



California Teamsters take on Sacramento to call for end to worker misclassification

Teamsters from more than 15 local unions within California Joint Councils 7 and 42 took part in a hearing and lobby day in Sacramento in support of legislation to help end misclassification. The Lobby Day was sponsored by the California Labor Federation.

In April, the California Supreme Court's landmark decision in *Dynamex Operations West, Inc. vs Superior Court of Los Angeles*, referred to as "Dynamex," simplified the test for determining whether a worker is classified as an employee for minimum wage and overtime protections. Assembly Bill (AB) 5 is legislation that would codify Dynamex into state law, and make it harder for employers to misclassify their employees as independent contractors.

"Misclassification is an attempt to weaken the bargaining power of workers. Unchecked, it will contribute to ever-widening income inequality and increased corporate power," said Doug Bloch, Political Director for Teamsters Joint Council 7.

Bloch was a panelist on the California Assembly Committee on Labor and Employment hearing titled, "Dynamex and Beyond: Understanding the Legal and Policy Landscape of Workers Misclassification in California."

He noted that good employers who play by the rules should not be undercut by companies that misclassify their workers as independent contractors to avoid the minimum wage, payroll taxes, Social Security, unemployment insurance, workers' compensation and more.

"We urge the passage of AB 5 to help protect and rebuild this state's middle class," Bloch said.



Teamsters Local 853 members attend the Lobby Day activities. Here they're joined by Assembly Speaker Pro Tem Anthony Rendon (center). Beside Rendon (right) is Assemblymember Joaquin Arambula and JC7 Political Director Doug Bloch.

Assembly Labor – Dynamex Informational Hearing

Testimony before Assembly Committee on Labor and Employment by Political Director Doug Bloch

My name is Doug Bloch, and I am proud to represent over 225,000 Teamsters in California.

I want to take you back to 1964 and a milestone in American labor history.

That's when Teamsters General President Jimmy Hoffa signed the first National Master Freight Agreement, uniting over 450,000 truck drivers under one contract. The agreement provided living wages, benefits, on-the-job protections and retirement security for generations of workers.

That is what is at stake here today. The choices we make here will determine whether future generations of workers enjoy the same.

Hoffa understood that as employers got more organized on the national level, workers needed to organize so they could have equal power. But, under relentless pressure from the business community, in 1980, the federal government deregulated trucking.

At that time, the National Master Freight Agreement covered 19,000 companies and 90% of the industry was unionized. In the first five years, almost 7,000 companies went bankrupt. Within ten years, nearly 500,000 Teamsters lost their jobs.

Today, we only have two companies and 75,000 workers left under the National Master Freight Agreement.

What happened?

Two words: independent contracting.

Out of the ashes of deregulation, this business model came to dominate trucking, leading to a reduction in worker power, wages, and the decline of a once-middle class occupation. Deregulation has been wildly successful for business, allowing large companies to pay much less to move goods.

Those cost savings have come from a race to the bottom as companies cut wages—almost 50% since

deregulation. Now driving a truck has been described for many as a "sweatshop on wheels." Drivers work 60-100 hours per week and make less than minimum wage after their expenses. They have no worker's comp and no benefits.

It's shifted the cost of buying, operating, and maintaining trucks onto the backs of those least equipped to do it. This compromises our ability to meet our climate goals as drivers cannot afford to buy clean trucks.

Drivers have little recourse to do anything as independent contractors. As small businesses under the law, they cannot organize a union.

I am proud to say that California has done more to address the misclassification of truck drivers than any other state in the country.

Since 2011, port truck drivers have filed at least 1,000 claims with the Labor Commissioner. Almost half of those have led to determinations that drivers were, in fact, employees and therefore owed over \$50 million in stolen wages and penalties.

The Dynamex ruling was against a package delivery company that competes directly with our largest employer, UPS.

At UPS a worker with a high school education – even if they have a criminal background – can make \$75,000 a year, fully paid family health insurance, and retire with a pension.

UPS posted a \$1 billion profit last year, showing that a company can make money and treat their workers right. UPS and other good employers should not be undermined by the choices this body makes.

Misclassification is an attempt to weaken the bargaining power of workers. Unchecked, it will contribute to ever widening income inequality and increased corporate power.

Therefore, we urge the passage of AB5 to help protect and rebuild this state's middle class.



Annual Joint Council 7 Harry Polland/ Bob Morales Scholarship Program – Applications Due

Joint Council 7 is pleased to announce the Annual Teamsters Joint Council 7 Harry Polland/Bob Morales Scholarship Fund. This program will provide \$1,000 to the child of one member in each of the following affiliated Local Unions: 70, 87, 137, 150, 287, 315, 350, 386, 431, 439, 517, 533, 601, 665, 853, 856, 890, 896, 912, 948, 2010, 2785, GCC-District Council 2.

Eligibility

Applicants are eligible for scholarships to attend a college, university, or trade school when they or their parent or legal guardian (proof may be required) is an active member in good standing of one of the previously-listed Local Unions. Elected officials and employees of Teamsters Local Unions and Joint Councils, and their families, are not eligible.

