



TEAMSTERS

Northern California

Serving more than 70,000 Teamsters and their families

Volume 49, Number 2

May/June/July 2004

Teamsters host huge labor rally for Kerry

Democratic Presidential contender John Kerry held a campaign rally at Local 70 in late February on his way to the Democratic nomination.

More than 1,200 people jammed Teamsters Local 70's auditorium with another 1,000 standing outside to hear Kerry take on George Bush and his administration for being insensitive to



Senator Dianne Feinstein and Insurance Commissioner John Garamendi join Kerry at Teamster rally.

U.S. workers and failing to provide leadership in healthcare, social security and foreign affairs.

Joint Council 7 President Chuck Mack told the crowd, "This evening we've got something in Oakland that George Bush and all of his minions, money and power in Washington don't—we have the next President of the United States. John Kerry is a man who legitimately represents the interests of working people."

The AFL-CIO formally endorsed Kerry as labor's candidate in mid-February, a week after the Teamsters made their endorsement.

The Oakland rally had a strong labor presence. California Federation of Labor Executive Secretary-Treasurer Art Pulaski and President Tom Rankin, Alameda County Central Labor Council's Judy Goff and a host of AFL-CIO affiliates joined the Teamsters in rallying for Kerry.

Labor wasn't alone. The faith-based community, environmentalists, anti-war activists and party regulars also attended.

By April, with seven months until



More than 2,000 Teamsters, Firefighters and other union members came to Local 70 on February 27 to back John Kerry's campaign to beat George Bush in November.

the election, the campaigns of both John Kerry and George Bush appear to be in full swing. Kerry has visited California several times since February and has raised millions of dollars to deliver his message. Bush is very busy on both radio and TV attacking Kerry and attempting to distort his record.

Negative campaigning has a tendency to turn people off to the electoral process. Labor can't afford to let that happen.

"We need to focus on the issues and elect a pro-worker candidate," Mack added. "That candidate is John Kerry."

Cost was high for union grocery workers; strike cost chain stores about \$2 billion

So Cal grocery strike raises questions about future of health coverage

The Southern California grocery strike raises serious issues for all working people and for Teamsters across Northern California whose grocery contracts come due next year.

Seventy thousand Southern California grocery workers held fast to their strike for close to five months. Many lost homes, cars and more in a remarkable effort to maintain health benefits, not only for themselves, but for future generations of retail workers.

In their new agreement, the returning strikers will eventually pay some money for health insurance, although not the drastic payments the stores originally demanded. But for those hired from now on, health care will be just a dream. Safeway, Albertsons and Krogers will contribute just \$1.10/hour for their health benefits, compared to \$3.80 for the existing workforce.

In just a few years, those lower-tier workers will be the majority. Most will be unable to pay for benefits, joining the 48 million Americans who have no healthcare. But these new additions will be union workers, in jobs that for generations supported a middle-class standard of living.



Northern Calif. Teamsters at Oakland grocery strike support rally on January 31.

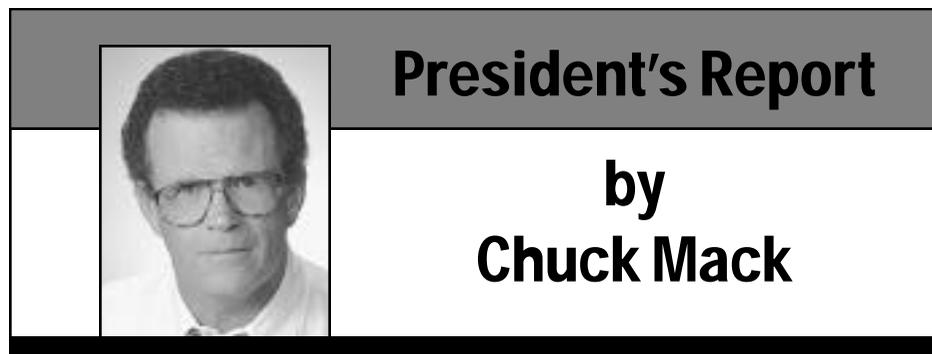
"These workers sent a message to employers everywhere that attempts to eliminate health care benefits will come at a high price," said Joint Council 7 President Chuck Mack.

In fact, Safeway, Albertsons and Krogers lost an estimated \$2 billion as a result of the strike. The grocery

chains calculated that the loss was worthwhile because competitor Wal-Mart, with expansion plans throughout the state, has no unions, pays low wages, and contributes little towards its workers' healthcare.

Californians took a step last year towards solving this problem when the legislature passed SB-2. Under this landmark law, employers with 50 or more employees, including Wal-Mart and McDonalds, will have to provide healthcare coverage for their employees. These same companies are supporting an initiative to recall SB-2 that will appear on this November's ballot.

If the initiative wins, strikes like the one in Southern California will become more frequent and bitter. Employers will demand benefit cuts in order to compete, and workers will either have to give up healthcare or fight.



President's Report

by
Chuck Mack

Our nation at the crossroads

We've seen tough times recently. However, while today's economy gives us much to be concerned about, there are some positives. These reflect the strength that we have in the labor movement and particularly in the Teamsters Union.

