



# TEAMSTER

## Northern California

Serving more than 70,000 Teamsters and their families

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Teamsters Local 856 members who work in SF hotels celebrate returning to work at meeting November 23

### Hotel lock-out ends with cooling-off period **Teamsters and** **UNITE-HERE** **return to work** **for holidays**

San Francisco Teamsters are back at work at 14 hotels after six weeks. A two-week strike at four hotels by UNITE-HERE Local 2 quickly turned into a six week lock-out at 14 hotels; more than 4,000 union members were on what became a very noisy picket line.

Members of Teamsters Local 856 who work at these hotels respected Local 2's picket line. They were all relieved to go back to work under a 60-day cooling-off period on November 23.

"We believe that Local 2 will win its fight with these multinational hotel chains," said Local 856 Secretary-Treasurer Mike McLaughlin. "And we're going to be there to help them."

**See complete story on Page 5.**

## Teamster strength in California can't overcome national results

By **BARRY BROAD**  
**California Teamsters**  
**Public Affairs Council**

Across California, huge numbers of Teamsters registered to vote, did phone calling, walked precincts, talked to co-workers, and even traveled to battleground states. This effort clearly paid off in a number of important California elections.

However, when the longest, nastiest, and most contentious election campaign in U.S. history came to an end on November 2, George W. Bush was re-elected President and Republicans increased their majority in the U.S. House of Representatives and U.S. Senate.

President Bush has already promised to "spend the political capital" he earned in the election by privatizing social security. Stay tuned.

In California, one of the bluest of the "blue" states, John Kerry resoundingly defeated President Bush—so don't expect a lot of visits by the Bush-Cheney team in the next four years. Barbara Boxer handily won reelection to her U.S. Senate seat and voters re-elected the entire Congressional delegation.

In State Legislative races, despite a vigorous campaign by Governor Schwarzenegger, the Democrats retained all of their seats. Just six months ago, the Republicans were predicting that they would capture the State Assembly and gain seats in the State Senate. The Governor's coat-tails were very short indeed!

The biggest disappointment for organized labor was the very narrow defeat of Proposition 72, which would

have created minimum standards for employer-based healthcare for employers of 50 or more employees. The Governor's opposition almost certainly made a difference in the Proposition 72 fight. Nevertheless, the closeness of the election means that the issue of health care coverage is very much alive. We live to fight another day!

For in-depth numbers and percentages, please go to the Secretary of States' website at [www.ss.ca.gov](http://www.ss.ca.gov).

Wishing all current, retired and future Teamsters a very happy holiday season and a prosperous New Year.

**HAPPY HOLIDAYS!**  
**FELICES FIESTAS!**  
**节日快乐!**  
**MEILLEURS VIEUX!**

From the staff and officers of  
Teamsters Joint Council 7

**Teamster port driver rep Gilberto Soto killed in El Salvador. Story on page 3.**

## MEMBERS IN FOCUS

Teamster Stephanie Coyote new head of SF Film Commission**Teamsters lead effort to bring film industry back to San Francisco**

Filmmaking used to be a big industry in San Francisco, providing hundreds of jobs. From *Bullitt* and *Dirty Harry* to *Mrs. Doubtfire* and *The Streets of San Francisco* to *Nash Bridges*, San Francisco was a movie-making town providing incredible scenery and local color.

That was then. Looking to save money and hassle, the industry has fled San Francisco over the last several years. Now Stefanie Coyote, a location manager and Teamsters Local 85 member, is working to bring it back. And she has a team of Teamsters to back her up.

Eight weeks into her new job as Executive Director of the San Francisco Film Commission, Stefanie says she's feeling "outrage, enthusiasm, frustration...it's complicated!" But she's determined to bring the industry and the jobs back to the city.

Since 1988, Stefanie has been a location manager for films being shot in San Francisco. While she loved the work, Stefanie says that location managers worked ridiculously long hours for ridiculously low pay. "The producers could drive wages down as they saw how hungry we were for work."

Because movie work in San Francisco has been scarce and because the location managers didn't have a union contract, they were the first to get taken advantage of. Shooting the movie *The Assassination of Richard Nixon* (2004) added the final straw, pushing the location managers to agree that they needed a union.

"All of the skilled labor in the movie business up here was unionized except for us. This is a union business. It was time. I was thrilled to become a Teamster."



*Stefanie Coyote, after a morning shoot at several locations around North Beach*

Earlier this year, Stefanie worked on a Burger King commercial as a Teamster, then she put in for withdrawal to take the Film Commission position.

**Bringing production back**

San Francisco is number one for a lot of things, and unfortunately, being the most expensive city to film in is one of them. "If we can get our act together and be a movie-friendly town, we can bring a lot of income into the city, provide great skilled craft jobs in the industry and increase our publicity. It's about civic pride—and about having producers bring their \$40 million budgets here. That's my goal."

