



April 2008
HAWAII
Newsletter

Fallen Workers Scholarships Awarded



Local 12-591 awarded \$15,000 in scholarships to 10 high school graduates this month. Unfortunately, because of the poor return on the Fallen Workers fund this year, educational grants were suspended.

The winning essay for 2008 was written by **Jason Kingshot** and is reprinted below.

What Is the Relevance of Unions, Past and Present?

At the heart of American values is power to the common man. The idealism surrounding the concepts of democracy and unions are very closely linked. Central to both is that the power is in the hands of the people. As one defines the relevancy of unions both past and present, I think a fundamental idea is that unions provide the essential human right of justice. Unions ensure a necessary check that balances the power in the interaction between worker and employer. The very ability of people to band together to create something more powerful is central to the ideas of unions. Though many companies, large or small, would treat workers in a just manner and with respect, many others would exploit individuals to the fullest extent. Unions are a guard against this possibility of tyranny.

Samuel Gompers, President of the American Federation of Labor from 1886 to his death in 1924, said at the AFL convention in 1904, "Today more than ever...the capitalist class, or the worst element in that class, stand as a constant opposition to anything that we demand, and also as a constant force to try and invade the rights we have already secured, and to take away from us the advantages we have achieved". When you compare Mr. Gompers comments in 1904 and look at what has happened to labor in the past twenty years, things really haven't changed much with regard to the anti-union movement within the business community. While corporate profits rise to an all time high, unions have to work harder than ever to safeguard these rights and benefits which they have earned. From the 1900's forward, it was unions that secured the forty-hour workweek, healthcare for families, a livable wage, and a safe work environment. The image of a single person standing by his or herself against a corporation is a daunting prospect. With the idea that we are not a collection of individuals, but rather a cohesive group united for the advancement of the interests of the working man comes a net security promoting fairness.

Today, the actions of unions are much more diverse and individualized than those original groups. Unjust termination, harassment and compensation are in the scope of the arena that unions operate in today. Increasing attention to the issue of outsourcing labor to foreign nations is of growing concern to modern unions. However the core idea surrounding unions is still as prominent as the day the first union was formed. Justice in the workplace is being served down to the individual level because the power that unions have and their ability to use it for justice of the individual man.

Politics has become an increasingly important vehicle for unions in this century. In 1935, the National Labor Relations board was created by Congress to govern relations between unions and employers in the private sector. There was a history of bipartisan support throughout Democratic and Republican administrations from President Roosevelt to President Carter. The bipartisanship spirit came to a crashing halt during the administration of Ronald Reagan. As president, Reagan crushed the hopes of striking air traffic controllers, he also appointed National Labor Relations Board Consultants who had a history of being union-busting attorneys.

An important function of unions today is the need to mobilize their members to participate in the political process to capture the Presidency and Congress so that we can restore balance for working America. Union members need to stand tall as union members did in the early nineteenth hundreds and demand that their collective voices be heard. Complacency with the current affairs of our government is an ever-present danger to unions. Only by maintaining constant vigilance against those powers that would take away workers rights will we move forward the agenda of working class America.

Contract Countdown To 02/01/09

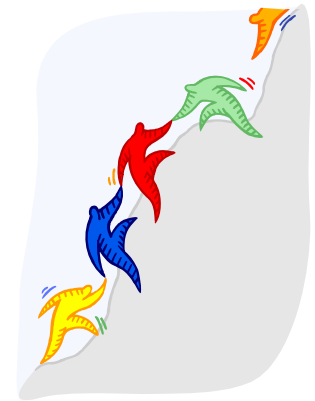


As of April 19, 2008 there are 288 days (20 paydays) left in our Contract

Our contract ends just 288 days from Saturday, April 19th. The best way to avoid a strike is to prepare for one. The Union encourages each member to diligently save 3 months wages between now and February 1, 2009. That's 20 paydays away.

Jason is also forming committees to work on contract changes we need. If you have an idea for a change in contract language please send it to Jason or, better yet, volunteer to head a committee to solicit ideas on your area of interest.

Mahalo for your Kokua!