Collective bargaining has not only gone on but the contracts we've negotiated nationally at UPS, freight, car haul

and at Anheuser Busch have all contained significant improvements in language and economics, and our grievance procedure in those contracts is as strong as ever. While others have lost health care, we've maintained strong benefit levels for our members and their families—most often with no or little cost to the members.

On balance, we've done well in a very difficult environment but the reality is that we've got to do better. We need to go from defense to offense, from being reactive to proactive. There are some efforts under way to get that done.

First organizing. Joint Councils 7 and 38 freight locals met this past month with the IBT Organizing Department to get updated on the campaign at Bestway, Dugan subsidiaries of US Freight. The program's creative. It's aimed at one of our core industries and it's challenging rank and file Teamster members to get involved. It's aggressive and militant and complements other IBT drives at CINTAS, in food processing and waste disposal.

Second is the meeting of Teamsters' health and welfare and pension trusts held this past March. More than 100 trust funds from across the country were represented.

This is a first. The goal is to coordinate the actions of Teamster Trustees and funds on investment policy, corporate governance and shareholder activism. It's a recognition that money is power and coordinating trust decision-making can leverage the money in ways that are important to our members and their families.

Teamsters are doing the right thing. We're not bobbing and weaving or dodging the issues. We're standing up and aggressively advocating for change.

Investor decisions literally mean jobs for our members. For example, do we create more jobs for Teamsters by investing pension assets in China or the U.S.? Long term, the trustee seminar means increased influence in corporate decision making and an answer to where jobs are located, under what conditions and at what levels of compensation.

Finally, aggressive participation in political decision making at the national, state and local level. The early endorsement of John Kerry is proof positive that the Teamsters are going to be very active in seeking a change of leadership in Washington, D.C.

The choice is ours

Bill Clinton's first campaign slogan was "It's the economy, stupid." We need to look at the economy over the last three years.

Unemployment is up, not surprising with the number of manufacturing and even white collar jobs that are being exported overseas. Health care costs are up. More than 45 million Americans, seven million in California alone, have no benefits. The budget deficit has hit an all-time high. Gasoline prices continue to soar.

The only thing that has gone down is investment income and that's had a negative impact on our pension plans.

The country is literally at a crossroads as we make our choice for President. Do we continue to follow the path of the current administration—with tax breaks for the wealthy, high unemployment, the export of both manufacturing and white collar jobs, record deficits, and health care erosion? Or do we change this agenda and fight for a country that's worker-friendly, with an administration intent on delivering the American dream rather than an American nightmare.

The Teamsters are doing the right thing. We're not bobbing and weaving. We're not dodging the problems and issues. We're standing up, speaking out and aggressively advocating change.

Are we proud, or what?



Mike Smith, a member of Teamsters Local 78, is pictured holding a certificate of completion for the Joint Council 7's Commercial Drivers Education Program. What a story. Smith is hearing impaired and unable to speak, but that didn't stop him. He passed his Department of Motor Vehicles motor skills exam with a 91% overall score.

See the ad below for how you, or someone you know, can take advantage of Joint Council 7's commercial drivers education program. This program may offer just the opportunity you need to increase your skills and your earning power.

APPLY NOW

TEAMSTERS JC 7
COMMERCIAL DRIVERS
EDUCATION PROGRAM
415-344-0085

CONTACT
YOUR LOCAL FOR AN APPLICATION

Northern California
TEAMSTER

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MEMBERS IN FOCUS

Crime survivor promotes restorative justice

It's all about healing for Local 856 member Sue Solis

Susan Solis has taken an incredible journey over the last 18 years, and on April 16, she was brought to Chicago to tape a segment for the *Oprah* show to tell about it.

Solis, a member of Local 856 who now works as a Drug Court officer for Alameda County, did not go to distant lands—her journey took her deep inside her own heart and emotions to



From Bay Area jails to the *Oprah* show, Sue Solis tells her story of how it's possible to forgive and heal.

find a place where she could forgive the man who shot and nearly killed her in 1986.

"It was a shooting for hire," Solis says. "He had an automatic and shot me once in the stomach. The only reason I'm still alive is because the gun jammed." Solis spent months in the hospital recuperating. "It was quite a traumatic experience. It's a miracle that I'm alive and that I'm okay physically."

Solis was a Probation Officer at that time so she was well placed to access the assistance available to crime victims. "Not only did I have the physical trauma to recover from, I was also really angry. But I was determined not to be a victim all my life. Getting over this was one of the hardest things I've ever tried to do."

Twelve years after the shooting, Solis got a huge surprise. After serving his sentence for the shooting, the shooter was back in jail

for a new offense. "He saw my name on a list of Probation Officers at the Santa Rita Jail and asked to speak with me. When I finally decided I could meet him, we talked for over an hour and we both cried."

Four years later, he called Solis again. This time, he was clean and had a new wife and baby. "About that time, I took a class taught by George Jurand from the San Francisco Sheriff's Department. I told him my story and he told me about the Restorative Justice Program.

As Jurand explains it, the philosophy of Restorative Justice is to "repair the harm caused by the crime. This process brings victims to the forefront of the criminal justice system. It also holds offenders accountable for their behavior."

Solis agreed to try the Restorative Justice process. Accompanied by two Sheriff's Department mediators, she met with the shooter again. "We ended up meeting four times for 3-4 hours each time. On one occasion, I brought my two kids and then he brought his ex-wife and child, who were also impacted by his crime."

