised rule that is fair and equitable, not just punitive.

Strike authorization votes to be held in all freight Locals

National Master Freight talks stall

See pages 4-5 for details

Important Notice

To: Participants and Beneficiaries of the Teamsters Life With Dues Benefit Plan (Trust Fund)

Important information about your rights under the Plan, and under the Employee Retirement Income Security Act, is included on page 7 of this newspaper. This information should be read by you and retained for future reference.

SACRAMENTO REPORT

Law changes in 2003 impact Teamster members

By **BARRY BROAD**
Teamsters Public Affairs Committee

Last year's session of the California Legislature was a banner year for organized labor. We succeeded in passing numerous bills that were signed by Governor Davis and will significantly impact the rights of workers in a number of important areas. The following are new laws affecting workers' rights and labor issues that go into effect in 2003:

In 2002, the legislature passed and the Governor signed numerous bills that will impact the rights of workers.

Workers' Compensation

Maximum benefits increase from \$490 to \$602 per week and temporary disability benefits indexed for inflation. (AB 749, Calderon)

Unemployment Insurance

Benefits increase from \$330 to \$370 per week (SB 40, Alarcon)

Mass Layoffs

Companies must give 60 days notice to workers before a mass layoff and authorizes backpay and other civil penalties for companies that fail to do so (AB 2957, Koretz)

Workers' Rights

Workers have the right to discuss and disclose their working conditions with-

out fear of discipline or retribution from their employer (AB 2895, Shelley)

Ports

Air quality enforcement officers to fine port operators who cause drivers to idle for more than 30 minutes (AB 2650, Lowenthal)

Port operators must inspect intermodal chassis before they are released to a truck driver and makes the owner responsible if the driver is given a ticket for unsafe chassis (SB 1507, Romero)

Sick Leave

New law prohibits the practice of some employers to exploit a loophole in the 1999 law by using absence control policies to penalize employees for exercising their rights (SB 1471, Romero)

Agricultural Labor

New law will give unions representing farm workers the right to seek binding mediation when the employer fails to negotiate in good faith (SB 1156, Burton & AB 2596, Wesson)

Labor Laws

California's labor laws will be enforced regardless of the immigration status of the worker (SB 1818, Romero)

Payroll Records

Employers must provide a worker's payroll records within 21 days of a request by the worker or their union representative (AB 2412, Diaz)

Public Transit

Repeal of law that prohibits collective bargaining agreements in public transit from containing clauses that either prohibited the hiring of part-time workers or prohibited the public agency from contracting out (AB 1912, Kehoe)

Public Transit

Public agencies and private bus companies which do subcontracting work providing public transit services must have a working two-way communication device on the bus (AB 629, Oropeza)

Local Governments

Guarantees that higher labor standards local governments have enacted (like living wages, anti-retaliation, and worker retention policies) apply to state funds that they administer (AB 2509, Goldberg)

Fighting Wal-Mart

Prohibits Wal-Mart from getting into the banking business in California (AB 551, Papan)

SPECIAL NOTICE

As of this issue, the *Northern California Teamster* will come out five times per year instead of six. Expect your next issue in early May, and then in August, October, December and February.

APPLY NOW



CONTACT
YOUR LOCAL FOR AN APPLICATION

Free Hazardous Materials Training

New standards for transporting hazardous materials are coming into effect.

All Teamsters should be prepared to comply.

The Teamsters JC7 Commercial Drivers Education Program offers the following training for free:

- ⊙ 4-hour DOT (HAZMAT) Hazardous Materials Awareness course and refresher
- ⊙ 40-hour (HAZWOPER) Hazardous Waste Materials course
- ⊙ 8-hour (HAZWOPER) Hazardous Waste Materials refresher

To sign up, please call Barbara at:
415-330-8500



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AROUND THE LOCALS



New members of Local 315 at PPG Auto Glass

Workers at PPG Auto Glass vote "Union Yes"

When the employees at PPG Auto Glass in Concord contacted Local 315 Organizer Steve Gutierrez and said they wanted a union, they meant it. On January 9, these workers stuck with their commitment and voted unanimously for union representation. This bargaining unit consists of drivers, installers and warehouse workers.

"Local 315 is pleased to welcome these new members," said Secretary-Treasurer Dale Robbins. Negotiations for their first contract will begin in February.

Tee off for the Teamsters

The Teamsters Assistance program (TAP) will hold its 19th annual fundraiser Golf Tournament at Sunol Valley Golf Course on Wednesday, April 30, 2003. The tee-off is at 7:30 a.m. and a luncheon is slated for 12:30 p.m. A raffle includes \$1,500 cash and a wide assortment of prizes.

Services directly funded by this event include:

- Workplace orientation for employees about TAP services;
- Workplace training for supervisors and shop stewards about how to refer employees/members to TAP before problems worsen;
- Critical incident debriefing services done at the workplace after fatal ac-

cidents, serious injuries or other traumatic events;



- More than 10 weekly continuing care meetings—from Watsonville to Vacaville. These meetings are available to Teamsters, their families and friends who are interested in maintaining and supporting sober lifestyles.

- TAP's monthly sobriety birthday parties, annual Christmas season party and summer barbecue picnic at the Oakland Zoo.