The USW 12-591 would like to acknowledge the following individuals for their contribution in helping their Union brothers and sisters:

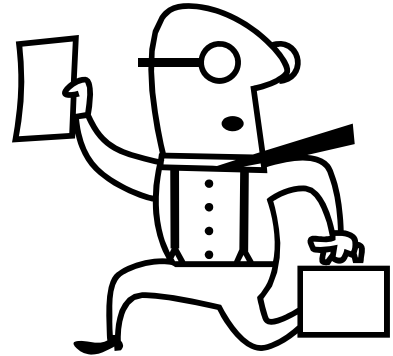
Mahalo to Josh Capello for his contribution.

Joe Solomon to Visit Soon

Joe Solomon is planning to visit the island with his wife, from Monday, May 12 to Sunday, May 18. He is coming to watch his son play baseball at UH but would like to see some Union members while here. An informal dinner at the Side Street Café is tentatively scheduled for May 12th about 6:30 pm.

The Ask a Lawyer Question of the Week

- **My company has what they call "objectives" that have to be met in order to maintain your job. There have been many changes in the working conditions that make these objectives more & more difficult to reach. Can management do this?**



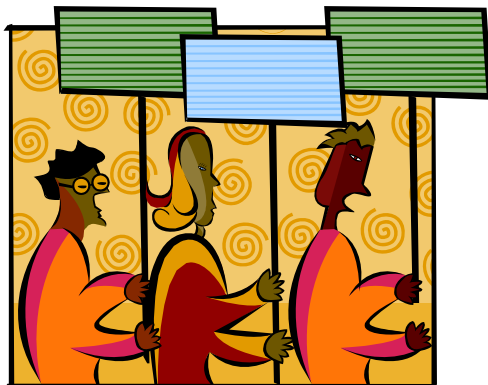
- Absent a collective bargaining agreement between your union and the company, the employer has broad authority to regulate your working conditions as long as these changes are not based on such protected factors as age, sex, race and disability. A union contract, on the other hand, is a binding agreement which covers "wages, hours, and working conditions." The company with a union contract cannot, on its own, change working conditions which are identified in the collective bargaining agreement. If it does, charges could be filed with the National Labor Relations Board, or a grievance could be filed. The impact of changes in working conditions not listed in the collective bargaining agreement must be bargained with the union. For example, if the collective bargaining agreement has an hourly rate established for employees, and the company is now saying the employees have to produce a certain number or amount of products to receive that hourly rate, that is a change in working conditions to be negotiated with the union.

- This response provided by **Joseph L. Allotta** of **Allotta, Farley & Widman CO., L.P.A.**

Remember to visit <http://www.workingamerica.org/askalawyer/> for the latest question.

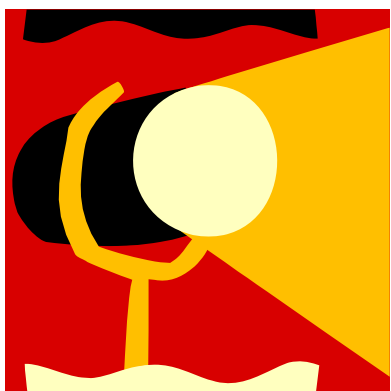
Picket Practice

The International Longshore & Warehouse Union (ILWU) Local 142 is escalating its ongoing consumer boycott of the Pacific Beach Hotel and its sister property the Pagoda



Hotel and Restaurant, by partnering with Japan-based unions to spread the word in Tokyo. The ILWU estimates that 80% of hotel's business is from Japanese visitors.

The union will also organize all-day picket lines during Golden Week: Tuesday, April 29 to Monday, May 5. If you would like to support the ILWU by walking the picket line with them in Waikiki, please contact Jason Sakamoto.



Spotlight on ...

Glen Erwin

We were fortunate this month to have a visit from Glen Erwin, National Coordinator of the USW's TOP Program. Glen has been active in Health and Safety within the petroleum industry since 1981 and was one of the TOP founders. He spent a few days sharing his expertise and insight with Josh Capello.

Glen started in pipeline construction when he was just 16 years old. He began work as an Amoco chemical plant operator in 1969. He worked in operations for 12 years before bidding into the I & E shop in 1981.