Solis says that the process was hard

work but very healing. "I thought I had done all the releasing that was necessary, but there was more to be released."

Solis still works for Alameda County, but also speaks as a Survivor Restoration Advocate. "I've been speaking in the jails to violent criminals for a year now, as well as to probation officers who take the Restorative Justice training.

"When you forgive, you don't forget or in any way minimize the violent crime. It helped me to know that the shooter was sentenced to 12 years in state prison. But through this process I have come to believe that healing *can* happen. It happened for me."

Members in Focus

Joint Council 7 has more than 50,000 members across the greater Bay Area and many of you are doing fascinating things—at work, at home and in your communities. If you have a story you think might work in the Northern California Teamster, please contact your business agent or e-mail newspaper editor Debra Chaplan at dchaplan@mindspring.com.

Leagues provide young people with an important outlet and scholarship opportunities

Local 85 member Doug Callahan builds youth basketball league

What do you do when you have a 13-year old daughter who's good at sports but has nowhere to play? If you're Local 85 member Doug Callahan, you form a youth basketball league.

"As founder and director of the Millbrae Allstars, I guess I did all the footwork to get the program set up," Callahan says. "From registering with the Amateur Athletic Union (AAU), to picking team names and colors, to getting uniforms and trying to raise money for sponsorships... Oh yeah, and I do a little coaching, too."

Now in its second year, the Millbrae Allstars League is a member of the Pacific AAU Association and currently plays in Division 1. With four girls' teams and two boys' teams, more than seventy 11-16 year olds are actively involved in the program.

"We're looking to expand," Callahan says. "We just need to make sure we have enough trained coaches and facilities to make it a good experience."

Callahan's real goal is to use this league to make a difference for the young people in the community. "This year, we're starting to work with inner-

city kids to bring them into our League and keep them out of harm's way."

Callahan says there really aren't enough youth sports facilities on the peninsula. "This program gives a lot of kids an opportunity to be part of a team and to excel, which they might not otherwise have." The Millbrae Police Department has endorsed the League because it provides kids with a place to go to help them stay out of trouble.

The League's older teams have been invited to Reno and Maui for NCAA tournaments this summer. "Our oldest kids are just 15, so they aren't looking for scholarships yet. But this will give them a sense of what it's like to play in front of college scouts."

On May 8-9, the Millbrae League will host a tournament at Mills, Cappuccino and Burlingame High Schools for 70-100 teams from across Northern California. "We're always looking for sponsors, and we're a non-profit group," Callahan is quick to point out. Last year's tournament raised more than \$5,000 to cover expenses.

While establishing the League was Doug's brainchild, he says there's no way he could manage it alone.

Kawann and Kareem Summerville are the Athletic Directors for girls' and boys' teams, respectively. Shareen Suhal, another parent, does all of the travel coordination. Callahan also wanted to acknowledge Mike Dosier and Darrell Burns, Local 85 members from Airborne, who were recruited to coach and referee for the League.

"Last year, one of our girls' teams came home with eight trophies out of 13 tournaments," Callahan says. "The spring season just got off the ground, and already we've won one trophy. It looks like it'll be a good year."

Callahan Doug Callahan and one of the winning Millbrae Allstars girls teams





Workers at NewStar in Yuma and Lemoore win fight for respect

On March 26, cooler workers employed by NewStar Fresh Foods in Lemoore, California and Yuma, Arizona, voted by a margin of 53-0 to be represented by Teamsters Local 890.

The Local already represents about 60 NewStar cooler workers and 80 NewStar salad plant employees in Salinas. This election targeted their Yuma cooler, which runs from November through March, as well as a smaller cooler in Lemoore, near Visalia, which operates with Yuma employees in the months of October, November, March and April.

"We formed a union with the Teamsters because we want respect on the job, and decent pay and benefits," said Julia DeSantiago, an employee at the Yuma cooler. "Right now, the company provides no medical insurance and we don't have any paid holidays or vacation."

The lettuce and bagged salad industries work in Yuma in the winter and Salinas in the summer, with brief stops



While celebrating the cooler election victory, salad plant employees delivered signed union authorization cards.

in California's Central Valley in the spring and fall. Local 890 has been working in partnership with the IBT Organizing Department to target unorganized facilities in the Yuma area that have union counterparts in Salinas.

Celebration brings new shop to union

At the close of the Yuma lettuce season, Local 890 held a BBQ to celebrate the victory and elect a bargain-

ing committee of cooler workers. Many of the Yuma NewStar cooler workers have friends and family working in NewStar's Yuma salad plant, and during the course of the election, they worked with the organizing team to build support there as well. Both cooler and salad plant employees turned out for the BBQ. The salad plant workers brought with them union authorization cards from the large majority of NewStar's salad

workers, asking for their own election. Local 890 expects that an election will be held at the Yuma salad plant as soon as the season moves back down there again in November.

As part of the same campaign, a second election petition has been filed which covers approximately 80 maintenance and technical employees at Taylor Farms' Yuma facility. The union is awaiting a decision from the National Labor Relations Board as to when the election will be held and who will be in the bargaining unit.

Teamsters Local 890 President Frank Gallegos applauded the result, and noted that Local 890 has had a solid relationship with NewStar in Salinas. "NewStar has dealt with us in a very straightforward manner in Salinas, and I have no reason to expect anything different in Yuma," he said. "They know that we have the support of our members, and that they will get a lot more done working with us than working against us."

