



# TEAMSTERS

## Northern California

Serving more than 70,000 Teamsters and their families

Volume 53, Number 3

August/September 2008



IBT General President Jim Hoffa

### Hoffa joins demonstration for port drivers' rights

## Thousands rally for good jobs and clean air at Port of Oakland

“Port drivers are on the front lines of the fight for clean air and good jobs.” So said Teamsters General President Jim Hoffa to the rally of 3,000 environmental, community and labor advocates on July 22 outside the offices of the Port of Oakland. “They toil away every day earning poverty level wages and can’t afford to maintain their older trucks, which are pumping out toxic pollution.”

The event was co-sponsored by the Coalition for Clean & Safe Ports, the California Labor Federation, and the Central Labor Council of Alameda County. Rally participants delivered the message that it is time to stop poisoning the environment with deadly truck emissions and make the industry responsible for modernizing the port truck fleet.

The Port of Los Angeles unanimously approved a plan earlier this year to adopt a sustainable clean trucks program. Their program includes provisions for the trucking companies to take responsibility for the trucks and the drivers who drive under their banner. This means admitting that the drivers are employees and not independent contractors; paying them a living wage and decent benefits; and retrofitting the trucks so they don’t spew dirty diesel exhaust.

“L.A. was the first but Oakland will be second,” vowed Oakland Mayor Ron Dellums, as he and Los Angeles Mayor Antonio Villaraigosa helped kick off the march to the port.

“The system doesn’t work for the truckers who do the work,” explained Assemblymember Loni Hancock. “Trucks are a major source of diesel pollution and high asthma rates, but truck drivers are exploited. Now is the time to design a new system that gives truckers a living wage and benefits,

and that ensures that we hire locally for those good jobs, and make them green jobs.”

Joint Council President and IBT Port Director Chuck Mack had the honor of introducing IBT Secretary-Treasurer Tom Keegel and President Hoffa. But before doing so, he thanked the Coalition for Clean and Safe Ports for their ongoing work. “When everyone understands how an issue impacts them, then you have a chance to make change. What’s been accomplished in Los Angeles and what will be accomplished here by this broad coalition could not have been done by Teamsters alone.”

After the rally was over, Hoffa took a few moments to talk to the port drivers directly. “I told the port drivers that we will not rest until we have economic justice. That means changing the law so they can be employees and demand a good union. I promise you, we will never stop until we succeed.”



### Port drivers tell their own story



**AJ**  
**Port driver for 7 years**  
We live paycheck to paycheck. More than half of our income goes to fuel, insurance, maintenance. When I started, fuel was 98¢/gallon. I’d rather park my truck and go to work for someone else—at least I’d get health insurance, which I can’t afford now.



**Cliff Coleman**  
**Port driver for 3 years**  
I was a Teamster cement truck driver but had to quit when I got injured. I decided to buy my own vehicle. It was tough when fuel was \$3/gallon, but I’m down and out scared now. I want to be a Teamster again to have that security of being an employee.



**Tony Bal**  
**Port driver for 14 years**  
When I started, gas was 85¢/gallon. There was less competition and we got better rates. This industry is like jungle rule—the big fish eats the small fish. Better to be under one banner and have representation than to be on our own.



**Ghermai Ogbe**  
**Port driver for 8 years**  
Wages are the same as when I started, but gas prices are going up. We get no respect. We can’t afford to buy new trucks or retrofit them with the wages they pay us. Somebody—the Port, the city, the shipping companies—has to step up.



**Aaron Lan**  
**Port driver for 7 years**  
We’re making no money. It was better when I started. We need some change. After diesel prices have gone up, it’s a terrible situation.



## President's Report

by  
**Chuck Mack**

### Labor comes out strong for port drivers' rights

The march and rally for port drivers this past month in Oakland was the largest demonstration of labor solidarity in the East Bay since the Oakland General Strike of 1946. Thousands took to the streets to demand economic justice for drivers operating trucks out of the Port of Oakland.

Port drivers are misclassified as independent contractors, making them the most exploited group of truck drivers in the country. Their compensation averages between \$11.00-\$12.00 an hour because they are paid by load, despite the long hours they work. They don't get vacation, sick leave or paid holidays. Nor do they get workers compensation or disability insurance, let alone health and welfare or pension. Drivers have to buy their own trucks, maintain them and pay for their own gas and insurance.

As painful as the independent contractor model is for the drivers, it's a real boon for retailers like WalMart, Target and Home Depot. The lower they can drive truck transportation costs, the higher their profit.

On July 22, 3,000 people said, "NO MORE! There's got to be a change!" In one loud voice, they urged the Port of Oakland to implement the program that was recently adopted by the Port of Los Angeles. It mandates that by 2012, port drivers be reclassified from independent contractors to employees. That one move would allow collective bargaining. Oakland is slated to make a decision in late summer or early fall.

#### They came by the thousands

To state the obvious, the march/rally had a lot of Teamsters. Locals 63, 174, 630 and Joint Council 42 brought their Teamster trucks. There were Teamster motorcycles, man, were there motorcycles. And there were Teamster activists and rank and filers walking. They came from

locals throughout the State, with a heavy Bay Area concentration.

The California State Federation of Labor was there in force. They were holding their state-wide convention and delegates poured out of the Oakland Marriott to participate. There were members of community organizations...members of public health organizations...ministers, priests, pastors and rabbis from the inter-faith community marching along with our environmental partners from the Coalition of Clean and Safe Ports.