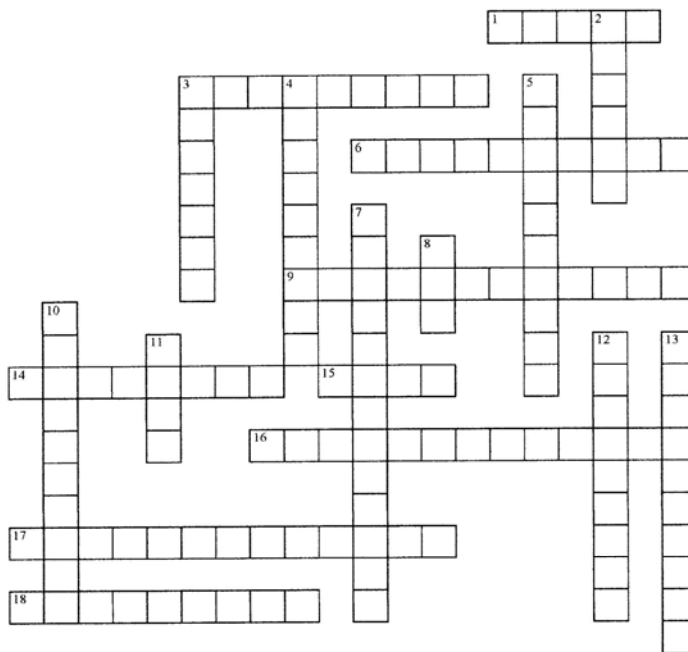
His Union activity began when he was elected a Shop Steward. He progressed to Local Committee member, then to Local Trustee. Glen served two terms as President of OCAW Local 4-449 prior to the merge with PACE.

Glen then worked in OSHA's New Directions Grant program, training workers in industrial safety in District 4, which covers: Texas, New Mexico, Louisiana, and Mississippi. In 1994, he joined the full time staff USW focusing on safety. He was one of five members to develop the TOP program.

When he's not focused on workplace safety, Glen raises cattle on his 100 year old farm in Missouri. The farm has been in the family since 1872.



Local 12-591 Puzzle



ACROSS

- 1 University group offering classes to promote Unionism
- 3 Location of BPs refinery where an explosion in 2005 killed 15 and injured more than 170 people
- 6 Our contract is a Collective _____ Agreement
- 9 Dept of Labor Complaint issue
- 14 1st Monday in September
- 15 Agency regulating workplace safety
- 16 Our Local's Scholarship Program
- 17 Hawaii Business Unit Chairman
- 18 USW International President

DOWN

- 2 The 'union of unions' that Local 12-591 belongs to
- 3 USW International Representative
- 4 Office Location
- 5 Rights guaranteeing Union representation at disciplinary meetings
- 7 The Award received by our Local at the USW Safety Conference in Detroit
- 8 Union led safety program
- 10 Number 1 item on the bargaining table according to Gary Beevers
- 11 Office Manager
- 12 Union process for handling CBA violations
- 13 USW Local 12-591 President

This puzzle was created using the crossword puzzle maker at www.variety-games.com

To print a copy to work on: left click on the puzzle to select it, click on **File**, click **Print**, then choose **Selection** as the Print Range, and finally, click **OK**.
Answers will appear in the next newsletter.

Safety Forum



This space will be used to discuss safety issues, especially those that could be incorporated into our contract. For this reason, topics are intended to be controversial so they will generate thought and discussion among our members. If you would like to contribute an article, please email it to the newsletter editor at leowoitas@hotmail.com.

To kick off this column, I'd like to discuss an issue that was raised in the investigation of the Texas City disaster of 2005. The explosion that killed 15 and injured 180, occurred during the start-up of an isom unit following a unit shut down. Many, many issues were raised during that investigation but I'd like to focus on scheduling.

During shutdowns, it is common for workers to be required to work overtime. Yet it is commonly known that start-ups are one of the most dangerous times facing operators. At the time of the Texas City disaster, every one involved had worked a very grueling schedule.