Criteria

Grade point average of 2.0 (based on a 4.0 system) upon high school graduation.

How to Apply

Applicants must complete an application and return it to a Joint Council 7 office or to the office of any of the Local Unions affiliated with the Joint Council (see above) by no later than July 1, 2019, along with the following:

1. High school or college transcript through most recent semester.
2. Resume of school and/or community activities.
3. Two page handwritten or typed essay on "The Importance of Labor Unions."
4. Recent photograph of applicant.

Where to Get Applications

Applications may be obtained from your Local Union or from the Joint Council 7 office.

Joint Council 7 is proud to support the higher education of Teamster families!



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Joint Council leaders take national stage; events to note

The Joint Council continues to move forward in 2019 on many fronts.

The Cannabis campaign has proven to be challenging with ever changing interpretation of the statutes, as well as the many community regulations throughout the state. We are fortunate to have our own Kristin Heidelberg-Teramoto as the Director of the Cannabis Division and Representative Jennifer Schwab, both working out of our Joint Council. In fact, Kristin was listed as one of the top women in the industry, so we have that going for us. Follow-up meetings from our March 26 JC7 Cannabis work group will be scheduled in the coming weeks. Educating and coordinating the Locals about all possible organizing and representational opportunities is complex and ongoing.

Congratulations to Local 2010 Principal Officer Jason Rabinowitz who has been appointed by President Hoffa as the Director of the IBT Public Sector Division. We know Peter will bring the same enthusiasm and expertise he has shown as Local 2010 leader.

Two of our Locals, under the leadership of Secretary Treasurer Peter Finn (Local 856) and Debbie Calkins (Local 533), have formed an alliance to organize and represent several strategic industries within Local 533's jurisdiction. We applaud their progressive agreement, another example of our Locals leading the way in organizing and representation.

Be sure to calendar our busy year of programs and events:

June 10-12: Our annual **Joint Council Seminar** in Lake Tahoe will include an expanded Western Conference of Teamster Pension Trust (WCTPT) presentation on Monday afternoon, immediately following the delegates meeting, which is scheduled for 1:00 p.m. Information on the excellent health of our plan as well as the many challenges we face, will be discussed. Another great program of speakers and workshops will continue through Wednesday morning.

August 24: Teamster Day at the Ball Park will again be the Giants vs the A's at the Oakland Coliseum. Tickets are only \$40 and include admission, event t-shirts and tail gate BBQ. This great Teamster family event has grown every year, with over 4,000 attending last year. Hope to see you there.

September 25: All Charities Golf Tournament is again set for Monterey with the del-

egates meeting the following morning on September 26. This is our major fundraiser to assist our members, communities, and other charities that are in need. We encourage all the Locals to step up through a major sponsorship if they are capable. Please also encourage your employers and providers to join the many others who attend and provide support for our fund.

I look forward to working with all of you in addressing the many challenges we face and opportunities we have in the coming year.

Educating and coordinating the Locals about all possible organizing and representational opportunities is complex and ongoing.



IN THE NEWS

California truck drivers could become employees

In a case known as *California Trucking Association v. Julie A. Su*, the Ninth Circuit Court ruled in September that the Federal Aviation Administration Authorization Act (FAAAA) did not preempt California's Labor Commissioner from using a common law test to determine whether California truck drivers were misclassified for purposes of the state's labor laws. On March 18, the U.S. Supreme Court declined to hear the Trucking Association's appeal of that decision, affirming that state law takes precedence.

This means that thousands of drivers may now be classified as employees of freight-hauling companies rather than as independent contractors, giving them the right to

minimum wages, overtime pay and reimbursement for business expenses.

More than 400 drivers had challenged their classification before the state Department of Industrial Relations, which found nearly all of them to be employees rather than contractors. Other drivers have joined in class-action suits against trucking companies, seeking employee status.

"Over the last eight years, the Labor Commissioner's office has awarded millions of dollars to truck drivers to help them recoup wages stolen from them through minimum wage and overtime violations," state Labor Secretary Julie Su said in response to the court decision. "We are committed to protecting drivers who are retaliated against for asserting their rights."

Workplace safety enforcement plummets... but fatality investigations rise

The Occupational Safety and Health Administration did not have enough workplace safety inspectors before Donald Trump arrived on the scene, and as with just about everything else, it's gotten worse in Trump's two-plus years in office. The number of inspectors has fallen to a record low in the history of the agency.

A new analysis by the National Employment Law Project shows how bad things have gotten: The number of complicated and high-penalty investigations OSHA does has fallen—but at the same time, fatality investigations have risen.

The Trump administration's
—Continued on Page 3

Pushing forth many important bills in the 2019 legislative session

The Legislature and our Governor have settled into the 2019 legislative session poised to tackle some big issues. A good economy and the tight fiscal policies of the Brown administration have provided the state with a record surplus, resulting in lots of pressure to spend it on a variety of worthy policies. Expanded healthcare, child care, universal preschool, free community college, among many other things, are all on the agenda to put on the Governor's desk. The question is, how much is Governor Newsom willing to spend.

Meanwhile, we have our own Teamster agenda to help our members in a variety of areas. To move that forward, we have sponsored a number of bills this year.

