



# TEAMSTERS

## Northern California

Serving more than 70,000 Teamsters and their families

Volume 50, Number 1

February/March/April 2005

## Teamsters help port drivers take their case to the legislature

The plight of independent truckers who move cargo in and out of the Ports of Los Angeles, Long Beach, Oakland and elsewhere, was brought before a group of prominent California legislators on January 7. The joint hearing by the Senate Labor and Industrial Relations and the Assembly Labor and Employment committees was held in Wilmington, near the twin ports of Los Angeles and Long Beach.

Several independent truckers testified that they struggle to eke out a living. Working long hours with low wages, they also have to cover the high cost of maintaining truck equipment and increases in fuel costs.

"I don't have any medical or welfare or unemployment, anything at all, no holiday pay, vacation pay," said truck driver Abelon Zerfiel, who works out of the Port of Oakland. "But I am burdened with the responsibility of paying hefty registrations, fuel and maintenance costs."

Zerfiel said he works 11 to 13 hours a day and brings home \$20,000 to \$25,000 a year.

Several truck drivers testified that they were forced to wait for hours to pick up shipping containers. Some said they had sought work away from the ports because they were able to deliver only one container a day, com-

pared with a previous daily pace of about four.

### Looking for solutions

The broader issues of growing congestion, pollution and inefficiency at the ports also were discussed at the hearing conducted by State Sen. Richard Alarcon and Assemblyman Paul Koretz and attended by Assembly member Betty Karnett and Senators Allan Lowenthal, Gloria Romero and Jenny Oropeza, who chairs the Transportation Committee.

The session focused in part on state legislation proposed by Alarcon to establish a California Intermodal Port Congestion and Environmental Quality Commission that would have authority to limit the number of trucks with access to ports, regulate diesel emissions and have the authority to reduce air emissions caused by idling or queuing trucks.

The Teamsters also plan to sponsor a bill in the legislature seeking to exempt harbor truck drivers from federal antitrust laws so they can collectively negotiate freight rates and withhold services at marine terminals.

Chuck Mack, director of the Teamsters' Port Division, argued that independent truckers need to be organized into a union before their conditions will improve. "It's amazing in the year 2005



Chuck Mack testifies before committee. Seated with him (L to R): Port Drivers Walter Flores (LA/Long Beach), Abel Zerfiel (Oakland), Jorge Rueda (Oakland) and Jerry Bakke (LA/Long Beach).

that we see a group of workers in this country who are treated in much the same way as sharecroppers were in the old South," Mack said.

"More than anything, drivers in the port need a voice."

Barry Broad, the Teamsters' legislative director in Sacramento, said the Teamsters' bill would allow individual owner-operators to form an organization to collectively negotiate freight rates. This would enable the drivers to

negotiate their wage rates, use arbitration to resolve differences, withhold their services and picket marine terminals, as necessary.

The common thread running through the proposed bills is to reduce congestion at California ports and thereby improve the earning power of harbor truck drivers, who are generally considered to be at the bottom of the economic ladder in the relatively high-paying port and intermodal industries.

"My fear is (truckers) will get out of trucking because they can't afford it and make poverty wages," Alarcon said. "We have an incredible labor pool that is forced to sit and wait outside the gates of these ports and idle, and it's idling our economy and hurting our environment."

"Without these truckers, our entire economy will be crippled," said Los Angeles City Councilwoman Janice Hahn in her testimony. "We must do something to improve the working conditions of our independent truckers."

### Role of shipping industry addressed

Several speakers called for more



Port Driver Abel Zerfiel testifies to Committee with Chuck Mack at his side.

"The heart of our problem is that we are paid by the load, while all of those around us are paid by the hour. If we do not make two loads a day, we do not survive very long. With three loads a day perhaps we will clear a little profit. But no one around us has the incentive to make this possible. The whole system operates to slow us down..."

Our working lives consist of endless waiting in line and endless delays...

"What do we want? The right to organize. And we want some environmental protection because we breathe the same air as the people in West Oakland. By the time I get home I am covered with a thin film of grease. My phlegm is black. This whole system is an economic disaster, and a public health disaster."

—Abel Zerfiel

Continued on page 6



## President's Report

by  
**Chuck Mack**

### Thank you for doing your part

How about starting the New Year with some good news?

Teamster's organizing is alive and well. In every industry and in every part of the country, the Union added thousands of new members.

A sampling:

- 3,200 customer service representatives at America West airlines;
- 1,000 municipal workers in Fort Lauderdale, Florida joined Local 769;
- 700 Diamond Walnut workers joined Local 601 in Stockton, California;
- 400 Highline School District workers joined Local 763 in Seattle, Washington;
- 345 Grandview Foods/BBSI workers joined Local 760 in Yakima, Washington;
- 500 Laidlaw drivers in Orange County joined Local 952.

And that's not all. More than 1,500 workers at DHL and DHL subcontractors have signed up. From Southern California to Fredericksburg, Maryland, from Centralia, Washington to Miami, from Texas to New York and a number of cities in between, the rush is on. It's expected that an additional thousand or more DHL employees will join the Teamsters this year.

