

Joint
Council 7



TEAMSTER

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Serving members in Northern California, the Central Valley, and Northern Nevada

December 2016-January 2017

With IBT election victory, Hoffa and union will face tough times against Trump administration

The year of 2016's endless elections is finally behind us and none too soon. As Teamsters, we had some wins and some losses, all of which will impact our union and our working lives for years to come.

The resounding message in both the presidential election and in the Teamster election was a call for change. For the union, this means that officers from both political slates got elected. The union will still be led by General President James P. Hoffa and General Secretary-Treasurer Ken Hall. However, six of the 15 vice-presidents—those from the Central and Southern regions—will be from the opposition slate.

“This was a hard-fought campaign and a historically close election,” Hoffa said. “Though we have many challenges before us, now is the time to join together as brothers and sisters and stand strong against those who would destroy the labor movement and deny workers the gains they have struggled to achieve. We will continue to lead the fight to organize the unorganized, ensure strong health care, good wages, a secure retirement and holding employers and politicians accountable.”

Hoffa first took office following his victory in December 1998 and was re-elected in 2001, 2006 and 2011. The 2016 election gives Hoffa another five-year term that begins in March, 2017.

Joint Council 7 President Rome Aloise was elected by acclamation at the Las Vegas convention this past summer to his second full term on the

General Executive Board. “The challenges we face as a union have increased since I've been in office. With the Trump administration, I fully expect that the attacks on our wages, job security and pensions will be exponentially more vicious. I'm confident that the Teamsters Union will continue to be a force for change and will lead our nation in efforts to improve the lives of working families.”

What “change” means

For those eager for change, on the federal level, the election of Donald Trump will certainly herald vast changes ahead. However, few union activists or pundits expect that these will be positive for either unions or working people.

With Republicans in control of the presidency and both chambers of Congress, unions expect to face sweeping changes to labor law and regulations, with a full policy tilt toward employers.

Donald Trump and a Republican-led Senate will pick the next justice for the Supreme Court, which often hears labor-related cases. Republican nominees will likely control the National Labor Relations Board (NLRB), which under Democratic President Barack Obama, has sought to make it easier for unions to organize. Based on the Browning-Ferris ruling, a case launched by Teamsters Local 350, the NLRB was pursuing litigation to establish that McDonald's Corp is a “joint employer” of workers at its franchised restaurants, a determination that could compel the company to bargain with unions representing employees of its independent franchisees. A new NLRB will not likely pursue this litigation. We don't expect that the Obama administration's recent overtime rules will be upheld; and with President-elect Trump's strong opposition to regulations, we expect that the Labor Department will try to roll back many worker safety and health protections.



A different tide in California/Nevada

Throughout this paper, you'll see reports about how California and Nevada bucked the tide. We elected two fighters for working people to the U.S. Senate in Kamala Harris and Catherine Cortez-Masto.

The months of on-the-ground organizing unions poured into this election continued our state's progress. We passed two important measures to fund schools and health care in Prop 55 and 56. We restored bilingual education and built on criminal justice reform. Prop 53, which threatened good jobs and much-needed infrastructure projects, was rejected. And across the Bay Area, we strongly supported initiatives to build affordable housing.

Don't mourn, organize!

“While Donald Trump may have won the presidency, he hasn't changed our values. America is greater than any one man or party,” said a statement by California's top legislators, Kevin De León and Anthony Rendon. “We will not be dragged back into the past. We will lead the resistance to any effort that would shred our social fabric or our Constitution.”

That's a sentiment the Teamsters support whole-heartedly.

Important Notice

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

Important information about your rights under the Plan, and under the Employee Retirement Income Security Act, is included in this newspaper (Page 8). This information should be read by you and retained for future reference.

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Happy Holidays to all of our
Teamster members
and to your families!

Felices fiestas a
todos nuestros
miembros del
Teamster
y para sus familias!

节日快乐
到我们所有的 Teamster
会员和你的家人!

Joyeuses fêtes
à tous nos membres
Teamster et à vos
familles!

ਛੁੱਟੀਆਂ ਮੁਬਾਰਕ
ਸਾਡੇ Teamster ਦੇ ਸਾਰੇ ਨੂੰ
ਆਪਣੇ ਅਤੇ ਆਪਣੇ ਪਰਿਵਾਰ ਨੂੰ!

Boas Festas
A todos os nossos membros
do Teamster
e para suas famílias!



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The future for union members will be interesting and difficult

We live in interesting times, and luckily we live them in California. By now, the Presidential election is old news. I have taken some criticism from a few members for either endorsing Clinton or saying “bad” things about Trump. Frankly, I was glad to hear from them as it at least indicates someone reads my articles!

The surprise and shock of Trump winning the election is over and now we will all watch and will unfortunately experience the results of this debacle. For those union members who voted for Trump, you have continued the trend of workers who vote against their own best interests. I understand the emotional appeal; I understand the distrust of the government; and I understand the feeling that workers have been left behind. But your vote for a candidate who openly vowed to undercut the labor movement, openly vowed to support right-to-work, openly vowed to undercut wages because “lower wages are better for corporations,” is hard for me to fathom.

