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2007 International Women's Conference

by Judy Au

In September 2007, I had the opportunity to attend the USW's Women of Steel International Women's conference in Toronto, Ontario, Canada. The conference started



on Sunday, Sept. 23 with District meetings and ended on Wednesday, Sept. 26 with a rousing group song, "Solidarity Forever". This particular conference made history. Over 1,000 women attended the conference, the largest gathering of the sort. There were representatives from Sweden, Brazil, Germany, United Kingdom, South Africa, Mexico, and Chile. Conference chair Leeann Anderson and International President Leo Gerard opened up the conference with inspirational words

of wisdom. I often heard that Leo can speak three languages and I found out about that firsthand. He can speak English, French, and vulgarity. While he toned down his expletives, it still peeks through when he is passionate about something. And he's passionate about everything!

There were seven workshops to choose from and I signed up for the maximum of two workshops per person during the 3-1/2 day event. The first workshop I attended focused on collective bargaining, called "Bargaining to Win." We discussed definitions, the steps in the bargaining process, how to develop arguments and strategies, and communicating with the membership and with management. One of the things I walked away with was to

look at your bargaining unit's ages. At different times in your life, certain things will be more important to you. For example, when you're young and you've just been hired, chances are this is your first job and primarily interested in making money. As you grow older, perhaps you now have a family to think of. Now you would probably be more interested in getting more time off or a more flexible work schedule so you can spend time with your family. Then, as you start reaching retirement age, you would possibly want your union to focus on protecting your pension benefits and medical and dental coverage.

Another workshop I attended was about "Finding Your Voice". This workshop concentrated on defining clear language, body language, and how to communicate. The workshop coordinators had set up a mock debate to warm us up for the final exercise: to voice your opinion on a subject in front of the entire assembly (this particular workshop had about 250 attendees). Many attendees had never talked in front of a group and for many of us, this was a first and can be very daunting and intimidating. Good thing there were tips to ease those butterflies in your stomach! I not only came away with ideas on how to present and speak professionally, but with a better understanding on what is clear language.

In addition to the workshops, we had numerous speakers bring us up to date on the USW's agenda on various fronts. Among the speakers were Maxine Carter from the Civil Rights dept., Kim Miller for Rapid Response, and Roxanne Brown on Washington DC legislature. Our international representatives formed an international panel that gave us lively updates on how women were treated in their country. It was an eye-opener to hear how women are treated in foreign countries. In one country, a woman had to get her boss' permission to get married or get pregnant! While I'm happy to say we are not in that situation, to hear that women are not being treated more fairly is appalling and shocking.



Elizabeth Edwards, wife of U.S. Presidential candidate John Edwards, gave a heartwarming speech on issues that concerns her and her husband. We heard how she and her husband would push for universal healthcare, to remove permanent scabs in the workforce, and about heavily taxing those who make \$200,000+ and not the working America. She also briefly outlined an Anti-Sweat shop bill they plan on introducing. Basically, of you make products using sweat shop

conditions; you cannot import your product to the USA.

We also heard from various constituency groups. They gave a brief speech on what issues they're tackling. These groups include CLUW (Coalition of Labor Union Women), CBTU (Coalition of Black Trade Unionists), APALA (Asian Pacific American Labor Alliance), and USPA (United Steelworkers Press Association). Charles Kernaghan from the National Labor Committee (NLC, www.nlcnet.org) gave a moving speech about exposing sweat shop conditions in other countries, such as South Africa and China.

Speaking of China, China has been in the news recently due to the large amount of toy recalls from some big-name toy manufacturers due to excessive lead amounts in the products they were shipping to the United States. The Women of Steel WOS will be launching a toxic trade campaign titled "Protect our Kids – Stop Toxic Imports". Leo Gerard flew out of the conference early to be in Washington for the campaign kickoff. As a conference attendee, we received two lead testing kits to test for our personal use. If you would like your own kit, just go to www.stoptoxicimports.org, or go to our website, www.usw.org, and click on stoptoxicimports.org section.

Depending on where you go, the kit will be free or cost you one cent, but you would have to pay for the shipping and handling.

