



TEAMSTERS

Northern California

Serving more than 70,000 Teamsters and their families

Volume 49, Number 3

August/September 2004

Teamster stewards and worksite coordinators set organizing strategies for November elections

"This is the most important election in our lifetime"

"It's all about building Teamster power—and making sure we can even have strong and viable unions into the future," said Joint Council 7 President Chuck Mack at a June 20 Political Coordinators Meeting. "This election can make or break our union. It's up to all of us to inform ourselves and our fellow members about the issues—and make sure they vote."

Informing and activating our members was the theme of worksite political coordinator meetings held in San Jose, Oakland and San Leandro in May, June and July. "This is the most important election in our lifetime,"

said Political Coordinator and Local 287 President Bob Blanchet. "It's not too early to inform our members about the stakes and start getting active."

The Teamster strategy is to have at least one political coordinator at every worksite. Coordinators will post flyers about the issues and will have voter registration forms available.

As the election nears, coordinators will be looking for help at phone banks and precinct walks. This is a great way to meet your neighbors and help them to do the right thing.

Changing tracks

A recent CBS News poll showed



Worksite political coordinators met in San Jose and Oakland to set strategies for involving Teamsters in the November elections. Above is a Stewards meeting at Local 853's San Leandro hall held in July.

that, "65% of Americans believe the country is on the wrong track." Here's a look at changes in key indicators of economic well-being.

- Poverty fell by 25.2% between 1992 and 2000. According to Census Bureau data, under President Bush poverty has risen by 7.1 %.
- More people are unable to find work than four years ago. The current unemployment rate is 5.6% compared to 4% in 2000. Clinton created 22.7 million jobs. Under

President Bush, 1.1 million jobs have disappeared.

- Wage growth has fallen dramatically, from 4.9% in 2000 to a mere 2% in 2003.
- The budget went from a surplus of \$23 billion in 2000, to a deficit of \$477 billion this year.

"With 1.4 million Teamsters across the nation, we can make sure the country is on the right track—but only if we register and vote. It's up to all of us," Mack said.

Register to Vote!

3 reasons why:

- The 2000 presidential race was decided by less than 600 votes. This election could be just as close.
- Big business outspent labor 15 to 1. We don't have their bucks, but we have our votes.
- Millions of Americans have died to protect your right to vote.

3 ways how:

- Get a form from your worksite political coordinator. Fill it out & give it to the coordinator to mail in.
- Get a form from your local union office, post office or DMV. Mail it in.
- Register online with the Secretary of State: www.ss.ca.gov

Deadline: October 18, 2004

Bush-1, Workers-0 on cross border safety/environment fight

The U.S. Supreme Court found that the President has the authority to open the border to Mexican trucks and the North American Free Trade Agreement takes precedence over U.S. environmental law.

This decision came in response to an appeal by the Bush Administration that overturned a decision by the U.S. Court of Appeals for the Ninth Circuit. The Circuit court had found that the Bush Administration had failed to conduct a review on the impact that increased truck traffic would have on the environment.

The White House was quick to claim victory. In a statement that begs explanation, Presidential spokeswoman Claire Buchan said: "This is good for American workers and we welcome it. The President has been committed to opening the border to

Mexican trucking in a way that ensures safety, and we're pleased that can now proceed."

Teamsters led lawsuit to keep border closed

The decision did not bring any joy to the Teamsters, environmental groups and others that had sued the Bush Administration two years ago, arguing that environmental impacts were necessary prior to the border being opened.

Joint Council 7 President Chuck Mack called the decision a disaster. "It's bad for the environment, it's bad for highway safety, it's bad for national security and it's proof positive that the Bush Administration is out of touch with the American people."

Teamster President James Hoffa agreed. "It's a setback for all who ad-

vocate safe roads, clean air and a secure America."

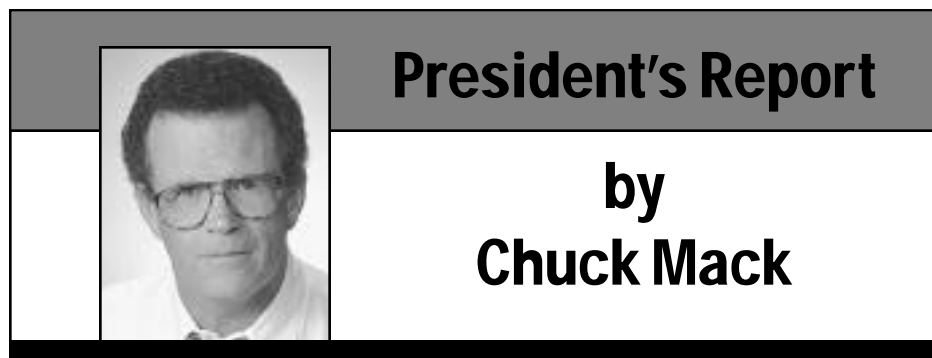
The issue of opening U.S. borders to Mexican trucks has some history. When NAFTA was signed in 1993, it provided for a phase-in of cross border trucking between Canada, the U.S. and Mexico. The Teamsters, Public Citizen, and a number of other groups protested to the Clinton Administration that cross border trucking, given the condition of Mexican trucks, posed significant safety, health and environmental problems. President Clinton vowed the border would remain closed until the trucks were in compliance with U.S. safety and air quality standards.

Two years into his term, President Bush broke with the Clinton edict and ordered the opening of all U.S. roads to Mexican trucks. Local 70, IBT and Public Citizen, et al. brought suit in the

Ninth Circuit to stop cross border trucking until environmental and safety concerns were laid to rest. The Ninth Circuit Court of Appeals agreed and told the Bush Administration that the environmental assessment must be made before the border can be opened.

The Supreme Court decision brings a legal end to the challenge the Teamsters and others had mounted. It's still unclear how and when the borders will be opened. The effect on Teamster members and trucking in the future could well be dramatic.