For those who think things can't get any worse, hold on to your “you know what” with both hands! Things can and, in my estimation, will get worse, and faster than you think.

In the first 100 days, Trump has said that he will rescind President Obama's Executive Orders. This will eliminate many favorable changes to the NLRB and workers will lose the relief that those changes gave us. This means YOU will be hurt in the future.

Corporations just became stronger, and you just became weaker.

Trump will repeal prevailing wage and Davis-Bacon regulations, which means our construction members will lose work and their employers will not be able to pay the wages and benefits that we apparently have taken for granted, because they will not be able to compete against the non-union sector. We could also lose Project Labor Agreements, which will affect our ready-mix drivers.

There are many more examples of how and why a Trump presidency will be a disaster for workers. For those members who think they have it bad, just wait.

Many of our members take their contracts, wages, benefits and working conditions for granted, like it is some type of right. This is unfortunate because we will need every member who works in every organized company to come together to fight off the attack that will certainly start right after January 20th. It is time to hunker down and come together like never before as union members.

I predict that, feeling emboldened by this election, employers will start to take us on in industries that we have had good contracts and have been extremely successful. Union members will need to fight for what many had taken for granted and may likely result in strikes and lockouts that we have not seen in the recent past. I hope I am wrong. I hope Trump finds

other things to do, like making America great again. But if the appointments to his cabinet are any indication, we will have a long four years ahead of us!

Success in California

Luckily, our hard work in the California political scene has produced an almost 100% win record for our endorsed candidates who, we believe, understand the struggle of workers and their families and who will stand with us when we need them to. We have been able to pass groundbreaking legislation in the past few years to help workers and make it easier to organize, and these wins have already shown positive results.

Although California will not be immune from the Trump effect, we may be somewhat insulated from it. This does not mean the federal laws and regulations will be any different if he decides to repeal or unwind what has been done over the last eight years, but at least, on a state level, our hard work should offer us some protection.

This is why local and statewide politics are so important and why we work so hard to choose the best candidates we can find. Thank you for following our recommendations during our most recent elections. This may be more important now than ever.

Teamster election results

On a different note, the International Teamster elections are finally over. The long, drawn out process of our election for our General Executive Board members seems to last forever, with very few members (15%) bothering to send in a self-addressed stamped return ballot. I realize that many of our members don't know the candidates, and many are turned off by the negative and destructive campaign, so it begs the question of whether the \$20 million dollars or so that the union spends on the election process is actually worth it and whether it does anything to promote democracy in our union. The jury is still out on this subject.

Jim Hoffa, Ken Hall and their slate won most of the regions. I was re-elected at the convention. The opposition won some seats on the General Executive Board, which will make for an interesting five years. Hopefully, the Board can put our union in a position to be able to defend against the onslaught of anti-worker and anti-union attacks that will be coming our way.

Happy holidays!

Although, this article has a negative bent, I am always confident that you, as Teamsters, will do the right thing when it is needed, will step up as you always have, and we will stand together as one to defend what we have and work to improve it. I want to thank you for your constant support and wish you and your families a happy and safe holiday season.



Teamsters from many Locals come together to elect Malia Vella, a Teamster 856 Attorney, to the Alameda City Council



No sugar-coating the 2016 election results

I'm not going to sugar-coat the election results and I'm not going to talk about Donald Trump or Hillary Clinton. With Republicans controlling the White House, Senate, and the House of Representatives, I want to talk about the Republican agenda for labor unions.

Simply put, the goal of the Republican Party and their backers is to weaken or eliminate unions altogether, pulling the rug out from under you on your paycheck, your health care, and your pension. How will they do this? Well, we already saw how in Wisconsin, where Republican Governor Scott Walker went after the unions. Incidentally, Walker is one of the candidates President-elect Trump is considering for his new Labor Secretary. In fact, every single person on the short list for a Cabinet Secretary position is part of the Republican establishment. So much for blowing up the system.

But back to the Republican agenda.

1. National "Right-To-Work" for the private sector

Let me explain, because this should be called "Wrong for work." Under the law, unions are required to represent everybody in the workplace. Representation costs money, so that is one of the reasons you have to pay union dues. After all, there is no such thing as a free lunch, right?

Under "right-to-work," nobody can be required to pay dues. That may sound appealing. After all, every penny counts, right? Why pay for a service that the union has to give you anyway, right?

Wrong. Here's what has happened in the states that passed right-to-work. As union members stop paying dues, the remaining members have to cover all of the costs. Unions are asked to do more for less. They become less effective. That starts a downward spiral. The less effective we are, the more members drop out. Eventually we become weak. **And that is the goal.**

Maybe it still doesn't sound bad to you. So, think about this: in the 26 states where right-to-work is the law, workers' wages average 12-14% less. Fewer workers have health insurance. Workplace deaths are a whopping 49% higher. Poverty rates are higher and so are infant mortality rates. You may save some money each month in dues, but it comes at a big, big cost.

Republicans like right-to-work because it weakens us. It means that the large corporate donors behind the Party can make higher profits. It means we cannot hold politicians accountable in elections.

