



March 2008

# HAWAII Newsletter

## New Unit Chairman

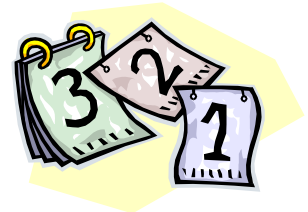
Keith Souza has accepted the I&E Supervisor position, effective February 25. We are fortunate that Jason Sakamoto has agreed to become our new Business Unit Chairman. As a Workers Committee member, Jason is up to speed on all of our current business. He can be reached at [sajkas@gmail.com](mailto:sajkas@gmail.com).



He has the full support of Local 12-591 President Joe Solomon and Tom Lind, our International Representative as well as the enthusiastic support of our Workers Committee.

Let's show our support for Jason by making our next Union meeting on Thursday, March 13<sup>th</sup>, the best attended meeting yet!

## Contract Countdown To 02/01/09



**As of 3/1/08 there are 337 days (24 paydays) left in our Contract**

Our contract ends just 337 days from March 1<sup>st</sup>.. Our next contract negotiations won't likely be a love-fest. The best way to avoid a strike is to prepare for one. The Union encourages each member to continue to save toward 3 months wages between now and February 1, 2009. That's 24 paydays away.

Jason is 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.

# Website Improvements

If you haven't been to our Local's website for a while, you should visit it soon at [www.usw12-591.org](http://www.usw12-591.org) Webmaster Jim Caddell is doing a GREAT job! A couple of changes you will notice right away, newsletters (including this one) are available on-line. Our Local has also started a newsletter which includes information from all of the business units as well as news from the International.



Another useful improvement is a simple form to update your personal contact information. If everyone would list their email addresses, communication within the Local would really be boosted. That is a real benefit as we gear up for negotiations.

## The Ask a Lawyer Question of the Week

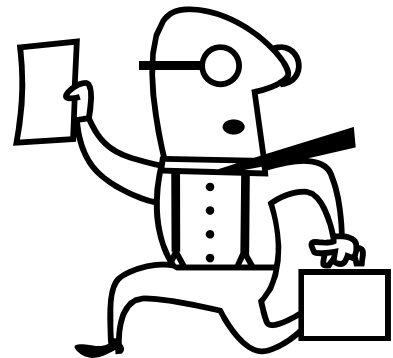
Topic: Overtime pay and comp time

**Let's say I file a wage complaint against my employer and am awarded back pay. What would keep my employer from firing me or exacting some other kind of "payback"?**

It is unlawful under the FLSA for an employer to discharge or in any manner discriminate against an employee because the employee has filed a wage complaint.

Courts have found the following actions taken against an employee who filed or participated in a wage complaint were prohibited:

- > termination
- > constructive discharge (i.e., the employer's actions would cause a reasonable person to feel that he or she was forced to quit)
- > demotion



- > other harassing acts (such as changing an employee's seat at work, making an employee stay in one place while at work, changing work assignments, finding fault with an employees work product)
- > wage reductions

If the employer engages in any of these or similar acts as "payback" for an employee filing a wage complaint and/or receiving back pay, the employer could be liable for fines, damages, and liquidated damages, as well as reasonable attorneys' fees.

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



# TOP News

## 2007 TOP Report

### Getting Started

**Although it felt like an eternity, the TOP program got off the ground in February when the first group of employees (10) received their initial TOP training from USW based trainers. The training which was originally scheduled to take place along with other new TOP sites across the country ran into a few challenges. Getting multiple sites coordinated together proved to be a bit more difficult than believed. To expedite the TOP program here at our**

**Kapolei refinery this training session was going to be our one and only introduction to running the TOP program. It was at this time that as a Refinery our program goals were introduced and placed on a table. The one goal that stood out as being attainable and important in making us successful was the goal of having our TOP rate fall in the top 25% of all TOP sites across the country.**

### **The Training**

**The training then kicked into full when six trainers received their 40 hour train- the- trainer training. This training was led by two USW trained trainers, and consisted of numerous logic tree examples to help in understanding how root causes are derived from the systems of safety. Once trained, the trainers were able to lead the 16 hour train-the-investigator training that covered the same material over a two day period; at the end of these two days TOP Hawaii had trained its initial pool of 26 investigators who were now familiar with how the systems of safety will become the norm. With its trainers and investigators ready to go, the rest of the refinery was all that was left before a formal kickoff could take place. Over the next three months with a lot of time and work by the trainers we were able to train 203 more employees (8 hour course) taking the overall total of the workforce (Refinery) trained to 239 for an overall rate of roughly 93%. Since the initial investigator training we have trained 9 more investigators taking our total to 34, since we did lose one who was tending to family commitments.**