Ending Worker Misclassification

We are co-sponsor, along with the California Labor Federation and other unions, of AB 5 by Assembly Member Lorena Gonzalez (D-San Diego). This bill would extend the Dynamex decision across all of California labor and employment law. Dynamex was a unanimous California Supreme Court decision that made it much more difficult to misclassify employees as independent contractors. Misclassification has been a huge problem in many of our core jurisdictions like trucking and construction.

Keeping workers in public vehicles

We are also co-sponsor of SB

336 by Senator Bill Dodd (D-Napa), which would require any public transit operator to have an employee aboard any fully automated vehicle it puts into service. As more and more employers look at automation in transportation, it is critical that we have forward thinking policies to not only protect the jobs of our members but also to protect the vital services they provide to the public.

Reinstating salary steps at CSU

We continue to work to support our members in higher education by co-sponsoring with CSUEU AB 369 by Assembly Member Shirley Weber (D-San Diego). This measure would restore salary steps for CSU support staff, which was unilaterally taken away by management 20-plus years ago. CSU members represented by Local 2010 deserve to be treated like every other state employee that has salary step eligibility.

Applying the labor code at UC

We are co-sponsoring a bill with the UAW to apply Labor Code protections to the payment of wages to the University of California. Currently, the university is exempt from most labor code protections and this has allowed them to get away with late paychecks and other wage violations. SB 698 by Senator Connie Leyva (D-Inland Empire) will hopefully put a stop to this dreadful conduct and, if it doesn't, our members and other UC employees will have recourse.

More transparency in health care costs

The ever-rising cost of health-care is a huge issue in our effort to ensure that Teamster members and their families continue to have high quality health benefits. We have sponsored a number of bills to address this issue in recent years and are doing so again in 2019. AB 731 by Assembly Member Ash Kalra (D-San Jose) would extend the states health insurance rate review law to large group health plans. The idea is to provide transparency to any proposed health plan rate increases that would allow the union and our employers to better negotiate plan costs. This has worked in the small and individual markets and it is our hope that, if the bill passes, we can see better results for our health plans.

Creating a better regulatory process in cannabis industry

We continue to work in the cannabis space as we try to create a better regulatory framework for organizing the industry. We are co-sponsoring two bills with the UFCW to provide more transparency in the regulatory process and to ensure that regulators have a specific time frame to require labor peace agreements.

There are many more issues we are working on and will highlight in future articles.

Disclosure for Non-Deductibility of Union Dues

If you do your own taxes, you would know that your union dues are deductible. Thanks to the Republican congress, that deduction no longer applies.

Under the Tax Cuts and Jobs Act that was signed into law on December 22, 2017, miscellaneous itemized deductions, including union dues paid by members, are no longer deductible on an individual's tax return.

One senator introduced legislation last April to restore the deduction, but it got stuck in the Senate Finance Committee, and the new Senate is not likely to let it see the light of day.

IN MEMORIAM

Mauricio Garcia Allied Waste Services of Daly City



Mauricio Garcia

Every worker has the right to expect to come home at the end of the work day in as healthy a state as when then arrived in the morning. Unfortunately, on January 16, 2019, while performing his job with Allied Waste Services of Daly City, that expectation was dashed as Mauricio Garcia lost his life.

Mauricio was an exemplary worker and loyal member of Teamsters Local 350 for 17 years. He worked side by side with his two brothers who are also long-time members. Their father was a Shop Steward at the same company for many years.

A loving, caring family man, Mauricio will be profoundly missed by his loved ones and his Teamsters family. We send our deepest condolences to Mrs. Garcia, their four children and the rest of the Garcia family.

Local 350 established a memorial fund for donations to support Mauricio's family:
Memorial Fund for Mauricio Garcia
c/o United Business Bank
2 Harrison Street, Suite 158
San Francisco, CA 94105

NEWS

IN THE NEWS

—Continued from Page 2

story is that total investigations have risen. But that's not helpful if what's happening is that inspectors are being pushed to take on quick and easy cases rather than digging into the complicated or difficult ones.

That's just what's happening, NELP's Debbie Berkowitz, herself a former OSHA official, writes. "For example, when inspectors go onto a construction site, they can inspect multiple subcontractors all at once, but count each one as a separate inspection. They can get through these sites in a few hours and count four to five inspections." At the same time, inspections of concerns like musculoskeletal hazards, worker exposure to dangerous chemicals, explosion risks, and heat exposure have all dropped dramatically.

OSHA is failing to conduct inspections of workplaces that have reported amputations—imagine that you lose a body part on the job and the government doesn't even come to check out if your boss is running a safe shop. In at least two cases, poultry plants haven't been inspected even after reporting two amputations or injuries requiring hospitalization in the course of just a few months.

But the big red flag is this: In 2017 there were 837 workplaces inspected because of a work-related death or a catastrophe of more than three workers hospitalized. In 2018, the number rose to 929. The Trump administration is letting workplace safety inspector jobs go empty; it's focusing on hasty inspections while the number of complicated inves-

tigations of serious risks drops, it's failing to investigate amputations ... but the serious thing that is rising is fatality investigations. That is very scary news for America's workers.