The march/rally was something to behold. The route ran from the Marriott Hotel at 10th and Broadway down Washington Street to the Port offices at Jack London Square. Washing Street was a mob scene. There were marchers everywhere. By the time the first contingents reached the Port offices there were still a thousand marchers waiting to start at the Marriott.

Organized chaos? To some extent, but the Teamsters and allies delivered a very clear and powerful message to the Port of Oakland, other ports across the country and the maritime industry: no more driver exploitation, no more polluted air, no more unsafe trucks and no more threat to port security.

#### The leaders led

Teamster General President Jim Hoffa led the parade and articulated the message: we want economic justice for drivers by giving them the basic right to join a union. The General President has been steadfast in his support of the Port Driver Campaign. He's devoted significant time and resources to see that justice is done. Secretary-Treasurer Tom Keegel, an avid supporter of Port organizing, changed his schedule at the last minute and flew in to join the Teamster contingent. United Farm Workers' President Arturo Rodriguez were also out front in support.

#### Thank you

Thank you to Los Angeles Mayor Antonio Villaraigosa and Oakland Mayor Ron Dellums. They've had the courage to do what is right. Both have told some very powerful maritime interests that drivers have a right to belong to a union and bargain collectively.

Thanks, too, to Art Pulaski, who heads the California State Labor Federation, for coming up with the march/rally idea and to Sharon Cornu

of the Alameda County Central Labor Council, who helped plan and then pull it all together.

And thanks to all who came out—the community, our coalition partners, the inter-faith groups and union leaders from across the state. But most of all, to the thousands of Teamster officers and rank and filers who took to the streets, either walking or riding. They helped write a new chapter in Bay Area Labor history.



## PEOPLE & POLITICS

### Party honors activists and political leaders as it raises funds for political education



Teamster Vice President Cheryl Johnson accepts the honor of Labor Leader of the Year from MC and Party President Robert Morales (seated).

The Bay Area Union Labor Party was proud to honor IBT Vice President Cheryl Johnson as its Labor Leader of the Year at the Party's 2008 Leadership Awards Dinner. The event was held at San Francisco's new InterContinental Hotel on July 17.

A 38-year Teamster, Johnson started her union career working in a Toledo, Ohio warehouse, and soon came to work for Local 20. After serving as a Trustee of that Local, President

Hoffa appointed her to be the Director of the IBT Human Rights Commission in 1999. She went on to serve in a variety of other capacities and was elected Central Region Vice-President in 2007. She was the first woman to be named Labor Leader of the Year.

The Party gave its Public Service Award to Kamala Harris, District Attorney for the City and County of San Francisco. The Community Awards went to Angelo Quaranta from American

General Life and Tim Paulson from the San Francisco Labor Council.

The Bay Area Union Labor Party was created to educate union members about policy and community affairs while it secures unity in political action. This event, attended by dozens of political and labor leaders raises funds for the Party's activities throughout the year.



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Members:**

**When sending in address changes,  
please include your local number.**



## JOINT COUNCIL 7 ORGANIZING

### More workers want unions; more workers join Teamsters

By **PILAR BARTON**  
Strategic Organizer

I am happy to report that we are beginning to see success in restoring the vitality of our labor movement and the voices of working families. We are organizing again in a way that has enabled us to turn a corner in our membership numbers. After declining for more than 25 years, union membership is back on the upswing.

Two-thirds of the 311,000 members who joined the union ranks in 2007 were in California. Our renewed emphasis on organizing has been an integral part of this turn around. Teamsters have led the way in rebuilding the power of our movement.

While economic struggles grow in intensity and scope, the good news is that we are in the process of turning our country around by bringing in more workers under the banner of union membership. There is more of a bounce to our step.

Anyone looking for an example of how to stick to your ideals to help improve the standard of living for working families, would have to look no fur-



Organizer Pilar Barton joins workers from White Cap as they celebrate the union election they worked hard to win

ther than some of the outstanding Joint Council 7 Locals. While the corporations may outspend us, we have the power of our ideas, our values and each other. We have proven when we put all of those things together, we win.

#### Organizing works

More than half of the Joint Council 7 Locals are engaged in active organizing campaigns. I can't report in detail about these, because I don't want to jeopardize the confidential status and compromise the workers, but here are some of the accomplishments I

can talk about:

- Thirty-six drivers and two mechanics at **V Dolan Trucking** in Penn-grove voted on June 6 to join Local 624 and IAM Local 1596, respectively. The company had tried to add the mechanics to the Teamsters unit, but in a move that the company didn't expect, the two unions had agreed in advance to work together. So instead of "divide and conquer," all of the workers got the union they wanted.

- Local 853 conducted a brilliant campaign at White Cap Construction Supply, getting union representation

for 65 workers. The company tried an assortment of tactics to intimidate the workers and make winning the election impossible, but solidarity won instead. The full story is on page 5.

- Joint Council 7 Locals have recruited dozens of rank and file organizers, retirees and staff to join the Member Organizing Team. The team gets classroom training on organizing skills and labor history, followed by campaign assignments that last up to several months.

They have learned how to build a legal leverage and community involvement to strengthen the organizing campaign. They have also learned how to maximize the media and public relations to support organizing or other efforts. And, they have learned to develop internal organizing campaigns, involving workers in existing units to serve as peer organizers.

We are building an organizing program that recognizes that there is no greater power than the collective will of the workers. Most important, our program recognizes that organizing the unorganized and building bridges isn't an option, it's a necessity.