"Workers, highway safety and the environment are all casualties. This is an Administration that's more interested in money and corporate power than people," said Mack. "The only way to turn this around will be to change who's running the Administration this November."



President's Report

by
Chuck Mack

Truck decision heads in wrong direction

The following article appeared as an Op-ed piece in the Contra Costa Times on Sunday, June 27, 2004.

In early June, the U.S. Supreme Court overturned a decision of the Ninth Circuit Court of Appeals and opened the U.S. border to trucks from Mexico. Notwithstanding that the opinion was unanimous, the Court was wrong. Another example of the government sacrificing the public's welfare on the altar of free trade.

This decision comes with a high price for Americans concerned with the environment, truck safety and jobs.

Just to set the record straight, the Teamsters Union is not opposed to trade. Many of our member's jobs depend on it. We do not, however, apologize for fighting to keep the border closed. It was the right thing to do not only for our members but also for the public in general. Trade agreements must be more than free, they must also be fair and cross-border trucking definitely is not.

The Court's decision means that in the not too distant future, older model Mexican trucks that do not meet U.S. air quality standards will be plying American highways. There are enough air quality problems in LA, Las Vegas, Phoenix and the Bay Area. The decision will only make conditions worse.

Truck safety, driver standards and insurance are also issues. Anyone who has visited Mexico recently has to worry that the trucks they saw operating south of the border might find their way north. Much of the equipment is old, worn and dangerous when operated on highways. Also, will insurance be mandated of Mexican trucks and will it be sufficient?

The question of the day—who will enforce the rules necessary to ensure that drivers from Mexico meet the re-

quirements that U.S. drivers must: hazardous material standards, random drug tests and clean driving records?

"This decision comes with a high price for Americans concerned with the environment, truck safety and jobs."

To those who accuse us of trying to protect Teamster jobs and jobs in general, we plead guilty. Cross border trucking exposes our members to low labor competition. However, our argument is not with Mexi-

can drivers or their abilities, but rather with the businesses, generally multinational corporations, that seek to exploit drivers on both sides of the border. In their race to the bottom, they will not hesitate to offer up workers to maximize profits.

It's all about money

In reality, this is what cross border trucking, NAFTA, China and other trade agreements are all about—money and how it is distributed. Until now, patent rights and copyrights have taken precedence over human rights.

The Supreme Court decision to open the border perpetuates thinking of this kind. If trade is to move from a win-lose to a win-win approach that promises a better, and yes, richer life for all, agreements should contain meaningful labor standards that protect the right to organize, protections against forced and child labor, allow free association and enforce environmental standards at the highest rather than lowest denominator. Exploitation of the environment in the name of free trade is as unacceptable as the exploitation of labor.

The cross-border decision underscores the need for a new trade approach. Failure to reach consensus will make the "American Dream" for most as illusory as the benefits of NAFTA and other recent trade agreements.

Teamsters and Port Drivers set strategies for improving port working conditions



Port truckers, perhaps the most exploited group of drivers in the country are working closely with the Teamsters to improve their position. In June, the Teamster Port Division brought together port drivers from across the U.S. to meet with Teamster leaders from Local Unions that have ports within their jurisdiction. They focused on the economic problems that port drivers face and how the Teamsters Union can help resolve them. Joint Council 7 President and IBT National Port Director Chuck Mack, front row middle, chaired the meeting.

Oops...

The last issue of the paper was incorrectly dated. It should have been the May/June/July issue. We apologize for any inconvenience this may have caused.

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TEAMSTER

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MEMBERS IN FOCUS

Teamsters join Letter Carriers to collect food for the hungry



Members of Local 287 spent Saturday, May 8, 2004, working with the National Association of Letter Carriers on its 12th Annual Letter Carriers' Food Drive.

The largest food drive in the U.S., the Letter Carriers Food Drive has collected more than 500 million pounds of food for distribution to agencies who help feed America's hungry. The food drive is supported by the AFL-CIO, the U.S. Postal Service, United Way and Second Harvest Food Banks and is held in over 10,000 cities and towns across the nation.

"Our members did a fantastic job," said Local 287 President Bob

Blanchet, "and the Local reached its goal of raising 200,000 pounds of food."

In addition to thanking the members, Blanchet also thanked the Local's freight employers, Roadway Express and DHL/Airborne Express, as well as the Teamsters Joint Council 7 Truck Driving School for the use of their equipment throughout the day.

"We will definitely do this again next year," Blanchet added. "And we'll recruit the other Local Unions in our jurisdiction to make it an even bigger and better success for everyone who needs our support!"

"They just never gave up"

After 13 years, 24 tour drivers get back pay award

In June, 24 Local 856 members received back wage checks that, over eleven years with interest added, totaled more than \$268,000. Individual awards ranged from \$400 to more than \$50,000.

The back pay awards came as the result of litigation that began in July, 1993, when Local 856 filed unfair labor practice charges with the National Labor Relations Board against their employer, Cable Car Charters, who either terminated or severely reduced the hours of work of these members.

The first collective bargaining agreement between Local 856 and Cable Car Charters, San Francisco's original motorized cable car tour company, was signed in December, 1993. However, getting that signature took nearly six months, with the Local waging a coordinated boycott and continuous picketing that crippled the company's tour business at its Fisherman's Wharf and Union Square locations.

The meanness and vindictiveness that CCC's owner, Arnold Gridley, had directed against the workers before, during and after the organizing

drive and contract campaign was so outrageous that Local 856 refused to withdraw the charges filed against him.

An 11-year legal battle ensued that included extensive NLRB hearings and trials and culminated with a six-day trial before Magistrate Peter Shaw in the U.S. Ninth Circuit Court of Appeals in 2001. The U.S. Supreme Court rejected Gridley's appeals. Instead, the Ninth Circuit found him in contempt and subsequently froze company assets and threatened to seize more unless he complied.