Workers at two laundry facilities vote for union

Teamsters Local 78 scored a double victory in the laundry industry, providing 17 more workers a voice on the job.

On March 10, eight driver/sales workers at Unifirst Laundry in Hayward voted to join Local 78. "These employees often work 12 to 14 hours a day, but they don't receive overtime. That's their number one concern," says Local 78 Organizer Skip Joaquin. "Also, they are not receiving the full commission that they're entitled to." Joaquin says that the Local plans to have its attorneys file a class-action lawsuit to force the company to pay fair wages.

Six days later, on March 16, drivers and sales workers at Aramark Clean Room in Oakland voted 9-0 to join Local 78. The Oakland Aramark facility was the company's last non-union center in the Bay Area. "Because it has been non-union, the workers are being paid much less than other Aramark employees," Joaquin said of these workers' top concern.

Joaquin gives much of the credit for these organizing wins to International Union Organizer Dan Sullivan, a former employee of Aramark. "He knows the industry inside and out."



Local 315's new members at Auto Warehousing Company in Richmond

Using political clout to support union drive

Local 315 used a little bit of its clout in West Contra Costa County to ensure that the workers at Auto Warehousing Corporation gained voluntary recognition for their union of choice—the Teamsters.

After learning that an auto processing company was moving into the highly unionized Port of Richmond area, Local 315 got moving on the political front. Secretary Treasurer Dale Robbins made it known to local politicians and port regulators that AWC should be a union company.

Organizer Steve Gutierrez and Business Agent Mario Martinez started contacting prospective employees, and within two weeks, a majority signed union authorization cards.

Robbins contacted the company and informed them that Local 315 was ready to represent their employees. "The company gave it some consideration and, to their credit, contacted me the next day and agreed to recognize the union," Robbins said. "Sometimes a little friendly persuasion and leverage gets the results we are seeking."

AWC processes, accessorizes, stores, and details new cars that are brought in by rail to be delivered to dealerships. They currently have 25 employees and anticipate staffing up to 75-80 employees in the future.

Negotiations are under way for a first contract now.

Parking battle ends with victory for members of Local 78

When a parking company took over an existing Teamster contract but refused to bargain in good faith, Local 78 took action and won a fight that will ultimately protect the rights of 52 union members.

The story began more than a year ago, when the employees at Ampco Systems Parking at Alta Bates' Summit facility in Oakland voted to join Local 78. This organizing victory covered 52 shuttle bus drivers, parking lot attendants, cashiers and valet parkers at Ampco.

On January 1, 2004, Ampco lost the contract at the medical center. PCA (Parking Company of America) took over the contract, but refused to bargain with the union.

Organizer Skip Joaquin filed a complaint with the National Labor Relations Board (NLRB) under the "Burns Successorship" law. On March 19, the NLRB issued a complaint. Then, on March 23, PCA relented, agreeing to negotiate with Local 78.

"The employees worked hard on the organizing campaign more than a year ago, and the company is obligated to negotiate," Joaquin said. "I'm pleased with the outcome."

THE LOCALS



Local 853 gets support from several Locals in Joint Council 38 for protest at Producers Dairy corporate headquarters in Fresno on April 14.

Joint Council solidarity in contract fight

About 60 employees at Producers Dairy, with facilities in San Leandro and Ripon, voted in November, 2002 to be represented by Local 853 but they still don't have a first contract. After the election, the union immediately sought to initiate talks. "This company not only delayed and cancelled planned meetings, but worse," says Business Agent Bob Strelow. "They fired and tried to intimidate workers." The union has filed charges against the company, which are pending before the National Labor Relations Board.

On Wednesday, April 14, Local 853 turned up the heat. Enlisting the support of Joint Council 38, they sponsored a rally at the company's Fresno headquarters. "We want all of the Bay Area dairies to be unionized, so that our good union employers can compete on an even playing field," said Local 853 Secretary-Treasurer Rome Aloise. "These workers voted for union representation, and we'll do what it takes to make sure they get it."

Morales honored for political work

On February 28, 2004 Local 350 Secretary-Treasurer Robert Morales was presented with the Harry S. Truman Award from the San Francisco Democratic Party.

President Truman once said "if you can't stand the heat, get out of the kitchen." In that spirit, Morales was awarded for always standing the heat and never leaving the kitchen. "Thank you, Robert, for your hard work and dedication to the Democratic Party and all working people."

The award was presented by Jane Morrison, Chair, San Francisco Democratic Party and Walter L. Johnson, Secretary-Treasurer, San Francisco Labor Council.

UPS stewards workshops held in Oakland, Fresno and Sacramento

Marty Frates, Chairman of the UPS NorCal Grievance Committee and Local 70 Business Agent, conducted a series of workshops for UPS Shop Stewards and representatives in the NorCal region in March. Meetings were held at Locals 70 in Oakland, 150 in Sacramento and 431 in Fresno.

David Rosenfeld and Daniel Boone from the law firm Weinberg, Roger and Rosenfeld, made presentations on worker rights both under the law and under the UPS agreement.

"We want to give shop stewards as

much information as we can on contracts and the law so that they're equipped to deal with the many challenges presented by UPS management," said Frates. "These workshops were a great learning experience for all of us. Not only did they provide an opportunity for us to disseminate information, but just as importantly, we were able to learn from rank and file members exactly what's going on at the worksite."