Joint Council 7 locals are also in the mix. In 2004, almost all of our affiliates won representation elections or have been recognized voluntarily:

- Local 15 organized 40 mailers at Modesto Bee;
- Local 70 affiliated 150 East Bay Taxi Drivers Association members;
- Local 78 added 125 school bus drivers and laundry workers;
- Local 85 picked up 150 at three different companies;
- Local 287 won recognition for 300 bus drivers at ATC/Vancom;;
- Local 315 organized 75 workers at

the City of Hercules and another 30 at Auto Warehousing;

- Local 350 brought in more than 200 solid waste/recycle workers;
- Local 490 picked up two 10-person clerical units and 8 employees at Lombardi's Bakery;
- Local 624 picked up 70 new members at two different bus companies;
- Local 665 has added 190 members in the rental car industry and 120 in parking;
- Local 853 won election for 20 Aramark workers at the Oakland Coliseum;
- Local 856 has organized close to 150 hospital workers;
- Local 890 added hundreds of food processing workers to their rolls; and
- Local 912 picked up 75 members at Wildwood Tofu Company.

In addition to the thousands organized over the last few months, the mergers of the Brotherhood of Maintenance Way Employees (BMWE) and the Graphic Communication International Union (GCIU) this past year, coupled with the Brotherhood of Locomotive Engineers (BLE) has brought another 100,000 plus members into the ranks of the Teamsters.

President Jim Hoffa was right on when he declared "the pace at which we're organizing and the diversity of those joining the Union is unprecedented."

The single most important factor in this success is the Teamster's reputation for hard bargaining and strong representation. It hits a responsive chord with the unorganized.

The support of our members for organizing cannot be underestimated. In several instances our members provided staff with organizing tips and met with potential union members.

The organizing momentum shows no sign of slowing in 2005. Hey, it might even increase.

*"The single most important factor in this success is the Teamster's reputation for hard bargaining and strong representation. It hits a responsive chord with the unorganized."*

## PORT DRIVERS SPEAK OUT



**Ricardo Cortes**

*A port driver for six years, Ricardo works 18 hours a day to turn a profit.*

"We just pray to God we don't get sick because if I get sick, how am I going to earn a living? My main concern is the lack of benefits. My expenses are so high, I barely turn a profit. I'm very concerned about the rates we get paid for deliveries. For the six years I've been driving, I've been paid \$280 for every load that I take to Sacramento. The problem is, that rate stays the same while all my expenses go up—like gas and insurance."



**Paul Chavez**

*One of the three drivers who was arrested after the strike because he came forward to be a representative for the drivers.*

"The way to try and change things is to make it a political issue. We need to take this issue before the port authorities, the city council, and whoever else, because once they know what's going on, they will step in and move things forward. Once they hear about the conditions they'll do something about it."

"People want to see things change right away. Obviously that is not going to happen. But if we get organized we can change things."



**Luis Solis**

*A port driver for 10 years and very active in the organizing campaign.*

"People look at drivers and they say, 'Oh, they make good money.' But it's not true. We get paid by the load, not by the hour, and yet there's often a long wait time to pick up our loads. All the time we spend waiting is lost money. We have to extend our days and try and squeeze in as many loads as possible just to turn a profit."

"And my expenses are outrageous. I probably spend \$1,500 a week on fuel, road tax, insurance, etc., and at best I make \$600 a week—which is barely enough to support my family."



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## AROUND SACRAMENTO

### Proposed cuts to Public Employee pensions will impact Teamster pensions

## Fighting to maintain pension strength

In his State of the State speech in early January, Gov. Arnold Schwarzenegger called for fundamental change in pensions for all government workers in California — schoolteachers and garbage collectors, firefighters, police and policy analysts — a step that over time would reduce retirement security in the public sector, which employs one in eight California workers. Teamster leaders believe the plan will, ultimately, have a negative impact on all union pension plans.

The governor calls for overhauling CalPERS and CalSTRS, the Public Employee and Teachers' retirement plans, which have a combined portfolio of \$295 billion. The governor's plan would replace pension packages for all new employees with private plans similar to the 401K plans offered by private companies.

Instead of being guaranteed a fixed benefit when they retire, new employees, starting in 2007, would contribute money into a retirement account with a choice of funds. The state would also put money into the account, but far less than they currently contribute. The payments retirees received would be based on how well their investments performed.

"Governor Schwarzenegger is going after California's public pensions in the same way that President Bush and the Republicans are going after Social Security," said Art Pulasaki, Executive Secretary-Treasurer of the California Labor Federation. (See story on page 7)

Public employees' unions immediately denounced Schwarzenegger's plan, saying it would cut benefits for

government retirees and make government service less attractive for new workers. They said it would not produce the savings Schwarzenegger

claimed and would do nothing to reduce state and local deficits over the next few years. Even in later years, they say, the administrative costs of

handling hundreds of thousands of individual accounts would make the whole system far less efficient than now.