Arnold Gridley died last month at the age of 92. His passing came just weeks before Cable Car Charters, its assets partially under the control of the U.S. government, prepared the checks that the NLRB distributed to the 24 workers.

"Some of these workers now are close personal friends; others have moved away and gotten on with their lives," said Julie Wall, Senior Business Representative with Local 856. "However, all of them are my heroes! Their solidarity was superb, their cause was right, and they just never gave up."

Why should union members care about the elections ... and how will you be involved?



Nancy Goodrich-King
Local 70, UPS

"We have sway over our elected officials. We can speak with our votes. I'll try to gain some knowledge about the issues and get people to vote."



Welton McCarty
Local 853, JC Paper

"Voting and being involved in the electoral process is more important than a lot of people realize. It helps you to know what to expect in the future. I will try to get everybody on the job to register and vote, and will make sure that my kids vote."



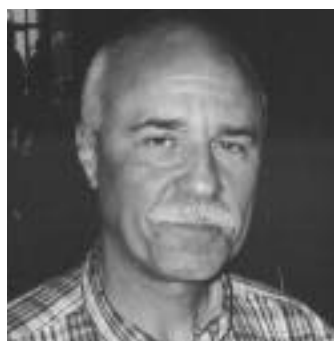
Kyle Brown
Local 856, IBT Pension

"Hopefully, we can make a change for the better where we have more union representation and people standing up for our rights. I'll be out talking to people and going to different businesses. I'll send the packets to my union stewards to get it on bulletin boards at work."



Bill Tisnado
Local 278

"The more labor-friendly people we get elected, the better off we are; they can push the labor agenda and union ideals. In turn, we'll have better lives for our families. I'll push hard on Prop 72, and will work to get our members phone banking and precinct walking in lieu of picket duty."



Keith Barros
Local 70, UPS

"The harsh reality is that things we take for granted, like health care, will soon become a thing of the past. Our quality of life is sinking. I never thought Bush would be elected in the first place. Now, our job is to show our fellow members that every vote counts and they have to stand up with us and fight."



Derek Brown
Local 85, Roadway

"Vote your conscience, but do vote! America is trying to force democracy on another country, but we're not a democracy—we're a republic. People fought for and died for this republic. It's a disservice to their memory when people don't vote. If you don't vote, don't bitch!"

Voting YES on Prop 72 in November will require large employers to insure their workers

Big business takes aim at health care law

Last year, California's unions sponsored the Health Insurance Act that requires large businesses to provide health insurance for their workers and protects workers from steep increases in premiums and out-of-pocket costs.

Campaign finance reports reveal that corporations, including McDonalds, Macy's and Wal-Mart, have contributed millions of dollars to a November referendum, Prop 72, that aims to overturn the law.

"If big business kills this law, our health insurance costs will continue to go through the roof," said Joint Council 7 President Chuck Mack, "and management

will use rising costs as a hammer at the negotiating table." The referendum comes at a time when more than 500,000 California union members are negotiating their contracts. "In every one of those contracts, CEOs will try to shift the costs of health care onto us," said Mack. "Why should we subsidize Wal-Mart?"

Mack says that a YES vote on Prop 72 in November will help protect union coverage—under Prop 72, employers must pay a minimum of 80% of monthly premiums for every worker. This "levels the playing field" between union and non union employers.



What does it mean to vote YES on Prop 72?

YES on 72 will provide new health coverage to more than one million working people—without creating a new bureaucracy.

YES on 72 will allow you to keep your doctor and your current insurance plan.

YES on 72 will keep uninsured workers out of the emergency room, saving taxpayers \$4 billion a year.

YES on 72 will save taxpayers \$800 million every year by keeping uninsured workers off state programs.



A real union at Portal

The 115 employees of Portal Publications voted 67-26 to join Teamsters Local 70 in May. Portal is a Hayward-based distributor of calendars and posters.

Portal's workers wanted union repre-

sentation instead of the company "committee" they currently had. But the NLRB denied their union election petition, saying they were already "represented." The union decided to wait to re-file for election until their "contract" expired.

The company proposed a new contract—but the employees voted it down

three times in 10 days. It was clear they wanted a union contract. The NLRB finally sanctioned an election.

The IBT Organizing Department dispatched Felix Martinez, Andrew Edmondson and Alice Duran to help ensure a successful organizing campaign.

"The vote was a landslide. Local 70 welcomes our new members from Portal and we look forward to working with them to negotiate their first true union contract," Organizer Odus Hall said.

East Bay taxi drivers join union

About 200 drivers for the East Bay Taxi Drivers Association voted in July to join Teamsters Local 70. This came about after the NLRB made a landmark ruling determining they were employees and not independent contractors and were therefore entitled to unionize.

"We've been waiting for this moment for a long, long time," taxi driver Anwar Zadrán told the *San Francisco Chronicle*. The Association joined with Local 70 to take on five cab companies—California Cab, Friendly, Metro, Greyline and Metro-Yellow Cab—and fight for decent wages and benefits.

Organizing Odwalla

By a 74% margin, the 19 drivers and warehouse workers at Odwalla's San Jose facility voted in May to join Local 78.

"All of these workers were concerned about their pensions and medical cover-

age," says Organizer Skip Joaquin. "But an additional concern for the drivers is the issue of losing their commissions. Odwalla was purchased by Coca Cola—and they don't offer commissions."

An organizing drive at the Berkeley facility was defeated in a tie vote last December. Joaquin says that this campaign will be revisited this December. Dennis Hart is leading the negotiations team.

Aramark Clean Room votes union in

Nine drivers at the Aramark Clean Room in Oakland voted unanimously in March to join Teamsters Local 78. Their main concern is that their wages and benefits were falling behind the rest of the industry, including other Aramark houses. Mike Amaral is leading these negotiations.