- The Night Lead Operator worked 33 consecutive days.
- The Day Board Operator worked 29 consecutive days.
- The Day Lead Operator worked 37 consecutive days.
- The Outside Operator worked 31 consecutive days.

All of these individuals were working 12-hour shifts.

Using methods from NASA's Fatigue Countermeasures Program and the National Transportation Safety Board (NTSB) to assess operator fatigue in accidents, the Chemical Safety Board (CSB) concluded that fatigue was a likely contributing factor.

Evidence suggests that the operators' fatigue degraded their judgment and problem-solving skill, hindering their ability to determine that the tower was overfilling. It is common for a person experiencing fatigue to be more rigid in thinking, have greater difficulty responding to changing or abnormal circumstances, and take longer to reason correctly. Workers tend to focus their attention on an item or action to the exclusion of other critical information – often referred to as cognitive fixation or **cognitive tunnel vision** – is a typical performance effect of fatigue.

To discuss fatigue factors, we must start with some basic definitions:

Acute sleep loss is the amount of sleep lost from an individual's normal sleep requirements in a 24-hour period.

Cumulative sleep debt is the total amount of lost sleep over several 24-hour periods. If a person who normally needs 8 hours of sleep a night to feel refreshed gets only 6 hours of sleep for five straight days, this person has a sleep debt of 10 hours.

All 12-hour workers experience acute sleep loss some time during their shift. This is frequently aggravated by having to work nights and sleep during the day. The only way to affect acute sleep loss is to make changes in our basic schedule and/or guard against any outside obligations during our work shift.

Cumulative sleep debt is the factor directly involved in the Texas City disaster. We can lessen this risk by limiting the number of days any employee is allowed to work without a day off.

Currently, the only Contract clause dealing with scheduling overtime is Article 7.02. It states: ' **The Company shall be free to establish on a temporary shift basis any work at any time where it considers the volume or character of the work requires it.**'

As a starting point, I suggest:

Article 7.03 Limitations:

No employee will be allowed to work more than 12 consecutive days.

Employees must take at least 2 days off after working 12 days.

We need YOUR INPUT! Please answer the questions below and email it to leowoitas@hotmail.com

Do you think OT should be limited?

If so, the maximum number of days should be _____

Should we require a set number of days off?

If so, how many days?

Additional comments:



TOPS News

MONTH: March

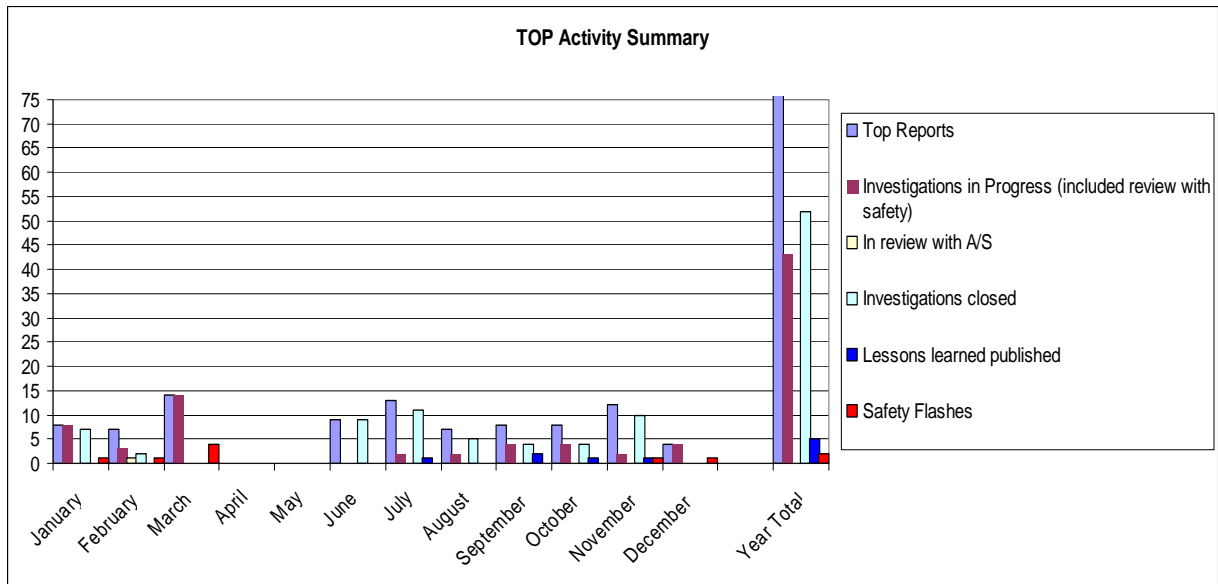
TOP Rate: 2.42

1. TOP REPORTS RECEIVED THIS MONTH:

<i>#</i>	<i>DATE</i>	<i>DETAILS</i>	<i>STATUS</i>
<i>72</i>	<i>2/01/08</i>	<i>Operator strained his shoulder while opening/closing a valve.</i>	<i>Closed</i>
<i>73</i>	<i>2/04/08</i>	<i>Potable water over pressured.</i>	<i>In-progress</i>
<i>74</i>	<i>2/20/08</i>	<i>Operator started G-602T and the compressor immediately started to vibrate. It appears the compressor was not drained of all liquids during the prior shift when they started the compressor.</i>	<i>In-progress</i>
<i>75</i>	<i>2/07/08</i>	<i>E-508T&M1 control transformer shorted.</i>	<i>In-progress</i>
<i>76</i>	<i>2/09/08</i>	<i>Incinerator east mud drum gasket blew out.</i>	<i>In-progress</i>
<i>77</i>	<i>2/12/08</i>	<i>I/E Tech slipped on water from the cooler while trying to get to the refrigerator.</i>	<i>In-progress</i>
<i>78</i>	<i>2/12/08</i>	<i>During spraying of cut-thru at low flange on boiler maker of rams horn, vaporized cut-thru flash from heat at bottom of tower area that was previously exposed from a fire on 2/16 rams horn piping.</i>	<i>In-progress</i>
<i>79</i>	<i>2/12/08</i>	<i>While riding his bicycle past Tank 206 employee tasted sulfur in the air and his chest felt heavy.</i>	<i>In-progress</i>
<i>80</i>	<i>2/14/08</i>	<i>Resid. sprayed out of the fitting while the gauge was being removed from the 3/4 valve on the exchanger.</i>	<i>In-progress</i>
<i>81</i>	<i>2/18/08</i>	<i>Crane damaged old telephone line.</i>	<i>In-progress</i>
<i>82</i>	<i>2/19/08</i>	<i>Purge H₂O hose fittings slipped off of new prime H₂O wash/ wash H₂O station. (FIP)</i>	<i>In-progress</i>
<i>83</i>	<i>2/21/08</i>	<i>Right leg collapsed on LPG trailer at LPG load rack.</i>	<i>In-progress</i>

84	2/22/08	Area 1 operators draining LPG to grade due to inadequate drain piping to flare.	In-progress
85	2/22/08	Hose at discharge of Portable pump blew a hole. Spraying chemical and hot water in an upward direction. Spraying Operator.	In-progress
86	2/23/08	Contractor burned from hot piping when he lost his balance while rolling up hoses.	In-progress
87	2/25/08	Trainee exposed to H ₂ S out of leaking valve.	In-progress
88	2/25/08	Contractor suffered laceration from hydro-blasting lance.	In-progress
89	2/26/08	Inspections found trays in T-901 to be loose.	In-progress
90	2/28/08	T604 alarm panel was under N ₂ purge when tech was working on the panel.	In-progress