Coyote says that film companies are going to Canada and Mexico to save money. "The rest of the world is competing for film business by reducing costs and creating incentives. Until now, San Francisco has pushed the business away with financial gouging and everyone trying to get a

piece of the pie. People will come here if we take away the penalties. I'll try to make that happen, but it will take some time."

Some people want to blame labor for the high cost of working in San Francisco, but Stefanie is clear that the labor cost is only one ingredient. New York City covers police services; in San Francisco, the movie companies have to pay time-and-a-half. Also, hotels and catering service are expensive here. "The cost of labor is about the same

everywhere there's a union contract, so it's not that."

*If Only It Were True*, a movie with Reese Witherspoon and Mark Ruffalo, just finished filming in North Beach. Coyote has been working to seal a deal with the producers of *Rent*. "We have the potential to offer low-cost production facilities on Treasure Island, but those facilities need a lot of work. That's our card. We should play it."

In addition to *Rent*, Coyote is working with the producer of *Memoirs of a Geisha* to start filming in January, and commercials for Starbucks and Toyota are also in the works.

**Labor on the team**

"Stefanie is supported by virtually all of labor," says Local 85 Secretary-Treasurer Van Beane.

"We all agree that production work has to increase. Once Local 399 in Hollywood ratified their contract, this opened up the gates for production companies to come back to San Fran-

cisco." Beane says that Local 85 currently has 30 members working under the Local 399 agreement as location scouts.

"The film commission is at its best right now because we have someone in the film office who will listen to us," Beane said. "You can't beat having that relationship. And we have the same goal—jobs."

Film Commission President and Local 350 Secretary-Treasurer Robert Morales concurs. "It's a new day in the city for filmmaking." And he should know—Morales has served on the Film Commission since Art Agnos was mayor, with a short break for the Jordan administration. He's been President of the Commission for the past nine years.

Morales says that Stefanie will be a welcome asset to the Commission and to the City and County of San Francisco. "It's a long time coming. We need someone like her to create movie-making in the city, and in turn, to create more Teamster and movie jobs."

Morales adds that Mayor Newsom allocated \$350,000 to the film commission office, enabling Stefanie to get involved in activities to promote San Francisco positively to the movie industry.

**Members in Focus**

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



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**Time to apply for James R. Hoffa Memorial Scholarship Fund**

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

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

## NATIONAL ACTION/LOCAL IMPACT

### Teamster port rep killed in El Salvador; unions call for full investigation



*Gilberto Soto*  
1954-2004

Teamster Gilberto Soto was assassinated on November 5 in El Salvador. Soto, a port drivers' representative for the Teamsters in Newark, NJ, traveled to Central America to meet with port truck drivers and labor officials in El Salvador, Nicaragua, and Honduras.

Soto was killed outside his mother's house in the city of Usulután, El Salvador. Witnesses say he was shot in

the back by three men who waited outside his house and fled in a get-away car. He died immediately.

Soto's goal in going to Central America was to better understand working conditions for port drivers there and to create a solidarity network between Teamsters and their Central American counterparts who often work for the same multi-national shipping companies.

"Gilberto was a hard worker and a dedicated worker," says Joint Council 7 President and Teamsters Port Director Chuck Mack. "He was very committed to improving the standard of living for port drivers. For him, working with port drivers wasn't a job as much as a lifestyle."

#### Unions call for investigation

The Teamsters have called for a thorough investigation. They suspect that Soto was gunned down as part of a systematic effort to suppress union activity in El Salvador.

The Salvadoran government has agreed to conduct a full investigation. AFL-CIO President John J.

#### *Labor offices looted*

In a separate development, the offices of the Centro de Estudios y Apoyo Laboral (CEAL), a Salvadoran labor support center that immediately made public statements and press releases regarding the murder of J. Gilberto Soto, were ransacked in the early morning hours of November 14, 2004. The communications and computer equipment were removed and there was evidence that files and documents had been opened and reviewed. CEAL has filed complaints with the national authorities asking for investigation of the incident.

The AFL-CIO has condemned this attack on a Salvadoran labor organization and demands that this incident, as well as any connections to the murder of Jose Gilberto Soto, be thoroughly investigated by the Salvadoran authorities.

Sweeney and Teamsters General President James P. Hoffa met with El Salvador's ambassador. "We expressed our deep concern about the lack of any type of meaningful investigation," Hoffa said. "We're concerned that Gilberto Soto was murdered because of his intention to meet with labor leaders and truck drivers throughout Central America."

The Teamsters also announced a \$75,000 reward for information leading to the arrest and conviction of Soto's assassins. The reward money was raised jointly by the Teamsters along with the two U.S. dockworkers' unions—the International Longshoremen's Association and the International Longshore and Warehouse Union.