Two parking contracts in East Bay

Ten cashiers at Ampco Systems Parking in Oakland, who joined the Teamsters last June, unanimously ratified their first three-year contract on May 5. Prior to becoming Teamsters, these workers were required to pay a share of their health care coverage. The new agreement requires the company to pay 100% of the cost. In addition, the workers also received a 30% pay increase the first year of the contract, followed by 3% increases the second and third years.

The second contract is with Douglas Parking, which took over the parking contract at the Kaiser Medical Center in

AROUND



Victory at Fre-Mac

When the 30 workers at Fre-Mac Industries' Milpitas facility who work unloading cars and trucks from rail cars decided it was time to demand a voice on the job, they turned to Teamsters Local 287 for help.

The company saw it differently. In their determination to stay "union free," they replaced the management and brought in out-of-state lawyers and union busters to take the workers on. They subjected the workers to captive audience meetings, one-on-one meetings, anti-union movies, threats and promises of change.

But the workers stood up to all of it and on June 14, they had the courage to vote 25-3 to become the newest members of Teamsters Local 287. Contract negotiations are under way now. According to Fre-Mac worker John Avina, "We just had to stick together and know what we wanted to do."



By **BARRY BROAD**
California Teamster PAC

As July comes to a close, the Governor and the Legislature are ending their annual budget dance. The July 1 deadline came and went, but at presstime, a budget agreement appears imminent.

Ironically, the Governor's budget proposal is much like Gray Davis' budget proposals: big on flim flam, small on real solutions.

Schwarzenegger made a complicated set of agreements with local government to steal a whole bunch of their money this year in return for supporting an initiative on the November ballot that would prohibit him from doing it again. This "local government deal" is the major sticking point in the negotiations.

Even if there is an agreement on local government financing, the budget will not erase the deficit we have because the Governor will not raise taxes and there simply is not enough available to cut without destroying education, health

care, and law enforcement if tax increases are off the table.

The Governor has told many people that he won't raise taxes "this year," which everyone is taking to mean he'll do it next year.

Pro-labor bills still moving

Several good labor bills are making their way through the legislative process this year.

AB 2545, co-sponsored by the Teamsters and the United Food and Commercial Workers and brought by Assembly Member Paul Koretz, (D-West Hollywood) would prohibit companies like Wal-Mart from locking workers in at night, ostensibly so they don't leave the premises, not having completed their work or with stolen merchandise in tow. It stiffens the penalties for violation and clarifies that a verbal prohibition against using an exit is the same as physically blocking said exit.

Several bills would impose restric-

tions on the off-shoring and outsourcing of jobs. These come in response to the fact that retailers, banks, airlines, hotels, hospitals, and government agencies are all eliminating jobs in California and outsourcing them to other countries where workers earn lower wages under harsher working conditions. A recent *Los Angeles Times* article uncovered the fact that California's Food Stamp program hotline is staffed by workers in India and Mexico. A UC Berkeley Haas Business School study estimates over 14 million service sector jobs in the U.S. are at risk of being outsourced.

Senator Dunn (D-Orange County), has two bills on the subject: SB 1492 would prohibit the disclosure of private medical information abroad without the patient's consent. Not only does this include things like medical transcription, but many times hospitals will offshore radiology and testing work. The bill is in the Assembly and we will be working hard for its passage. Dunn's other bill,

SB 888, would prohibit security sensitive work from being offshored.

AB 1829, by Assembly Member Carol Liu, (D-Pasadena), would stop the use of taxpayer dollars to create jobs in other countries. AB 3021, by the Assembly Labor Committee, would require corporations doing business in California to report their number of jobs in the state, in the country, and in other countries.

Healthcare Still Hot Issue

Our primary focus this year is on defeating the anti-SB 2 initiative—which means supporting a YES vote on Prop 72.

We have been successful in forming a coalition of Labor and the medical community, but the anti-SB 2 contingent has been equally successful in raising hundreds of thousands of dollars from employers, many of whom wouldn't be subject to SB 2 anyway! Take a peek at the Secretary of State website to see which of your favorite retailers and restaurants have donated the most money.

THE LOCALS

Oakland. Ampco had previously run this lot under union contract. The company is required to pay 100 percent of the health-care coverage for each of the four employees and for one of each of the employees' dependents. The contract also calls for a pay increase, four additional paid holidays, first-ever sick leave and more vacation days.

"This is the best parking contract we have in the city of Oakland," Joaquin said. "It gives us the opportunity to organize at other Douglas Parking locations."

Disability workers win voice

At ATC/Vancom in San Jose, nearly 300 para-transit drivers, dispatchers, lift attendants and utility workers voted July 1 to join Teamsters Local 287 to gain a voice at work and better benefits. ATC/Vancom provides transportation to people with disabilities under a county contract.

First contract at Auto Warehousing

In May, the 25 drivers at Auto Warehousing Corporation's Richmond facility achieved union recognition with Local 315, reports Secretary-Treasurer Dale Robbins. The members ratified their first contract on July 9 and it went into effect on July 12. The highlights of the new agreement include improvements in wages, health and welfare, pension, job security and bidding rights. Robbins is pleased to welcome these 25 new members to the Teamsters.

First contract at BFI

In a unanimous vote, the 55 new drivers at Browning & Ferris Industries (BFI) of San Jose, ratified their first five-year contract with Local 350. Secretary-Treasurer Robert Morales reports that they'll be getting great wage increases, the Western Conference of Teamsters Pension and Teamsters Benefit Trust Health and Welfare, with full maintenance of benefits over the life of the contract.

The success at BFI's San Jose facility jolted the 30 equipment operators and weight scale masters at BFI's San Carlos facility into action. They elected to be represented by Local 350 in June, and negotiations will start soon.

100 new SF parking members

About 50 workers each at Tower Valet Company and at Pro-Park America in San Francisco have joined with Local 665 through the card-check process. This means that once a majority of them signed cards, the employers would negotiate with the union. Both companies quickly signed the union's master contract, bringing the union's total coverage to just over 1,200 members at 37 parking employers in San Francisco.