2. TOP ACTIVITY SUMMARY:



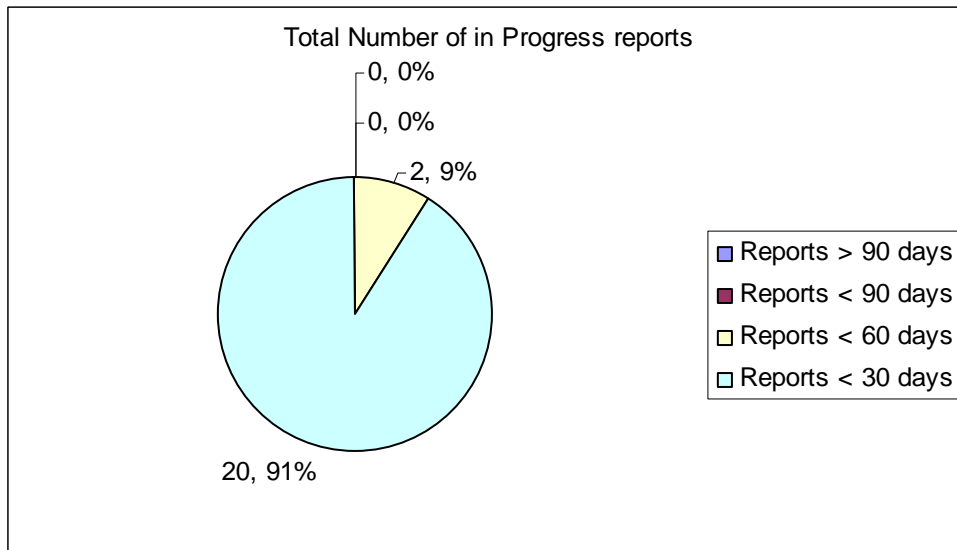
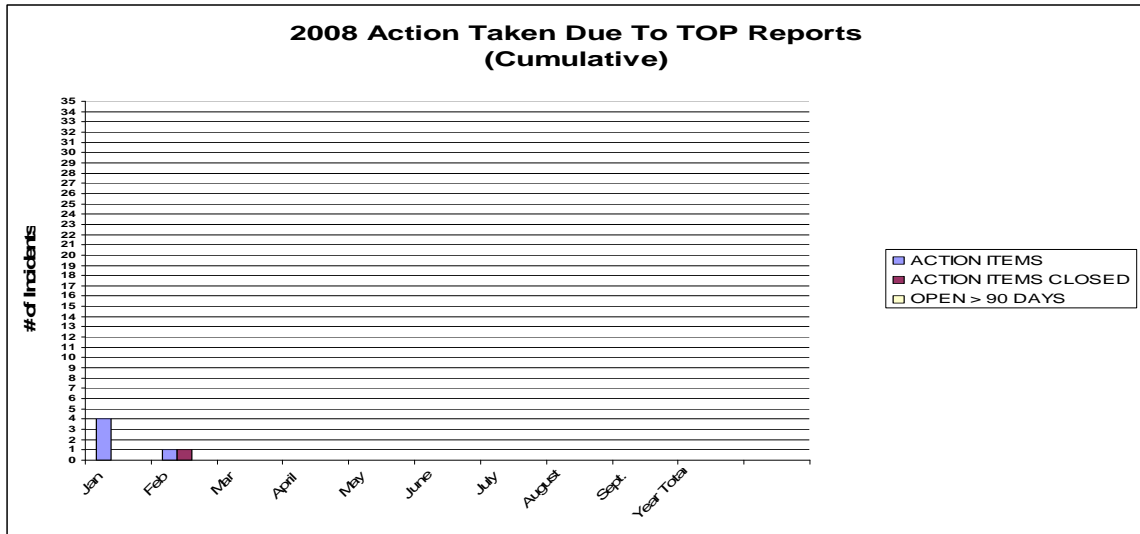
3. INVESTIGATIONS PAST DUE:

#	DATE	INCIDENT DETAIL	STATUS	DUE DATE

4. RECOMMENDATIONS PAST DUE:

#	DATE	INCIDENT	RECOMMENDATIONS	DUE DATE	STATUS
			NONE		

5. ACTION TAKEN DUE TO TOP REPORTS (CUMULATIVE):



What we measure...is what we FIX!

*"Keep It Simple,
Keep It Right!"*

- Josh Capello

CLEAR CLASS SCHEDULE – SPRING 2008

William J. Puette, Director of the Center for Labor Education and Research (CLEAR) was recently honored by the University of Hawaii at West Oahu for 30 years of hard work, dedication and commitment to educational excellence.

In 2005, UH awarded him the Hung Wo and Elizabeth Lau Ching Foundation Award for Faculty Service to the Community. If you haven't yet taken a class from Dr. Puette, there is one more opportunity this semester. He's an excellent instructor and an extremely valuable asset to our Union.