### Governor's budget cuts services, goes after public workers

Governor Schwarzenegger's 2005-06 budget proposes severe cuts in health, education and transportation services for millions in the state. The Governor is also proposing a significant restructuring of the budget process that would give him more power to unilaterally make budget cuts.

#### Budget Lowlights

**Public Employees:** The Governor wants to double workers' share of pension contributions, meaning that 11% of a worker's monthly pay would go to fund retirement costs. The proposal also cuts CalPERS health benefits. The Governor also proposes to entirely eliminate the state's contribution to the teachers' retirement fund (CalSTRS), shifting responsibility to school districts and employees. IHSS workers also face a cap on the state's share of their wages and benefits at minimum wage.

**Education:** In addition to eliminating the state's contributions to CalSTRS, the Governor's budget proposal promotes charter schools and breaks his promise from last year to grant schools their fair share of state revenue increases under Prop 98.

**Transportation:** This budget proposal would reduce Prop 42 funds by \$1.31 billion but promises to consti-

tutionally prohibit future raids of Prop 42.

**Health Policy:** Schwarzenegger is proposing to require Medi-Cal recipients to pay out-of-pocket for the first time, and severely cut reimbursements to public and private hospitals. The Governor also proposes a sham drug discount plan that gives low-income, uninsured Californians only the discounts offered voluntarily by drug manufacturers.

**Institute for Labor and Employment:** Once again, labor research and education at the University of California is being targeted for cuts. Business programs are given millions in funding at UC. The elimination of even the minimal funding allotted to study workers' issues is a political attack on unions.

#### Budget Highlight

**Labor Law Enforcement:** The Governor proposed increased funding for EDD, DIR and the Contractors State License Board to boost enforcement efforts against employers that pay their workers under the table and evade state labor laws. The Governor also proposed a new program within the Franchise Tax Board to investigate employers who create abusive tax shelters.

— California Labor Federation

### Impact on Teamster pensions

"The Western Conference of Teamsters pension plan achieves huge savings because we can invest in concert with CalPERS," says Local 853's Secretary-Treasurer Rome Aloise, who serves as the investment chair for the WCT plan. "We buy in \$500 million lots, and we get very favorable fees, but we also have 'favored nations clauses' for pricing—this allows us to receive even lower fees because CalPERS buys in much larger amounts."

If CalPERS shrinks, the cost for investing Teamster monies will go up. "That's money directly out of our members' pockets," Aloise says.

401K plans are great, Aloise adds, if they're used as a supplement to a good pension. "Unfortunately, if all you have is a 401K, then you have to monitor your investments more closely than most people really do."

Furthermore, fees for pension investments are significantly lower than for 401K plans. "The increased cost in investing means a decrease in profits for our members. Of course, it's very good for the investment bankers."

Aloise says that every union member, and everyone with a "defined benefit" pension should oppose the governor's plan to dismantle CalPERS. "It's bad for public employees, it's bad for California and its bad for Teamsters."

APPLY NOW



CONTACT  
YOUR LOCAL FOR AN APPLICATION

### 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, call Barbara at 415-344-0085.



### Local 665



## Close to 200 new Teamsters have contracts in Rental Car industry

Local 665 has added 188 new members to its Rental Car units at Avis, Budget and Hertz locations in San Francisco, at the San Francisco International Airport, and in Santa Clara.

One hundred and fifty seven Hertz hikers at the San Francisco International Airport ratified a new five-year agreement. The new contract includes pay increases each year, six paid holidays and six floaters to be used for vacation and sick days, and health and welfare coverage. A new grievance procedure forces the company to show cause for discipline. The members also get bereavement and personal leave and seniority will now be used for shift bids and layoffs.

With the merger of Avis and Budget into Cendant Corp., 11 new members have been added to the San Francisco Mason Street contract. These new members are entitled to improved wages, health and welfare, holidays and vacation. The contract also ensures a just cause grievance procedure and seniority protection for shift bidding and layoffs.

Twenty new Hertz shuttlers in Santa Clara unanimously signed union representation cards and will soon be voting on a contract offer of proposed improvements in wages, holidays, working conditions, seniority, and a just cause grievance procedure.

"Local 665 welcomes these new brothers and sisters as Teamsters in our growing Rental Car industry," says President Mark Gleason.

### Local 350

## More members in garbage industry

On December 3, 2004, 30 employees at Hollister Disposal Company, a subsidiary of Waste Management, voted by a 3-1 margin in an NLRB election for union representation by Local 350.

"The workers want to be treated with respect. They also want a fair seniority system and affordable health insurance. They look forward to working under a collective bargaining agreement," says Secretary-Treasurer Bob Morales, who reports that contract negotiations have just begun.

Morales gave special thanks to International Project Organizer Sonia De La Cruz, who came from the International Organizing Department to work with the Local on the campaign. "She related well to the workers," Morales adds.