TAP depends on your generous support to make the tournament a success. To register or donate a raffle prize, please call 510-562-3600 and ask for Julie Piankoff or Carol Souza.

East Bay Teamster Retirees celebrate 29 years



Attendees at the 2002 East Bay Retiree Club Luncheon. The 30th Annual East Bay Teamsters Retiree Club Luncheon will be held on April 16. See Bulletin Board for details.

Finally getting a contract at Unisource

After nearly 20 months of working without a new contract, the Local 70 members who work at Unisource Pleasanton finally have one.

Local 70 anticipated difficult negotiations because Georgia Pacific—known for difficult labor relations across the country—had purchased Unisource shortly after the prior agreement was ratified.

In all, the talks included 23 negotiating sessions and seven telephone conversations. On two separate occa-

sions, the members rejected the employer's substandard contract offers.

"The settlement came at some price," says Local 70 President Joe Silva. "Our members endured a cloud of uncertainty for many months. In the end, we maintained our position or made gains on the key issues"—health and welfare, increased contributions to the Teamster pension plan, and maintenance of sick leave. "But, a strike was imminent every step of the way," Silva added.



Local 78 Secretary-Treasurer Steve Mack distributes prizes at Member Appreciation Day event.

Local 78 celebrates Member Appreciation Day

Santa Claus came early for members of Local 78 who attended the Local's second Member Appreciation Day on December 7, 2002. Every one of the nearly 200 members in attendance received a gift—ranging from personal CD Players to 27-inch TVs.

"I've won other things in my life before, but I don't think I've ever won anything this nice" said Mike Borbon, an armored car driver from Loomis/Fargo. Mike was one of eleven lucky members who won a grand prize television. Additionally, every member received a Local 78 T-shirt and a baseball cap.

Members were also updated about the crisis in the health care industry by presentations from several industry experts.

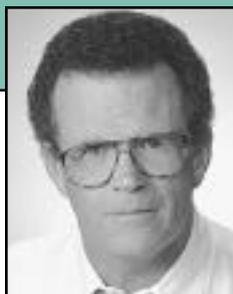
Picnicing with Local 278's Retirees



With 115 members and guests in attendance, Local 278's Retiree Club picnic was a great success. Many union companies donated great prizes. We expect the 2003 Picnic to be even better!

Lyon Reunion

Come one, come all! We are having a Lyon's reunion in Fresno April 4-5, 2003. Anyone formerly employed at Lyon's is welcome to attend. Please contact Mike and Kathy Fisher at 559-685-8434 or Sam Marshall at 510-783-2799 if you plan to attend.



President's Report

by
Chuck Mack

Saving our health plans and pensions

What a difference a decade makes. Ten years ago, it was the best of all worlds. Health care costs were on the way down while Teamster pension benefits were on the way up.

Whether a result of competition, business fear of government intervention—the “Hillary” factor, or corporate generosity, the reduction in health care costs was welcome. It made contract negotiations a lot easier, but more importantly, opened the door for new and improved benefits for members, both active and retired, and their families.

On the pension side, investment income hit record levels. Returns of 10, 15, even 20% were not uncommon. New money meant new benefits and pension plan trustees responded. They increased the amount of retirees’ 13th check, jacked up spouse, dependent and disability benefits, increased benefit accruals, established early retirement with the Rules of 84 and 80. Members were able to retire earlier than expected at amounts seldom imagined.

Skyrocketing health & welfare and dwindling pensions

How times change. Health and welfare costs have taken off like a rocket. In many health plans, monthly premiums approximate \$1,000 a month per member and there’s more to come. Experts predict 15-20% annual cost increases over the next four or five years.

News on the pension front is no better. The investment returns of the 90’s has evaporated. The stock market meltdown and a listless bond market affected pension funds like it did all other investors. Gains became losses. In the words of one expert, many pensions are being hit by a *double whammy*: “Plan assets are falling far short of earnings expected returns, and the market value of such assets is declining precipitously.”

Given this environment, pension improvements aren’t coming anytime soon. The good times are gone, at least for a while.

The crises in health care and pension have been likened to a “Perfect Storm:” unpredictable, with the ability to do incalculable damage and the power to literally destroy the health and welfare and pension benefit infrastructure.

We can turn things around

Where do we go from here? Can we, in fact, turn things around—get health costs back in line and secure pension benefits? The answer is yes, but it is going to take effort.

First and foremost, we need to organize, to build a coalition large enough and strong enough to bring about political and legislative change.

The coalition must be inclusive. It can’t be local or parochial in its makeup. The problems are national, maybe international, in scope. They have to be addressed at that level.

There is no quick fix, no easy answer, but two initiatives jump out. The first, universal health care. The second, legislation severely punishing those engaged in corporate fraud and establishing a code of conduct that will prevent future Enrons, Adelphias, World Coms, and Tycos.

Universal health care is an idea that came, went, and has come back again. Largely because 45 million people live in the United States without health care. It’s morally outrageous and needs to be addressed on that basis alone.

It’s also, however, an added expense for employers and unions that provide health and welfare. Those without coverage get care in emergencies. They can’t pay, so hospitals factor the cost into what they charge those who can pay. The result: union-employer health care plans are subsidizing employers who don’t provide coverage.