One fun thing we did was to pass out flyers and encouraged Canadians to go out and vote on their Election day, 10/10/07. While it was fun seeing the surprise on Canadians' faces when they came out of subways and buses and met up with us on street corners on an 8-block radius, it wasn't fun getting up at 4:00 am to be ready to do all this by 6:15 am.



Lastly, I want to thank you all for the opportunity for sending me to this conference. I met with other union sisters in various states, shared email addresses and talked about similar concerns. I found that we are not alone in our fights. What we face is universal. We must get our act together if we are to be a force to be reckoned with. With our contract ending in 2009, it's a great opportunity for me to put into play all the things I learned at this conference. I also hope to be able to pass along any information to our fellow union sisters and brothers.

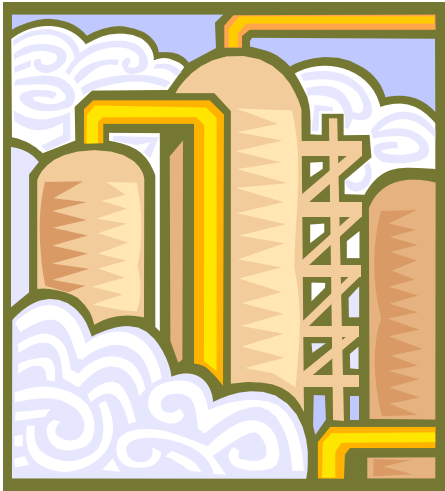
Contract Countdown To 02/01/09



As of Labor Day, 9/3/07 there are 457 days (37 paydays) left in our Contract

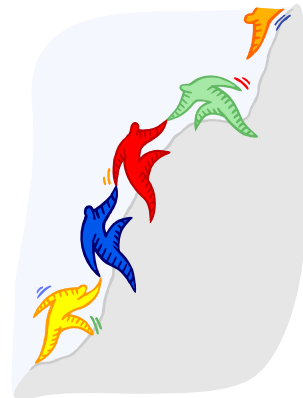
Our contract ends just 457 days from Labor Day. The best way to avoid a strike is to prepare for one. The Union encourages each member too diligently save 3 months wages between now and February 1, 2009. That's 32 paydays away.

Process Safety Survey



We as union members should take the time to fill out this survey "Tesoro 2007 Process Safety Culture Survey Invitation". It should be in our company email box with instructions on how to log on / passwords etc. When filling out the survey we must remember to be honest and truthful. We should share incidents such as the (Asphalt tank explosion), (H2001 heater Failure) 2006 and the (Pipeline Rupture) 2007, all of these events were very serious and we are fortunate that we did not incur any fatalities. Had there been gasoline in the pipeline we would still be mourning the losses of all who worked in and around the control room that day. This is a concerted effort and all members support is necessary to be heard.

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:

Trent Tokuyama (COPE Golf Tourney)
Jason Sakamoto (Refreshments Union Meetings)
Judy Au (Refreshments Union Meetings)

Darin Akiona (AUW Campaign Volunteer Co-Chair)
Leo Woitas (Assisting with meeting minutes)

The Ask a Lawyer Question of the Day

Topic: Overtime pay and comp time

I work for a publishing company that produces daily and weekly newspapers. Some of our divisions have hourly employees who work 60, 65, sometimes 70 hours or more per week. Management will not pay overtime and makes these people fill out time sheets showing 40 hours worked. Is that legal?

Answer:

Generally, the Fair Labor Standards Act of 1938 (FLSA) requires that employers pay employees time-and-a-half for any hours worked during a week over forty hours. The test will be whether these employees fall under any exception or exemption to the FLSA as there are many loopholes in this law. The most common exemption is that if the employee is a manager or supervisory employee whose primary duty is managerial in nature. It is hard to tell from your description of these employees as "hourly" whether they are managers or supervisors, because no information was provided about the sort of work they do on their jobs, but it is possible they are covered by the FLSA and should be receiving overtime pay for hours worked over 40 per week.

Another possible exemption is that the FLSA does not apply to certain employees employed in connection with the publication of any weekly, semiweekly, or daily newspaper with a circulation of less than four thousand the major part of which circulation is within the county where published or counties contiguous thereto. See 29 U.S.C. section 213(a) (8).