## YOUR LEGAL RIGHTS

### Round-up of recent labor cases: Good news in the courts

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

Despite the Bush NLRB's hostility to workers' rights, unions and workers have recently achieved a few important victories in the courts. Three recent cases show what workers can accomplish when they act together.

#### FedEx case

In a class action filed against FedEx in Los Angeles, package delivery drivers claimed that they were entitled to reimbursement for work-related expenses and that the company had incorrectly classified them as "independent contractors."

Although the drivers provided their own trucks, both the trial court and a court of appeal found that drivers were generally subject to the company's control. FedEx determined "the color of their socks and the style of their hair." Terminal managers could re-configure the drivers' routes, and the company could decide to discharge a driver at-will, for virtually any reason. This case took several years to resolve and procedures are

still underway, but in the meantime the case is a severe setback to FedEx's "they aren't employees/they're independent small business operators" approach to labor relations.

#### Friendly Cab case

In another decision dealing with the independent-contractor issue, the federal appeals court in San Francisco decided that Oakland taxi cab drivers

were "employees" and thus entitled to bargain collectively with the cab company to improve their working conditions.

This case, like the FedEx case, shows that courts will not blindly allow employers to use of the label "independent contractors" as cover to evade laws protecting employees. The cab company claimed that drivers functioned as individual businesses

with opportunities to develop their own profits. Drivers claimed that the cab company really exercised substantial control of their work through lease agreements and other rules. The court agreed with the cab drivers, and enforced the NLRB's order that Friendly Cab must bargain with the East Bay Taxi Drivers Association.

#### Union Buttons case

In another case before the federal court of appeals, the court sided with a nurses' union when it struck down a hospital's rule barring nurses from wearing buttons in protest of staffing conditions at a facility in Spokane, Washington.

Re-affirming prior rulings on the issue, the court dismissed Sacred Heart Medical Center's claim that the buttons (reading: "RNs Demand Safe Staffing") caused distress to patients and their families. The court ruled that the hospital's claim was purely speculative and unsupported by evidence of any harm. Accordingly, the court deemed the rule invalid and in violation of federal labor laws.

# APPLY NOW



CONTACT

YOUR LOCAL FOR AN APPLICATION



## Local 890

### Court affirms farmworkers' right to sue for lunch and rest breaks

"It is contrary to public policy for the court to exclude agricultural workers from the remedy provided to all other workers." So ruled Judge Lydia Villareal on April 22, 2008 in response to a complaint lodged by agricultural



Pedro Bautista and Jose Tenorio (Plaintiffs in the case) and Local 890 President Crescencio Diaz

employees of the inter-related firms of Valley Pride, Sea Breeze Harvesting and Premium Packing who had been denied payment for lunch and rest breaks for years.

The workers came to the Teamsters for help in July, 2007, because they felt the company was not paying them fairly. Once Fritz Conle, organizer for Teamsters Local 890, heard their plight, he knew that they needed a legal remedy. He introduced the workers to lawyers at Beeson, Tayer & Bodine who filed a complaint in October, 2007, alleging theft of wages, extortion, denial of overtime, and violation of their right to lunch and break periods. The judge's ruling underscores that farmworkers have the right to be paid for lunch and rest breaks.

The lawyers for the companies had filed papers in Monterey County Superior Court arguing that agricultural firms had no duty to grant farmworkers their lunch and break periods. If

the court had accepted that argument, it could have deprived hundreds of thousands of California farmworkers their right to meal and rest periods.

These three companies form one of the largest non-union grower-shippers of

agricultural products in California, growing, harvesting, cooling and shipping lettuce, celery, artichokes and other fresh vegetables to all parts of the U.S. throughout the year.

"The companies' efforts here epitomized their cynical and selfish attitude toward farmworkers. They attempted to create legal authority to deprive all California farmworkers of their right to meal and rest breaks in order to avoid their clear liability in this case," said the workers' attorney Teague Paterson.

"This sector is particularly susceptible to exploitation," added Conle. All too often, multi-million dollar corporations ignore the workers' rights to the most basic protections like lunch periods and breaks. They fight tooth and nail to prevent their truck drivers and other workers from having a union. The agricultural industry needs more, not less, legal protections for workers. We are pleased the Court agrees, and that this case will proceed."

### New leadership at Local 890

After more than 40 years as a member of Local 890, and having served for 23 years as the Local's President, Frank Gallegos is retiring from his full-time position with the Local.

Gallegos led the Local through the United Foods strike in 1985, the Dole strike in 1989, and the two-year strike at Basic Vegetable Products in 1999.

Taking over the helm is Crescencio Diaz, a Teamster member since 1971.

Born in Mexico in 1954, Diaz came to the United States at age 16 and worked full time as a farmworker. He joined the United Farm Workers in 1970, and became active in that Union

first as a striker and then as a Bargaining Committee member.

When he got a job as a machine operator in a tomato cannery in Hollister, the following year, he joined the Teamsters. He was quickly recruited to serve as a shop steward, which he did for the next 14 years. In 1985, he was hired by the Local as a full time union representative.

For the past 23 years, Diaz has been organizing members, negotiating contracts, and fighting to win grievances on behalf of Local 890's widespread membership in the Salinas Valley, Oxnard, Huron, the Imperial Valley, and

## Local 315

### Locals 490 and 315 merge

After several months of meetings and diligent negotiations, the Executive Boards of Teamsters Local 490 in Napa and Solano Counties and Teamsters Local 315 in Contra Costa County approved an agreement merging Local 490 into Local 315. On June 6, by a secret ballot vote, the membership of Local 490 overwhelmingly approved the merger, which was then approved by the International and took effect on July 1, 2008.