More workshops will be planned in the coming months.



Attorney David Rosenfeld speaks with Teamster stewards and representatives at UPS NorCal workshop in Oakland.

San Carlos BFI workers get first contract

By a five to one margin, the 220 employees of Browning & Ferris Industries in San Carlos voted on April 3 to accept their first contract between the company and Local 350.

After these employees voted for union representation in October, 2003, the union and company worked together to nail down a contract. These new Teamsters will now participate in the Western Conference of Teamsters Pension Fund and Teamsters Benefit Trust Health and Welfare with full maintenance of benefits for five years. "In addition to significant wage increases and other benefits, we were able to get some great contract language into this agreement," says Secretary-Treasurer Robert Morales. "We're pleased to welcome these new members into Local 350."

Renn pays big bucks for firing union supporters

Renn Transportation in Gilroy must have thought their union problems would be over if they just fired a few union supporters. The company learned they were wrong the hard way, having to pay more than \$60,000 in back wages to the two former employees.

Renn had fired Israel Ornelas and Dale Highman in the summer of 2003 for distributing information about the benefits of joining Teamsters Local 287. "They weren't on the clock, but they were passing out material in the company lunch room," says Organizer Bob Blanchet.

Once the two union sympathizers were fired, any enthusiasm there had been for joining the union was drained.

Teamsters Local 287 knew that the company's actions violated federal labor law so they filed charges at the National Labor Relations Board. In March, the NLRB issued its verdict and ordered a settlement agreement that provided \$55,000 in back pay to

Ornelas and more than \$5,000 to Highman. Ornelas had been trying to get a union construction job, while Highman had found work closer to his home, so his settlement deducted the lost time from the wages he was earning.

In addition, the settlement calls for Renn Transportation to post a notice to employees stating that the company will not:

1. Pretend that employees are under surveillance for union activity,
2. Interrogate employees about union activity, and
3. Threaten employees for engaging in union activity.

"Everyone at Renn, and even folks in other companies, heard that Dale and Israel had been fired, so they weren't anxious to talk with us."

"Breaking federal labor laws never pays," says Blanchet, "but being a Teamster does!"

IBT launches organizing drive at USF Bestway

Joint Councils 7 and 38 brought shop stewards and rank and file members together for meetings in Oakland and Sacramento in March, to kick off the Northern California organizing drive at USF Bestway. With these meetings, the Northern California locals join a national organizing effort being coordinated by the IBT.

Several Bestway terminals have already been organized and interest is high at many others.

Bestway is the tenth-ranked transportation holding company in the U.S. and Canada, and its largest subsidiaries—Holland and Red Star—are already under the Teamsters National Master Freight Agreement.

"Bestway is a company that can be organized and it's a company with whom we can reach an agreement once

organized," says Joint Council 7 President Chuck Mack.

"The USF campaign is exciting and creative," adds Mack. "The IBT is working strategically, utilizing the services of all of its departments and putting an army of organizers and volunteers on the street. It's an important and indispensable step to organizing workers in a Teamster core industry."

The meeting and organizer training was led by Randy Korgan, IBT Organizer out of Local 63, who is directing the program nationally. Korgan provided an update on organizing efforts to date, and took the members through a series of role-plays to help them feel comfortable reaching out to Bestway employees. "The Bestway campaign will only work if it's worker-to-worker," Korgan said.

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

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.

CLIP & SAVE

From now on, the Bulletin Board will only appear once each year.

CLIP & SAVE

The next Bulletin Board will appear in the June/July/August 2005 issue.

BULLETIN BOARD

Local 15, Union City

Membership meetings: Fourth Monday of the month, 3:30 p.m. Check your shop bulletin board for location.

May through September, 2004 Membership meetings will be held at Lake Elizabeth Park, Paseo Padre Blvd. in Fremont. Come early and enjoy the barbecue.

Chuck Davis, Secretary-Treasurer

Local 70, Oakland

Regular Membership meetings:

Fourth Thursday of the month, 7 p.m., 70 Hegenberger Road, Oakland.

Chuck Mack, Secretary-Treasurer

Local 78, Hayward

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

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, 7 p.m. Stewards' meeting is an hour prior.

We have moved to 850 Harrison Street, San Francisco, CA 94107.

Telephone: (415) 344-0085 Meetings will be held at the Local's new location.

NOTE: Labor Day Picnic and Blood Bank: September 6, 2004, San Bruno Park, San Bruno. 11 a.m. - 3 p.m.

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. New Member Orientation begins at 7:15 p.m., 2727 Alhambra Avenue, Martinez

Dale Robbins, Secretary-Treasurer

Local 350, Daly City

General Membership Meetings are held Quarterly as follows:

San Francisco Electricians' Hall:

55 Fillmore Street, San Francisco: 7 p.m. June 10 • Sept. 9 • Dec. 9, 2004

Teamsters Local 287:

1452 North Fourth Street, San Jose; 7 p.m.

June 23 • Sept. 22 • Dec. 22, 2004

Robert Morales, Secretary-Treasurer

Local 484, San Francisco

General Membership Meetings:

San Francisco:

June 8 • Sept. 14 • December 7, 2004 7 p.m. at Spanish Cultural Center, 2850 Alemany Blvd., San Francisco.