2. National Right-To-Work rules for public employees

We dodged a bullet last year when Justice Antonin Scalia passed away, leaving the Supreme Court split on a case that would determine whether public employees had to pay agency fees. Now, the Republicans are going to get to appoint his replacement. Look for them to bring it back.

3. Weaken wage and hour protections for workers

Every year we fight efforts by Republicans to get rid of the eight-hour day, paid overtime, and more. Last year, with the help of Democrats, we blocked two attempts by Republicans to eliminate paid meal and rest breaks for truck drivers in California. This will come back.

4. Eliminate prevailing wages for workers on construction projects

This will wipe out our ready mix companies and other construction unions as the work will go to the lowest bid-

der. Construction companies paying minimum wages with no benefits will be competing against us.

5. Weaken existing laws and regulations

This means watering down worker health and safety laws and OSHA, the agency whose job it is to enforce them. Republicans want to roll back everything we won under the Obama administration from the National Labor Relations Board and Department of Labor. This includes rules that make it easier for workers to organize unions, empower workers to sue their employers even where they have mandatory arbitration agreements, joint employer laws that benefit workers at temp agencies, and more.

I think we should be prepared for an onslaught against us that is stronger than any we have ever witnessed.

The California difference

Here in California, Democrats control the Governor's mansion, the State Senate, and the Assembly. In fact, they won a super-majority in November. In the last few years, California Teamsters have passed some of the strongest laws in the country protecting workers. I'm not trying to say that all Democrats are good, but, at worst, they do no harm to us. And, at best, they do things to make us stronger when we push them. At least they say they support unions. Republicans don't.

So is there any good news? Joint Council 7 did more work this election than ever before. There is a saying that "all politics are local," and when Joint Council 7 President Rome Aloise took over in 2010, we made endorsements in all of our federal and state races. But we made only 20 endorsements in local races, such as city council, county supervisors and school boards.

I am happy to report that due to increased political involvement by almost all of our locals, in this election cycle, we made endorsements in more than 200 local races from Bakersfield in the south to Eureka in the north, Salinas to the west and Turlock to the east—and everywhere in between. That's a 900% increase! And we won races in every single county where we made endorsements. In fact, we won in almost 70% of them.

When our Joint Council political coordinators met before the election, we chose a few priority races where multiple locals had overlapping interests. We put together a field program including precinct walking, phone banking, and mail. The Joint Council bought lap tops to use with phone banking software donated by Local 315. We made more than 5,000 phone calls to Teamsters and mobilized for 12 separate precinct walks. [See sidebar for results.]

I want to recognize a few individuals who put in the extra effort and their principal officers who gave them the green light to step up for all of us. Trish Blinstrub and Peter Finn from Local 856. John Bouchard and Larry Daugherty from Local 350. Alberto Ruiz and Don Garcia from Local 315. Rich Fierro and Marty Frates from Local 70. Rocio Mejia and Adam Ochoa from Local 948. Ashley Alvarado, Jason Rabinowitz, Joe Cilia, and Crescencio Diaz for throwing down in Reno. And of course Marsi Newman from the California Teamsters Public Affairs Council without whom none of this would be possible.

If California was its own country, we'd be sitting pretty. We need to see how we can "build a wall" here to stop the tidal wave coming our way from Washington D.C.

Teamster work in California yields great victories

1. We helped elect Malia Vella from Teamsters 856 to the Alameda City Council
2. We helped elect Ahsha Safai to the San Francisco Board of Supervisors. In fact, we swept all of our races in San Francisco.
3. We helped elect Ash Khalra to the 27th Assembly District in San Jose, even in the face of millions of dollars of spending from realtors, charter schools, and corporations.
4. We helped elect Sergio Jimenez to the San Jose City Council.
5. We swept the election of all three candidates for the Santa Rosa City Council.
6. We helped elect Robert Rickman to Tracy Mayor and Rhodesia Ransom to the Tracy City Council
7. We helped elect Michael Tubbs to Stockton Mayor and Dan Wright to the Stockton City Council.
8. We helped elect David Canepa to the San Mateo County Board of Supervisors.
9. We swept all of our races in Contra Costa County.
10. We helped elect Catherine Cortez Masto to represent Nevada in the U.S. Senate and beat Trump there, too.

Additionally, we swept all of our races in the Sacramento area. In the southern part of the Central Valley – a place that traditionally is not friendly to Labor – we won three races in Fresno, one in Bakersfield, helped elect labor champion Holly Blair to the Lemoore City Council, helped elect a labor union staff member to the Tulare City Council, and helped pass a sales tax in Visalia to pay for police services that Teamsters provide.

And all throughout our territory we helped pass ballot measures to raise money for transportation, affordable housing, and public services in nine counties. Not bad.

AROUND THE LOCALS



LOCAL 439

Firefighters join Teamsters



A group of 17 firefighters and administrative assistants from a fire district near Stockton have joined Teamsters Local 439.

The battalion chiefs, captains, lieutenants, engineer lieutenants, firefighters and administrative assistants work for the French Camp-McKinley Fire Protection District. The workers sought to join Local 439, and the local was recognized as representative by the state Public Employment Relations Board in late September.