"Unlike many mergers, this one was *not* necessitated or driven by any financial difficulties whatsoever," said Local 490 Secretary-Treasurer Carlos Borba. "Local 490 was in

a very sound financial position; we had solid assets including owning our building. But because we represent many of the same employers and industries as Local 315, we have explored the possibility of a merger for many years."

"This is a good fit, it makes sense," Borba added. "I believe it was in the best interest of both Locals to take advantage of the opportunity now."

Underscoring the value of the merger, Local 315 Secretary-Treasurer Dale Robbins said that the biggest change is that "we will be a Local with more than 5,000 members. With the combined assets and resources, we will be bigger and stronger and more capable of protecting our member's jobs, providing more job opportunities and getting our members the best possible contracts that they deserve."

Local 490 and 315 have always worked in close cooperation with each

other. "I look forward to our new partnership," Robbins added.

Robbins doesn't expect members to experience many changes as a result of the merger. "We plan to keep the 490 offices in Vallejo open. The initial work will be internal as we consolidate office procedures, bookkeeping and administrative duties. A key value of

merging is to create more efficiency. This enables us to provide more services to our membership while at the same time establishing an even more aggressive organizing program."

Making the merger work required some sacrifices on the part of the Executive Board members of both



Dale Robbins and Carlos Borba will join together to run the newer, larger Local 315.

Locals. Local 490 Secretary-Treasurer Carlos Borba will become the President of Local 315. Local 315 President Jim Sveum and Local 490 President Frank Coppa are both stepping down from the Board and will serve as Business Agents along with John Bottali, Don E. Garcia, Doak Jones, and Mario Martinez. Rounding out the new Local 315 Executive Board will be Vice President Mario Martinez, Recording Secretary Don E. Garcia and Trustees Dan Cahill, Robert Cross and James Francis. Those Executive Board members who stepped down from their respective Locals will serve on a newly-created advisory board. In addition to Sveum and Coppa are Kim Fong, Howard King, Mike Morales and Joel Simms.

"During the transition period, there may be a few unexpected bumps," Robbins added. "I ask for our members' understanding and cooperation until we smooth everything out."

Yuma, Arizona. He has represented members in the fields, trucks, canneries and salad plants. He was one of the key coordinators of the successful strike by more than 4,000 Teamster members against Dole Fresh Vegetables in 1989.

Currently, Diaz is directing the negotiations for renewed Teamster contracts in agriculture, salad plants and food processing. "This is going to be a

very tough year, with contracts covering more than 5,000 members being renegotiated. But our members are determined to make gains, our negotiating committees are united, and we are determined to get the increases the members need. We will be negotiating aggressively with all seven employers to get fair contracts," commented Diaz.

## THE LOCALS

## Local 853

## More than 200 new members gain union representation in three successful organizing drives

## White Cap Construction Supply

The 65 drivers, warehouse and counter sales workers at White Cap Construction Supply in San Francisco have the union representation that many of them had wanted for 10 years.

“This was a tough campaign,” explained Joint Council 7 Strategic Organizer Pilar Barton. “In an effort to dilute the vote, the company added 23 people to the 42-person unit. They hired three union busters to work alongside the employees and do everything they could to turn them against the union. They even added three people to the unit who worked at another facility and had absolutely no contact with our group or their supervisors.”

In the end, the workers voted in June by a margin of 31-29 to join Local 853. The union challenged the ballots from the three workers who worked in Hayward, and on July 22, the Labor Board agreed that these votes should be tossed out.

“We welcome these workers to the Teamster family. They fought hard to get union representation and clearly they know what it’s worth. We look forward to bargaining on their behalf,” said Secretary-Treasurer Rome Aloise.

## Aramark Managed Systems at San Jose State



Pascual Hernandez, Gregoria Estrada and Juan Manuel Velasquez are ready to bargain for the employees at Aramark.

The 23 workers at Aramark Managed Systems who do the janitorial work at San Jose State called Local 853 for help to get union representation after hearing about the union on Spanish radio station KLOK in San Jose. These workers had some real horror stories, including sexual harassment. That’s why they wanted a

union,” explained Business Agent Lou Valletta.

Organizers Frank Harms and Stacy Lavelais got the workers to sign cards; the union election was held on May 2 and the employees voted by a two to one margin to join the union.

The first bargaining session was held in July and the talks are being led by Business Agent Ron Paredes.

## MV Transportation



MV bargaining committee members John Hogue and Martin Reid came to the Local to set strategy.

In 2007, MV Transportation negotiated a national contract with the IBT that included card check recognition and neutrality. This switched on the green light for Local 853 to go back to the workers at the San Leandro facility who had sought representation with Local 78 for years but had consistently been stymied by the company’s anti-union tactics.

“It didn’t take long for us to get a majority of the 150 drivers, 11 mechanics, and about 30 employees who work in dispatch and residual units to sign union cards,” explains Organizer Jesse Casquero. “With the card check agreement in place, that means we can move directly to negotiating a contract.”

Business Agent Efren Alarcon says that Local 853 “anticipates representing the employees under the terms of the national contract. We’ll fine tune it to meet the needs of the San Leandro division, but we’ll mainly focus on getting a good economic package for our new members.” The first bargaining session is set for August 7.

Alarcon added that the company is disputing the union status of the workers in residual units. “They thought only the drivers and mechanics would be joining the union, but nobody told our organizers or those workers who want union representation. If the company doesn’t recognize those workers, we’ll just hold an election.”