"It is our understanding that there was no robbery; Mr. Soto was not in-

involved in any criminal activity. He was organizing port drivers, the most exploited truck drivers in the U.S., and he was visiting El Salvador on behalf of the Teamsters," said President Hoffa in a statement to the press.

"Our heartfelt condolences go out to the Soto family, and I pledge that the Teamsters Union will do everything within its power to help apprehend these murderers and bring them to justice," Hoffa continued.

According to Hoffa, "The Soto murder shows why it is important for the U.S. trade union movement to remain forever vigilant in developing our campaigns for labor and human rights around the world and for insuring the respect for worker rights in our trade agreements."

#### Workers vote to join the Teamsters; set stage for contract talks

### At Diamond Walnut, victory comes 13 years after workers went on strike

After 20 years of repeated union elections, strikes and boycott campaigns, workers at Diamond Walnut have voted to rejoin Teamsters Local 601 in Stockton, and make a new attempt to negotiate a contract.

"This is the most beautiful day of my life," said Teresa Michel, a sorting operator in the plant. "I called my son and said 'we won!' He couldn't believe it. Our lives will change so much. I am so thankful to the Teamsters for their help—and now I'm one too."

The Diamond Walnut story goes back to 1985 when the company was in dire straits financially and the workers took pay cuts of 30 percent to help get things back on the right track.

Within a few years, profits were booming but Diamond forgot the very workers who helped them. When it came time for a new contract in 1991, the company offered a meager 10¢ an hour raise and demanded increased worker payments for health care ben-

efits. The workers had no choice but to strike.

In the intervening years, Local 601 struck Diamond Walnut, saw their members permanently replaced, and launched a major corporate campaign against the company. "With help from the International and from so many unions in this region, including Joint Council 7, we hung in there," said Secretary-Treasurer Lucio Reyes.

Since the strike began in 1991, two representation elections were held, but the National Labor Relations Board threw out the results because the company had committed unfair labor practices.

"It's time to stop the war," said Reyes. "We have been fighting this company for 13 years and have shown that they cannot beat us. It's time to work together to rebuild this company."

"I thank all the Teamsters and other union members who helped us through this long struggle," Reyes added.

# APPLY NOW

## TEAMSTERS JC 7

### COMMERCIAL DRIVERS EDUCATION PROGRAM

415-344-0085

### CONTACT

## YOUR LOCAL FOR AN APPLICATION

### Free Hazardous Materials Training

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

- 4-hour DOT (HAZMAT) Hazardous Materials Awareness course and refresher
- 40-hour (HAZWOPER) Hazardous Waste Materials course
- 8-hour (HAZWOPER) Hazardous Waste Materials refresher

To sign up, call Barbara at 415-344-0085.





## President's Report

by  
**Chuck Mack**

### Thank you for doing your part

On behalf of the officers, officials and staff of Joint Council 7, I want to extend best wishes to all of our members and their families for a most joyous holiday season and a successful and peaceful New Year.

I also want to say thank you.

Thank you for all that you did in this year's national and state elections. It made a difference. Kerry-Edwards won decisively in California. Barbara Boxer was re-elected to the U.S. Senate. Teamster endorsed candidates won at the state and local levels, and while we lost on Proposition 72, the health care initiative, it was by less than 1%—amazing in light of the money the restaurant association and Wal-Marts of the world "ponied" up.

None of this would have happened without your hard work. All the voter registrations, worksite visits, phone banking and "get out the vote" activity paid off.

Results nationally, however, will not make life easier for Teamster members. Expect the Bush Administration to come after labor with an anti-worker pro-business agenda. Employer based health care, multi-employer defined benefits, pensions, and even social security are at risk.

As election results in California show, we're up to the challenge. We do not intend to abandon our struggle for

economic justice for working families.

As Jim Hoffa and Tom Keegel said in their Statement from Teamsters Union Leadership Regarding November 2 Election, "November 2 was not the end of our fight to take back this country for working families. It was the

beginning. This effort was never about one candidate, one political party, or a single election. It is about moving forward a pro-worker agenda at the national level.

"We will continue the fight for fair trade, universal health care, worker rights, pen-

sion reform and retirement security. And we will continue to work with everyone—Republican, Democrat and Independent—who shares our agenda."

The task ahead is clear. We need to build Teamster and labor power as never before. There can't be any let down over the next two years. We have to continue voter registration, member education and DRIVE participation. We need to identify issues, build coalition and forge alliances. Sitting still not only makes us an easy target—it insures that nothing gets done. That's a prescription for disaster.

This election isn't about surrender, it's about struggle. It's not about going backwards, it's about moving forward.

The last words of labor organizer Joe Hill as he was about to be hanged nearly a century ago are instructive. "Don't mourn for me – ORGANIZE!"