— Laura Clawson, Daily KOS Labor

Sonic employees quit en masse, tape note to door

If you had a crappy job as a teenager, this is probably a scenario you dreamed about: Your whole staff walking out en masse, leaving only an "f*** you" note taped to the door.

The staff of a Sonic in Circleville, Ohio, just lived out our collective high school dream, taking off on Sunday with a pointed note left behind. Staffs at two other Sonic locations also walked out, one branch leaving just a giant "Thank you, next" sign.

AROUND THE LOCALS



Local 853

More shuttle drivers join union

In February, the shuttle bus drivers at two more companies that have contracts with WeDrive U are now part of the Teamsters master contract, reports Business Rep Tracy Kelley. Four of the new members drive for VMWare in Menlo Park, and five are drivers for the Stanford Research Park. Kelley reports that these members had been earning the union wage, but now that they're members, not only do they have union protections and increased leave benefits, but also their health care cost is reduced significantly to \$11/month, and the company will be making 401K contributions on their behalf for the first time.

Local 896

New Anheuser-Busch contract ratified

After holding proposal meetings and preparing for contract negotiations for more than a year, the 283 members at Anheuser-Busch in Fairfield ratified their new 5-year contract overwhelmingly in March.

Local 896 Business Rep and President Brian Indelicato wanted to particularly thank chief stewards Alonzo Wilson, Christine Peters, Jamie Simmons, Michael DeForne, and Michael Hunt at Anheuser-Busch for their diligence in ensuring that the needs and demands of the members were brought to the company.

Local 896 officer election results

"We are happy to announce that our leadership team will remain the same for another three-year term," commencing on January 1, 2019 and expiring on December 31, 2021, says Indelicato.

The only change for the current team was the departure of Trustee Michele Jimenez who was replaced by Charles Johnson of Ace Beverage. "We look forward to utilizing his experience and knowledge as a steward," Indelicato added.

LOCAL 287

Teamsters Local 287 wins Cemex driver's job back

Teamsters Local 287 has won a fired CEMEX Ready-Mix driver's job back with back pay, benefits and no loss of seniority.

The company fired the driver, Eddie Venancio, on January 25, 2018 alleging that he had "an altercation on a job site" nine days earlier after his truck was struck by a driver of a dump truck on a jobsite. Business Rep George Netto filed a grievance and the parties agreed to hold a hearing before an arbitrator.

The issue was whether Venancio was discharged



Local 287 helps member Eddie Venancio get his job back at Cemex.

for just cause. Section 19 of the contract states: "No employee shall be discharged or suspended without just cause."

In his January 17, 2019 decision, Arbitrator Robert M. Hirsch sided with Local 287's challenge.

"In short, Cemex failed to provide admissible evidence establishing that the Grievant [Venancio] 'had an altercation on a jobsite,' as it concluded in the termination letter," the arbitrator wrote. Venancio was awarded \$154,006 in back pay and benefits.

LOCAL 431

Organizing and contracts keep local staff busy

Local 431 is currently in negotiations with newly-organized Specialty Sales, as well as with Delta Health Systems and Cherokee Freight Lines. The local also recently ratified new agreements with Chooljian Packing, Gary Packing, Mission Linen and Mission Industrial as well as with Hertz counter representatives.

Teamsters Local 431 is excited to announce our 3rd Annual Teamsters Night with the Grizzlies. This year's baseball game for Members and their immediate family will be on Saturday May 11; the ticket price will include an all-you-can-eat BBQ dinner. Game time is 7:05 PM.

Note: The June Monthly Membership Meeting has been changed to June 20, 2019 at 7:30 p.m.



Delta Health System members at a recent proposal meeting.

LOCAL 315

Steward seminar for part-time UPS members



On March 9, Teamsters 315 was thrilled to host an Informational Seminar for Part-Time UPS employees. The purpose of this meeting was to empower our part-time members by strengthening their contractual knowledge. Along with Sheila Sexton and Kena Cador from the Beeson, Tayer, and Bodine law firm, business agents reviewed details of the contract, workplace concerns, and future opportunities. This annual event always promises a good turnout, and this year was no exception.

LOCAL 439

Welcome new members at Reddaway

Teamsters Local 439 is proud to announce that the six clerical workers at Reddaway's Tracy trucking facility voted for union representation and have already ratified their first contract.

During the two-month organizing drive, the employer held captive audience meetings and brought in people from around the country to encourage a NO vote. But the women of the clerical unit had seen how the drivers worked with their union and didn't buy the opposition hype. "Our dock workers stood behind them 100%. We showed the women that we had their back," says Business Rep Rob Nicewonger.

Since this victory, these empowered women fought hard and secured a collective bargaining agreement that enhanced their wages, benefits, retirement, and gave them a strong grievance procedure, bidding rights, seniority, and steward recognition, to name just a few.

"This organizing drive made it clear early on that our militant rank and file members and the



Three of the new members from Reddaway show off their new Teamster merch!

leadership of Local 439 will not stop until they get the respect they deserve," said Secretary-Treasurer Ken Guertin. "Congratulations, ladies, and welcome to Teamsters Local 439!"