## Local 856

## Local launches two new websites

Teamsters Local 856 is pleased to announce the launch of not one, but two new websites!

[www.teamsters856.org](http://www.teamsters856.org)  
[www.teamstersSFO.org](http://www.teamstersSFO.org)

The first and main website for Teamsters Local 856 members is [www.teamsters856.org](http://www.teamsters856.org). This website not only has a great new look, but is more useful than ever, with general information about Local 856, its officers, business agents and staff, as well as details about upcoming events.

A new feature of the website is the **Members Only** section, which has information by each of the Local’s 13 divisions (Airline, Benefit Administrators, Healthcare, and Public Sector, to name a few). Members must apply for access to these pages. Once approved, they will have full access to view their Division pages and a page devoted solely to their bargaining unit that lists the business agent, shop stewards, and details upcoming meetings and news.

Another feature of the website is the **Job Bank**, which lists all job opportunities that the Local receives. Our **Political Action** page will be updated regularly during the election season. The **Legal** page is where members can read up on information about Weingarten Rights, Family Medical Leave Act, and other rights afforded to workers.

Members are encouraged to check out the new site’s many other features

and register for an account, so they can not only access the “Members Only” pages, but also sign up for the monthly e-mail newsletter to keep connected with Local 856.

The second website—[teamstersSFO.com](http://teamstersSFO.com)—is dedicated to our newest members, United Airlines Mechanics and Related at SFO. To meet the distinct needs of this large and dynamic group, their new website will include information on monthly craft meeting schedules, business agent reports, collective bargaining agreement, grievance forms, and other information relating to their worksite and to the many challenges facing the airline industry.

“In designing these sites, we wanted to arm our members with the best, latest and most useful information,” said Secretary-Treasurer Joe Lanthier. “Keeping our members informed will, in turn, keep the union strong.”

Although no website can replace one-on-one personal service, the Local hopes that, even after hours, members can find a starting place to answer their questions and learn more about their union.

As is the nature of the web, these sites continue to grow and change. Local 856 members are encouraged to e-mail their feedback and suggestions to [webmaster@ibt856.org](mailto:webmaster@ibt856.org).

## Local 665

## With contract improvements, Taxi dispatchers get politically active

Taxi dispatchers at San Francisco International Airport (SFO) have ratified a new three-year contract that will bring improvements in wages and participation in the Western Conference of Teamsters Pension Trust.

As with all new contracts, negotiations were difficult, but the members stuck together through the talks.

“These workers approached our Local several months ago hoping to gain improvements through a Teamster contract,” said Local 665 Secretary-Treasurer Ernie Yates, who led the negotiations. “This three-year deal will assure both wage and job stability as well as growth for retirement.”

As Teamsters, these Taxi dispatchers have embraced the call for greater

participation in the electoral process by registering to vote and signing up for DRIVE.

Local 665’s intensive effort to increase voter participation in this year’s presidential election dove-tailed with dispatchers’ pride as new Teamsters.

“During the ratification meeting, these members enthusiastically signed voter registration forms,” said Business Agent Tom Martin. “They realize that improvements happen at both the negotiation table *and* at the ballot box.”

These 30 new members of Local 665 at SFO join more than 1,000 other Teamsters working in and around the busiest airport in the San Francisco Bay Area.

# TEAMSTERS JOINT COUNCIL 7

## Executive Board

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



## Delegates' Meetings

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

**Please note:** The **Bulletin Board** is included in the paper only once each year, in the Feb/Mar/April issue. We print address and meeting changes on an ongoing basis.

## Your Local Union Phone Numbers

General meeting notices were posted in the February/March/April issue of this paper. For meeting dates and locations, refer to that notice or call your Local Union. Phone numbers are as follows:

70 . . . . .	510-569-9317	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
624 . . . . .	707-542-1292		



## BULLETIN BOARD — Meeting changes only —

### Local 85, San Francisco

The Local will not host a Labor Day Picnic this year.  
*Van Beane, Secretary-Treasurer*

### Local 665, Daly City

General Membership meetings have been suspended for the months July, August and September, 2008.  
*Ernie Yates, Secretary-Treasurer*

### Local 490

Local 490 has merged into Teamsters Local 315 effective July 1, 2008. Former Local 490 members should contact business agents at 445 Nebraska Street, Vallejo, CA 94590, or call (707) 643-0387.

### Local 315, Martinez

**General Membership meetings:**  
 Second Wednesday of the month, 8 p.m.  
 New member orientation begins at 7:15 p.m.

Due to the merger, the meeting locations are as follows:  
 August, October and December meetings will be held at Local 315:  
 2727 Alhambra Avenue, Martinez.

The September and November meetings will be held in the Vallejo office: 445 Nebraska Street, Vallejo.

**Bakery Division meetings:**  
 San Mateo: 151 W. 20th Avenue  
 October 21 • January 20, 2009  
 Santa Rosa: Carpenters Hall, 1700 Corby Ave.  
 October 28 • January 27, 2009  
*Dale Robbins, Secretary-Treasurer*

## In Memoriam

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

### Local 70

BLADES, Harold  
 CAMARENA, Jose  
 DOLLINS, Oscar  
 GARCIA, Jose G.  
 MCCANTS, Clarence  
 MEDEIROS, Dennis  
 MERCADO, Victor, Jr.  
 PENA, Merced N.  
 RAYBORN, Robert E.  
 ROLLINS, Donald  
 RUDY, David  
 SCHAEFFER, Harold A.  
 TREVISAN, Giancarlo