*As election results in California show, we're up to the challenge. We do not intend to abandon our struggle for economic justice for working families.*

### SF Teamster hotel workers need your help

For two months, 400 members of Teamsters Local 856 employed at major San Francisco hotels respected the picket lines of locked-out members of Local 2 (UNITE-HERE). While the employers' group finally agreed to a 60-day cooling-off period in mid-November, there's no guarantee that the contract will be settled in mid-January. If they have to go on the picket line again, these Teamsters will need your help to maintain their mortgage payments, health benefits and pay other bills.

**You can help them** by contributing as much as possible to the newly established **Local 856 Solidarity Fund**. Please send as large a contribution as you can, as soon as you can, to:

Local 856 Solidarity Fund  
c/o Teamsters Local 856, 453 San Mateo Ave., San Bruno, CA 94066



Local 624 President Harley King at left, and Secretary-Treasurer Bob Carr at right, with DHL-Airborne Express displaying their checks.

### Local 624 wins \$50,000 arbitration award for members at DHL

In a case that has taken nearly three years to settle, a group of Local 624 members who work at DHL (formerly Airborne Express) received a share of a \$50,000 penalty award in November.

In 2001, the company took away nearly two-thirds of the Sonoma County delivery area from Local 624 members working out of its Petaluma Station and gave the work to a non-union subcontractor. Local 624 President Harley King presented the members' case in three separate hearings before the Labor Board.

The end result is that all of the

work is to be returned to Local 624 members to perform. In addition, the Company was hit with a whopping \$50,000 penalty for not returning the work when it was originally instructed to do so.

"This case could not have ended like it did without many hours of hard work and the support of Secretary-Treasurer Bob Carr, Recording Secretary Alice Hale Bowker and member Wendy Balich," says King. "It's a great feeling to be able to pass out \$50,000 to our members just before the holidays!"





AROUND THE LOCALS

Teamster elected to  
Watsonville City Council

Congratulations to Local 890 Business Agent Oscar Rios for getting elected to serve on the Watsonville City Council in November. Rios had been the first Latino mayor of Watsonville in the 1990s, but was term-limited out after serving two terms. “I’m glad to be back on the council to represent the interests of working people in Watsonville,” Rios said.

Local 890 settles tough contracts for salad industry

After turning down two contract proposals from Dole, 1,800 Local 890 members who work in the package salad plants in Yuma, AZ and Soledad, finally ratified their contract by a 9-1 margin. Following the Dole settlement, River Ranch, with locations in Salinas and El Centro, came up with a proposal that their 700 employees could ratify as well.

“This is a new industry that didn’t exist 15 years ago,” says Local 890 Business Agent Mike Johnston. “This industry grew out of the fields, so it’s traditionally very low paying. It’s also half union and half non-union, and fiercely competitive. Our goal was to get real wage improvements, along with decent health insurance and retirement funds.”

Contracts at both companies are for four years. The employees will get wage increases of 5% the first year and 3% in each of the subsequent years, with much more for some workers. Dole made some dramatic improvements in health coverage, adding a good dental plan.

San Jose adjusts rates

Local 350 scored a great victory in San Jose when they successfully con-

vinced Mayor Ron Gonzalez and the City Council to authorize an increase of approximately \$12 million to California Waste Solutions in order to settle a five-year agreement for the Teamsters who work at that company. “This was the first time the City readjusted rates after the bid was completed,” says Secretary-Treasurer Robert Morales.

“We were having difficulties negotiating this agreement because the employer had won a low-bid franchise deal with the City and could not afford to pay our members prevailing wages and benefits,” says Morales. It took over a year for Local 350 officers to accomplish this task.

Victory over Sunset

Local 350 won a significant arbitration at Sunset Scavenger Company in San Francisco in October.

In early 2003, the employer refused to return member Juan De La Cruz back to work after an injury on the job. The employer had two attorneys and two doctors at the arbitration hearing.

With the help of Attorney Duane Beeson, the union prevailed and De La Cruz won back pay for the 18 months with all of his seniority and benefits. De La Cruz is now back to work.

Election victory

The Teamsters scored a winning election in San Francisco when six of the seven Teamster-endorsed candidates won election to the San Francisco Board of Supervisors last month.

“I must recognize the members of Locals 278, 350 and other locals who worked so hard on these elections,” said Local 350’s Robert Morales. “Having good people in office makes our work easier.”