"We will help negotiate a strong contract for these hardworking men and women," said Ken Guertin, Secretary-Treasurer of Local 439 in Stockton. "As public employees, they deserve to know the community has their backs."

"The firefighters play a vital role every day keeping their communities safe and they deserve to be protected as well," said Rob Nicewonger, Business Representative for Local 439. "They know the Teamsters will work hard to protect their interests."

LOCAL 137

Waste workers ratify first contract

Drivers at Waste Management, Inc. in Redding voted unanimously to ratify their first contract. These 22 new Teamster members, now represented by Local 137, obtained the contract after a year of negotiating, following a two-to-one election victory on August 28, 2016.

"Individually, we as drivers had no voice with management to create positive change in our working conditions," said driver Vincent Smith, a 27-year employee at Waste Management. "With the help of the Teamsters, we've won representation, ratified our first contract and will be seeing major steps forward in our working conditions."

The workers will enter the Western Conference of Teamsters Pension Plan and will be able to obtain affordable Teamster health care. The contract also contains wage increases and job protections.

"This is a great victory for these hardworking



Congratulations to the workers at Waste Management in Redding. They ratified their first contract and are now Teamster-represented.

Teamsters," said Secretary-Treasurer Dave Hawley. "There's nothing better than delivering a first contract to a group of hardworking individuals and seeing how much good a union can do for their lives. I'm very grateful for all of the support we've received to get to this point."

LOCAL 856

Court rules: Let them sit down

Workers across California can finally take a load off, thanks to a recent opinion issued by the state's Supreme Court that states that if employees can perform their duties while seated, employers must provide seats.

"This has been a long time coming," said Staff Attorney Susanna Farber. "The Court said that an employer's preference that work be done while standing is not enough to deny workers a seat."

Teamsters 856 has long been advocating for this finding on behalf of members working in the customer service industry who spend many hours on their

feet behind service counters.

In October, Teamsters 856 Principal Officer Peter Finn and President Mike Lagomarsino visited front desk members at the Hilton San Francisco Union Square the day the new chairs arrived.

"There was absolute jubilation, especially from some of our more senior members," said Lagomarsino. "They finally have some relief after standing for so many years."

Shop Steward Nora Johnson has been at the San Francisco Hilton Union Square for 44 years. "No one has ever had a seat in my time there," she said. "People couldn't believe it."

Johnson said that many of her colleagues have suffered from back pain, varicose veins, and other health problems from being on their feet for eight hours a day, sometimes even longer if they work overtime.

Finn, who started his Teamster career as a member and steward in the hotel industry while in graduate school, knows firsthand the significance of the Court's decision for the more than 2,000 Local 856 members who work in the customer service industry. "Being on your feet all day long, year after year, can be incredibly taxing," he said. "We are committed to ensuring that employers subject to the ruling comply with the Court's opinion."

So far, the Hilton San Francisco Union Square, Parc 55, Sheraton Fisherman's Wharf, and Clift hotels are in the process of providing seats. Lagomarsino and Farber are continuing to work to ensure that the remaining hotels where Local 856 members work are also in compliance



After working at the Hilton San Francisco Union Square Hotel for 25 years, Mario Delmar finally gets to sit down on the job. The photo was taken the day the chairs arrived.

LOCAL 2785

Annual retiree barbecue is a big hit



On September 23, 2016, Teamsters Local 2785's Retirees Club once again treated their members and families to a wonderful barbecue at Coyote Point Park in San Mateo. Event organizers always take this picture to express their gratitude to their generous sponsors.

LOCAL 533

Worksite visits get out the vote



Getting out the worker vote in Nevada was key to turning the state blue and electing U.S. Senator Catherine Cortez-Masto. At a UPS Depot in Sparks, Local 533's Secretary-Treasurer Debbie Calkins, President Gary Watson and a UPS steward were joined by Iliana Flores from the IBT, Lawrence Heaton from Local 2785, and Congressional candidate Chip Evans (C).

LOCAL 431

Keeping shop stewards well-trained and ready



Local 431's annual Shop Steward Seminar on October 15 brought together more than 30 stewards to learn about key legal topics from Attorney Peter McEntee from the Beeson Tayer and Bodine law firm. After the training, they all enjoyed a delicious lunch.

LOCAL 517 College check



Keenan Quintana (R) gets his 2016 James R. Hoffa Memorial scholarship check from Local 517 Secretary Treasurer Chester Suniga. Keenan's father, Carrie Quintana, works at Foster Farms Dairy and Keenan is in Fresno State's dairy program.

High Speed Rail project needs qualified drivers

The California High Speed Rail project is progressing rapidly and Local 431 has been actively dispatching drivers and owner-operators.

The project has brought new companies that have historically never worked under a collective bargaining agreement to the Central Valley and Local 431 has been able to sign half of them to the Teamsters Master Construction Agreement while building good working relationships.

The Local has an extensive need for experienced Class A Drivers in order to fill dispatch requests. The project continues to progress and is projected to utilize several more drivers by next summer.