Universal health care not only provides coverage to those that have none, it stops the subsidization. Universal care means that Wal-Mart, Burger King, and others that don’t provide their workers with health care would have to. It means rogue employers have to treat their workers right and pay their fair share.

Pension plans are not going to recover until the stock and bond markets come back. And that won’t happen until investors are confident that the markets aren’t rigged to benefit a few. There’s need for a strong legislative code of conduct that insures market and corporate integrity. Further, those who abuse shareholders’ trust (Lay, Kozlowski, Rigas, et al) need to be punished. Jail for the “evil doers” and a code of conduct are the prerequisites in restoring trust and integrity in financial markets and moving them upward.

Universal health care or corporate reform are not offered as the “be all, end all.” They seem to make sense given the gravity of the problems but there are a lot of other ideas and suggestions that deserve consideration.

One thing for sure, change will not come easy. Many powerful interests will do everything they can to maintain the status quo.

On our side, however, it’s obvious: the problems in the benefits area are extremely serious. They impact the present and future of millions of Americans, and we are morally right in our position.

It’s up to us. To paraphrase Joe Hill, “Don’t mourn (or piss and moan)—Organize!”

Union and industry proposals are bil

National Master Freight

The Teamsters National Freight Industry Negotiating Committee (TNFINC) unanimously called for a strike-authorization vote after talks broke off in the early morning of January 20. All Local Unions with freight members will hold a vote by the end of January, and the results will be announced on February 3.

“We’re a couple billion dollars apart in the economics,” says Joint Council 7 President Chuck Mack. “We need to send a message to the employer, and at the same time, get our membership involved in the process. If we have to take economic action, this is the first step in getting prepared.”

The National Master Freight Agreement, which expires on March 31, covers workers at ABF Freight System, Roadway Express, USF Holland, Yellow Transportation, and about a dozen smaller companies that sign on to the agreement after the major companies negotiate the pact. About 1,000 members of Locals in Joint Council 7 are covered by this agreement.

Though negotiators had made significant progress on non-economic issues, talks broke down over wages and pension contributions. “We actually got them to agree to a reasonable health and welfare package and we’re working on instituting Cost of Living increases, which will be very important if we move into inflationary times again,” Mack explained to the freight members of Local 70 who were voting whether to authorize a strike.

“The problem is, they offered unacceptable wage and pension increases and were unwilling to even discuss the issue.”

“We’ll do everything that we can to get this agreement wrapped up without a strike,” Mack added. “But if that fails, once we have the strike vote, we’ll be in a position to take economic action.”

No further talks are currently scheduled.

Improvements in Supplemental Agreements

Regional bargaining teams negotiated the supplemental agreements, which will have to be approved by the members once there is a national agreement. None of the regional agreements contain any concessionary language or givebacks.

Some of the improvements in the supplements include: limits on subcontracting, more flexibility for taking vacation days; limits on 10-hour days, improved bidding procedures, and much more.

Members of Joint Council 7 who served on the Western Supplemental Bargaining Committee include: Chuck Mack, President of the Joint Council; Robert Bell, Local 70; Lou Marini, Local 85; William Buccellato, Local 315, and Earl Averette, Local 856.

Companies report big profits

The three largest carriers under the National Master Freight Agreement (NMFA) all posted their fourth-quarter and calendar-year results this week, and the gains were impressive. Yellow, Roadway and ABF collectively reported nearly double the operating income in the fourth quarter 2002 than they did for the fourth-quarter 2001. As a group, the carriers posted \$6.6 billion in revenue and pre-tax profits of more than \$200 million for the year.

“With profits running this high, the companies have no excuse for giving us a substandard package,” said a Local 70 member just before the Local authorized a strike by a 92-6 margin. “We’re all looking at the bottom line, and this is a bottom line issue for our members,” Mack added.

Millions of dollars apart; health care co-pays key sticking point

Wage Agreement talks stall; strike authorization vote called



Discussing proposals for Western Supplement: (L-R) Bob Bell, Local 70; Bill Hoyt, Local 287; Chuck Mack, Local 70, and Lou Marini, Local 85.



Joint Council 7 Freight Negotiating Committee members: (L-R) Chuck Mack, Local 70, Lou Marini, Local 85, and Earl Averette, Local 856.



On January 25, Local 70 members get updated on status of talks and authorize strike by vote of 92-6.

Using Teamster investment funds to build Teamster power

The National Teamster Trustees Education Program, held in December in Washington, D.C. is a first step in giving life to the Capital Strategy Resolution that the IBT adopted last year. (See below.)

Over 100 Teamster Trustees from the U.S. and Canada came together to learn about capital strategies, share experiences and begin fashioning a program for the future. The goal—to build Teamster power.

There was an array of subjects and speakers. Proxy Voting, Investment Strategy, Shareholder Action, Grass-roots Worker-Money Activism, Recovering Your Investment, and the Voting Rights and Responsibilities of Union Trustees were some of the topics that got attention.

Speakers included General President James Hoffa, Secretary-Treasurer Tom Keegel, Phil Angelides, California's State Treasurer, and Bill Lerach, the lead attorney in the Enron case who was recently labeled in a national magazine as the person corporations fear most.