December elections for Locals 70 and 624

Three Local Unions re-elect officers on “white ballot”

Locals 315, 665 and 853 completed their election process in November when the slate of officers for each local was elected by acclamation, also known as a “white ballot.” Here are the new officer slates:

Local 315:

Dale Robbins, *Secretary-Treasurer*  
Steve Gutierrez, *President*  
Mario Martinez, *Vice President*  
Paul Poston, *Recording Secretary*  
Dan Cahill, James Francis & Jim Sveum—*Trustees*

Local 665:

Ernie Yates, *Secretary-Treasurer*  
Mark Gleason, *President*  
Edward Dion, *Vice President*  
Edward Carter, *Recording Secretary*  
Chuck Andrew, W.T. Brown, Vincent Jung—*Trustees*

Local 853:

Rome Aloise, *Secretary-Treasurer*  
John C. Becker, Sr., *President*  
Phil Tarantino, *Vice President*  
Antonio Christian, *Recording Secretary*  
Jeff Belunza, Mike Furtado, Julie Molina—*Trustees*

Local 70:

While there are contested elections for Vice-President, Recording Secretary, Trustees and Business Agents, Chuck Mack was re-elected as Secretary Treasurer and Joe Silva was re-elected as President on white ballots.

Local 624:

There were contested elections for all positions. Mail ballots must be received by December 20. See the notice on page 6 for more information about this election.

Progress is Teamster

In September, 80 counselors at the Progress Foundation, a San Francisco mental health services provider, overwhelmingly chose representation by Local 85. The part-time “relief” counselors provide mental health services in a residential setting.

“These workers face many unique issues. We welcome them to our Local,” says Local 85 Secretary-Treasurer Van Beane.

Cab drivers force Port to back off limo deal

Adelegation of Oakland airport taxicab drivers forced the Port of Oakland to delay plans to allow a single limousine service

to operate from the curb at the Oakland airport. This would displace Local 70 members from current facilities, and cause unfair competition with cab service.

Members of the Local 70-affiliated East Bay Taxi Drivers’ Association appeared at the November 16 Oakland Port Commission meeting to protest a proposal to give monopoly status to one limousine service at the airport.

After hearing testimony from about 10 drivers, the Commissioners voted unanimously to take another look at the contract.

“I think we really surprised the commissioners,” said Local 70 Secretary - Treasurer Chuck Mack. “They got the message.”

Teamsters on the line for SF hotel strike

As this issue of the *Northern California Teamster* goes to press, members of Local 856 and Local 665 who respected picket lines established by UNITE-HERE Local 2 at major San Francisco hotels are back at work under a 60-day cooling off period.

Local 2 and the hotel employers signed the agreement for a cooling-off period on November 20. Local 856 has some 400 members who work at the front desk and back office and over 200 Local 665 members work in the hotel parking lots. They were back at work on November 23.

“You guys were heroes,” said Local 2 President Mike Casey. “I cannot tell you how grateful we are for your support. You can count on us when it’s your turn

in the barrel.”

The current Local 856 agreement with the hotels expires in 2007.

“This is only a temporary truce, but we have won the first round,” said Local 856 Secretary-Treasurer Mike McLaughlin. “The hotels had said they would not permit Local 2 to return to work if the union did not drop its proposal for a two year contract; they lost on this issue. The hotels tried to deny Local 2 members health benefits for December; they lost on this issue. The hotels opposed unemployment benefits for Local 2 members. They lost on this issue.”

“We believe that Local 2 will win its fight with these multinational hotel chains. And we’re going to be there to help them.”

As McLaughlin noted, the turning points in the lockout occurred when the State of California awarded unemployment benefits, and when Kaiser and other providers agreed to dip into reserves to provide health and welfare coverage for December. Those two actions took a lot of heat off the members of Local 2 and allowed them to stay out, if needed, through the busy holiday season.

The hardships faced by Local 856 members were also softened by assistance from the IBTstrike fund. Local 856 members were neither on strike nor locked out and therefore would not ordinarily qualify for strike benefits. However, after receiving an appeal from Local 856, General President James P. Hoffa agreed to make an exception to the usual procedures.

Once Local 2 members qualified for

unemployment insurance, they agreed to turn over part of their own strike benefit to members of Local 856 and 665. “The cooperation between our locals has been absolutely outstanding,” McLaughlin said.

On the other hand, the combined strike benefits are still not sufficient if the hotel strike resumes. To that end, Local 856 has set up a Solidarity Fund which will take care of emergencies on a case-by-case basis.

Local 856 members have already contributed \$15,000. “This is an ongoing Fund to which we will continue to request voluntary contributions.”

Local 2 and the hotels’ Multi-Employers’ Group, are scheduled to return to bargaining on December 2. “We’re going back to the table in good faith,” Casey said after the meeting. “If it doesn’t work, we’ll decide what we do after that.”

# JOINT COUNCIL 7



## Executive Board

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

## Please note:

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

## Delegates' Meetings

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

## Nominations & Elections — International Constitution

December, 2004

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

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

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

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

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

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

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

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

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

## Local 624, Santa Rosa

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

The election shall be conducted by mail referendum ballot. The ballots will be mailed out on December 3, 2004 and all ballots must be received at the P.O. Box by 9 a.m. December 20, 2004, at which time they will be picked up and counted. You have until the close of business day on December 17, 2004 (12:00 Noon) to become current on your membership (Dues and Initiation).