North of the Golden Gate Bridge:

June 15 • Sept. 21 • December 14, 2004 6 p.m. at 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. at Santa Rosa Veterans Building, 1351 Maple Street, Santa Rosa

NOTE: Per the Local 624 Executive Board, the June, July and August Membership meetings are suspended, subject to the disapproval of the membership.

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.

NOTE: Membership meetings will be suspended during the months July, August and September.

Ernie Yates, Secretary-Treasurer

Local 853, San Leandro

Membership meetings are held the second Thursday of the month, 7 p.m. at 1700 Merced Street, San Leandro, except February, June and October, which are held at 701 South B Street, San Mateo.

Rome Aloise, Secretary-Treasurer

Local 856, San Bruno

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

2004 meeting schedule as follows:

May 25 • June, July & August meetings cancelled • September 28 • October 26 • November: Annual Thanksgiving meeting—TBA • December 28: location TBA

Michael J. McLaughlin, Secretary-Treasurer

Local 890, Salinas

Membership meetings:

Regular Membership meetings are held the second Thursday of the month, 8 p.m. at 207 North Sanborn Road, Salinas.

NOTE: New office hours: M-Th 8:00 to 4:30/Fri 9:00-3:00. Closed for lunch Noon-1:00

NOTE: July, August and September General Membership meetings are suspended.

Franklin L. Gallegos, President

Local 896, Vallejo

Northern California Soft Drink

Saturdays, 10 a.m. at Local 896, 301 Georgia St., Suite 220, Vallejo:

May 22 • June 26 • July 31 • August 28 • September 25 • October 30 • November 20 • December 18

Northern California Anheuser-Busch, Inc., Fairfield

At Suisun Senior Center, 318 Merganser Drive, Suisun. Tuesday meetings at 4:30 p.m., Sunday meetings at 9:00 a.m.

Tues., May 25 • Sun., June 27 • Tues., July 27 • Tues., August 31 • Sun., September 26 • Tues., October 26 • Tues., November 23 • Sun., December 19

NOTE: Local 896/Northern California has moved to 301 Georgia St., Suite 220, Vallejo, CA. 94590, 707-644-8896

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.

Brad Sebring, Secretary-Treasurer

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 in March, June, September, December, 12:30 p.m. at Granada Café, 4753 Mission Street, San Francisco.
John Casaccia, President

Local 315 Retiree Club

Third Thursday of every month, 10 a.m. at Local 315's Hall, 2727 Alhambra Avenue, Martinez
Carolyn Robinson, 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.
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 Assoc. of Local 137

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

Western Conference of Teamsters (WCT) Pension Update

Finally some good news on pension. Investment income was up in 2003. The return was around 20%, a welcome change from the previous three years (2000-2002) when the Plan lost over \$5 Billion.

Last year's positive results naturally raise for many members the ques-

tion of plan improvement, especially future accruals—the dollar amount the plan pays annually to Teamster members/participants. The short answer—it will still be a while. Last year's 20% gain was great but it is only 40% of what we lost between 2000-2002.

Plan Trustees will continue to mon-

itor investment return on a regular basis. Look for plan improvements including increased accruals when the earlier losses are recovered.

Even with last year's accrual reduction, the Western Conference Pension is still the best investment our members make. Consider:

- The Plan, on average, pays a retiring member every dollar contributed on his/her behalf in less than three years.
- Members collect benefits for close to 20 years, on average, after retiring.
- The plan has more than \$25 billion in assets, making it the largest multi-employer plan in the world.

In 2003 the Western Conference of Teamsters Pension paid out more than \$1.6 Billion to retirees or their beneficiaries. The plan continues to provide benefit increases when many other plans have suspended increases outright, cut benefits or actually gone bankrupt.

The Trustees of your Pension Plan are optimistic about the future and are committed to benefit improvements as investment income returns. In the meantime, the Trustees will continue to protect Plan assets to ensure that your pension is there for you when you retire.

— Chuck Mack & Rome Aloise
Trustees, WCT Pension Plan

NOTICE TO MEMBERS

The California Teamsters are represented at the California Legislature and before state administrative agencies by the California Teamsters Public Affairs Council. The Council is under the direction of Barry Broad, who is the Council's Legislative Representative.

Per Capita Tax

All Teamsters affiliated with Joint Councils 7, 38 and 42 support the California Teamsters Public Affairs Council through a per capita tax of 25 cents per member per month, from union dues. Thirty three and 1/3 percent (33 1/3%) of this is set aside in the Political Action Committee from which the Executive Committee makes campaign contributions.

Executive Committee

Chuck Mack, president of Joint Council No. 7, is the chairman of the Executive Committee, Jim Santangelo, president of Joint Council No. 42 is treasurer and, James Long, president of Joint Council No. 38 serves as a member of the Executive Committee, which supervises the staff of the Council.

Policy Committee

A policy committee of eight members from each Joint Council is responsible for the development of the Council's long-term political, legislative and edu-

cation policy, screening candidates and making recommendations to the House of Union Delegates for endorsement for state-wide offices. The Policy Committee members are:

Joint Council of Teamsters 7: President Chuck Mack, Franklin Gallegos, Robert Morales, Jack Bookter, Dale Robbins, Michael McLaughlin, Carlos Borba, Ernie Yates.