LOCAL 856

Members help Butte County deal with animals after devastating fire

Last fall, devastating fires left families centered in Paradise, CA, displaced from their homes and communities with the monumental task of rebuilding. The Camp Fire was dubbed the worst in California history because of the tragic number of lives lost and structures destroyed.

In the midst of it all, pets and other animals were caught up in the confusion and often separated from their owners. To help manage this problem, employees from



Members at San Francisco Animal Care and Control are recognized by the SF City Council.

the City and County of San Francisco's Animal Care & Control department—members of Teamsters 856—were enlisted to travel north to Butte County to provide their experience and expertise to the emergency situation.

Six animal care attendants (ACA) and two animal control officers (ACO) made the trip, some once and others multiple times, to provide whatever help they could.

James Purcell, an ACA, said that the day before he arrived, there were more than 300 cats and 350 dogs in their temporary shelter. "Over 300 is like nine times more than our normal volume in the Animal Care and Control department," he explained. "But by my second trip, that number had been cut in half."

Peter Flores has been an ACO for 21 years. On a day to day basis, he rescues animals, assists the fire department if an animal is involved in a fire, writes citations, testifies in court, and a lot more.

For 21 years, Peter has been responding to San Francisco emergencies. The Camp Fire was Peter's first time being sent to an emergency situation outside of his normal territory. When he got there, it was nothing like the job he's done for decades.

Throughout his time at the shelter, Peter helped inventory the animals, cleaned cages, unloaded dog cages, walked dogs, and delivered cat food. "I was happy to be there and didn't care what I was asked to do," he said.

For Peter, what really put things in perspective was driving around the town and seeing the FEMA tents set up, and people camped in front of supermarkets because they couldn't go home or their home was no longer there. "Everyone seemed to get along," he said. "I guess there really isn't much to fight about when you've lost everything."

In December, all of the Animal Care and Control employees, police, fire, and medical first responders who assisted with the emergency relief efforts in Butte County were honored for their work by the City and County of San Francisco Board of Supervisors.

"The honor was well-deserved," said Mark Leach, the Teamsters 856 representative who represents the ACAs and ACOs. "These Teamsters got the call and were willing to go above and beyond to assist people and animals who were in the worst possible situation."

Local 2785

Big back pay settlement

When feeder drivers discovered that their pay for the New Year's Day carry-over on January 2, 2018 was both late and incorrect, the Local filed a grievance.

After nearly a year's worth of talks, the company agreed that the workers were, in fact, owed the money. In February, checks totaling more than \$14,000 were distributed to the effected feeder drivers.



From left: Alternate Feeder Steward Freddy Cerpas, Union Rep Troy Mosqueda, and Chief Steward Michael Puentas.

Retirees raise funds for Camp Fire victims

Thousands of people, including several Teamsters, lost their homes and jobs in the Camp Fire last November. Rising to the occasion, Teamsters Local 2785 Retirees Club President Bob Silva reports that their club held a raffle in December that raised a nice donation for the victims.

The need is still great. If you're interesting in giving, one good place would be to the Oroville Hope Center. You can find their Camp Fire assistance page at: www.orovillehopecenter.org/services/camp-fire-donations

DISTRICT COUNCIL 2

\$100 Grand arbitration win

DC2 recently prevailed in a charge filed by Grief Packaging to the US District Court (Central District of CA).

Grief Packaging originally paid some of its employees "red-circle" above-scale rates. After the collective bargaining agreement came into effect, the company reduced these employees' wages without notice.

DC2 filed a grievance and went to arbitration contending that the company violated the contract and the employees should be entitled to above-scale rates. The Arbitrator agreed and ordered the restoration of the red-circle rates and back pay.

The company moved to vacate the Arbitrator's award, but DC2 opposed. After several months of deliberation, the court agreed with the union's position and enforced the Arbitrator's award. The affected members will share more than \$100,000 in back pay and will maintain the red-circle rates.



California Teamsters Public Affairs Council

The California Teamsters are represented at the California Legislature and before state administrative agencies by the California Teamsters Public Affairs Council. Shane Gusman and Matt Board are the Legislative Representatives and Stacey Swett is the Office Manager.

Per Capita Tax

All Teamsters affiliated with Joint Councils 7 and 42 support the California Teamsters Public Affairs Council through a per capita tax of 25 cents per member per month, from union dues. Forty percent (40%) of this is set aside from which the Executive Committee makes campaign contributions (35% to the Political Action Committee and 5% to the Issues Political Action Committee).

Executive Committee

Dave Hawley, President of Joint Council 7 and Randy Cammack, President of Joint Council 42 serve as co-chairs of the Executive Committee, which supervises the staff of the Council.

Policy Committee

The policy committee shall consist of the Principal Officers of every local union represented by Joint Council 7 and Joint Council 42. The committee is responsible for the development of the Council's long-term political, legislative and education policy, screening candidates and making recommendations for endorsement for statewide offices.