Request for duplicate ballot should be made if a member has not received a ballot by December 8, 2004. Request will be made directly by the member to the Election Service at Pacific Election Service Inc., 1650 Stanmore Dr., Pleasant Hill, Ca 94523, phone 925-685-4935.

Bob Carr, Secretary-Treasurer

## Q&A about the Western Conference of Teamsters Supplemental Benefit Plan

*This information is provided by the Western Conference of Teamsters Supplemental Benefit Plan.*

### Q. How would the WCT Supplemental Plan benefit me?

A. The Supplemental Plan provides an increasing benefit to the members to help offset medical and other living expenses. Over 20,000 retirees and spouses are currently receiving annual benefits.

### Q. What is the difference between the WCT Pension Plan and the WCT Supplemental Benefit Plan?

A. The Supplemental Plan benefit is not based on contributions paid prior to retirement and is a benefit paid annually, not monthly. The benefit increases each year as long as the employer continues to contribute. If the employer ceases to participate, the increases stop. However, the retiree will continue to receive the annual benefit for life.

### Q. Currently, how many retirees are participating in the Supplemental Plan?

*Many Teamster Local Unions have struggled to find a way to help their members deal with cost-of-living increases. Each year, medical and other living expenses go up, while pension benefits remain level. Well, there is a solution: the Western Conference of Teamsters Supplemental Benefit Plan/*

*Established in 1982, the Supplemental Plan provides additional annual benefit for retirees already receiving pensions from the Western Conference of Teamsters Pension Plan. Here are some answers to commonly asked questions about the plan.*

### tal Plan?

A. There are nearly 22,000 current retirees, surviving spouses and beneficiaries. In 2004 they received over \$9 million in benefits.

### Q. What is the cost?

A. For the retirees there is no cost for this benefit. The benefits are provided through employer contributions negotiated in collective bargaining agreements.

### Q. How does the WCT Supplemental Plan benefit retirees?

A. Participants receive an increasing benefit of \$110 per year, as long as their employer continues to contribute to the Supplemental Plan. For exam-

ple, a retiree would receive \$110 in the first year, \$220 in the second year, \$330 in the 3rd year, etc. These amounts are reduced for married participants in order to pay for a Joint and Survivor benefit for their spouses.

### Q. What if I retired before my employer joined the Supplemental Plan?

A. New employers bring their existing retirees with them. In addition to the increasing benefit above, retirees would receive a benefit of \$23 for each full year of prior retirement. For example, if you have been retired 10 years, you would receive \$340 in the first year (10 x \$23 + \$110).

### Q. Would my surviving spouse receive a benefit after I pass away?

A. Yes. The surviving spouse benefit is 50% of the last benefit earned prior to a retiree's death and is based on the ages of retiree and spouse. For example, if a retiree received \$500 the year before death, the spouse would receive a benefit of \$250 for life. In no case will this benefit be less than \$150 per year.

### Q. What happens if my spouse dies before I do?

A. Future increases are no longer reduced if the spouse passes away prior to the retiree. That is, your future increases would be the full \$110 per year, rather than being reduced for the Joint & Survivor benefit.

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If you would like to know more about the Supplemental Plan, call (877) 350-4792, ext. 657. Southwest Administrators will provide details, a Summary Plan Description booklet and enrollment information.

## Reminder

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

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

## Extra pension check for pre-1985 retirees

At its quarterly meeting in October, the Western Conference of Teamsters Pension trustees approved an extra check for the year 2005. Next years' check distribution will follow that of the last two years.

**How much?** \$600 for pre-1985 retirees living as of January 1, 2005  
\$500 for surviving spouses of deceased pre-1985 retirees

**When?** February 2005

**Sent to?** Recipient's home address

Joint Council 7 pension trustees Rome Aloise and Chuck Mack estimate that the payment will add \$20-21 million in extra check benefits that the Teamsters have distributed since 1985.

"The return on investment for the pension trust has been spotty over the last several years, so we're especially pleased that we can provide this check to members that retired prior to 1985. It puts extra money into the hands of retirees whose monthly benefits are nowhere near the benefits of today's retirees," said Aloise and Mack.

The extra check is a discretionary benefit that is not guaranteed. Trustees review the benefit annually and authorize a distribution when funding levels permit.