LOCAL 2010

Berkeley workers protest hunger at UC

Dozens of UC workers protested hunger, food insecurity, and low wages at the University of California Regents meeting on Wednesday, November 16.

A recent study by Occidental College shows that 70% of UC full time clerical, administrative and support workers suffer from food insecurity or hunger.

"It's hard to admit that, even working full-time for a world-renowned university, many of us have to skip a meal or rely on snacks to get by," said Joseph Meyer, an administrative support worker from UC Berkeley. "I have skipped breakfast and I have had to sacrifice purchasing prescription medicine for my asthma in order to pay for food or vice versa. It is past



UC workers protested on November 16 to publicize a recent study that shows that UC workers suffer from food insecurity or hunger.

time for the UC to pay us enough to live." In addition to picketing, the workers gave the regents copies of the Occidental College study along with personal comments about experience with food insecurity.

"This is a crisis for the 14,000 administrative support workers who are trying to live on the UC's poverty wages," said Catherine Cobb, Teamsters Local 2010 President. "The Regents should be speaking out on this issue and demanding solutions. We will be taking our concerns to the state legislature."

"Until the UC pays workers enough to eat, we will continue to demonstrate at campuses throughout the state," added Principal Officer Jason Rabinowitz.

LOCAL 315

New contract in Napa

The bus drivers at Transdev Napa ratified their new three-year agreement that calls for increases in wages and health and welfare. Business Agent Dustin Baumbach negotiated the deal.



Bad ruling overturned

Sid Ponce, a 16-year Coca Cola employee, was terminated for what the union determined were unfair production standards in 2016. Secretary-Treasurer Lennie Wells successfully fought the discharge at arbitration and Sid was returned back to work with back pay and benefits in the amount of \$20,592.

California was a shining light in 2016 elections

By BARRY BROAD

CALIFORNIA TEAMSTERS PUBLIC AFFAIRS COUNCIL

The 2016 election is over at last and it was a solid loss for Democrats on the federal level, with Donald Trump defeating Hillary Clinton and the Republicans retaining control of both the US Senate and House of Representatives. We can expect a full-fledged attack on organized labor and the appointment of a conservative to the current US Supreme Court vacancy, creating a 5-4 conservative majority. Tough times are clearly ahead and the famous statement of early twentieth century labor organizer Joe Hill, "Don't mourn, organize," was never truer than it is today.

Once again, California was a shining light in a sea of trouble. Kamala Harris, as expected, was elected to the US Senate seat vacated by Barbara Boxer. The congressional delegation will retain its current lopsided Democratic split. There were two interesting upsets in congressional seats where Democrats faced Democrats in a run-off. Congress Member Mike Honda was defeated by Ro Khanna in Bay Area Congressional District 17 and Isadore Hall is losing to Nanette Barragan in Congressional District 44 in Los Angeles.

In the State Assembly, it appears that the Democrats will pick up three seats, with Sabrina Cervantes defeating David Linder in Assembly District 60, Sharon Quirk-Silva reclaiming the seat she lost in 2014 by defeating Young Kim in Assembly District 65, and Al Murasuchi reclaiming his seat in Assembly District 66 by defeating David Hadley. This will give the Democrats a 2/3 supermajority of 55 seats in the 80-member State Assembly. In six of eight "Dem-on-Dem" contests, "business Democrats" won the seat, which could cause us some heartburn. These are Cecilia Aguilar Curry in AD 4, Tim Grayson in AD 14, Marc Berman in AD 24, Raul Bocanegra in AD 39, Anna Caballero in AD 30, and Laura Friedman in AD 43. In an upset, Teamster-endorsed progressive Eloise Reyes defeated sitting Assembly Member Cheryl Brown, a favorite of big business. Similarly, in an open Bay Area seat, Teamster-endorsed Ash Kalra defeated a more conservative Democrat, Madison Nguyen. Fortunately, the "Business Democrats" don't vote as a bloc all that often and we have been relatively successful in getting them to vote right on labor bills, but it is often a struggle.

The state senate Democratic majority of 26-14 remains unchanged. There will be a number of new faces in the State Senate. These include former Assembly Members Anthony Portantino, Steve Bradford, and San Francisco Supervisor Scott Wiener. Wiener defeated another Supervisor, Jane Kim, to take the seat held by retiring Senator Mark Leno. A strong progressive, State Senate staffer Henry Stern, won the seat vacated by State Senator Fran Pavley.

There were a huge number of propositions on the ballot that tackled everything from legalizing marijuana (passed) and making pornography actors wear condoms (failed) to eliminating the death penalty (failed) or making it easier to impose (passing but too close to call).

For us, the big ones were Proposition 53, which would have required 2/3 voter approval for government bonds to be issued and Proposition 55, which will extend increased income taxes to keep the budget balanced. We opposed Prop 53 and it failed and supported Proposition 55, which passed. The passage of Proposition 64, which will legalize recreational marijuana, opens a new industry for organizing. We have already begun to organize in the Medical Marijuana industry, but now California has joined the states like Colorado and Washington, where it is fully legal.