### **The Kickoff**

**With majority of the initial training completed and a new TOP procedure created (PSM 11.1) it was time to get a formal kickoff underway. The kickoff was held with the Maintenance, Operations, and Lab. In these kickoffs, employees were given a copy of the TOP procedure along with a description of the investigation flow chart. These kickoff meetings gave these groups an opportunity to ask any questions they may have thought of prior to the implementation of their SAFETY program. With the kickoffs completed it was time to put our TOP program on the street to tackle its first year of what folks hope will be one of many successful SAFETY years.**

## **Investigations**

Since the kickoff in mid-June we received 64 TOP near-miss/investigation reports. Of the 64 total reports we closed out 46 of them, with the outstanding reports all in the hands of our investigators. Of the 18 outstanding reports none of them are older than 30 days.

Of the 46 TOP reports that have been completed, the logic trees determined that there were 68 stopping points (the point at which a System of Safety is identified). Of the 68, 39 were Training and Procedures, 8 were Personal Protective Factors, 11 were Design and Engineering, 9 were Maintenance and Inspection, and 1 pointed at Warning Devices. With the stopping points helping to determine specific causes to each incident, the next step in the TOP process required the investigators to draw up a recommendation to help in eliminating the flaw.

With the completed reports coming in we were able to generate 27 recommendations with 24 of them being completed in their 90 day window. The three outstanding items have been labeled as shut down items, and will be addressed at its next available opportunity. It may seem a little strange that there were 68 stopping points but only 27 recommendations. So to address this concern recommendations are created with the intent to eliminate or minimize an incident/near-miss from re-occurring. This may be done with one or many recommendations, causing each report to be different as far as recommendations produced.

## **At years End**

With the year wrapping up faster than anyone could imagine, it was time to assess how our first year went and what we will do to keep running right were we left off and in a better direction than when we first started. With a rough last third of the year, our TOP rate rose as we suffered a DAW and a furnace fire in this time. Although it took us out of the 25% range, it did provide us with an opportunity to look into the mirror to determine what the important things around here are. Keeping our employees safe and healthy is what rang the bell at the front door.

**To assess the effectiveness of our TOP program, a meeting was held with the Safety manager, Unit-chair and me to go over this past year. The meeting followed a specific criterion that was derived to address the initial effectiveness of the implementation of the TOP program. One of the bullet points that did receive a sub-par rating addresses our ability to close out investigations in a timely manner, although we have had talks to address this concern, at this time it hasn't been completely resolved. We will be presenting other ideas/options to assist in expediting these reports faster. As the TOP coordinator I will also work on coming around more to safety/daily meetings to keep everyone abreast with updates on TOP and Safety matters.**

### **The 2008 Plan**

**With the first year behind us, coming up with the 2008 plan is another important step in making our TOP program successful. We will be conducting 4 hour re-fresher training for all employees that will focus on hazard mapping; this training will be tentatively set for sometime around March/April. Other goals in the plan will include continuing to close out reports in a timely manner, keeping you aware of TOP activities and issues via safety/daily meetings, striving to be within the top 25% while stressing the importance to our folks that their safety and health is our #1 focus. And of course keeping our employees aware that there are avenues for letting someone know when an incident or near-miss occurs without worrying about any form of discipline or retaliation.**

What we measure...is what we FIX!

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

**-Josh Capello**

## CLEAR CLASS SCHEDULE – SPRING 2008

It's not too late to enroll in this semester's CLEAR Classes. To enroll, 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.

**PARLIAMENTARY PROCEDURE:** 2 sessions (12 hrs), certificate program. This is a leadership program designed for union members, officers and staff, particularly chairpersons, secretaries and treasurers. Learn how to properly and lawfully conduct and record business in union meetings. Topics to include quorum, agenda and order of business; progress of main motions, precedence of motions, elections & voting, minutes; conventions and resolution writing. Instructor: W. Puette, Ph.D.

UHWO, CLEAR Room 403  
9:00 am to 3:30 p.m., Saturdays  
March 1 and 8  
Course Fee: \$35.00

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**INTRODUCTION TO GRIEVANCE HANDLING:** 5 sessions, certificate program. Topics to include the duty of fair representation; right to information; *Weingarten* Rights and the tests of just cause; constructing remedies and writing up grievances. Bring your contract to class. Instructor: W. Puette, Ph.D.