## NOTICE OF NOMINATIONS AND ELECTION OF OFFICERS FOR TEAMSTERS JOINT COUNCIL NO. 7

### TO: All delegates to Teamsters Joint Council No. 7

In accordance with the Bylaws of Teamsters Joint Council No. 7, there will be nominations for and election of officers of the Joint Council in accordance with the following schedule:

Nominations will be received at the regular delegates' meeting on December 7, 2004, which will be held at the Sheet Metal Workers' Hall, 1700 Marina Blvd., San Leandro. The meeting will be convened at 7:30 p.m.

The Election will be conducted by secret ballot vote at the regular delegates' meeting on February 1, 2005, which will also be held at the Sheet Metal Workers' Hall, 1700 Marina Blvd., San Leandro. The meeting will convene at 7:30 p.m.

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

Officers shall be elected from the delegates to the Joint Council. To be eligible for office a delegate must be in continuous good standing with the Local in which he holds a membership for a period of twenty-four (24) consecutive months prior to nomination, and the Local in which he holds

membership must be in good standing with the Joint Council at the time of his/her nomination. The meeting attendance requirements relating to delegates, as contained in Article II, Section 5 of the Joint Council Bylaws, will not be enforced either with respect to eligibility to nominate, be nominated or elected to office.

A delegate not present at the nomination meeting may be nominated only if a written and signed consent to be nominated is presented to the presiding officer before or at the nomination meeting.

Voting will be by secret ballot. No delegate may be nominated for or hold more than one office. Only delegates who have been elected to office in their Local Union shall be eligible to vote in the election of Joint Council officers.

Please consult the International Constitution and the Joint Council 7 Bylaws for additional rules governing the election of Joint Council officers.

Fraternally,

Rome Aloise  
Recording Secretary

## Notice of meeting changes

### Local 70:

Due to the Christmas Holiday, the December Membership meeting and installation of elected officers and officials will be held the third Tuesday in December.

*Chuck Mack, Secretary-Treasurer*

### Local 78

Due to the Christmas Holiday, the December Membership meeting will be held the third Monday of the month, December 20th.

*Steve Mack, Secretary-Treasurer*

### Local 490 — West Bay

Local 484 has merged into Local 490. The

December, 2004 Quarterly Bakery meetings have been cancelled and rescheduled as follows: Tuesday, January 18, 2005, 7 p.m. at the Spanish Cultural Center, 2850 Alemany Blvd., San Francisco. North Bay meeting: Tuesday January 25, 2005, 6 p.m. at Carpenters' Hall, 1700 Corby Avenue, Santa Rosa, across from 7-11 store. For additional information and dates contact Local 490's West Bay office: 415-333-2680.

*Carlos Borba, Secretary-Treasurer*

### Local 856

Local 856's December meeting has been cancelled. Next meeting January 25.

*Mike McLaughlin, Secretary-Treasurer*

## Teamsters Local 278 Retiree Club picnic September, 2004



*The Executive Board of the Local 278 Retiree Club pays tribute to their picnic sponsors.*

## In Memoriam

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

BUFORD, Don Oren, Local 70	BOESCH, William, Local 291
EBERHARDT, Robert, Local 70	ADAMSON, Richard, Local 315
FREITAS, Raymond V., Local 70	ALESSIO, Frank, Local 315
GRMOJA, Andrew, Local 70	CIAMPA, Rudolph, Local 315
LEWIS, Marvin, Local 70	FLORES, Jose, Local 315
MARIANO, Eugene, Local 70	GALINDO, Raymond, Local 315
MERRITT, Anthony, Local 70	JONES, Leslie, Local 315
MOORE, Coy, Local 70	KELLY, James, Local 315
PHILLIPS, Frank, Local 70	RAMOS, Lloyd, Local 315
SILVA, George, Local 70	CAMPOS, Ralph, Local 432
SYCHER, Robert, Local 70	EDWARDS, Isaac, Local 432
GIOVANNETTI, Lawrence, Local 85	FRENCH, Louie B., Local 484
JACKLICH, Lloyd "Bud", Local 85	LINDLEY, Dale, Local 490
PIERCE, Victor Allen, Local 85	DRISCOLL, Theresa, Local 665
REBAGLIATI, Fred, Local 85	BRASCH, Kenneth S., Local 853
ACEVEDO, Gilbert, Local 216	GIN, Susie, Local 856
DE SCALA, John, Local 226	GRUBER, Curtis, Local 856
SIMPSON, Barry D., Local 226/302	LEONG, George, Local 856
CLARKE, Marguerite, Local 265	LERMA, Theodore "Ted", Local 890
CUNNINGHAM, Willis, Local 278	RODRIGUEZ, Jose, Local 890
MERAUX, Jesus H., Local 278	VINCI, Romeo, Local 890
PARKS, Ed, Local 278	BROWN, Joe, Local 896
BRAZ, Edward, Local 287	STACK, James, Local 896
CONNELL, Steven, Local 287	





## YOUR LEGAL RIGHTS

### What you should know about unfair business practices and the "Sue your Boss" law

The recent passage of Proposition 64 means that one of the laws unions have used to keep unscrupulous employers in check has been cut back—but the law has not been repealed.