Both Keegel and Hoffa made it clear in their remarks that notwithstanding the number of health care and pension plans in the Teamsters, it's essential that we cooperate and coordinate in developing a unified approach on capital strategy. Money is power and it's time we have a voice in how it's invested. The days of money managers and banks using member money against them are gone.

In his presentation, California Treasurer Phil Angelides unveiled a new report "The Power of the Purse, How Investors Can Restore Integrity to Financial Markets." This report lays out a series of principles designed to be guideposts for a new era of "investor engagement." Angelides calls them his "commitment to promoting corporate responsibility and restoring accountability and integrity to our national financial framework." The six principles:

- Demand ethical conduct.
- Shareholders should act like owners.
- Reward value, not greed.
- Pursue new investment strategies.
- Send a Message: company conduct counts.
- Reward the creation of long-term value.

Angelides singled out for special attention companies that relocate their corporate headquarters offshore to Barbados, Panama, Bermuda, et al. He called such action irresponsible and un-American, driven by greed and nothing more than an attempt by these businesses to avoid taxes and insulate themselves against shareholder legal rights.

Angelides has taken the Treasurer's job in California, a once sleepy, quiet, below the screen position,

and converted it to a high-profile job, driving change and reform in the financial community.

The meeting was challenging—an important first step. There's a lot more to do. Next time, the goal is to have representatives from every Teamster Trust, and develop a plan of action—what to do and when to do it.

The potential is immense. If harnessed it can do a lot for the union movement and union members.

Teamsters General Executive Board Resolution in Support of Capital Strategies Program

WHEREAS, Institutional Investors have assets of more than \$18 trillion in capital markets, and

WHEREAS, Pension Funds comprise the largest group of institutional investors holding \$9 trillion in assets of which Teamster pension and health and welfare trusts hold over \$70 billion, and

WHEREAS, the performance and governance of equities directly and significantly affects Teamster members, pension funds and health & welfare trusts, and

WHEREAS, Institutional Investors including Teamster pensions funds and health & welfare trusts have a responsibility to monitor and act in the interest of advancing sound corporate governance and policies that build long-term value, and

WHEREAS, the active exercise of ownership and shareholder rights and prerogatives by Institutional Investors, and particularly by Taft Hartley and public pension plans, has led to significant reforms in corporate policies, and

WHEREAS, Institutional Investors including Teamster pension funds and health and welfare trusts employ investment managers that place among the largest owners of record of corporate equities, including the shares of corporations employing Teamster members, and

WHEREAS, Teamster pension funds and health and welfare trusts have equity holdings that enable them to submit shareholder proposals for corporate re-

forms that are voted on by shareholders of record, and

WHEREAS, not to exercise these shareholder rights to promote the interests of Teamster members, Teamster-related funds and their participants and beneficiaries can allow corporations to act contrary to the best interests of Teamster members, Teamster-related funds and their participants and beneficiaries,

NOW, THEREFORE, BE IT RESOLVED, that the International Brotherhood of Teamsters General Executive Board supports a Teamster Capital Strategies Program that:

- Encourages Teamster pension funds and health and welfare trusts to actively exercise their ownership and shareholder rights and prerogatives;
- Provides education concerning the responsible exercise of the rights and prerogatives for the trustees of Teamster pension fund and health and welfare trusts and for Teamster trustees serving on public pension funds;
- Promotes the adoption of AFL-CIO proxy voting guidelines by Teamster funds as well as investment managers;
- Monitors the accountability of investment managers for following sound practices with respect to the exercise of shareholder and ownership rights and prerogatives; and,
- Promotes the adherence of funds and manager to AFL-CIO annual key votes.

JOINT COUNCIL 7

Executive Board

Chuck Mack...President
Steve Mack...Vice President
Robert Morales...Secretary-Treasurer
Rome Aloise...Recording Secretary
Ernie Yates...Trustee
Carlos Borba...Trustee
Franklin Gallegos...Trustee

Delegates' Meetings

The regular 2003 delegates' meetings are held the first Tuesday in February, April, June, August, October and December.

BULLETIN BOARD

Local 15, Union City

Membership meetings:

February 24, and March 24, 3:30 p.m. at Teamsters Local 853, 2100 Merced St., Suite B, San Leandro.

April 28, 3:30 p.m. at Teamsters Local 287, 1452 North 4th Street, San Jose.
Chuck Davis, Secretary-Treasurer

Local 70, Oakland

Regular Membership meetings:

Fourth Thursday of the month, 8 p.m. 70 Hegenberger Road, Oakland
Chuck Mack, Secretary-Treasurer

Local 78, Hayward

Regular Membership meetings:

Fourth Monday of the month, 7:30 p.m. 492 C Street, Hayward

NOTE: The April Membership meeting will be held Monday, April 21st.

Bakery Division Quarterly meetings: Second Tuesday in March, June, September and December, 5 p.m., at 492 C Street, Hayward
Steve Mack, Secretary-Treasurer

Local 85, San Francisco

Regular Membership meetings:

Second Thursday of the month, 8 p.m. 2660 Newhall Street, San Francisco. Stewards' meeting is an hour prior.
Van Beane, Secretary-Treasurer

Local 278, San Francisco

General Membership meetings:

Third Tuesday of the month, 7:30 p.m. Slovenian Hall, 2101 Mariposa St., San Francisco.