Also in late December, 30 employees at the BFI transfer station in San

Carlos unanimously ratified their first union contract. The agreement includes full maintenance of benefits for health and welfare for five years, substantial wage increases and retiree health insurance with full maintenance of benefits.

### Local 490

## New owner, better deal

Even though Republic Services bought out Solano Garbage, the 110 members of Local 490 who work in garbage and recycling services and at the landfill were successful in getting additional monies for their health and welfare, pension and wages. "We look forward to working with this new company," said Secretary-Treasurer Carlos Borba.

## Albertson's shake-up

Locals 490, 70 and 150 will be going into effects-bargaining with Albertson's to deal with how the company plans the transfer of work from the San Leandro to the Roseville facilities.

"The company has announced that

they're closing the San Leandro facility and moving that operation to Roseville," says Borba. "In the interim, we expect the move and closure will impact Local 490's members who work at the Vacaville Distribution Center."

At presstime, the locals were just getting the details from Albertson's, and will continue to update the members as they know more.

### Local 78

## Working on Acme

Local 78 Organizer Skip Joaquin says that he's never filed as many unfair labor practice charges in an organizing campaign as he has against Acme & Sons Sanitation in San Jose. "But this is a battle worth fighting," he says. "These are proud, strong folks. Twenty-one of the fifty people in the unit showed up to the very first organizing meeting that we held on a Saturday. On the following Monday, every one of them wore their Teamsters Local 78 button to the job."

The company terminated one union supporter the day before the organizing meeting and they fired another three days later. "We've since learned that one of the managers parked down the street from Local 78's office and wrote down the names of every individual who attended that meeting," Joaquin says. "The company is also offering promotions and raises if employees forget about the union, and we expect more terminations to follow."

The employees are looking for union representation because they haven't gotten promised raises, they have to pay for their benefits, and money is taken out of their checks without authorization to pay for damaged equipment.

With facilities in San Jose, Martinez and Stockton that employ a total of 125 people, Acme supplies portable toilets, temporary fencing, storage sheds, sweepers, generators and temporary power. Joaquin has already invited the Machinists Union to organize the mechanics and Local 287 to work with the construction employees.

### Local 853

## Dairy drivers file class action lawsuit for overtime pay

On January 19, four Route Drivers at Producers Dairy facilities in Ceres and San Leandro filed a class action lawsuit against the company alleging that the company unfairly withheld overtime pay when they worked more

than 8 or 12 hours in a day or 40 hours in a week. The case was filed in the U.S. District Court for the Northern District of California.

Local 853 is backing the lawsuit, and attorney Michael Nelson from the Beeson, Tayer, Bodine law firm is representing the drivers.

The lawsuit alleges that Producers Dairy violated the Fair Labor Standards Act by not paying appropriate overtime (time and a half) for more than eight hours work in a day or 40 hours in a week; or double time for more than 12 hours in a day. The drivers allege that Producers Dairy knew that they were responsible for paying the overtime wages, but willfully refused to do so. They are seeking payment of the back wages, attorney fees, and any other damages as appropriate.

Three of the drivers, Joe Romero, Lawrence Heffington and Lauren Portillo, work at Producers Dairy's San Leandro facility. The fourth, Raymond

### Local 315



Some of the City of Hercules union supporters who signed the new union contract.

## City of Hercules workers

More than 75 City of Hercules workers mind up to have union representation by Local 315. By November, Local 315 President expects a strong showing of support and contact check.

"We feel that Local 315's visibility action and participation in the labor-to-city negotiations has been a strong check," said Secretary-Treasurer Dale Robbins. "We have already agreed to have the State Mediation Commission conduct a check on the bargaining representative."

The bargaining unit covers all maintenance and pre-school instructors. "The workers are excited and anxious to gain a say in their jobs and anxious to gain a say in their negotiations with the city," Gutierrez said. "We will work out the terms of a first contract with the city and bring our members into Local 315."

# THE LOCALS

Jeanes, works at the Ceres facility in Stanislaus County. The lawsuit is being filed as a Class Action on behalf of all of Producers Dairy's Route Drivers who have been denied full payment of their overtime wages.

It wasn't until the drivers at the Ceres facility approached the Teamsters to represent them, that the union learned of the company's practice not to pay overtime. (The San Leandro employees voted for union representation in 2003, but to date, the company and union have not been able to reach agreement on a first contract.)

In addition to San Leandro and Ceres, the company operates offices and depots in Anderson, Chico, Sacramento, Ceres, Castroville, Fresno, Tulare and San Luis Obispo. Producers Dairy processes, warehouses and distributes dairy and related products to retail outlets throughout the state. Its largest customers are Target and Costco.



porters, who look forward to getting a

## ers say 'Teamsters YES!'

kers in Contra Costa County made their and in October, they contacted Local nt/Organizer Steve Gutierrez had a real cted the city for recognition by card

throughout the County in our political labor program made a big difference," s. "To the City's credit, they immedi- ion & Conciliation Service verify the a few days Local 315 was certified as

sifications, from the city clerk to main- he workers are very dedicated to their work place. We have a good cross sec- committee and have already begun need. "I feel confident we will successful- t for the workers and bring new mem-

### Local 856 & 665

#### Cool-off expires at hotels

The cooling-off period in the San Francisco hotel workers' labor dispute expired on Sunday, January 23. Both Local 2 and employer representatives assured Mayor Gavin Newsom there will be no resumption of the strike or lockout, at least in the short term.