LOCAL 665

Bay Area Union Labor Party honors Sen. Boxer



On November 10, San Francisco's Mark Hopkins Hotel was filled for a very special occasion: to honor U.S. Senator Barbara Boxer for her years of service as a champion for working people. The annual Bay Area Union Labor Party event also honored the San Francisco Immigrants Rights Center and Hotel Workers Local 2 President Anand Singh as its Rising Star. (From left) Local 665 Secretary-Treasurer Mark Gleason is the event host, Sen. Boxer, and Joint Council 7 President Rome Aloise who introduced the Senator.

YOUR LEGAL RIGHTS

BY BEESON TAYER & BODINE

New California Laws and why they're important

The Presidential election results raise many concerns about how Republican control of the House, the Senate, and the Presidency will impact working men and women. However, in California, there continues to be a Democratic majority in the State Legislature and Governor's office, and in recent legislative sessions, the Legislature and Governor have enacted important workplace protections for California employees. This year was much the same.

With the strong efforts of labor unions throughout California, including the Teamsters, here are several new statutes protecting and assisting workers that will begin to come into effect starting on January 1, 2017:

Increased Minimum Wage

The statewide minimum wage will be gradually increased to \$15 per hour by 2022. The minimum wage is currently \$10 per hour but will increase to \$10.50 per hour on January 1, 2017. Thereafter, the minimum wage will increase to \$11 in 2018; \$12 in 2019; \$13 in 2020; \$14 in 2021; and \$15 in 2022. This important legislation will help approximately six million employees who currently make minimum wage or only slightly above the current minimum wage.

Employee Retirement Savings Program

The "California Secure Choice Retirement Saving Program," a 401(k)-type savings plan, will be available to almost all California private-sector employees who are not already eligible for a retirement program. This program will create an automatic, pre-tax payroll deduction from employee wages to be invested in a state-run savings plan. Employers with five or more employees that do not already offer retirement savings plans must make the program available to their employees. Employers may also make matching contributions. This is an important effort to ensure that many employees, currently not eligible for retirement plans, will have access to one.

Protection for Solid Waste Employees

The Legislature passed Teamsters-sponsored AB 1669, which requires that bidders for solid waste contracts with local gov-

ernment entities get a 10 percent bid preference if they retain the employees of the prior contractor or subcontractor for a period of no less than 90 days. Often when local contracts for solid waste disposal change, the current workers are summarily laid off and replaced. This legislation is intended to protect the current workers by rewarding companies who retain existing employees and to give employees the opportunity to be retained or prepare for a possible layoff.

Farmworker Overtime

For years, farmworkers have had fewer overtime protections than other employees in California. Farmworkers only receive overtime after working 10 hours in a day or 60 hours in a week, when virtually all other employees receive overtime after working 8 hours in a day or 40 hours in a week. AB 1066 corrects this injustice and unequal treatment by gradually changing the overtime laws for farmworkers, to ultimately ensure that farmworkers receive overtime pay after 8 hours in a day or 40 hours in a week by January 1, 2022.

Applicant Information

The Governor signed legislation to prohibit employers from asking an applicant for employment to disclose information related to arrests or other criminal action when the applicant was a juvenile. The employer may not use such information in making hiring decisions. This legislation is intended to treat sealed juvenile records the same way that sealed adult criminal records are treated under the law and eliminate barriers to employment for juvenile offenders.

Indoor Heat Protections

SB 1167 requires the Division of Occupational Safety and Health to propose a heat illness and injury prevention standard by 2019 to protect indoor workers from the risks of working in high heat areas.

This is just a sample of important legislative victories to protect workers in California. We look forward to further legislative victories for California workers in the years to come when the federal government is expected to strip away worker protections.



LOCAL 856

Members blow whistle on Humane Society practices

On October 24, Teamsters 856 members at the Peninsula Humane Society took a bold stance and held a press conference to blow the whistle on dangerous conditions affecting animal care and public safety at the organization. Local 856 members at the San Mateo facility had previously reached out to the organization's president, Ken White – who made close to \$700,000 in 2013 – but he declined to hear their concerns with their union representative present.

Armed with photographic and video documentation, Local 856 members spoke of the lack of air conditioning in the back of PHS vehicles where animals are transported, which can result in temperatures reaching 96 degrees (and up); broken kennels that have caused injury to animals, and chronic understaffing, as some of the issues affecting animal and public safety.

“Whistleblowers had previously reported their concerns to management in vain, and some were even told that if they didn't like it, they could leave,” said Teamsters 856 Representative Tim Jenkins. “Going to the press was a brave last resort.”

The press conference was covered by most local media outlets, including



Local 856 members hold press conference at Peninsula Humane Society facilities to talk about conditions at the facility.

the *San Francisco Chronicle*, and television stations KPIX, KTVU, KGO, and NBC Bay Area.

After the whistleblowers went public, Teamsters 856 Political Director Trish Blinstrub arranged for them to meet with members of the San Mateo County Board of Supervisors who have been receptive to the workers' concerns. (San Mateo County contracts with PHS for its animal control needs.) Astonishingly though, the Society's Board of Directors, which includes the CFO of Yahoo, a Goldman Sachs Vice President, and the author of the novel, “Legally Blonde,” has remained silent in response to the workers' pleas to meet to resolve the issues for the benefit of the animals at the shelter.