Jack Bookter, Secretary-Treasurer

Local 287, San Jose

Membership meetings:

Second Tuesday of the month, 8 p.m. 1452 North 4th Street, San Jose
Doug O'Neal, Secretary-Treasurer

Local 315, Martinez

General Membership meetings:

Second Wednesday of the month, 8 p.m. 2727 Alhambra Avenue, Martinez
Dale Robbins, Secretary-Treasurer

Local 350, Daly City

General Membership Meetings:

Wednesday, March 26, 2003, 7 p.m. Teamsters Local 287, 1452 North Fourth Street, San Jose
Thursday, March 13, 2003, 7 p.m. San Francisco Electricians' Hall 55 Fillmore Street, San Francisco
Robert Morales, Secretary-Treasurer

Local 484, San Francisco

General Membership Meetings:

Tuesday, March 11, 7 p.m., Spanish Cultural Center, 2850 Alemany Blvd., San Francisco.

For members north of the Golden Gate Bridge: Tuesday, March 18, 6 p.m., Carpenters' Hall, 1700 Corby Avenue, Santa Rosa
John Bottali, Recording Secretary

Local 490, Vallejo

Membership meetings:

Second Tuesday of the month, 7 p.m. 445 Nebraska Street in Vallejo.
Carlos Borba, Secretary-Treasurer

Local 624, Santa Rosa

Membership meetings:

Fourth Thursday of the month, 7:30 p.m. Santa Rosa Veterans Building, 1351 Maple Street, Santa Rosa

SPECIALMEETING NOTICE:

There will be a vote on the proposed Bylaw changes at the Feb. 20, 2003 General Membership meeting. Also, per Article XVIII, Section 3 of Teamsters Local 624 Bylaws, a secret ballot vote will be held on changing the initiation and reinitiation fees from the current rate to twelve (12) times a members' dues rate.
Bob Carr, Secretary-Treasurer

Local 665, Daly City

Regular Membership meetings:

Fourth Tuesday of the month, 7 p.m. 295 89th Street, Suite 306, Daly City.
Ernie Yates, Secretary-Treasurer

Local 853, San Leandro

Membership meetings:

Membership meetings are held the second Thursday of the month, 7 p.m. at the following locations:

February: 701 South B Street, San Mateo
March and April: 1700 Marina Blvd., San Leandro

Rome Aloise, Secretary-Treasurer

Local 856, San Bruno

Membership meetings are held at Local 856's Chetcuti Hall, 453 San Mateo Avenue, San Bruno, 7:00 p.m., as listed:

Tuesdays: February 25 • March 25 • April 29

Michael J. McLaughlin, Secretary-Treasurer

Local 890, Salinas

Membership meetings:

Second Thursday of the month, 8 p.m. 207 North Sanborn Road, Salinas
Franklin Gallegos, President

Local 896, Oakland

Northern California Soft Drink

Saturdays, 10 a.m. at Local 896, 8400 Enterprise Way, Oakland:

February 22 • March 29 • April 26

Northern California Anheuser-Busch, Inc., Fairfield

At Suisun Senior Center, 318 Merganser Drive, Suisun. Tuesday meetings - 5 p.m., Sunday meetings - 9:00 a.m.:
February 25 • March 30 • April 29
Rene Medrano, Secretary-Treasurer

Local 912, Watsonville

General Membership meetings - 22 E. 5th Street, Watsonville

Heavy Duty Sales: Third Wednesday at 8 p.m.

Frozen Food and Cannery Apples:

Fourth Tuesday at 8 p.m.

NOTE: Effective December 1, 2002, Teamsters Local 912 has moved to 22 E. 5th Street, Watsonville. Telephone: 831-724-0683; fax: 831-724-1554.

Pamela T. Cheaney, Secretary-Treasurer

Local 921, San Francisco

Teamsters Local 921 has merged into Teamsters Local 853. For more information contact Local 853 at (510)895-8853.

RETIREE CLUBS

Local 85 Retiree Club "Hitchin' Post"

Weekly meetings/home-cooked luncheon - every Thursday, 12 Noon Pacific Rod and Gun Club, 520 John Muir Drive, San Francisco
Marion "Mike" Lombardo, President

Local 278 Retiree Club

Second Wednesday - every three months, 12:30 p.m. at Granada Café, 4753 Mission Street, San Francisco. Next luncheon: March, 2003.
John Casaccia, President

Local 315 Retiree Club

Third Tuesday of every month, 10 a.m. at Local 315's Hall, 2727 Alhambra Avenue, Martinez
Dick Fleming, President

Local 490 Retiree Club

Second Thursday of every month, 10 a.m. at Local 490's Hall, 445 Nebraska Street, Vallejo
John Donahue, President

Local 921 Retiree Club

Monthly luncheon - second Tuesday, 12 Noon at the Pinch Hit, 6251 Third Street, San Francisco
Vic Sangervasi, Chairman

Central Coast Retiree Club

Last Thursday of the month at Local 890, 207 North Sanborn Road, Salinas.
Don Smith, President

East Bay Teamster Retirees

Monthly meeting on third Wednesday, 11

a.m. at Local 70, 70 Hegenberger Road, Oakland. 30th Annual Luncheon - April 16, 2003 at the Colombo Club, 5321 Claremont Ave., Oakland. No host cocktails & dancing 11 a.m.-12 Noon. Lunch served at 12:15 p.m. Contact Bernie Kearns 510-351-6854 or Ernie Freitas 510-483-5779.
Ernie Freitas, President