Some 600 members of Local 856 who work in the offices and at the front desks of the struck hotels, and 200 members of Local 665 who work in the hotel parking lots, will be affected if another strike or lock-out ensues, because the unions will again ask them to respect Local 2's picket line.

The cooling off period began November 20—the workers returned to their jobs and negotiators were to continue with their work—but according to Local 2 President Mike Casey, the two sides remain very far apart.

Local 2 is conducting a boycott of the 14 San Francisco hotels and members are calling meeting planners asking them to move their business to other hotels.

Here are the affected hotels:

- Argent Hotel
- Crowne Plaza Union Square
- Four Seasons
- Fairmont
- Grand Hyatt Union Square
- Hilton San Francisco
- Holiday Inn Civic Center
- Holiday Inn Express



### Local 853

Local 853 Recording Secretary Antonio Christian shares arbitrator's decision with member Edward Grant.

#### Arbitration win gives member one year in back pay and benefits

When Morton Salt fired six-year Local 853 member Edward Grant for violating the company's attendance policy, he knew they were wrong. The union backed him up and brought in attorney Teague Paterson from the Beeson, Tayer, Bodine Law firm to handle the case.

In December, 2004 the arbitrator ruled in favor of Grant and he received a settlement of one-year's back wages and benefits worth over \$50,000. "The arbitrator said that Ed was not properly terminated under the terms of the Collective Bargaining Agreement in accordance with past practice," explained Local 853 Recording Secretary Antonio Christian. "Without a union, he would never have seen a dime. It was important for us to fight for this member's rights."

- Holiday Inn Fisherman's Wharf
- Hyatt Regency Embarcadero Center
- Mark Hopkins Inter-Continental
- Omni Hotel
- Sheraton Palace
- Westin St. Francis

"A boycott is the only way to get a settlement here—when some bean-counter decides it's better to settle with the union than to continue to lose millions of dollars in business," said Casey.

#### Grocery workers get new contract without strike

After nearly 5 months of difficult negotiations, a tentative settlement was reached on January 23 between the UFCW Bay Area Coalition and Safeway, Albertson's, and Kroger.

The coalition of eight local unions worked together for months to mobilize members and educate grocery store customers for the negotiations. Because of their preparation and coordinated bargaining strategy, the locals were successful in turning back employee health care premium co-pays, permanent two-tiered wages, a company controlled healthcare plan, and language that would have weakened job security.

The framework of the settlement loosely follows that of the contract recently approved by grocery workers in Sacramento.

The UFCW thanked all of the union and community members who supported the grocery workers during the contract campaign, including 80,000 customers who signed cards pledging to

boycott the grocery stores if a contract agreement was not reached.

The UFCW also announced that it will ask the grocery companies to work with them to address the health care cri-

sis by advocating for health care reform. Union leaders told company execs that the astronomic rise in health care costs is a crisis that must be tackled by all stakeholders, not just working families.



Teamsters join the Alameda County Labor Council at an Oakland Albertson's store on January 20 to support the UFCW's efforts to get a decent grocery contract.

# 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 May issue. (We will print address and meeting changes on an ongoing basis.) Please save that copy of the Bulletin Board for information about your Local Union.

## Delegates' Meetings

The regular 2005 delegates' meetings are held the first Tuesday in February, April, June, August, October and December.

## Notice of meeting changes

### Local 70:

Regular Membership meetings are the fourth Thursday of the month, 7:00 p.m., 70 Hegenberger Road, Oakland.  
*Chuck Mack, Secretary-Treasurer*

### Local 350:

#### General Membership meetings:

Thursday, March 10, 2005, 7 p.m., SF Electricians Hall, 55 Fillmore St., San Francisco

Wednesday, March 23, 2005, 7 p.m., Teamsters Local 287, 1452 North Fourth St., San Jose

NOTE: A secret ballot vote will be taken at the above regular meetings to increase Initiation fees/Re-initiation fees to join Local 350.

*Robert Morales, Secretary-Treasurer*

### Local 490:

#### West Bay Bakery Division meetings:

San Francisco: April 19, 2005, 7:00 p.m.,

Spanish Cultural Ctr, 2850 Alemany Blvd. Santa Rosa: April 26, 2005, 6 p.m., Carpenters' Hall, 1700 Corby Ave.  
*Carlos Borba, Secretary-Treasurer*

### Local 856:

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

February 22 • March 29 • April 26

*Michael McLaughlin, Sr., Secretary-Treasurer*

### Local 896:

**Branch 1:** 8400 Enterprise Way, Oakland, Saturdays at 10 a.m.

February 26 • March 19 • April 30

**Branch 2:** 318 Merganser Dr., Suisun Tuesday, February 22, 4:30 p.m.

Sunday, March 20, 9:00 a.m.