Any questions about the California Teamsters Public Affairs Council may be addressed to California Teamsters Public Affairs Council, 1127 11th St., #512, Sacramento, CA 95814. Phone: 916-446-0291, Fax: 916-446-9321. Email: stacey@teamstercpac.org.

Local 350

Garden City Clerical – 100% Yes!

As the heart of Garden City and Milpitas Sanitation, the clerical unit is responsible for the accounts and is at the forefront of customer service as they answer customer questions and concerns. After months of negotiations, the nine members in this hard-working clerical unit voted unanimously to ratify a new 5-year contract that will raise wages, protect the employees, and reward them for the hard work they do every day.

Virginia Jimenez, an 18-year Teamsters Local 350 member, was part of the negotiating committee. "The negotiation process was interesting and enlightening," she says. "I was able to see firsthand how difficult a negotiation can be and how hard our union representatives work to make sure that we are getting the best possible contract. I feel the biggest challenge was getting the company to recognize that the clerical unit also deserves to make fair wages. Although we are not drivers we are just as important to the company."

Larry Daugherty, Teamsters Local 350 President and Field Representative for the Solid Waste Division, was at the helm of the negotiating process.

"The negotiations took quite a while and were very contentious at times," Daugherty says. "However, with Local 350's strong political program and our members staying united, we were able to deliver the best contract



The clerical unit at Garden City and Milpitas Sanitation unanimously ratified their new 5-year contract.

ever for these members."

The unit's top priorities were wage and pension increases and, most importantly, protection from the company.

"We were able to get over \$7 in wage increases, \$2.70 in pension increases, Maintenance of Benefits for their Teamster insurance and we included strong contract language that protects our members' rights over the 5-year contract," Daugherty says.

"This was a strong victory for the members. We plan to take these improvements to other employers as those contracts come up for negotiations," Daugherty added as he thanked the negotiating committee for calling the employer out on their attempts to downplay issues in the workplace and for keeping them honest.

Recology South Valley Clerical

The small but vital clerical unit at Recology South Valley and representatives of Teamsters Local 350 met on July 19, 2018, to discuss what they would like to see on their next contract. After nearly 7 months of hard-nosed negotiating, led by Recording Secretary and Business Representative Sergio Arranaga with the

assistance of Adriana Munoz-Noriega, they were able to successfully hammer out a 5-year contract that the members ratified unanimously.

"The negotiations took longer than expected," Arranaga says. "However, we were able to improve working conditions and get significant economic increases that will give these members job security for the next five years. The key is that we were able to have all these improve-



The clerical unit at Recology South Valley unanimously ratified their new 5-year contract.

ments with no takeaways and we continue to build and strengthen these agreements for years to come."

Arranaga says that it wouldn't have been possible without first-time negotiator Adriana Munoz-Noriega who "brought important insight on all of the essential job duties and had the courage to stand up to management."

The unanimous yes vote does not surprise Munoz-Noriega. "We were able to take all the issues and needs of my coworkers into consideration. In addition, our Business Rep helped me to understand the tactics to achieve our goals. I thank Teamsters Local 350 for all they have done."

This process is proof that no matter how big or small, the unit that fights together, wins together.

Teamsters Local 150

Teamsters complete Southport Levee Improvement Project

Local 150's Construction Division has completed the work on the Sacramento Southport Levee Improvement Project, providing flood protection to the City of Sacramento.

Starting with three Teamster drivers, AECOM began work on this project in 2017. Until the project was completed late last year, Local 150 members placed approximately 20,000 linear feet of setback levee, with 3 breaches of existing levee and breaches varied in length from 1,100-1,400 feet. All told, members ran 38 Articulated Dump Trucks and three Water Trucks. These members

worked six days a week March through November, moving over 2 million yards of dirt.



Local 2010

Members fight to restore salary steps

Teamsters Local 2010, in coalition with its sister union at the CSU system, CSUEU, has co-sponsored legislation (AB 369 sponsored by Assem. Weber) to restore salary steps for CSU employees across the state.

"This is a fight to restore basic fairness for CSU workers," says Jason Rabinowitz, Secretary-Treasurer of Teamsters Local 2010. "Our hard-working CSU members deserve to receive step increases like every other worker in state service, and we will continue to bring Teamster power to bear until AB 369 is signed into law by Gov. Newsom."

Last year, Local 2010 mobilized more than 60 Teamsters Skilled Trades members for a successful lobby day in Sacramento for AB 1231, which also would have restored these steps. The legislation passed the state legislature with overwhelming support but it was unfortunately vetoed by then-Governor Brown. "With a new Governor in



Local 2010 members who work at CSU come to Sacramento to lobby for AB 369 and the restoration of salary steps.

office, we will keep fighting for fairness for our CSU members," Rabinowitz adds.

The CSU Skilled Trades members, along with all other CSU workers, have gone far too long without the annual salary step increases that are routine in public agencies throughout the state. This legislation would help ensure that years of loyal service are fairly compensated at CSU after 20 years without annual salary steps.

CSU has consistently opposed restoring these steps, so every Teamster member will need to stand together and take action in support of this critical legislation.