Local 665 President Mark Gleason says that the workers at Pro-Park wanted to be in the union "and they approached us to get the ball rolling."

In the case of Tower, "our union mem-

bers were notifying us that this company was becoming a large competitor and undermining their working conditions. We're glad that the employer agreed to card check there."

The new members will get health and welfare benefits that they didn't have before, also Western Conference of Teamsters pensions and the 401K plan. Everybody got a wage increase and, depending on their years of service, the amount will range from 25¢ to \$2. They also got holiday and vacation enhancements. Gleason and Secretary-Treasurer Ernie Yates are finalizing the contracts now.

Harvesting union at Wildwood

On April 23, 75 workers at Wildwood Harvest Foods in Watsonville voted to

join Teamsters Local 912. The new Teamsters are production line workers and packers for the company, which produces tofu, vegetarian products and soy milk. The win is Local 912's first organizing victory in about 25 years.

"The workers are concerned about recent cuts in benefits," said Secretary-Treasurer Brad Sebring. "These workers are primarily immigrants from Mexico. They also became concerned about being replaced when Wildwood recently formed a partnership with a Korean-based conglomerate."

Local 912 received help from the International Union's Organizing Department, which dispatched International Representative Eddie Rodriguez. "This was a great partnership," Sebring added.

Teamsters' Assistance Program 6th Annual Family Picnic

Join the TAP staff, alumni, family and friends at the Oakland Zoo

Date: Saturday, August 21, 2004

Time: 11:00 am till 3:00 pm

Location: Knowland Park—Oakland Zoo

Tiger Timbers picnic site—top of the hill

✳️ Barbecue lunch, Games, Raffle, Prizes, and Fellowship ✳️

Discount admission to zoo for everyone. Children under 13 free (sponsored by TAP Board). Parking is limited and \$4.00 per car.

Located off Highway 580 at Golf Links Drive.

Everyone is welcome!

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

Please note:

The Bulletin Board will be included in the paper only once each year, in the June issue. (We will print address and meeting changes on an ongoing basis.) Please save this copy of the Bulletin Board for information about your Local Union.

Delegates' Meetings

The regular 2004 delegates' meetings are held the first Tuesday in February, April, June, August, October and December.

Notice of nominations and election of officers, business agents, trustees

Local 70 — Oakland

Notice is hereby given of the nomination and election of officers and business agents of Local 70. The terms of office for these officers will commence on January 1, 2005 and conclude on December 31, 2007.

Nominations of candidates for the offices of President, Vice-President, Secretary-Treasurer, Recording Secretary, three trustees and six Business Agents will be conducted at a special membership meeting as follows:

Date: November 6, 2004

Time: 10:00 a.m.

Location: 70 Hegenberger Road, Oakland (Local 70 Auditorium)

To be eligible to be a candidate, the member must be in good standing for a period of 24 consecutive months prior to nomination. To be eligible to nominate or second a nomination, members must have their dues paid through the month of October, 2004. Nominations may be made orally from the floor or in writing. Forms for written nominations are presently available at the Union office. Written nominations must be received by the Union prior to the nomination meeting on November 6, 2004.

Candidates must accept nominations at the time made, either in person or if absent in writing.

A member on dues check off will not lose good standing as a result of a delay or default by the employer in sending dues to the Local or because of an employer's failure to make the proper deductions from the member's pay in any month in which the member had any earnings from which deductions could have been made.

Potential candidates are encouraged to check their eligibility, and the eligibility of

their nominators and seconders, prior to the nominations meeting by submitting a written request to the Local Union Secretary-Treasurer Chuck Mack.

Note: The 50% meeting attendance rule shall not be enforced as a condition of eligibility to be a candidate in this election.

The election shall be conducted by mail referendum. Ballots and voting instructions shall be mailed on November 23, 2004, to the members' addresses on file with Local 70. Ballots must be received at the post office address on the return envelope no later than 11 a.m. on December 7, 2004. Ballots will be counted at the Union Hall starting at 1:00 p.m. on December 7, 2004. To be eligible to vote, members must have their dues paid through the month of November, 2004.

Members who have not received a ballot by November 30, 2004, should call the Local Union Office at (800) 243-1350 or (510) 569-9317 to request a ballot. Duplicate ballots may be requested through December 3, 2004.

Eligibility to vote in this election requires members of Local 70 to be in good standing with initiation fees and dues paid through November 2004. Members have until 4 p.m. on December 6 to pay their initiation fees or dues at the Local Union office in order to have their votes counted.

The nomination and election will be conducted pursuant to the provisions of the International Constitution and Local 70 Bylaws, copies of which are available at the Union's office.

Please see page 7 for additional information on nominations and elections.

Chuck Mack, Secretary-Treasurer

Local 315 — Martinez

Nominations for Officers and Business Agents will be take place at a Special Called Meeting on Monday, October 11, 2004 at 8 p.m. at the Martinez Union Hall, 2727 Alhambra Avenue, Martinez, California.

Positions to be nominated for a three (3) year term commencing January 1, 2005 are as follows: President, Vice President, Recording Secretary, Secretary-Treasurer, three (3) Trustees and (3) Business Agents.

Nominations and Election of Officers and Business Agents will be governed by the provisions of the International Constitution which are stated in this publication; and the Bylaws of Local 315 which are available upon request to Local 315. The election shall be conducted by mail referendum ballot. The ballots will be mailed out October 25, 2004 to the members' last known address and all ballots must be received by 11:30 a.m. on November 20, 2004 at the Martinez Post Office in order to be counted and must be in compliance with the instructions contained in the envelope that includes the ballot. The Ballots will be picked up from the post office and counted at Teamsters Local 315 on November 20, 2004.