Joint Council of Teamsters 38: President James Long, George Avalos, Jr., Dave Hawley, Darrell Pratt, Ralph Ramirez, Sam Rosas, Lucio Reyes, John Souza.

Joint Council of Teamsters 42: President Jim Santangelo, Randy Cammack, John Harren, Ray Whitmer, Phil Saal, Patrick Kelly, Ron Herrera, Ed Smith.

The House of Union Delegates meets on the call of the Executive Board. Each Local Union is entitled to two delegates to the meetings.

Any questions about the California Teamsters Public Affairs Council may be addressed to the chairman of the Executive Board, California Teamsters Public Affairs Council, 1127 11th St., Ste. 501, Sacramento, California 95814. Phone (916) 446-0291, FAX (916) 446-9321. E-mail address info@teamsterctpac.org.

UNION SECURITY NOTICE

THIS NOTICE IS PRINTED TO MAKE SURE YOU UNDERSTAND YOUR FINANCIAL OBLIGATION TO THE LOCAL UNION THAT REPRESENTS YOU IN COLLECTIVE BARGAINING

If your job is covered by a Union security clause in your collective bargaining agreement, the law provides three different methods for you to comply with its obligations:

1. You may become a full member of the Union by paying the initiation fee and monthly dues required pursuant to the Local's Bylaws.
2. You can pay the initiation fee and monthly dues without becoming a member.
3. You can become a "service fee payer," that is, you can pay the percentage of the initiation fee and monthly dues that represents your pro rata share of the collective bargaining expenditures of the Union.

The amount of the service fee is calculated each year by determining the percentage that the Union's collective bargaining expenditures bears to its total expenditures, and applying that percentage to the regular initiation fee and monthly dues. You can obtain this dollar amount upon request to the Local. Under the law, you have the right to challenge the correctness of the Local's calculation of the service fee payment. Procedures for doing this will be explained to you by your Local if you decide to satisfy your Union security obligation by paying a service fee.

A service fee payer is not a member of the Union, and is not entitled to participate in Union affairs.

In Memoriam

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

FELATO, John L., Local 15
 GEORGE, Wilbur C., Local 15
 KING, William C., Local 15
 BAPTESTA, John, Local 70
 BISHOP, Robert, Local 70
 FERGUSON, Lynn, Local 70
 FOSTER, Sam, Local 70
 GARRANTI, Anthony, Local 70
 GRMOJA, Anthony M., Local 70
 KLAAS, Kenneth, Local 70
 MARTIN, William, Local 70
 REILLY, William, Local 70
 RODRIGUEZ, Carl, Local 70
 SIVELL, Harry L., Local 70
 VASSALLO, Joseph, Local 70
 DAVIES, Edwin, Local 78
 HINEK, Frank, Local 78
 ISERT, William, Local 78
 O'NEAL, Mike, Local 78
 SHERMAN, Margaret, Local 78

SULLIVAN, John, Local 78
 WILSON, Ed, Local 78
 DE BELLA, John, Local 85
 COOLEY, Harry, Local 85
 FINNERAN, Robert, Local 85
 HAUSNER, Walter, Local 85
 RAMOS, Robert, Local 85
 VAN KOFF, Nick, Local 85
 WEISMANN, Al, Local 85
 HURST, Willie, Local 216
 STRACHAN, James, Local 265
 FONG, Jeff, Local 278
 FRONTIERA, Joseph, Local 278
 HILL, Omer, Local 278
 RICO, Frank, Local 278
 THOMSEN, Milton, Local 278
 IBARRA, Jesse, Local 287
 NARVAEZ, Jimmy, Local 287
 PAULSEN, Phillip, Local 315
 SZATKOWSKI, Robert, Local 315

CHAVEZ, John, Local 350
 GAGGERO, Mario, Local 350
 ISOLA, Dino, Local 350
 MEDRANO, Richard A., Local 350
 REDWOOD, Mark, Local 350
 AIRAUDI, Claud, Local 484
 RIEBELING, Albert W., Local 484
 DEDRICK, Robert "Mickey," Local 490
 WHITEAKER, A. Local 624
 FRANUSICH, Raymond, Local 665
 ESPINOZA, Gelacio, Local 853
 FERREIRA, Guilherme, Local 853
 HARRIS, Edward E., Local 853
 NICANDRO, Carlos, Local 853
 PEREIRA, Zettie, Local 853
 STREET, Kennie, Local 853
 LUCICH, Joyce, Local 856
 NARDICO, Marlene, Local 856
 SANCHEZ, Diana, Local 856
 TAM, Helen, Local 856

TYNELL, Roy, Local 856
 LUJAN, Andy, Local 860
 CHAVEZ, Justo, Local 890
 CROCKER, Coley, Local 890
 CRUZ, Cirilia, Local 890
 DE NOON, Margie, Local 890
 GARCIA, Jose E., Local 890
 GARCIA, Tony, Local 890
 HALL, Margaret, Local 890
 LEAL, Ed, Local 890
 MARTINEZ, Teodoro, Local 890
 RUBIO, Josefina, Local 890
 SALAZAR, Fernando C., Local 890
 TRINIDAD, Abundio, Local 890
 TRUJILLO, Richard, Local 890
 VASQUEZ, Rudy, Local 890
 CHAVIS, Francis, Local 896
 FARREN, John, Local 896
 RUSSELL, Zane, Local 912
 COATES, Aron, Local 921



YOUR LEGAL RIGHTS

Employer may be liable for sexual harassment of employees by customers or clients

The California Fair Employment and Housing Act (FEHA) protects employees against sexual harassment, among other types of workplace harassment and discrimination. A recent clarification of the Act, referred to as AB 76, confirms that an employer may be liable for sexual harassment committed against an employee by a third party customer or client, if the employer *knows* or *should have known* about the harassment.