UHWO, CLEAR Room 403  
6:30 to 9:00 p.m., Mondays and Wednesdays  
March 10, 12, 17, 19 and 24  
Course Fee: \$40.00

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**ADVANCED GRIEVANCE HANDLING:** 5 sessions, certificate program. Topics to include documentation and investigation; past practice and arbitral standards; mid-term bargaining; dealing with management; oral presentation at first steps hearing. Prerequisite: Introduction to Grievance Handling. Bring your contract to class. Instructor: W. Puette, Ph.D.

UHWO, CLEAR Room 403  
6:30 to 9:00 p.m., Mondays and Wednesdays  
April 2, 7, 9, 14 and 16  
Course Fee: \$40.00

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**HOW TO NEGOTIATE A UNION CONTRACT:** 8 sessions, certificate program. Learn skills, strategies and table tactics for negotiating with management. This class will provide specific instruction and hands on practice through bargaining simulations. Instructor: A. Valdez.

UHWO, CLEAR Room 403  
6:30 to 9:00 p.m., Tuesdays and Thursdays  
April 1, 3, 8, 10, 15, 17, 22 and 24  
Course Fee: \$55.00

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**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

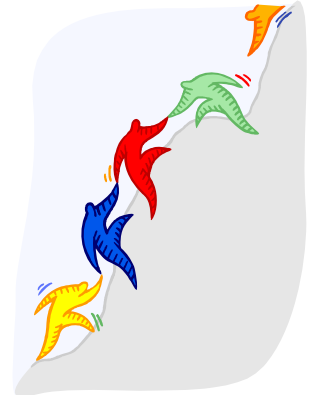
You may download an Enrollment Form from the CLEAR website <http://clear.uhwo.hawaii.edu/> or call them at 454-4774.

Hope &  
Goodwill



Randy Suzuki, Laverne Nakatani and Albert Rip have announced their plans to retire soon. We wish them well and have enjoyed working with them these past years.

# Mahalo for your Kokua!



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

Alan Nakayama  
Trent Tokuyama  
Randy Suzuki  
Dean Hirata  
Peter Kwok  
Leo Woitas  
Anonymous  
Anonymous  
Anonymous

## CHAIRMAN'S COLUMN

by Jason Sakamoto, Unit Chair



## **Much Mahalo**

As noted, I have been appointed to the Unit Chair position; it is an honor to have the faith and support that has been extended to me by various members. It is fully my intent to follow in the direction that all the previous union advocates have started for us. There have been definite strides made in our membership, our participation, our solidarity, and the welfare of our fellow co-workers. I would like to encourage everyone to get involved, our strength lies in our unity and our fellowship. As negotiations near it will be important to have your voice heard, it is **OUR UNION**.

By now all of you should have heard the news that we have a new I&E supervisor. He is someone who we all know and respect, none other than our former Unit Chair Keith Souza. Keith and I have worked along side each other while we worked in the HGU in area 2, as union stewards, and most recently, as union officers. When I was first appointed to be his replacement, I thought that I had some pretty big shoes to fill. It wasn't until he turned over all of the union related documents and I had a chance to go through some of them that I realized just how big those shoes were. Keith did a lot more for us workers than most will ever know. So when you see him around, be sure to not only congratulate him on his new position, but also say thanks for all that he has done for us. I am sure he will continue to "JUST DO WHAT IS RIGHT".

## **Updates**

**Lab ventilation** I have been notified of the start date, it is March 15, 2008.

**Medical surveillance** The company will be discussing changes to the medical surveillance exams. I have asked for a draft of their proposal which I will bring to the membership through emails, the next union meeting as well as to the Tesoro council for review. It is the company's desire to complete discussions a week after our March 13, 2008 meeting, as they are now in violation.

**5/5 start time** The company decided to change the start time for Operations and Maintenance for the duration of the Foxboro cutover/ERUP shutdown. I have asked the company to discuss these changes but their response was that it was too late to change, as meeting times were already set-up and could not be changed. I am aware of the inconveniences this has caused, please bear with these changes. I have asked that HR give me a letter stating that these changes are only for this shutdown and that they will discuss such changes in the future with ample time for changes. We are still waiting for that letter.

**Contract change proposal form** The deadline is still March 1, 2008. We will be asking people who want to get involved to join us during these sessions. Very important, get your voice heard, be involved.

**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](mailto:leowoitas@hotmail.com) and for changes to your home mailing address please go to the [usw12-591.org](http://usw12-591.org) website.

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