To be eligible for election to any office in

the Local Union, a member must satisfy the requirements of Article II, Section 4 of the International Constitution and must be a member in continuous good standing, with dues paid during the current month due on or before the last business day of the current month, and actively employed in the craft during the twenty-four (24) months immediately prior to nomination (October, 2002 – September, 2004). There is no requirement for election to the offices and positions involved in this election that the nominee must have attended a particular number of membership meetings within the last 24 months prior to nominations as referred to in Article II, Section 4 of the International Constitution. In order to nominate or second a nomination, the nominator must be a member in good standing and have dues paid through the month of September, 2004.

NOTE: Prospective candidates and their nominees are advised that detailed information and verification of eligibility for candidates and nominators should be obtained from the office staff of local 315 prior to nomination meeting.

Dale Robbins, Secretary-Treasurer

Reminder

General meeting notices were posted in the June/July issue of this paper. For meeting dates and locations, refer to that notice or call your Local Union.

| | |
|--------------------------|--------------------------|
| 15 510-487-1386 | 490 707-643-0387 |
| 70 510-569-9317 | 624 707-542-1292 |
| 78 510-889-6811 | 665 650-991-2102 |
| 85 415-344-0085 | 853 510-895-8853 |
| 278 415-467-0450 | 856 650-635-0111 |
| 287 408-453-0287 | 890 831-424-5743 |
| 315 925-228-2246 | 896 707-644-8896 |
| 350 650-757-7290 | 912 831-724-0683 |
| 484 415-333-2680 | |

Local 624 — Santa Rosa

Membership meetings are held fourth Thursday of the month, 7:30 p.m. at Santa Rosa veterans Building, 1351 Maple Street, Santa Rosa.

Nominations for Officers will be held on Thursday, November 18, 2004, at 7:30 p.m. at the Santa Rosa Veterans Memorial Building, 1351 Maple Avenue, Santa Rosa.

Officers to be nominated are as follows: President, Vice President, Secretary-Treasurer, Recording Secretary, three (3) Trustees

The nominations and election will be governed by the provisions of the International Constitution, which are stated on page 7 of

this newspaper, and by the Bylaws of Local 624. Prospective nominees are advised to verify the eligibility of their nominators and seconders in advance of the nominations meeting.

In order to nominate or second a nomination, a member must have his/her dues paid through the month of October, 2004. In order to vote, a member must have his/her dues paid through the month of November, 2004. Membership in good standing, as required, is subject to verification by the Union.

Bob Carr, Secretary-Treasurer

Local 853 — San Leandro

Membership meetings are held the second Thursday of the month, 7:00 p.m. The October Membership Meeting will be held at the Construction & Laborers' Union Hall, 300 - 7th Avenue, San Mateo, CA.

Nomination of candidates for offices of President, Vice President, Secretary-Treasurer, Recording Secretary and Three (3) Trustees will take place as follows:

NOMINATIONS

DATE: November 8, 2004

TIME: 7:00 P.M.

PLACE: Local 853 Meeting Hall (Sheet Metal Workers Local 104), 1700 Marina Blvd., San Leandro.

This meeting will substitute for the November regular Membership Meeting.

ELECTION

DATE: December 9, 2004

TIME: 7:00 A.M. to 7:00 P.M.

PLACE: Local 853 Meeting Hall (Sheet Metal Workers Local 104), 1700 Marina Blvd., San Leandro, or, Local 853 West Bay Division Office, 1103 Airport Blvd., South San Francisco.

Ballots will be consolidated and counted at the San Leandro polling place on December 9, 2004.

Due to nominations and election of officers, the regular order of business for the months of November and December, 2004 will be suspended.

On the day of the election, members voting

must have proof of identification.

The 50 percent meeting attendance requirement shall not be enforced as a condition of eligibility to run for office in this election.

These meetings are for all members. Retired members may attend both meetings but are not eligible to either make nominations or to vote.

Application to file for candidacy and copies of the Rules Governing Nominations and Elections are available and may be obtained at the San Leandro Union office by any member so requesting. This form must be returned to the Secretary-Treasurer by 4:30 p.m. on October 29, 2004.

To be eligible to nominate, a member must have his/her dues paid through the month of October, 2004. To be eligible to run for office, a member must be in continuous good standing in the Local Union and actively employed at the craft within the jurisdiction of this Local Union for a period of twenty-four (24) consecutive months prior to the month of nomination for said office and must be eligible to hold office if elected. To be eligible to vote, a member must have dues paid through the month of November, 2004.

Absentee ballots will be available in accordance with the Local Union bylaws, Article VI, and applicable sections of the International Constitution.

Rome Aloise, Secretary-Treasurer

More on Workers' Comp

continued from page 8

9 Can I choose my own doctor?

You can "pre-designate" your own doctor if your employer provides you with group health coverage. The doctor must be your primary care physician who has previously directed your care, and who agrees to be pre-designated. If you pre-designate, your doctor will be able to treat you from the time of injury.

If your employer doesn't provide you with group health coverage, and your employer establishes a "workers' compensation medical provider network" (network) then your employer may choose your doctor for the first visit, and you may select another doctor from within the network after that visit.

If your employer doesn't establish a network, then the old law applies, meaning that your employer may select your doctor for the first 30 days (180 days if your employer provides an HCO), and then you may select your own doctor thereafter.

10 Can my employer or my doctor reject my pre-designation?

Due to some confusion surrounding the new pre-designation provisions in the new law, some employers and a small number of doctors have been rejecting their employee's pre-designation of treating physicians. These doctors have been rejecting based on the fact that the healthcare provider network by which they are employed has a protocol whereby all occupational illnesses and injuries are automatically referred to the occupational medical

clinic. Accordingly, these doctors initially thought they were precluded from being pre-designated due to conflict with company policy.

This has since been clarified by the head of that health-care provider network and all previously rejected pre-designation forms have since been accepted. The law does not provide a means whereby employers or physicians can reject an employee's pre-designation, so if your doctor or your employer tells you that they are rejecting your pre-designation form, they may be out of compliance with the law. If this happens to you, contact your Business Agent or Marsi Newman at marsi@teamsterctpac.org right away.

ness Agent or Marsi Newman at marsi@teamsterctpac.org right away.