Tuesday, April 26, 4:30 p.m.

*Rene Medrano, 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

## Notice to Local 490 members

Effective February 21, Local 490's West Bay offices will be moving to 1103 Airport Blvd, So San Francisco.  
Phone: 650-871-7525; Fax: 650-952-7490

## Teamsters support port driver rights

*Continued from page 1*

dialogue and cooperation among the many separate entities involved in the supply chain—from the drivers to the trucking companies and shipping lines, to the unions and the surrounding communities of the ports.

Toward the end of the hearing, Alarcon grilled John McLaurin, president of the Pacific Merchant Shipping Association, about the association's role in resolving the cargo and truckers' problems. "I believe you have a role to play," Alarcon said.

Alarcon told McLaurin he was "dis-

appointed" the PMSA did not have specific recommendations for how to alleviate the truckers' problems.

McLaurin said 70 percent of local deliveries are handled by someone other than the ocean carriers represented by the PMSA. "Trucking companies are responsible for hiring drivers. Ocean carriers do occasionally have business relations with trucking companies, however they never set compensation for individual drivers."

## In Memoriam

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

MALE, George, Local 15	MACEDO, Manuel, Local 315
BIRCHARD, Merbert "Butch", Local 70	GARCIA, Brian, Local 350
BOGGS, Lee R., Local 70	LERCARI, Louis J., Local 350
CHRISTOPHER, Kevin, Local 70	RATTARO, Atilio, Local 432
GONSALVES, Manuel, Local 70	ALTIERI, Frank, Local 484
GREATHOUSE, John III, Local 70	FRENCH, Louie B., Local 484
HOFFSCHILDT, Harold, Local 70	KELLY, Gerald, Local 484
JOHNSON, Lee A., Local 70	BENDER, Paul, Local 490
LEWIS, Marvin, Local 70	BURKLIN, Ralph, Local 490
PERKINS, Willie, Jr., Local 70	INSOGNA, Adriane, Local 490
TORRES, Leo, Local 70	NANCE, Vernon, Local 490
WRIGHT, Dave, Local 70	PURCELL, Alan, Local 490
CRACKBON, William Allen, Jr., Local 85, 291	SAFREED, Edward, Local 490
LEONARD, Andrew, Local 85	BENEVIDUZ, Manuel, Local 588
MASTIN, William, Local 85	TULLOS, Chad, Local 624
MENDOZA, George, Local 85	KHAROUD, Nirmal, Local 665
PARDINI, Carl J., Local 85	CASALEGGIO, Beverly Bernice, Local 853
PRYAL, George, Local 85	CUENO, Peter, Local 853
GRIFFITHS, Marvin, Local 216, 350	LEAL, John T., Local 853
TURNER, James, Local 278	TAM, Kelly, Local 853
CONNELL, Steve, Local 287	BRADFORD, Gregory, Local 856
DICKENSON, Barbara, Local 287	HOWARD, Nneka, Local 856
LANE, Roger, Local 287	NOBRIGA, Stanley, Local 856
MINKS, Billy, Local 287	WILLIAMS, Rhonda, Local 856
HOFFMAN, Ron, Local 315	HARO, Eliseo, Local 890
	DONLAN, James, Local 921

## Still time to apply for James R. Hoffa Memorial Scholarship Fund

During the 2005-2006 academic year, 100 scholarships will be awarded to high school seniors who are children of Teamster members. Applicants will compete in one of five geographic regions where the Teamster parent's local union is located. Thirty-one of the awards total \$10,000 over four years. Sixty-nine of the awards are one-time \$1,000 grants.

Applications are available from all Teamster local unions and from the Scholarship Fund. Application forms and eligibility information may also be obtained from the International Brotherhood of Teamsters website ([www.teamster.org](http://www.teamster.org)) or by email: ([scholarship@teamster.org](mailto:scholarship@teamster.org)). Completed applications must be submitted to the parent's local union, providing the Secretary-Treasurer enough time to complete a section and forward the application to the International in time for the March 31, 2005 deadline.

# Myths and facts about Social Security

**MYTH #1:** Social Security is only a retirement program.

**FACT:** In addition to retirement benefits, Social Security also provides survivorship benefits to family members of workers who have died, and disability benefits to workers who become disabled before retirement. Less than two-thirds of Social Security beneficiaries are actually retirees.

**MYTH #2:** In the year 2018, according to President Bush, a crisis will begin that will leave the system bankrupt by 2040.

**FACT:** Both dates are wrong. Actually, the Social Security trustees predict that in 2018 Social Security will pay more in benefits than it takes in. But Social Security is currently building reserves for this very reason. Social Security actuaries project that in 2018, Social Security's trust fund will hold \$5.3 trillion in assets, and the trust fund's assets will increase by another \$1 trillion in the decade after 2018 and reach \$6.6 trillion by 2028.