### Local 78/853

HALE, Cheryl  
 KIRK, Dexter  
 ROBBINS, Adrian D.  
 TANKSLEY, Bernard

### Local 85

CLENDENNY, Rodney  
 FANNING, Harry  
 FRENNA, Elmer  
 GOMEZ, Joseph  
 MARTINEZ, Joseph  
 PEREZ, Manuel  
 PROTASSIEFF, Nicholas  
 WALSH, Mary

### Local 278

FIGONE, John, Local 278

### Local 287

BEACH, Joseph C.  
 DAVIES, Richard F.  
 FERRIERA, John  
 INCAPRERA, Frank  
 LAHAIE, Raymond  
 LOPEZ, Miguel C.  
 MELLO, Joseph M.  
 PACK, Imogene  
 PADILLA, Joseph C.  
 RATTU, Milkhi  
 RYAN, Leland C.  
 SARLO, Otto S.  
 SILACCI, Herman D.  
 SILVA, Manuel  
 SORCE, Joseph S.  
 TANNER, Forrest W.

### Local 315

BASTA, George  
 BENZLER, John  
 BYRD, Lawrence  
 CUMMINS, Hardy  
 DE JESUS, Alfred  
 DODGE, Gary  
 EMERSON, Henry  
 PHILLIPS, Donald  
 REIS, William  
 SIDERS, Richard  
 STINNETT, Dave

### Local 350

JONES, Verkie  
 RODRIGUEZ, Gabriel

### Local 432/853

NORD, Terry

### Local 484/315

BALLARD, Bill  
 BERTINI, Enrico  
 DEVINCENZI, Emil  
 KING, Les B.  
 RUSSELL, William B.

### Local 490/315

CISNEROS, Ben  
 MUCK, Donald  
 PADGET, Linda  
 RICHARDSON, James E.

### Local 624

BALL, Temple  
 SANCHEZ, Steven

### Local 655/853

CONRAD, Elva

### Local 665

GARCIA, Jesse

### Local 853

ALVARADO, Eugene  
 ECHEVARRIA, Sandra

### Local 890

GARCIA, Jesse B.  
 GIL, Ramon  
 HALLETT, Peter  
 LOPEZ, Virginia  
 MENDOZA, Michael  
 PEREZ, Joe G.  
 RENA, Esperanza  
 SAN RAMON, Charlie  
 VAN PELT, Sheldon

### Local 896

STEVENSON, Robert

### Local 921/853

MULLICAN, William

### Local GCC468/853

ROSE, Laurence



## SACRAMENTO REPORT

### Solutions to state deficit hard to find but Teamsters continue to address other problems

By **BARRY BROAD, CTPAC**

We are now in the midst of one of the most significant fiscal problems our state has ever faced—a \$15.2 billion deficit, with no politically viable solutions in sight.

Democrats realize that cuts to important programs are probably necessary but want to soften the blow with new ideas to generate revenue, either in the form of taxes or fees. Republicans, on the other hand, have vowed to block any new taxes and want the entire budget gap bridged with cuts.

This problem is exacerbated by two important facts: the state constitution requires a two-thirds majority to pass a budget so the Democrats need a handful of Republican votes and the public wants it both ways.

A recent Field Poll revealed that the public does not support new taxes but at the same time overwhelmingly opposes cuts to basically every state program. This promises to be a long

summer as the Legislature struggles with this vexing problem.

Meanwhile, we continue to move our agenda forward.

#### Recycling CRV paid with check

Our union has become increasingly concerned about the viability of curbside recycling programs as scavenging continues to grow. Therefore, the Teamsters support AB 1778 by Assembly Member Fiona Ma, (D-San Francisco). This bill requires recyclers who provide payment for California Refund Value (CRV) to issue it in the form of a check and obtain identification information for transactions over \$50. This is a workable and reasonable measure to discourage scavenging.

#### Paid sick days

Under current law, employers are not required to provide paid sick days, leaving nearly six million California

workers with zero paid sick days. The lack of any federal or state laws requiring paid sick days affects workers of all income levels.

To address this, the Teamsters support AB 2716, another bill by Assembly Member Ma. This bill will allow all workers in California to earn paid sick days at the rate of one hour for every thirty hours worked. This accumulated time may be used to care for the worker, a sick family member or to take a leave related to domestic violence or sexual assault.

All workers in California have the right to earn paid sick days. This bill creates a state-mandated minimum while allowing for workers represented by a collective bargaining agreement to opt out of the requirements.

#### Right to pre-designate your doctor

The Teamsters support SB 1338 by Senator Carole Migden (D-San Fran-

cisco), which would maintain the right of some injured workers to pre-designate their treating physicians and see their own doctors should they get injured on the job.

#### Oppose increase in size of commercial motor vehicles

Teamsters support AJR 52 by Assembly Member Betty Karnette (D-Los Angeles). This measure will reaffirm California's opposition to proposals that would authorize an increase in size or weight of commercial motor vehicles because of the impact these increases would have on highway infrastructure, especially bridges.

The Teamsters strongly support maintaining the safety standard of our highway system. We have sponsored and supported legislation to beef up security standards throughout the country and we believe that allowing heavier and longer trucks would be a step in the wrong direction.



### Local 350, San Francisco Notice of Nominations and Election:

Nominations for officers of Teamsters Local 350 for a three (3) year term will take place on November 3, 2008 at 7:00 p.m. at the Electricians Hall, 55 Fillmore Street, San Francisco, California.

Officers to be nominated: President, Vice President, Secretary-Treasurer, Recording Secretary and three (3) Trustees.