11 Can I choose a chiropractor as my doctor?

You cannot pre-designate a chiropractor as your doctor, however, you can be referred to a chiropractor for treatment by your treating physician. If your doctor recommends chiropractic care you are entitled to 24 visits per injury. This cap may be exceeded if your employer/insurer determines, in writing, that you should have more visits.

12 What happens if I don't agree with the course of treatment my doctor wants to give me?

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

In Memoriam

HERNANDEZ, Frank, Local 70

FREEMAN, Joseph, Local 78

GARZA, Hilda Z., Local 78/588

MAFFEO, John, Local 78

MARTIN, Edwin, Local 78/432

NELSON, Michael, Local 78

NISHINAKA, Gene, Local 78

SWYERS, William J., Jr., Local 78

FOSS, Ronald, Local 85

GIORGI, Renato, Local 85

LISITZIN, Michael "The Russian," Local 85

OWENS, James H., Local 85

PUERTAS, Henry, Local 85

HUERTAS, Edward, Local 216

REMINGTON, Hugh, Local 216

CARION, Manuel, Local 278

ESPINOLA, Joseph W., Local 287

MARCOTTE, Kenneth, Local 287

MONTELONGO, Henry, Local 287

STREET, Gary, Local 291

HOGAN, Joseph J., Local 302

WHITNEY, Kenneth, Local 315

WOLFE, Landon, Local 315

BAIONI, Eugene "Dario," Local 350

EFSALF, John, Local 484

PERAZZO, Thomas, Local 484

DAVIS, Lewis, Local 490

WEST, Michael, Local 490

LOTT, James, Local 624

KESSLER, William, Local 665

CUNNINGHAM, David, Local 853

WINKFIELD, Raymond, Local 853

GAYNOR, Mark, Local 856

BUTKOVIC, Mario, Local 890

CASTRO, Alfred, Local 890

JIMENEZ, Ambrocio, Local 890

There have been several changes to the law in the medical treatment arena over the past two years. Last year, California adopted utilization guidelines which are the presumptively correct measure of care under the law. What that means is that if your health care provider is recommending treatment that falls within those guidelines, and you think you are entitled to care outside of those guidelines, you would have to refute the presumption that care within those guidelines was the correct level of care for you.

This year, changes were made to how employees can get treatment determinations and treatment outside of employer control. Treatment determinations and outside care issues depend on whether your employer provides you with group health, your employer has established a network, or your employer provides neither.

If your employer provides group health, then the group health rules for disputes over medical treatment apply.

If your employer establishes a network, then you are entitled to obtain 2nd and 3rd opinions from within the network. If you still disagree, you are entitled to obtain a "hands-on" Independent Medical Review (IMR). If the IMR finds in your favor, then you are entitled to seek treatment outside of the network.

If your employer neither provides group health nor has established a network, then you are entitled to seek alternate medical treatment opinions and care after the statutory 30 or 180 day medical control period has elapsed.

Nominations & Elections — International Constitution

August, 2004

The following excerpts from the International Constitution apply to all nominations and elections in Teamster Locals:

ARTICLE XXII, Section 4(a):

To be eligible to nominate and otherwise participate in the nominations meeting, a member must have his dues paid through the month prior to the month in which the nominations meeting is held. Nominations shall be made at the meeting by a member in good standing other than the nominee by motion seconded by a member in good standing other than the nominee. Candidates must accept nominations at the time made either in person, or, if absent, in writing, and may accept nomination for only one office. A member may also run for and be elected as a Business Agent or Assistant Business Agent as provided in Article XXII, Section 8, and may hold both the office and the position if elected to both.

ARTICLE XXII, Section 4(b):

The Local Union Executive Board shall have the authority to establish all rules and regulations for the conduct of the election to supplement the provisions of the International Constitution and the

Local Union Bylaws, including the authority to use mail referendum balloting or absentee balloting without membership approval. Absentee voting by mail shall be permitted only upon application of members who are ill or absent from the city or town where they are normally employed at the time of voting because on vacation or on employment tour of duty.

The Local Union Executive Board may permit additional reasons for absentee balloting if they so desire. Application for absentee ballots shall be made to the Secretary-Treasurer of the Local Union not less than five (5) days prior to the date set for election and shall contain the grounds therefor. Absentee ballots shall be valid only if they are received by noon of the day on which the polls close.

(NOTE: The International Union recommends that prospective nominees be advised to verify, in advance of the nominations meeting, the eligibility of the nominators and seconders).

ARTICLE XXII, Section 4(c):

To be eligible to vote in the election, a member must have his dues paid up

through the month prior to the month in which the election is held.

ARTICLE II, Section 4(a)(1):

To be eligible for election to any office in a Local Union, a member must be in continuous good standing in the Local Union in which he is a member and in which he is seeking office, and actively employed at the craft within the jurisdiction of such Local Union, for a period of twenty-four (24) consecutive months prior to the month of nomination for said office, and must be eligible to hold office if elected. "Continuous good standing" means compliance with the provisions of Article X, Section 5, concerning the payment of dues for a period of twenty-four consecutive months, together with no interruptions in active membership in the Local Union for which office is being sought because of suspensions, expulsions, withdrawals, transfers or failure to pay fines or assessments. Provided, however, that if a member on withdrawal deposits his card in the month immediately following the month for which it was effective and pays his dues for both months in a timely manner as

provided in Article X, Section 5(c), such period of withdrawal shall not be considered a break in continuous good standing in the Local Union.

(NOTE: In addition to the foregoing Constitutional provisions, the International advises that: Elected officers of the Local Union, shall, by virtue of such election, be delegates to any Joint Council with which the Local is affiliated as well as to any convention of any subordinate body which may take place during their term of office.