**MYTH #3:** Social Security won't be there for me when I retire.

**FACT:** Social Security has provided a lifeline to millions of Americans with millions of checks, and in more than 60 years has never missed a payment—and this track record can continue. Social Security is a basically sound system that can meet 100% of its obligations for the next 39 years, and with responsible changes it can continue to do so indefinitely.



More than 100 union members rallied at Charles Schwab's San Francisco offices to protest Social Security privatization. The January 25 event, organized under the theme "Don't Pick Our Pockets to Line Theirs!" was sponsored by the San Francisco Labor Council.

**MYTH #4:** The Social Security trust funds will run out of money in 2042.

**FACT:** The Social Security trustees project that the Social Security trust funds, now growing by \$165 billion a year, will be drawn down to zero in 2042 if no changes are made. (The Congressional Budget Office says the date is 2052.) But after 2042, Social Security will **not** be broke. As it does today, Social Security will continue to collect payroll taxes from workers and employers. In fact, Social Security payroll taxes will be sufficient to finance nearly 70 percent of the payments that will be owed to the pro-

gram's beneficiaries. With responsible modifications to the program, Social Security will be able to continue meeting 100% of its payment obligations to retirees, disabled workers and survivors.

**MYTH #5:** Social Security won't be able to pay for all the baby boomers when they retire.

**FACT:** When the boomers were babies, their parents and the government found ways to provide for them, to build new schools and later to finance expensive college educations for many of them. And ever since the baby

boomers were born, we have known they would begin retiring by 2010. So the Social Security tax deliberately has been set higher than necessary to help defray the costs of the baby boomers' retirement. This money has been saved in the Social Security trust funds, which currently have more than \$1.5 trillion in assets. Finally, we should not look only at the number of retirees but also at the number of dependents (retirees and children) per worker. It is projected that in 2030, there will be about 79 dependents per 100 workers—well below the 1965 ratio of 95 dependents to 100 workers.

**MYTH #6:** Ending all the bureaucratic waste would solve the projected shortfalls for Social Security.

**FACT:** Administrative costs for Social Security are less than 1 cent per dollar paid out in benefits. This is much lower than the average administrative costs of 12-14% for private insurers. In Chile, which instituted a system of mandatory private savings accounts in the early 1980s, administrative costs exceed 20%.

**MYTH #7:** We can't afford Social Security anymore.

**FACT:** The Social Security system was put in place during the Depression. If we could afford it then, we can afford Social Security today when the country is four times richer. The United States is the richest country in the world, and we can provide for our elderly—as do nations not nearly as rich as we are.

**MYTH #8:** I would have a lot more to retire on if I put my money in the stock market rather than paying into Social Security.

**FACT:** Social Security benefits are guaranteed, lifelong and protect whole families. The security of these benefits—which provide the foundation of retirement, disability and survivor protections for working families—should not depend on how well individual workers can play the market or whether a worker retires shortly after the stock market has plunged.

—Sources: Center for Budget Policy Priorities, Economic Policy Institute, AFL-CIO

## What's wrong with Individual Investment Accounts?

Some political leaders and special interest groups are deliberately undermining support for the system—and pushing for individual investment accounts in place of Social Security's guaranteed, defined benefits. While individual accounts are being sold as a free lunch, they really come at a high price.

### What's wrong with privatizing Social Security?

Privatization would cost a bundle—and the burden of paying for it would be devastating for working families.

Initially, at least, we'd have to pay for two Social Security systems at the same time: today's program for current beneficiaries and the privatized system. The added costs would require:

- > Raising the retirement age to 70 or older;
- > Deep cuts in guaranteed benefits;

"This could be huge for us."

—An executive at State Street Bank, who did not want to be identified

"Wall Street would not make a cent out of preserving the current system."

—Teresa Ghilarducci, economist at the University of Notre Dame

- > Cutting or eliminating cost-of-living adjustments;
- > Creating huge new federal deficits; or
- > Some mix of these bad choices.

Raising the retirement age to 70 or older would be especially hard on workers in physically demanding jobs and workers of color (many African American men, for example, wouldn't live long enough to ever collect benefits because their life expectancy is 66.1 years).

We could expect privatization to cost more than Social Security long after the transition period.

Social Security spends 1% of its money on administration. Administrative costs for private insurance range between 12-14%, according to the American Council of Life Insurance.

Privatization would replace guaranteed benefits with benefits dependent on workers' luck or skill as investors and the ups and downs of the stock market.

While the stock market has performed well in recent years, stocks do fall. Since 1956, there have been nine major downturns in the stock market. Prices have tumbled by 20% or more for months and even years at a time. If Social Security is privatized, pray you don't retire the day or year after a crash.

Privatization would mean millions in fees for banks, insurance companies and investment firms.

## YOUR LEGAL RIGHTS

### Employer surveillance of employees – What you should know

Employers increasingly monitor their employees through surveillance, in part because technology has made doing so cheaper and easier and also because courts have backed employers' over employee privacy. The American Management Association reports that 78% of employers monitor their workers in some way. Given this, it is important that you know your rights.