Election to be held on Monday, December 8, 2008. Polls to be open from 8:30 a.m. to 7:00 p.m. at the following locations:

- San Jose-Santa Clara District: Teamsters Local 287, 1452 North 4th Street, San Jose, California

- San Francisco District/San Mateo District: Teamsters Local 350 Board Room, 295 89th Street, Suite 304, Daly City, California.

Nominations and the Election will be conducted in accordance with the provisions of the International Constitution and the Local Union Bylaws.

Copies of these documents are available at the Union's office. Note particularly the relevant provisions of the International constitution that appear to the right, on page 7 of this paper.

*Robert Morales, Secretary-Treasurer*

### Nominations & Elections • International Constitution July, 2008

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

#### ARTICLE XXII, Section 4(a):

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

#### ARTICLE XXII, Section 4(b):

The Local Union Executive Board shall have the authority to establish all rules and regulations for the conduct of the election to supplement the provisions of the International Constitution and the Local Union Bylaws, including the authority to use mail referendum balloting or absentee balloting without membership approval. Absentee voting by mail shall be permitted only upon application of members who are ill or absent from the city or town where they are normally employed at the time of voting because on vacation or on employment tour of duty.

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

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

#### ARTICLE XXII, Section 4(c):

To be eligible to vote in the election, a member's dues must be paid up through the month prior to the month in which the election is held.

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

To be eligible for election to any office in a Local Union, a member must be in continuous good standing in the Local Union in which he is a member and in which he is seeking office, and actively employed at the craft within the jurisdiction of such Local Union, for a period of twenty-four (24) consecutive months prior to the month of nomination for said office, and must be eligible to hold office if elected. "Continuous good standing" means compliance with the provisions of Article X, Section 5, concerning the payment of dues for a period of twenty-four consecutive months, together with no inter-

ruptions in active membership in the Local Union for which office is being sought because of suspensions, expulsions, withdrawals, transfers or failure to pay fines or assessments. Provided, however, that if a member on withdrawal deposits his card in the month immediately following the month for which it was effective and pays his dues for both months in a timely manner as provided in Article X, Section 5(c), such period of withdrawal shall not be considered a break in continuous good standing in the Local Union.

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

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

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



## NEWS FROM TAP

### DOT proposes major changes in specimen collection, validity testing and reporting requirements

Responding to almost a decade of suspicion that commercial drivers and other safety-sensitive workers have been beating drug tests by adulterating specimens, substituting clean urine, and failing to provide accurate information to new employers, the Department of Transportation (DOT) is making some major changes.

In a May 21, 2008 press conference, Peter DeFazio, Chairman of the Subcommittee on Highways and Transit, demanded that improvements in drug testing programs be made to better identify and keep illegal drug users off the road. Based on a Government Accounting Office (GAO) investigation, DeFazio cited major loopholes in drug and alcohol testing for commercial motor carrier drivers. He called upon the DOT to toughen regulations, increase oversight of the collection and testing system, and pursue legislation to create a national registry of test results to prevent drivers who test positive from hopping from state to state to obtain a commercial drivers license.

DeFazio criticized a “loophole-ridden system when it comes to drug and alcohol testing in the motor carrier industry that allows an unknown number of truck drivers to abuse drugs and operate large trucks.”

For instance, there is virtually no oversight of drug testing collection sites. GAO undercover investigators found that 22 out of 24 collection sites failed to follow DOT-required protocols. At nearly every facility investigated, it was not difficult to smuggle in synthetic urine that fooled the labs running the tests. Although industry reports a positive drug test rate of between 1.6 and 2 percent, a 2007 Oregon State Police operation found that out of 500 anonymous tests of commercial drivers, 9.65 percent tested positive.

A conversation between TAP and DOT’s Office of Drug and Alcohol Compliance revealed that they are well aware of devices available in the marketplace that are designed to tamper with specimens by bringing “clean” heated urine into the collection.

Another problem is “job-hopping” truckers who don’t have their past drug-use history follow them because they don’t list jobs where they failed a drug test on their employment history. GAO found that drivers just need to stay clean long enough to get a negative test before applying to work for another carrier.

When five years of drug test results from one medium-sized drug testing company in Texas were subpoenaed, it was found that 698 individual drivers failed a drug test with one employer, but then passed a pre-employment test for a new employer—in many cases, just weeks after failing the first test. Many of these individuals were ultimately hired by the second employer, who had no knowledge of the prior failed test.

Perhaps worst is the finding that many drivers are not even being tested for drugs. Since 2001, FMCSA’s compliance reviews indicate that more than nine percent of the carriers had no drug testing programs at all, yet still managed to pass safety audits.

DeFazio vowed to propose legislation that would address the problems. Separately, he hoped to ban products marketed for the sole purpose of subverting a drug test which have no other legitimate use, and take them off the

market.

The DOT has announced a final rule change and an interim rule change that both go into effect in August, 2008.

The Final Rule, effective August 25, 2008, makes specimen validity testing mandatory for all DOT drug tests and changes procedures for direct observed collections.

**1** Laboratories must test all DOT specimens for specimen validity (i.e., adulterants and urine substitutes), and must follow all Department of Health and Human Resources (HHS) protocols for doing so.

**2** Same-sex observers will check donors for items such as prosthetic devices designed to carry clean urine. Donors must raise and lower clothing, and then put it back into place for the observed collection.

**3** Observed collections will now be required, rather than optional, for all return-to-duty and follow-up drug

testing and will continue to be mandatory for employees with dilute specimens, invalid tests with no medical explanation, situations where split specimens were not available after a positive, adulterated or substituted result, and out of range temperatures.