Employers are required to keep accurate records of the hours worked by employees covered by the Fair Labor Standards Act, so if the employer is requiring employees to falsify their time records, that is problematic.

The local wage and hour office of the Department of Labor has agents available who can talk to you about your specific situation. For a listing of local wage and hour offices near you, see <http://www.dol.gov/esa/contacts/whd/america2.htm>.

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

C.O.P.E. Golf Tournament

On Monday Oct. 8th Local 12-591 sent a threesome to the annual C.O.P.E. golf tournament organized by the **IBEW** at Kapolei golf course. The Steelworkers team was comprised of Gary Nakano, August Gatchalian, and Lance Dolera.

It's always a pleasure to be surrounded by fellow brothers and sisters in arms. It's extra special getting together for a round of golf. As they say- all work and no play make Johnny and Jane too stressed out. The course was definitely flooded with the working class from all over the Island.

The tournament was first rate as always. Chevron, HECO, HFD, KGMB and over 40 other teams participated, but when the sand finally settled it was the Steelworkers emerging victorious as the 2007 winners –good job!!!

Mahalo to Keith Souza and Jason Sakamoto and a special mahalo to Trent Tokuyama.



Steward tip for the week

Denial of Promotions as Discipline

Normally, workers can expect to receive a chance at an open job if they have the seniority and are qualified to do the job. But that's not always the case: some employers also look at a worker's prior record, and if they don't like what they see, they may deny the worker a chance at the job of choice. As a steward the odds are good that at least one of these cases will come your way, so a look at how arbitrators have ruled on promotion cases may put you a step ahead of the game. Here are a couple of cases.

- The employer denied a senior bidder a promotion to group leader on grounds he was not available on a full-time basis because of his union activity. The arbitrator upheld management, saying that the advanced position required a high degree of attendance, and the employee regularly worked three days a week for the union.
- A woman with an absenteeism problem was denied a promotion. The arbitrator awarded her the job because: the absenteeism problem was caused by headaches, she met the requirement concerning previous experience, she was awarded a

transfer in an earlier year when her absenteeism was worse and most important, her absenteeism would have been borderline if absences for headaches covered by the Family and Medical Leave Act (FMLA) were excluded.

Standing by without pay, by *Clay Deaver*

We here in the refinery have the distinction of being some of the last employees in Hawaii, working for a major entity who do not receive pay for being on –call or standing by. In fact just last week I heard that I was not given overtime work because my boss wanted to make sure I wasn't busy in case a compressor job had need of my craft. I was paid nothing. This was denied at a later meeting but I still wonder about the situation. The callout system has been a hot topic among us since it's inception but I believe there is light at the end of the tunnel.

When I began inquiry of the policy and the Laws that govern it in the United States Fair Labor Standards Act, several years ago, I sought advice from an experienced PHD at the Labor Law Center and he had some rather disheartening news for me. He said, "Clay, unfortunately Hawaii law is rather soft on this issue" the decision is based on an understanding of whether you are engaged to stand by or as a judge might put it, standing by to be engaged, the difference being as it is described in the Fair Labor Standards Act is that you are unable to use your time for your own purposes. One particular point is that you are restricted from consuming alcohol and that the distance from work you may travel is limited. These are rather ambiguous values, except for the alcohol, and at that time we were not very encouraged to attempt to gain pay for stand by as we were already committed to negotiate a "voluntary system" which is not very voluntary in case you haven't noticed, many of you are in fact back to being punished if you are unavailable, which incidentally is one of the other things a judge will look for if he or she rules on our case. The other indicator is how often you have to be on standby and how hard is it to get out of it when you need to do something else. We have some people in the refinery who are on call any where from 50% to 80% of their lives non stop. They are seldom given any thanks, but of course they volunteered or so it would appear to a judge at this time. Negotiating a voluntary system seemed like a good idea at the time but in fact the company with their risk ranking and understaffing uses it for a stop gap all too often in lieu of proper planning and scheduling. Instead we carry the burden while management makes a phone call and opens another beer.