IN MEMORIAM

Bento (Ben) Leal

1926-2019

We are sad to announce the passing of Ben Leal, who died only a few days after suffering a stroke,

Born on a dairy farm in Newark, CA, Leal proudly served in the U.S. Navy in WWII, and spent most of his professional life as an organizer and leader in the Teamsters union.

Ben started his career with the Teamsters in 1956 as an organizer. In addition to serving as Secretary-Treasurer and Principal Officer of Local 856 from 1982-1994, he also served



Bento (Ben) Leal

as the Chairman for the Western Conference of Teamsters' Professional, Public, Medical, Communication, and Clerical Division, as a Trustee for the Western Conference of Teamsters Pension Trust, and as a Trustee for both Joint Council 7 and the International Brotherhood of Teamsters.

Through Leal's efforts, the Local's membership increased from only a few hundred to into the thousands. He acutely understood the importance of continued growth of the Local for the benefit of all members; under his leadership, the union's membership expanded into such industries as health care and the public sector.

Joint Council 7 joins Local 856 in extending its deepest sympathies to Leal's family and friends. He is survived by his wife Jean Gancos-Leal, seven children, and many grandchildren and great-grandchildren.

For Joint Council 7 news between newspapers, check out our website:

www.teamstersJC7.org



IN MEMORIAM

Local 70

Adkins, Richard
Alexander, Rondal
Allen, Aden
Bettencourt, David
Bosso, Ronald
Chairez, Pedro
Ellison, Nitchey
Fagundes, William
Gorman, Thomas
Heffley, Kenneth
Jordan, Desrian
Lajeunesse, Robert
Maciel, Ronald
Maffei, Michael
Magana, Jose
Manzanares, Mitch
Miller, Miles
Morrison, William
Oberti, Edward
Richard, Charles
Rubio, Manuel
Ruff, Daniel
Schaeffer, Sam
Spiteri, Joe
Trumpf, Walter

Local 87

Johnson, Bennett Ray
Strusis, Louis

Local 287

Price, Jr., Patrick

Local 315

Barrelier, Jeff
Bates, Vera
Cardoza, Edward
Diaz, Ramon
Edson, Bert
Hegarty, William
Vargas, Sam

Local 350

Belfield, Levi
Bonanni, Mario
Diaz, Michael
Garcia, Mauricio
Potter, Elizabeth

Local 386

Wright, Bobby D.

Local 431

Avila, John
Badiali, Leonard
Carleton, Tom
Clack, John
Duty, Robert
Hardy, Lou
Hepner, George
Holliday, Evelyn
Weese, James

Local 439

Lee, John
Seavey, Clifton
Sullivan, Jim
Tum, Joe

Local 517

Bettencourt, Eduardo
Boyer, Greg
Carrasco, Sr., Edward
Colbert, Bob
Dodd, Stonnie
Richardson, Judy
Rivas, Ricky

Local 533

Atyeo, John
Gonzalez, Alex
Gregory, Jesse
Miller, Charles

Local 665

Almedilla, Allan
Hinton, Hunter
Lunt, Thomas

Local 853

Dominguez, Salvador
Fryer, Tina
Fuller, Alton
Garcinez, Rodrigo
Golden, Ronald
Lieu, Ky
Loza, Eliseo
Patronas, Elisseos
Phan, Tai
Stiltner, John
Tran, Tuan
Wheat, Khoo
Wycoff, Cleavoria

Local 853/GCC 583

Arcieri, Jr., Henry
Bohm, Steve
Don, Richard
Durkee, Jr., George
Gimblett, James
Hollander, Herbert
Larson, Donald
Marinelli, James
Patron, Richard
Penn, Georgie Ann
Schultz, Ronald
Urrutia, Maria

Local 856

Brittain, Annabella
Gallagher, Steve
Keho, Kevin P.
Lara, David
Lau, Tony
Vera, Francisco
Wahab, Abdul R.

Local 890

Camacho, Ramses Cital
Diaz, Juan
Gutierrez, Guillermo
Romero, Gildardo

Local 896

Kincaid, Frank
Rafael, Melogin
Renninger, Lee

Local 912

Hernandez Rios, Jr., Gonzalo
Marquez, Blas Christopher
Leon, David Laurence
Ortiz, Victorino (Victor)

Local 948

Castellanos, Irene
Drew-Valdovinos, Roberta
Meadows, Ermal S.
Noel, Jr., Henry
Palmerin, Ramon
Perez Cervantes, J. Jesus
Procetto, John
Ramos, Leonardo
Raya, Jr., Tomas
Rodriguez, Steven
Sanchez, Esteban
Singh, Surinder J.
VanWinkle, Anita

Local 2785

Crivello, Antonio
Gomez, Joey
Kyaw, Moe
Perry, David F.
Walters, Keith Cameron
Weinman, William V. (Bill)



California Court Expands Reporting Time Pay Requirements

By Sarah S. Kanbar

A California Court of Appeal has issued an important decision expanding the concept of what it means to “report for work” for purposes of eligibility for reporting time pay, which could have significant impact on both unionized and unorganized workforces.