North Coast Teamsters Retiree Club

Meetings/luncheons held third Friday of the month at Labor Center, 1710 Corby Avenue, Santa Rosa, 12 Noon
Warren Sallady, President

Sacramento Teamsters Retiree Association

Meets last Wednesday of each month, 1 p.m. at Local 150's Hall, 7120 East Parkway, Sacramento, upstairs.
Eddie Bedrosian, President

Teamsters Retiree Club of Santa Clara County

Monthly meetings are third Thursday, 10:30 a.m. at Local 287, 1452 No. 4th Street, San Jose.
Gilbert Garcia, President

Wine & Spirits Retiree Club

A letter will be sent out to members with meeting information.
Art Royce, President

Teamsters Retiree Association of Local 137, Eureka

Meeting every second Monday, 2 p.m. at Laborer's Hall, 840 "E" Street, Eureka.
John Stewart, President

Summary Annual Report

TEAMSTERS LIFE WITH DUES BENEFIT PLAN

This is a summary of the annual report of Teamsters Life With Dues Benefit Plan (EIN 91-1691238, Plan No. 001), for the year beginning January 1, 2001 and ending December 31, 2001. The annual report has been filed with the Pension and Welfare Benefits Administration, as required under the Employee Retirement Income Security Act of 1974 (ERISA).

Insurance Information

The Plan has a contract with States West Life Insurance Company to pay life, accidental death and dismemberment claims incurred under the terms of the plan. The total premiums paid for the plan year ending December 31, 2001 were \$1,432,171.

Basic Financial Statement

The value of plan assets, after subtracting liabilities of the plan, was \$17,505,212 as of December 31, 2001, compared to \$17,001,581 as of January 1, 2001. During the plan year, the plan experienced an increase in its net assets of \$503,631. This increase included unrealized appreciation and depreciation in the value of plan assets; that is, the difference between the value of the plan's assets at the end of the year and the value of the assets at the beginning of the year or the cost of assets acquired during the year. During the plan year, the plan had total income of \$2,170,122 including employer contributions of \$642,211, realized gains of \$230,705 from the sale of assets, and earnings from investments of \$1,297,206.

Plan expenses were \$1,666,491. These expenses included \$187,372 in administrative expenses and \$1,479,119 in benefits paid to participants and beneficiaries.

Your Rights to Additional Information

You have the right to receive a copy of the full annual report, or any part thereof, on request. The items listed below are included in that report:

1. An accountant's report;
2. Financial information and information on payments to service providers;
3. Assets held for investment;
4. Transactions in excess of 5 percent of plan assets; and
5. Insurance information including sales commissions paid by insurance carriers.

To obtain a copy of the full annual report, or any part thereof, write or call the office of Board of Trustees for the Teamsters Life With Dues Benefit Plan, 552 Denny Way, Room 111, Seattle, Washington 98109, (206) 441-3151. The charge to cover copying costs will be \$5.00 for the full annual report, or 25¢ per page for any part thereof.

Summary Annual Report TEAMSTERS LIFE WITH DUES BENEFIT PLAN

You also have the right to receive from the administrative agent, on request and at no charge, a statement of the assets and liabilities of the plan and accompanying notes, or a statement of income and expenses of the plan and accompanying notes, or both. If you request a copy of the full annual report from the administrative agent, these two statements and accompanying notes will be included as part of that report. The charge to cover copying cost given above does not include a charge for the copying of these portions of the report because these portions are furnished without charge.

You also have the legally protected right to examine the annual report at the main office of the plan, 552 Denny Way, Room 111, Seattle, Washington, (206) 441-3151, and at the U.S. Department of Labor in Washington, D.C., or to obtain a copy from the U.S. Department of Labor upon payment of copying costs. Requests to the Department should be addressed to: Public Disclosure Room, N1513, Pension and Welfare Benefits Administration, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

NOTICIA IMPORTANTE PARA HISPANOPARLANTES

Usted puede obtener informacion y ayuda en Espanol, si no entiende ingles, tocante de los beneficios y reglas del Plan. Pongase en contacto con la oficina y pregunte para que le ayuden, Board of Trustees for the Teamsters Life With Dues Trust Fund, 552 Denny Way, Room 111, Seattle, WA 98109, (206) 441-3151.

TEAMSTERS LIFE WITH DUES Summary of Material Modification

The Teamsters Life With Dues Plan was amended this year to address eligibility for members called into active military service. Under the amendment, a member who was current in his or her dues when called into qualifying active military service will remain an eligible participant during the period of military service and up to thirty days following discharge from active military service. Military service will be considered qualifying if it is covered by the federal law entitled the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended.

If you have any questions, please contact the Administrative Office at 206-441-3151 located at 552 Denny Way, Room 111, Seattle WA 98109.

Summary Annual Report WESTERN CONFERENCE OF TEAMSTERS LEGAL SERVICES TRUST FUND

This is a summary of the annual report of the Western Conference of Teamsters Legal Services Trust Fund (E.I.N. 95-3543057, Plan No. 501) for the period October 1, 2000 to September 30, 2001. The annual report has been filed with the Pension and Welfare Benefit Administration as required under the Employee Retirement Income Security Act of 1974 (ERISA).