“We're all here for the animals, we love what we do,” said Teamsters 856 member Vaughn Hyndman.

LOCAL 853

Arbitration victory at Berkeley Farms

Having a union means that somebody's got your back, and that's just what it meant for a 7-year employee at Berkeley Farms, who had been fired for violating company policy by taking long breaks.

It turns out, the company relied on the use of video monitoring to determine the discharge. “The union had previously bargained that video surveillance could be used against its members only if it is not the sole source implicating a worker of wrongdoing,” explains Business Agent Doug Radonich.

The case first went to mediation

in the spring, and when the employee refused a settlement, the union took it to arbitration. The union was represented by Andy Baker from Beeson Tayer and Bodine.

The arbitrator found the company had failed to prove just-cause and agreed to sustain the union's grievance in full. He ruled that, after 11 months of being off work, the employee should be returned to work with all back pay and benefits, plus interest at 10% per annum. In December, she received a check for about \$65,000 and is back at work.



FMCSA to create National Drug and Alcohol Test Result Clearinghouse for commercial truck and bus drivers

After nearly two years since the proposed rule was announced in February of 2014, The Federal Motor Carrier Safety Administration (FMCSA) arm of the Department of Transportation (DOT) announced on October 31, 2016 that the final rule for a drug and alcohol clearinghouse cleared the White House Office of Management and Budget. The final rule is expected to be published in the Federal Register in December, 2016.

As covered in the rulemaking process, the new “clearinghouse” is really a central database for DOT-verified positive controlled substances and alcohol test results for Commercial Driver's License (CDL) holders as well as refusals to test. Medical Review Officers (MROs) who determine any DOT-FMCSA drug test (Pre-Employment, Random, Reasonable Suspicion, Follow-up or Return-to-Duty) to be positive or refused will be required to report those results into the clearinghouse.

Once the clearinghouse is up and running, employers who are considering a CDL holder for employment in a safety-sensitive position – any driving job that requires a Class A, Class B or Hazmat Endorsement on the employee's license – will be required to obtain the prospective employee's written consent and to check the clearinghouse before allowing the job applicant to be hired and to drive a commercial motor vehicle. This requirement would apply to non-DOT Class C drivers and other workers who were being “promoted” from within a company to a DOT safety sensitive position.

The rationale for the rule is to increase highway safety by ensuring that CDL holders who have tested positive or refused to submit to a test have complied with the return-to-duty process required by DOT before driving a commercial vehicle.

The clearinghouse will close a loophole by which some CDL holders were able to avoid the return-to-duty process simply by leaving the name of the company where they tested positive or refused a test off their job application. The current rules only require that a prospective employer check back three years to see if previous employers report at DOT testing or test refusal violation.

Anyone testing positive for drugs (amphetamines – including MDMA, MDEA & MDA), cocaine, marijuana, opiates and phencyclidine [PCP]) or alcohol or refusing a test must be:

- evaluated by a Substance Abuse Professional (SAP),
- referred to some level of substance abuse treatment,
- seen for a follow-up evaluation after successfully completing the treatment recommended,
- pass a return-to-duty drug and or alcohol test, and
- be subject to a minimum of 6 tests in the first year of actual safety sensitive work and up to a maximum of five years of testing as determined by the SAP.

TAP and TARP counselors are qualified Substance Abuse Professionals and can perform SAP evaluations for any driver who violates the DOT drug and alcohol testing rules. These evaluations can cost drivers up to \$1,000 but are included in the TAP/TARP benefit that is part of services provided to TAP/TARP-participating Trust Funds. These services are available to drivers in participating Trust Funds regardless of the company's policy of termination or one-time chance for some violations.

Drivers must know that once the Clearinghouse is in place, they will not be able to get another job driving a commercial vehicle without complying with the DOT-required SAP evaluation.

Remember that TAP and TARP are always available to provide assistance with alcohol and drug related problems for any Teamster or family member. While Teamsters with medical insurance through a company plan may not have the TAP or TARP benefit, our counselors are willing to help direct those without the TAP/TARP benefit to professionals who can help in accordance with your medical insurance.

TAP (Teamsters Assistance Program)

2016 Annual Holiday Party

Saturday, December 10
11 a.m. - 2 p.m.
Piedmont Veterans Memorial Bldg., Red Suite
401 Highland Avenue, Piedmont

Come celebrate a sober Holiday Season with the TAP staff, treatment providers, alumni, family, and friends. There will be crafts for kids, holiday music, a raffle and a holiday lunch. Parking is available on the street and limited. For questions, contact Veronica Valdez at 510-562-3600.

Learn more about your union and get your Teamster news on the web!