Elected Local Union officers shall be delegates to such conventions in the order of priority set forth in the Local Union Bylaws. If the Bylaws do not set forth an order of priority, the principal executive officer shall have first priority, followed by the remaining elected officers in the order determined by the Executive Board.

Members are advised to consult the Bylaws of their Locals for additional rules concerning nominations and election procedures).

YOUR LEGAL RIGHTS

Questions & Answers about the new Workers' Compensation Law

Prepared by the California Teamsters Public Affairs Council

There has been a lot of miscommunication regarding the new workers' compensation law, SB 899 (Poochigian) floating around the locals. Please take the time to get the facts. For your convenience, we have printed some frequently asked questions and answers below

1 *I'm interested in reading the new law myself, where can I find it?*

SB 899 (Poochigian), Chapter 34 of 2004, and legislative staff analyses of that bill may be found on the internet at www.sen.ca.gov.

2 *When do the provisions of the bill become effective?*

There are several provisions within the bill that have specific effective dates. All other provisions of the bill became effective on April 19, 2004.

3 *Does the new law limit the number of temporary disability payments I can receive?*

The new bill limits temporary disability payments for most injuries to 104 weeks within a period of two years. The following enumerated illnesses and injuries are entitled to 240 weeks within a period of 5 years: (1) Acute and chronic hepatitis B; (2) Acute and chronic hepatitis C; (3) Amputations; (4) Severe burns; (5) Human immunodeficiency virus (HIV); (6) High velocity eye injuries; (7) Chemical burns to the eyes; (8) Pulmonary fibrosis; and, (9) Chronic lung disease.

The good news is that the vast majority of cases are determined to be permanent and stationary—meaning TD ends, and Permanent Disability (PD) begins—within two years. Further, there is an additional requirement under the new law that injured workers receive advances on their PD benefit payments as soon as TD payments cease.

4 *I was already injured and am currently receiving temporary disability payments. Does this new limitation on temporary disability payments apply to me?*

No. For those injured prior to enactment of the bill, the existing cap continues to apply. In most cases, that means that an injured worker will receive temporary disability benefits until he is determined to be permanent and stationary or until 240 weeks within a five year period has expired.

**5** *Am I still entitled to vocational rehabilitation benefits?*

Workers injured prior to January 1, 2004 who would otherwise have qualified for traditional vocational rehabilitation benefits, will continue to be eligible for those benefits until 2009.

Workers injured on or after January 1, 2004 are now entitled to a "Supplemental Job Displacement Benefit" also known as an educational voucher. These vouchers are worth between \$4,000 and \$10,000 depending on the injured workers' disability rating, and

may be used for tuition, educational materials and tools, and for vocational rehabilitation counseling services.

6 *Are my PD benefits going to be lower under the new bill?*

If your PD rating is under 15%, the new bill calls for a reduction in one benefit week per percentage point of disability. If your PD rating is over 70%, the new bill calls for an increase in seven weeks per percentage point of disability. Additionally, the PD rating schedule will be revised to provide for a greater level of certainty and consistency in ratings. This revision is not however, anticipated to reduce PD benefits further.

7 *Is there a change to my PD benefits dependant upon whether my employer returns me to work?*

California has one of the worst return-to-work rates in the nation. Studies show that the best thing for the injured worker is to return to work. The new bill provides for incentives for employers to return their employees to work.

Incentive #1: If the injured worker is not offered his regular job, or an alternative or modified version of that job, then the employee is entitled to an additional 15% of the weekly rate of payments of the PD award.

Incentive #2: If the injured worker is offered his regular job, or an alternative or modified version of that job, then the employee's weekly rate of payments of PD award are decreased by 15%.

Incentive #3: If the employer fails to retain the services of the employee for the statutorily required 12 month period, then the employee is entitled to the pro-rated share of that additional 15%.

Incentive #4: Small employers (with 50 or fewer employees) are entitled to up to \$2,500 in reimbursements for workplace modifications to accommodate injured workers that they return to the workplace.

8 *When is the employer required to provide medical treatment for my workplace injury?*

The employer is now required to provide immediate medical treatment to the injured worker, not to exceed \$10,000, until the claim is accepted or rejected. Employers used to have up to 90 days to make a determination regarding whether they would accept or deny the claim, and often denied medical treatment until that determination had been made.

continued on page 7

Workers Comp - Personal Physician Choice

About 25 years ago, the Teamsters Union and allies succeeded in including a provision in the Workers Compensation law that allows members to designate their personal physician to provide medical care for an on-the-job injury. When the Workers Compensation law was changed earlier this year, it maintained a worker's right to choose a personal physician, but requires the worker to pre-designate his or her doctor. We urge all of our members to do just that.

A note of caution: Personal physician choice has a sunset after three years unless it is renewed by the legislature and Governor. You can be assured that we will take steps to make sure it remains part of the law.

Instructions: In accordance with the new workers' compensation law enacted April 19, 2004, as it amends Labor Code Section 4600, if your employer provides group health coverage, you are allowed to pre-designate your primary care physician from your employer provided group health coverage plan as your personal physician for your workers' compensation medical treatment. If you pre-designate your personal physician, you will be allowed to be treated by this doctor immediately after your are injured. If you fail to pre-designate your personal physician, your employer will select a physician for you from the date of injury.

-----Clip and Submit to Your Employer-----

PERSONAL PHYSICIAN FORM

To (Name of Employer): _____

In the event that I sustain a job-related illness or injury, I designate my personal physician to provide medical care immediately after the injury, and for the purpose of all related care, as appropriate, for the duration of my treatment for that illness or injury. By making this request I am not waiving my right to immediate, appropriate and adequate emergency medical treatment in instances where my personal physician is unavailable, nor am I waiving my right to be referred to specialists or other providers as necessary.

Personal Physician: _____

(name, office, clinic or hospital) _____

Address: _____

Telephone: _____

Employee Signature: _____

Employee Name (print): _____

Date: _____