Self-funded Benefit Information

The Plan maintains its legal benefits under a self-funded program.

Basic Financial Statement

The value of Plan assets, after subtracting liabilities of the Plan, was \$7,768,694 as of September 30, 2001 compared to \$5,643,464 as of October 1, 2000. During the Plan year the Plan experienced an increase in its net assets of \$2,125,230. This increase included unrealized appreciation or depreciation in the value of Plan assets; that is, the difference between the value of the Plan's assets at the end of the year and the value of the assets at the beginning of the year, or the cost of assets acquired during the year.

During the Plan year the Plan had total income of \$5,393,555 including employer contributions of \$4,903,579, loss on the sale of assets of \$103,209 and earnings from investments of \$593,185.

Plan expenses were \$3,268,325. These expenses included \$389,886 in operating expenses, \$57,317 in investment expenses, \$2,891,863 in benefits paid to participants and beneficiaries and a net decrease of \$70,741 in benefit obligations.

Benefits and eligibility rules will change from time to time. Be sure to use the most recent plan booklet and to read any special notices about your coverage. Do not rely on outdated information. If you lose your coverage, you may be entitled to continue it by

making self-payments. Consult your booklet or the Plan Office for details.

Your rights to additional information

You have the right to receive a copy of the full annual report, or any part thereof, on request. The items listed below are included in that report:

- 1) An accountant's opinion
- 2) Assets held for investment

To obtain a copy of the full annual report, or any part thereof, write or call the office of the Board of Trustees; Board of Trustees; Western Conference of Teamsters Legal Services Trust Fund; 642 Harrison Street, Suite 306; San Francisco, CA 94107. (415) 777-3707

The charge to cover copying costs will be twenty-five cents (\$0.25) per page.

You also have the right to receive from the Plan administrator, on request and at no charge, a statement of the assets and liabilities of the Plan and accompanying notes, or a statement of income and expenses of the Plan and accompanying notes, or both. If you request a copy of the full annual report from the Plan administrator, these two statements and accompanying notes will be included as part of that report. These portions of the report are furnished without charge.

You also have the legally protected right to examine the annual report at the main office of the Plan:

Board of Trustees; Western Conference of Teamsters Legal Services Trust Fund; 642 Harrison Street, Suite 306; San Francisco, CA 94107, and at the U.S. Department of Labor in Washington, D.C., or to obtain a copy from the U.S. Department of Labor upon payment of copying costs. Requests to the Department should be addressed to: Department of Labor; Pension & Welfare Benefits Administration; Public Disclosure Room, N-5638; 200 Constitution Avenue, N.W.; Washington, D.C. 20210.

In Memoriam

Joint Council 7 officers extend condolences to the family and friends of the following Teamster members who died recently

JACOBSEN, Bruce L., Local 15
 RAY, Robert R., Local 15
 CASSERLY, Thomas, Local 70
 COSTA, Antonio, Local 70
 DIAZ, Greg, Local 70
 GAN, Benjamin, Local 70
 KNIGHT, Everett, Local 70
 LOGAN, William, Local 70
 MERRITT, Leonard C., Local 70
 MORESI, Robert, Local 70
 MYERS, Frank, Local 70
 PREDIX, Richard Lee, Local 70
 SMITH, Harold, Local 70
 WHITLATCH, Kenneth, Local 70
 HOB DEN, Ken, Local 78
 SMITH, Golden, Local 78
 SMITHEY, George, Local 78
 THACH, Sunny, Local 78
 VICINO, George, Sr., Local 78
 BELTRAN, Steve, Local 85
 DUNNE, John, Local 85
 FOREMAN, Paul, Local 85
 GALLAGHER, James, Local 85
 GOMEZ, Thomas, Local 85
 LOCKE, William, Local 85
 MANN, Lemuel, Local 85

PARENTI, Ralph, Local 85
 SCHLIMMER, Norman, Local 85
 MOGANNAM, Farid, Local 109
 BAYARD, Jim, Local 287
 CHIFALO, Tony, Local 315
 RICCOBUONO, Frank, Local 315
 RUIZ, Jose, Local 315
 SCHULTZ, Elmer, Local 315
 SPARKS, Billy Jean, Local 315
 STEELE, Neva, Local 315
 TEIXEIRA, August, Local 315
 THOMAS, Joseph, Local 315
 BURNS, Robert, Local 350
 MALDONADO, Ricardo, Local 350
 HESZLER, William, Local 484
 DELCARLO, Michael, Local 624
 BEYERS, Emil, Local 860
 BARNARD, Helene, Local 856
 COMMODORE, Teresa, Local 856
 DAMANTE, Joseph, Local 856
 FERRARI, Walter, Local 890
 GONZALEZ, Andrea, Local 890
 LOPEZ OSUNA, Adolfo, Local 890
 RODRIGUEZ, Maria, Local 890
 MORA, Jesus L., Local 890
 BORRELLI, William, Local 921



TAP NEWS

TAP offers services for members' children

The use of drugs and alcohol continues to be a major problem for young people across the country.