Joint Council 7:
www.teamstersjc7.org
International Teamsters:
www.teamster.org



YOUR LOCAL UNION PHONE NUMBERS

70	510-569-9317
87	661-327-8594
137	530-243-0232
150	916-392-7070
287	408-453-0287
315	925-228-2246
350	650-757-7290
386	209-526-2755
431	559-486-5410
439	209-948-9592
517	559-627-9993
533	775-348-6060
601	209-948-2800
665	888-770-3948
853	510-895-8853
856	650-635-0111
890	831-424-5743
896	707-644-8896
912	831-724-0683
948	559-625-1061
2010	510-845-2221
2785	415-467-0450
GCIU, Dist Cnd 2	800-333-4388

LOCAL 70
Aiuto, Richard
Barbano, Richard
Bright, Herbert
Champi, Bruno
Fava, Bruno
Ivey, Thomas
Moniz, Richard
Pittman, Lester

LOCAL 87
Trevizo, Robert

LOCAL 315
Bise, Daisy
House, Todd
Parker, Raymond
Rodriguez, Rodrigo

LOCAL 350
Lee, Steven

LOCAL 386
Amarante, Elsie
Anchando, Joe
Couto, George
Cox, JoAnn
Falconer, Charles
Folkner, Eugene
Gilbert, William
Gonzalez, Roberto
Kuhn, Mathew
Lundquist, Laverne
McDaniel, Barbara
Muller, Jefferey
Murillo, Raul
Ortiz, Percy

Ramirez, Phillip
Reynolds, Ralph
Silva, George
Thomas, Manuel
Vierra, Ralph
Zuber, Margaret

LOCAL 431
Barkema, Les
Boyakin, James
Garoppo Sr., Paul
Hite, Larry
McVay, David
Miller, Richard
Yunker Jr., Jake

LOCAL 439
Brown, Richard
Francis, Wynona
Haines, Bill
Machado, Joseph

LOCAL 533
Braswell, Curtis

LOCAL 853
Brown, William P,
Ramirez, Michael B.
Vaca, Holly
Villa, Augustin

LOCAL 890
Bernal, Florencio
Rodriguez, Gabriel
Sanchez, Maria

LOCAL 912
Chavarria, Carmen

LOCAL 2785
Carolla, Frank M.
Cruz, Felix
Ellenikiotis, John L.
AKA "John the Greek"
Faatz, Herbert
Pitre, Caldwell
Roach, Terry
Salais, Leo M.
Waddingham, James A.
Whitelock, Robert W.
Williams, Leonard
Joseph

SUMMARY ANNUAL REPORT FOR TEAMSTERS LIFE WITH DUES BENEFIT PLAN

This is a summary of the annual report of the Teamsters Life With Dues Benefit Plan (EIN 91-1691238, Plan No. 501) for the period ended December 31, 2015. The annual report has been filed with the Department of Labor, as required under the Employee Retirement Income Security Act of 1974 (ERISA).

The Board of Trustees of Teamsters Life With Dues Benefit Plan has committed itself to pay certain death benefit claims incurred under the terms of the plan.

Insurance Information

The plan has a contract with the Union Labor Life Insurance Company to pay life insurance and accidental death and dismemberment benefit claims incurred under the terms of the plan. Premiums paid for the plan year ending December 31, 2015, totaled \$160,045.

Basic Financial Statement

The value of plan assets, after subtracting liabilities of the plan, was \$13,642,782 as of December 31, 2015, compared to \$13,614,116 as of January 1, 2015. During the plan year, the plan experienced an increase in its net assets of \$28,666. This increase includes unrealized appreciation or depreciation in the value of plan assets; that is, the difference between the value of the plan's assets at the end of the year and the value of the assets at the beginning of the year or the cost of assets acquired during the year. During the plan year, the plan had total income of \$1,803,050. This income included employer contributions of \$1,715,682 and earnings from investments of \$87,368.

Plan expenses were \$1,774,384. These expenses included \$302,907 in administrative expenses and \$1,471,477 in benefits paid to participants and beneficiaries.

Your Rights to Additional Information

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

- An accountant's report;
- Financial information and information on payments to service providers;
- Assets held for investment;

- Insurance information, including sales commissions paid by insurance carriers; and
- Information regarding any common or collective trusts in which the plan participates.

To obtain a copy of the full annual report, or any part thereof, write or call the administration office at 14675 Interurban Avenue South, Suite 107, Tukwila, WA 98168, (206) 441-3151. The charge to cover copying costs will be \$4.00 for the full annual report or \$0.25 per page for any part thereof.

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

You also have the legally protected right to examine the annual report at the main office of the plan, 14675 Interurban Avenue South, Suite 107, Tukwila, WA 98168, and at the U.S. Department of Labor in Washington, DC or to obtain a copy from the U.S. Department of Labor upon payment of copying costs. Requests to the Department should be addressed to: Public Disclosure Room, N-1513, Employee Benefits Security Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, DC 20210.

NOTICIA IMPORTANTE PARA HISPANOPARLANTES

Usted puede obtener información la cuál explica los beneficios y las reglas de el Plan en Español, si usted no entiende el Inglés. Favor de escribir a la oficina y pedir que le ayuden, Board of Trustees for Teamsters Life With Dues Trust Fund, 14675 Interurban Avenue, Suite 107, Tukwila, WA 98168.