Clarifying the law

The clarification amplifies existing law that holds an employer strictly liable for sexual harassment against an employee by a manager or agent of the employer. The clarification also holds an employer liable for sexual harassment against an employee by a coworker if the employer knew or should have known about the harassment and failed to take immediate and appropriate corrective action. Supervisory employees may also be held personally liable for sexual harassment under FEHA.

In addition to FEHA and Title VII, the federal anti-discrimination law, a plaintiff in a sexual harassment case

may have a claim under the California Constitution or under common law torts such as assault, battery and intentional infliction of emotional distress, depending on the facts of the case.

The recent clarification to the law states: An employer may also be responsible for the acts of nonemployees, with respect to sexual harassment of employees, applicants, or persons providing services pursuant to a contract in the workplace, where the em-

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.

ployer, or its agents or supervisors, knows or should have known of the conduct and fails to take immediate and appropriate corrective action.

AB 76 is considered to be a clarification of existing law rather than a change in the law, meaning that it would apply to cases predating its passage in late 2003.

The clarification came about in response to a specific decision of the California Court of Appeals issued in

October 2002. In a case titled *Salazar v. Diversified Paratransit, Inc.*, the employer apparently did not respond to numerous complaints by several employee bus drivers regarding misconduct by a rider on the bus. A female paratransit driver was repeatedly sexually harassed and eventually attacked by the rider. The Court of Appeals originally upheld a lower court's finding that FEHA does not protect an employee from harassment by an employer's clientele. Two months later AB 76 was introduced into the state legislature to clarify that indeed FEHA was intended to protect an employee from harassment by a third party under certain circumstances.

Filing a complaint

To file a complaint alleging third party harassment under the Fair Employment and Housing Act, an employee should contact the Department of Fair Employment and Housing at 800-884-1684, and must file within one year of the occurrence of the alleged unlawful act. Information on the Department of Fair Employment and Housing is available on the web at www.dfeh.ca.gov.

Free Hazardous Materials Training

New standards for transporting hazardous materials are coming into effect. To enable Teamsters to comply, we offer free training:

- ⊙ 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 415-344-0085



TAP NEWS

Answers to your questions about DOT specimen collections

Since December, 2003, TAP has received many questions from CDL holders and business agents about the issue of urine specimen collection for DOT drug tests. Here is some guidance from the Department of Transportation in response to questions regarding §40.25 Specimen Collection Procedures:

Question: *Under what circumstances are observed urine specimen collections mandatory, and when is observation an optional choice of the employer?*

Guidance: Direct-observation collection is mandatory only when the collector observes behavior clearly indicating an attempt to tamper or when the specimen temperature is outside the normal range and an oral body temperature reading is refused or inconsistent with specimen temperature.

The collector must inform the employer who would review the circumstances for compliance with Part 40 requirements, and finding such, would approve the observed collection. The collector--same gender as employee--would immediately conduct the observed collection.

The employer has the discretion to require direct-observation collection for return-to-duty, follow-up tests, and when specific gravity and creatinine content of the previous sample are below regulatory standards.

Question: *In a "shy bladder" situation, if the physician conducting the medical examination is not the MRO, may that physician report his/her conclusions directly to the employer? Also, if a company has a corporate or contract physician, may that physician perform the examination?*

Guidance: The rule does not preclude the MRO from performing this medical evaluation if the MRO has the expertise. The MRO must review the results of the medical evaluation. The MRO may have additional information on the circumstances surrounding the attempt to provide the urine specimen, other pertinent information regarding this or other collections.

If a company has a physician on the staff or has a contract physician, this individual may perform the medical examination if he/she has the required expertise. However, the requirement still exists to submit the findings of the evaluation to the MRO.

Question: *In a "shy bladder" scenario, may an employer require an individual to provide a specimen within three hours, and if the individual does not provide a specimen, is the inability considered to be a refusal?*

Guidance: The individual must provide the specimen within three hours. Inability to provide does not automatically mean refusal. It will be considered a refusal unless a medical evaluation determines there is a legitimate medical reason for the individual's inability to provide a sufficient specimen. A refusal has the same sanctions under the DOT rule as a positive test.

Question: *May donors be required to remove all clothing, wear a hospital gown, or empty pockets?*

Guidance: Unless a urine specimen is being collected as part of a DOT-required physical examination (i.e., §391.43 Medical examination; certificate of physical examination) "the collector may require the removal of only outer garments such as a coat or jacket that might conceal items or substances that could be used to tamper with or adulterate the specimen. *The individual may retain his or her wallet.*" (Emphasis added.)

Requiring donors to empty their pockets is also prohibited unless the collector notices an unusual indicator that an individual may attempt to tamper with or adulterate a specimen as evidenced by a bulging or overstuffed pocket.