**4** In an effort to thwart those who would manufacturer products designed to adulterate specimens, the Final Rule will no longer have easy-to-follow tables and charts outlining the adulterants for which laboratories are testing and the scientific cutoff levels for testing them.

**5** The following occurrences are now considered a refusal to test:

**a.** The donor is found to possess or wear a prosthetic or other device that could be used to interfere with the collection process,

**b.** The donor refused to follow collector instructions during an observed collection process to raise and lower clothing as specified in regulations, and

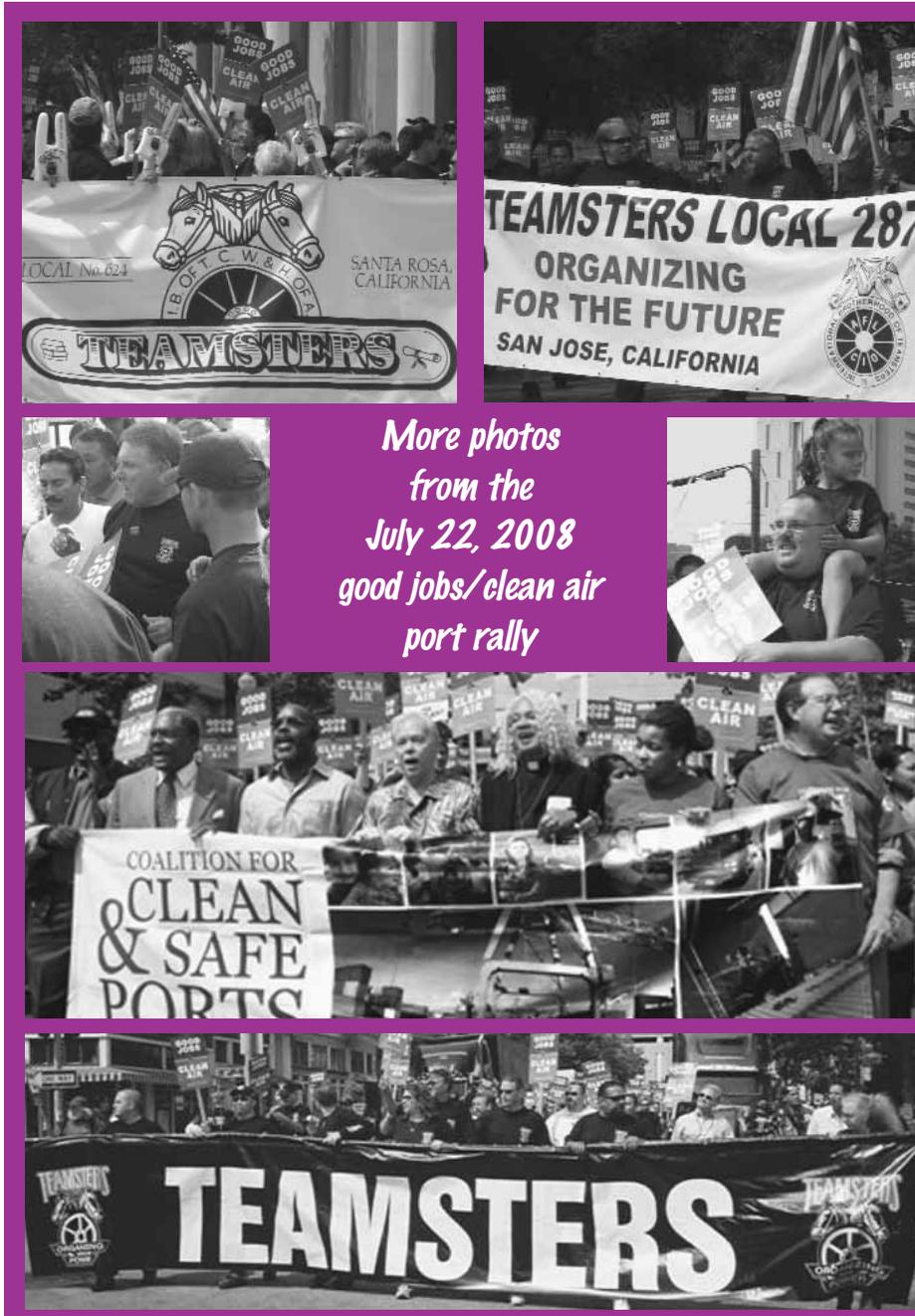
**c.** The donor admits to the collector or MRO that he/she adulterated or substituted the specimen.

**6** The Final Rule closes a potentially endless loop on invalid specimen results; and employees requiring negative results (for example, pre-employment tests), when they have medical reasons for providing invalid results. It enables such employees to obtain negative results through medical evaluations to rule out signs and symptoms of drug use.

An Interim Final Rule was issued on June 13 and is open to public comment until August 12, 2008. This rule authorizes employers to disclose to state commercial drivers licensing (CDL) authorities (DMV in California) the drug and alcohol violations of employees who hold CDLs and operate commercial motor vehicles. This rule also permits third party administrators to provide the same information when state law requires them to do so for owner-operator drivers with CDLs.

It is important to note that employers may report positive DOT drug and alcohol tests to DMV but they are not required to do so. At least not yet.

Although DOT seems slow to act, the agency continues to address loopholes and inconsistencies in the regulations. It is clear that the drug and alcohol testing regulations will become progressively stricter and more difficult to subvert.



More photos  
from the  
July 22, 2008  
good jobs/clean air  
port rally