Unions and employees should know that, under California's Unfair Competition Law (also called the "Unfair Business Practices Act"), employers are still prohibited from doing business based on practices that are unfair, deceptive, or outright illegal. Employees should continue to report employer conduct that violates, for example, the wage and hour laws or the occupational health and safety laws, and police employers who profit illegally at the expense of their employees.

The Unfair Competition Law was designed to create a level-playing field among businesses and ensure that those that follow the law are not at a competitive disadvantage to those that cheat. The law protects basic notions of fairness in how businesses should be allowed to profit.

The media has characterized the Unfair Competition Law as a consumer protection statute because it prohibits fraud, false advertisements, and other conduct that misleads the public. But the law is much broader

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

This commentary is not to be construed as legal advice. Specific legal questions may be directed to the law offices of Beeson, Tayer & Bodine or your own attorney.

and has proved useful in other circumstances, helping unions and workers enforce labor standards through private lawsuits.

Often, labor standards will go unenforced and employer misconduct will go unchecked because the public agency appointed to oversee the matter (such as the City Attorney or the State Labor Commissioner) does not enforce the law. This lack of enforcement may be due to lack of resources or because the agency is simply unwilling to prioritize the issue. The Unfair Competition Law allows any

private citizen to sue when he or she has been injured by an unfair business practice.

#### **What to watch for**

Conduct that violates the Unfair Competition Law includes any business practice that: (1) violates another law, such as a law or regulation on wage payments, breaks, or health and safety conditions; (2) is considered "unfair" because the practice may not technically violate the law but comes close and is harmful; or (3) deceives or misleads the public in some way.

You should inform your Shop Steward or Business Agent if you are aware of an employer practice that falls into any of these categories.



## NEWS FROM TAP

### DOT adds new entry-level driver training requirements

On May 21, 2004 the Department of Transportation's Federal Motor Carrier Safety Administration issued a final rule that requires employers to ensure that specific training was received by every entry-level driver who operates a commercial motor vehicle (CMV) in interstate commerce.

An entry-level driver is one with less than one year of experience operating a CMV with a commercial driver's license (CDL) in "interstate commerce" (transporting freight or company property between states).

Drivers who first began operating a CMV in interstate commerce between July 20, 2003 and October 18, 2004 must have had the required training before October 18, 2004. After October 18, 2004, any entry-level driver must have completed the required training before operating a CMV in interstate commerce.

The mandated training must include instruction in four areas:

- 1: Driver qualification requirements
- 2: Hours of service of drivers
- 3: Driver wellness
- 4: Whistleblower protection.

In 49 CFR Part 380.503, DOT defines entry-level driver wellness training requirements as "Basic health maintenance, diet and exercise. The importance of avoiding excessive use of alcohol." The purpose of the wellness training is to provide medical information to the driver so that he/she

can make informed life style choices. The training does not require drivers to disclose personal medical information to anyone.

Driver wellness topics suggested by DOT are: stress, sleep apnea, how to maintain healthy blood cholesterol, blood pressure, and weight, as well as

the importance of periodic health monitoring and testing, diet and exercise. Training in alcohol and drug abuse was removed from the proposed regulations because of the requirement in 382.601 for employers to provide alcohol and drug testing information to CMV operators.

Training providers must issue certificates or diplomas to drivers. The certificate or diploma must include: the date of issuance, name of training provider, mailing address of training provider, name of driver, printed name and signature of the person attesting that the driver received the required training.

The DOT/FMCSA regulations do not state how much time the training must entail or who is qualified to conduct the training. It states that employers may do the training themselves and that it may be incorporated into curriculum of commercial truck driving schools, so long as a certificate or diploma given by any commercial driver training school includes wording that is substantially in accordance with the wording required under the rule.

It must state: I certify that (NAME) has completed training requirements set forth in the Federal Motor Carrier Safety Regulations for entry-level driver training in accordance with 49CFR 380.503.

It is the employer's responsibility to obtain a copy of each entry-level driver's certificate or diploma and retain it in the driver's personnel or qualification file for as long as the driver is employed and for one year thereafter.

### You're Invited...

#### *Teamsters' Assistance Program 23rd Annual Holiday Party*

**Saturday, December 11, 2004**

**11:00 am to 3:00 pm**

**Teamsters Local 78, 492 "C" Street, Hayward**

**Come celebrate a sober Holiday Season with the TAP staff, treatment providers, alumni, family and friends. Santa will arrive and bring gifts to children age 12 and under.**

**There will be kids' crafts, a speaker, holiday music, raffle prizes and lunch.**

**If you have any questions,  
call TAP at (510) 562-3600.**

**See you there!**