In a survey by the U.S. Department of Health and Human Services called "2002—Monitoring the Future," researchers found that more than half of twelfth graders have used an illicit drug in the past year. Thirty percent have used a drug other than marijuana and 11% have used Ecstasy. Among tenth graders, 30.3% used marijuana, as did 14.6% of eighth graders. Use of heroin and cocaine remained stable and cigarette smoking declined in each grade. The survey tracked use among 44,000 students from 394 schools in grades ten through twelve.

According to the National Clearinghouse for Alcohol and Drug Information, the average age when adolescents try alcohol is 11 years for boys and 13 years for girls. It's been estimated that over 3 million teenagers are alcoholics and several million more have a serious drinking problem. Young people who start drinking before age 15 are four times more likely to become alcohol dependent than those who start at age 21.

TAP is here to help

These statistics are disturbing, especially to parents, but if you think that your child might have a problem with drugs or alcohol, help is available.

The Teamsters' Assistance Program (TAP) is dedicated to helping families find solutions to these difficult issues. TAP's assessment and referral services are available to spouses and children of eligible Teamsters.

The procedure usually works in the following way. A TAP counselor meets with the young person and their parents, gathers information and input and then makes a recommendation to the young person and their family as to the appropriate course of treatment. TAP utilizes several out-patient programs and residential programs for adolescent referrals.

If the problem is not alcohol or drug-related, a referral is made to the

appropriate type of therapy or treatment. Parents are encouraged to call the treatment facilities to learn how they operate. Parents and other involved family members are strongly encouraged to participate in the treatment process to assist the adolescent.

Addiction is a disease. Treating a disease as early as possible is only logical. Call TAP at (510) 562-3600 to find out about the program. All calls are completely confidential.

TAP is a service developed and supported by Joint Council 7 in the spirit of "Teamsters helping Teamsters." All TAP services are available without cost to eligible Teamsters and their families.

YOUR LEGAL RIGHTS

Past Practice Grievances - Powers and Limitations

There are times when unions can compel an employer to comply with past practices that benefit employees even though the collective bargaining agreement does not expressly require it. Union members should be aware of how this works so that they can protect their legal rights.

Essentially, a past practice is any long-standing, frequent practice that both the union and management know about and accept. These established practices will be recognized by arbitrators as part of the "law of the shop." In most cases, management cannot change a valid past practice without first bargaining with the union. Sometimes a change cannot be made until negotiations for a successor contract. But be sure to check your contract, because some contracts restrict grievances based on past practice.

What Past Practice is Not

Below is a 4-part test as to what is a past practice, but not all practices that pass the 4-part test will be binding on management. A practice IS NOT binding if it involves a method of operation or direction of the work force. A practice IS binding if it involves a particular benefit of a personal nature (even if it costs the company money).

What is a Past Practice?

The 4-part test:

Every bona fide past practice must have the following four components.

*From the
Law Office of
Beeson, Tayer & Bodine*

This commentary is not to be construed as legal advice. Specific legal questions may be directed to the law offices of Beeson, Tayer & Bodine or your own attorney.

You will notice as you read this list that many of the elements are not very clear and precise. You will need solid evidence to prove the existence of a past practice. It helps to get as many members involved as possible.

1 Certainty: It must be unequivocally certain that the practice exists. Remember, you are arguing that it is the law of the shop, like the Union Contract.

2 Clearly defined and acted upon: There must be a clear and consistent pattern of the practice being repeated in substantially the same way each time. There may be a few deviations, but just a few. For example, if management has always provided aspirin to employees who asked and just stopped one day. The company cannot claim that because on four occasions in the past two years it had refused to give out aspirin that it is not a custom, particularly if the union can document 100 times in two years it did.

3 Recognized over a period of time as a fixed established practice: Think years, not weeks or months.

And think regular repetition. The practice can not have happened several times 4 years ago. Instead, it must take place with regularity. For example, each Wednesday, everyone eats together taking longer than the usual 30 minutes for lunch. If nobody has been disciplined before, then it's a past practice. Regular can also mean once a year. If every year for 10 years the company has given workers a Holiday ham, then that's good enough.

4 Both the Union and the Company have known and accepted it: Here,

think higher management, not just the first line supervisor. You need to look for a time when the company officially acknowledged the practice. For example, if it's referred to in an answer to a grievance, that's really strong.

What else should you know about past practices?

There are three categories of past practice: (1) contract clarification, (2) independent, and (3) contract conflicting.

The strongest of the three is the contract clarification practice. This is when contract language is vague and

there is a shop custom that clarifies the meaning of that language. If you can successfully argue that the practice is connected to language in the contract, then the employer CANNOT change it without the union agreeing to a change.

An independent past practice is one that cannot be connected to language in the contract. Most of these practices are taken for granted like free parking and vending machines. But, these practices can be terminated by management under certain conditions, like abuse or change in conditions. Usually, the employer must bargain with the union over the change, but they can unilaterally implement the change if the union refuses to go along.

The toughest past practice to enforce is one that directly conflicts with the language of the contract. The union will only win these grievances if the practice is very frequent, very clear, and has been happening for a very long time. It also helps if the practice clearly conflicts with contract language so that management cannot say they did not know about the conflict.

Past practice grievances are worth fighting for. They take some work and a little know-how, but if every member keeps an eye out for management stepping on shop custom, you will be able to fight back!