#### On the job surveillance

As union members, you have rights that non-union employees do not have. The National Labor Relations Board has ruled that an employer must negotiate with the union before implementing a policy involving video camera surveillance. That means that the employer cannot unilaterally decide to install video cameras and monitor you. (An exception applies if the employer is conducting a specific investigation, for example of employee theft.)

But employers do not always follow the law. Employers have been known to install video cameras in exit-signs and ventilation screens, as well as behind mirrors. California law also prohibits an employer from monitoring you by video while you are on the job, listening to private telephone conversations held on company prop-

erty over office telephones or inspect your personal electronic communications made over an office computer without first informing you of its policy to do so. California has enacted at least one law that prohibits placing hidden surveillance cameras in bathrooms, which applies to workplace bathrooms as well.

#### Can you be surveilled off the job?

Generally speaking, your employer cannot monitor your off-duty conduct. An exception applies, however, when employees have filed workers compensation claims or have sued to hold the employer liable for occupational injuries or work-related disabilities. Courts recognize that an employer may conduct a reasonable limited investigation into the validity of an employee's injury. Employers frequently hire investigators to monitor employees' off the job conduct in order to determine whether an employee's injury or disability is legitimate. An employee who files such a claim should expect her employer to test the validity

#### 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.

of her injury or disability through surveillance.

Although an employer may conduct a limited investigation, including videotaping an employee in public, an employer, or its hired

investigator, may not engage in deception, misrepresentation, trespassing or invade your privacy. Here is what an employer may do:

- Follow you in public for a few days.
- Openly videotape you, in public, over a period of a few days.
- Film you during the day while you are on your front lawn, or other private property that is visible to the public.

However, an employer or its investigator may not:

- Peep into your windows.
- Trespass on your property.
- Eavesdrop on your conversations, even if your conversation takes place in public, such as in a restaurant.
- Follow you or videotape you over a period of several weeks or months.

Rather than merely conducting an unobtrusive investigation, investigators may attempt to 'catch' on camera

a claimant engaging in physical exertion. Employers will use such video footage to attempt to prove that the employee is not really injured, or at least is exaggerating the injuries.

Investigators have developed standard tactics to 'trick' claimants into engaging in physical activity. These tactics are strictly unlawful. Therefore, an employer may not:

- Deceitfully befriend you and then invite you somewhere, such as an amusement park or disco, where you will be required to physically exert yourself;
- Have heavy materials delivered to your house, and then film you while you remove the materials. (In one case an employer had a building supply firm deliver sand, which it dumped on the claimants driveway, and then filmed the claimant removing the material);
- Deflate your car's tires and then film you while you change the tire.

Although these are extreme examples, it is important to remember that if you are on disability leave, have filed a workers compensation claim, or are otherwise suing your employer over an injury, you should avoid engaging in strenuous physical activity while in public, as this may prejudice your claim.



## NEWS FROM TAP

### TAP to Host seminar for union officials and employers

On Wednesday March 2, Teamsters Assistance Program (TAP) will host a seminar on **Managing Stress and Conflict in the Workplace**. This is an important training opportunity for Union Officials and employers.

TAP hopes that employers and BA's will come to understand the importance of providing stress and conflict management skills to Teamster employees. Companies that have provided stress and conflict reduction training report increased productivity; decreases in workplace violence, accidents, and absenteeism; fewer discharges and grievances; and less alcohol and drug use by employees.

Interpersonal conflict in the workplace results in increased stress levels for everyone who comes into contact with it, regardless of whether they are directly involved or merely a bystander.

As employees, Teamster members dealing with the effects of stress are more likely to fuel existing conflicts because their ability to deal objectively with charged situations is decreased. This downward spiral of conflict and stress takes its toll on bodies,

minds, and entire organizations.

Guest speakers David and Karen Gamow have personally trained over 10,000 people, teaching them to:

- Manage challenging work situations with greater calmness and clarity of mind;

• Dramatically reduce stress with simple techniques that can be done in just minutes;

- Enhance their personal productivity; and
- Focus their minds to achieve results more quickly and effectively.

The Gamow's work has been featured in the *San Jose Mercury News*, *Industry Week*, *Investor's Business Daily*, and on Fox-TV News.

Their list of clients includes: NASA, Sun Microsystems, Pacific Stock Exchange, U.S. Post Office, IBM, Yahoo, Hitachi, U.S. Army, City of Palo Alto, Lucent Technologies, Stanford Research Institute (SRI), and San Francisco Police Academy.

Any Teamsters Union Official or employer representative interested in attending this seminar should call TAP at 510-562-3600 for a brochure and sign-up form.

#### MARK YOUR CALENDAR!



21st Annual  
Teamsters' Assistance Program  
Labor Management  
Golf Tournament

Wednesday, April 20, 2005  
Chardonnay/Eagle Vines Golf Club  
Intersection of Hwys. 29 & 12  
Napa, CA

Interested in getting involved?  
Call TAP at 510-562-3600