California’s Wage Orders include a requirement that employers pay employees at least two hours of regular pay when employees are required to “report for work,” but are not put to work. In *Ward v. Tilly’s, Inc.*, (Feb. 4, 2019), an hourly retail employee at Tilly’s brought a class action for failure to receive reporting time wages in connection with on-call shifts. Tilly’s practice was to schedule employees for on-call shifts with designated start and end times; but, the employees were required to call in two hours before the start of an on-call shift to find out if they were needed for work. Tilly’s did not pay reporting time pay for those employees who were told not to come to work, arguing that the reporting time payment requirements only apply when an employee physically appears at work.

The Court disagreed and found that Tilly’s on-call practices had much in common with the “specific abuse the [Industrial Welfare Commission] sought to combat by enacting a reporting time pay require-

“The court decision will significantly affect employers’ scheduling and on-call practices and should protect low-wage workers by giving them more certainty in their work schedules.”

ment in 1942.” The Court explained that reporting for work is not limited to physically appearing at the workplace. Instead, the phrase “report for work” is defined by the employer and the method the employer requires employees to report for work, including calling in.

This decision by the Court of Appeal will significantly affect employers’ scheduling and on-call practices

and should protect low-wage workers by giving them more certainty in their work schedules.

All of the Wage Orders covering private-sector employment have the same reporting time pay requirements. Moreover, nearly all of the Wage Orders do not include a collective bargaining agreement carve out that would permit union contracts to exempt covered employees from the reporting time rule. Therefore, most unionized workforces are pro-

TECTED by the rule that employers are required to provide at least two hours of pay when they require employees to report for on-call shifts and the employees are not put to work.

On-call shifts significantly impact employees because they are not given the security of a definite work schedule. The decision in *Ward v. Tilly’s, Inc.* will help mitigate the strain dealt to employees who have to make themselves available for work, only to learn that they are not needed to work that day.



YOUR LOCAL UNION PHONE NUMBERS

70	510-569-9317	601	209-948-2800
87	661-327-8594	665	415-728-0811
137	530-243-0232	853	510-895-8853
150	916-392-7070	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
386	209-526-2755	948	559-625-1061
431	559-486-5410	2010	510-845-2221
439	209-948-9592	2785	415-467-0450
517	559-627-9993	GCIU, DC 2	800-333-4388
533	775-348-6060		



Changes in alcohol and drug abuse treatment

TAP and TARP have noticed significant changes in the needs of our alcohol and drug abuse clients in recent months. A number of factors seem to have led to changes in how and why patients seek our services, their presenting problems, the treatments and follow-up services that best serve their needs.

The increase in opioid use, legalization of marijuana, insurance for 18-25 year old dependents, workplace drug testing, DUI laws, and the lowest unemployment rates in recent history—providing jobs to many who previously were unable to find work—have changed the number and nature of those seeking assistance through TAP and TARP.

Historically, TAP & TARP clients were limited to two lifetime episodes of treatment with strict dollar limitations on payment for each episode. That changed with the Mental Health and Addiction Parity Act of 2008, Obamacare’s Patient Protection Act. Those laws removed limits on the number of treatment episodes and extended insurance to children 18-25 years old.

Today, clients no longer lack resources when they are at their most vulnerable in their recovery, as they leave primary treatment.

Leaving the supportive and safe living environment of residential treatment is extremely challenging as one tries to establish a sober lifestyle.

It’s all about aftercare

Most people who go into a residential rehab treatment manage to detox and stay that way during their weeks- or months-long stay. But problems begin when they leave. Many patients walk out the door and fall off a cliff. The stresses of normal life return at the very moment our clients need it most and they can be essentially on their own.

Historically, those leaving treatment have been advised to go to “90 meetings in 90 days” and a once-a-week facility sponsored “aftercare”

group. In many cases this is simply insufficient.

A survey of studies on relapse showed an average of 46 percent of people who attended residential drug treatment stay in recovery; and, about 40 percent did not achieve complete abstinence. That means less than 33% did not relapse.

Recently, the opioid epidemic has created what looks like a detox-rehab revolving door, especially among younger clients ages 18-26 years old, many of whom are recovering from opioid addiction and for whom the threat of overdose is greatest after a period of abstinence.

Perhaps because 90 percent of new heroin users have been white, people in power are finally noticing that drug abuse requires more help. The field has really accepted that problems are often chronic and many addicts and alcoholics need long term support.

The National Institute of Drug

abuse stated that in many cases, “successful transition of patients from inpatient to outpatient and continuing care is abysmal.”

Even Medicaid is starting to cover continuing care, as are many private insurers, and Massachusetts now requires insurance companies to cover necessary outpatient care.

TAP and TARP have long known that continuing care groups, facility run aftercare groups and outpatient treatment following residential treatment all increase sobriety rates. That is why many TAP and TARP clients who leave residential treatment are referred to intensive outpatient programs as a way to avoid relapse. Additionally, TAP and TARP sponsor continuing care meetings throughout Northern California; and, our counselors make monthly follow-up phone calls to clients for two years to check in with them.

If you or a family member is considering seeking assistance for a drug or alcohol problem, do not hesitate to call TAP at 800-253-8326 or TARP at 800-522-8277.