Stand-by Pay, or On Call pay who gets it?? The police department got it last year. The Nurses have had it for years. The Harbor Pilots have had it for a decade at least. Some city and county employees get it. Some University employees get it. Why don't we get it?? Some times even supervisors get comp time for being the call out foreman. I think we have something we can win here but we would have to give up the illusion of a voluntary system and fight for our rights. I encourage you to do a search for *call out pay* or *stand by pay* on the internet and see what you can find, think about it. I think the time has come when we should consider this. Maintenance will have to give up the Voluntary status to increase the chances of success however. Not that operations couldn't grieve SSI and possibly win without maintenance but I think certain maintenance cases would be the easiest.

At this point we need to document all cases of punishment, be sure to keep all forms and correspondence regarding SSI and callout punishment. The judge will want them if we ever litigate or arbitrate. I would like to start collecting lists of things people are prohibited from doing when they are on call, please send your *can't do list and any call out horror stories* to ClayDeaver@gmail.com In Solidarity....

UNIT Chair's COLUMN

By Keith Souza, Unit Chair



Negotiation Team, Committee begin work on proposal

The Negotiations Team and Negotiations Committee recently began preparation for our 2009 Contract Negotiations. The “Proposal of Change” form marks the next phase of the union’s negotiations process, in which members have the opportunity to prepare a proposal to present to the Workers Committee for consideration. The process is outlined below:

1. Members discuss with their prospected workgroups on changes to the Agreement that will benefit the membership
2. Proposal is reduced to writing using the “Proposal of Change” form (anonymous forms will be discarded)
3. Form is submitted to Negotiation / Workers Committee member for consideration
4. Feedback is provided to membership at general meetings as to the status of proposals

Proposal form is attached to newsletter

The Workers Committee will be preparing a master information request; the request will strengthen our change package. I would like to encourage members to submit forms by the end of 2007 to be included in the initial master request.

During the next year we will experience some major moves by management. It will start with the building of a strike/lockout village to house replacement workers and requests for operators to train salaried on operations jobs. I don't anticipate a strike or a lockout but I strongly recommend that each member have a minimum of 3-6 months wage saved as an emergency fund. What is the difference strike vs. lockout? A strike is a concerted action or combined effort by a labor union designed to exert pressure on an employer to accede to certain demands. Today, the right to strike by employees is usually governed by the National Labor Relations Act, enacted during the New Deal and often called the

"Magna Carta of Labor." A lockout, on the other hand, is the employer counterpart of a strike. In a lockout, the employer prevents the worker from working in an effort to gain a better bargaining position in labor negotiations. A lockout may occur upon the expiration of a collective bargaining agreement. The lockout gives the employer the tactical advantage because the timing is made by the company, rather than the union. I am disappointed to report that our local management has mentioned their intention of using the lockout as an option.

Weingarten

Earlier this month I had the opportunity to meet Robert Schwartz, author of "The Legal Rights of Union Stewards". Trent Tokuyama, Jason Sakamoto, Lance Dolera, and myself along with leaders of many local unions attended a Feds Labor conference at the Ala Moana Hotel. Once again the topic of Weingarten Rights was discussed. Here are some important points in regards to Weingarten:

- Employees can request union assistance during an investigatory interview
- You do not have to answer any questions until the request is honored
- The employee not the employer picks who they want to represent them, provided the steward/committee member is available, no steward available pick a fellow employee of your choice
- You have a right to ask what the subject matter of the interview is
- The steward can request, and management must allow, a private discussion or caucus before the interview begins

Remember if you choose to bring a steward you will have a witness to the entire discussion.

Medical Surveillance

ULP is currently pending the NLRB Regional Director's decision as to whether or not to defer the case to the grievance arbitration procedure, and if not whether or not there is a violation of the Act.

In Solidarity,

Keith

Local 12-591 Hawaii Refinery, Contract Change Proposal Form

Date:

Name:

Phone:

Department / Classification:

Proposal of Change

Article:

Sub-Paragraph:

Sentence:

Proposal:

Hawaii Refinery Newsletter

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

Hawaii Refinery Newsletter