RIGHTS ARBITRATION: 6 sessions, certificate program. Topics to include arbitrator selection, case presentation, evidence and proof, witness examination and cross-examination, etc. Participants will prepare and present a mock arbitration. Enrollment will be restricted to students who have already completed CLEAR's Grievance Handling series or possess equivalent experience. Instructor: W. Puette, Ph.D.

UHWO, CLEAR Room 403
6:30 to 9:00 p.m., Mondays and Wednesdays
April 28, 30 and May 5, 7, 12 and 14.
Course Fee: \$45.00

To enroll in any of the CLEAR classes, you need to submit an enrollment form with payment to CLEAR as early as possible. Ten dollar (\$10) late registration fee per class will be charged for enrollments received less than seven (7) days prior to first night of class. Fee payment (payable to: University of Hawaii) will be returned only if you withdraw 10 days prior to the first night of class or where the class is canceled.

It is important to register in advance. Classes not sufficiently enrolled one week prior to commencement will be canceled.

You may download our Enrollment Form online or call, write or e-mail CLEAR at:

CLEAR
University of Hawai'i - West O'ahu
96-043 Ala 'Ike, Bldg. 400
Pearl City, HI 96782-3366
Phone: (808) 454-4774;
FAX: (808) 454-4776
e-mail: clear@hawaii.edu

Hope & Goodwill



Congratulations to proud new parents

Dominic and Joshlyn Vespoli on the birth of their son, Dominic Jr. He was born on Monday April 14 and weighed 7 lbs 9 oz. Best wishes to the new parents!

Chairman's Column

by Jason Sakamoto



Workers Memorial Day

There are many issues that all Unions face daily, from representing workers with grievances to working with companies to increase the Health and Safety of the people it employs. Many times the things that we accomplish as a union have benefits to unrepresented workers as well, this I would call collateral enrichment. In either case whether it be a represented person or not the prevention of any death in the workplace should be celebrated. In light of April 28, 2008 being Workers Memorial Day, I would like to share some related information.

According to the National Census of Fatal Occupational Injuries done by the Bureau of Labor Statistics, the fatality rate nationwide went down -3.1% from 2000 to 2006, meaning that, as a nation, the workplace had become a slightly safer place to earn an income. It comes to me as no surprise, as I have seen the commitment that Unions, including our Union, have had toward Health and Safety. However, I continue that in Hawaii during the year 2000, there were 20 fatalities due to workplace injuries, while in the year of 2006 it rose 50% to 30 fatalities due to workplace injuries. This increase is well above the national average, we have been very fortunate that none of those fatalities happened at our facility. It is absurd that many times it takes human pain and suffering to make people and companies realize the importance of workplace Health and Safety. Workplace injuries and fatalities are preventable. As with our TOP program, we have to carefully examine each and every incident, learn what caused it and then take the steps to prevent its reoccurrence. From what we learn, we should always use extreme prejudice to correct any and all defects concerning Health and Safety.

For this reason, we will soon be passing out ribbons to wear; I ask that you wear them over your heart on April 28th, so that we as Brothers and Sisters can show our solidarity and honor the memory of Fallen Workers everywhere.

Updates

Lab ventilation It was not started as of the writing of this. I have been informed that all the parts are on island.

Medical surveillance Next meeting May 8, 2008 we will be discussing the company's changes.

Environmental Solidarity Bring your recyclables to the next meeting and donate them toward our fundraising

Mailing lists If you or someone you know has moved recently and/or changed email address, please get the personal email changes to me or Leo at leowoitas@hotmail.com and for changes to your home mailing address please go to the usw12-591.org website.

1/31/09,
Jason

Local 12-591 Hawaii Refinery, Contract Change Proposal Form

Date:

Name:

Phone:

Department / Classification:

Proposal of Change

Article:

SubParagraph:

Sentence:

Proposal:

Below filled out by Negotiating Committee Member

Date Received by Committee Member:

Name of Committee member:

Date presented to full Committee:

Circle One

Added to Asking Package – Combined with Other Proposal - Rejected