

## **Bargaining Unit Chair update – June 2011**

Sisters and Brothers,

It has been a busy year so far with a lot of little things vying for the time of your elected representatives. In no particular order I'll list some of the things we have been engaged with and hit the highlights of those. As always, for more information contact your Shop Steward, Workers Committee, myself or check our website [www.usw12-591.org](http://www.usw12-591.org). We will answer any question you may have or provide whatever additional detail needed to gain a better understanding of the issues which affect us all.

- **Dues**

Shell has so far refused to implement the USW dues structure as directed. We have been trying to work this to resolution since the fall of 2010. Article XVI Para B of our contract does not allow them to not implement our dues. We tell Shell what our dues are, period. A grievance has been filed, PSR 1-11, with no movement from Shell throughout our Grievance process. Every site within Shell is at a different stage within the grievance and arbitration process. This is now currently under review by our USW International Legal department.

Therefore, as an interim dues alternative until this matter is corrected, the USW has authorized Shell to deduct 2.5 hours wages + \$8.65 per person per their straight time hourly rate per month. We are currently awaiting notice from Shell when this change will take effect.

As has been explained in the past, the \$8.65 is \$.03/hr. for Strike and Defense and \$.02/hr. for Organizing based on 173 hours per month. The 173 hours per month, as I understand it, is an average work month for the approximately 800,000 active members within the USW. Not just Oil Workers but all workers in every sector within USW. Some pay a few cents more and some pay a few cents less.

We are currently paying 2 hrs. /month for our dues. Adapting the change as stated above, we will still be less than 3 hours per month. Even new hires on a tiered pay scale will still be under 3 hours per month. It doesn't completely solve the problem, but it is a step in the right direction. The complete USW dues structure is an algorithm which starts at 1.45% and employs a 2.8% cap. See your Shop Steward for additional details.

Also see our web site @ [www.usw12-591.org](http://www.usw12-591.org) for more dues information.

- **Hall relocation**

The Local is in the final throws of making the move to our new Union hall @ 47 Alder Lane in Mt Vernon. Plans have been drawn up for the high bay remodel, materials lists have been submitted to lumber

yards for bids, permit application(s) are being filled out for submittal by Paul Dixon, a Shell Alky/Poly Operator. So, we should be able to start the framing very soon.

We have a couple members (Shell I/E folks Andy Ryan & John Gallagher) who are licensed electricians and have offered to work the electrical issues.

Brother Gene Hagen (Shell FCCU Operator) has agreed to help out with any tile work.

We greatly appreciate our members who have stepped up to help out with this work. The \$\$\$\$ savings is substantial to our Local and its members. They all deserve a big Thank You from all of us.

Upcoming work... at this point, due to timeliness, we expect to contract out the insulation/drywall work. We've got folks stepping up for painting once that texture is on and dry. Members have offered to do the trim work but we'll get to that after the painting.

We will be contracting out the suspended ceiling, both for timeliness and due to the difficulty in installing these systems.

Flooring too, will be contracted out. There's generally a deal to be had, whether it's \$\$\$\$ off on materials or labor, when buying the package.

We are still hoping for a move-in no later than August. As work progresses, we will have a better idea of when to start moving our day-to-day operations, at which time we'll send the call for "the movers". We will be having a moving party to be announced when the time is upon us.

We look forward to our move, the fact we'll be in a better location to serve the membership, and the prospects of greater participation from all of you.

See our web site @ [www.usw12-591.org](http://www.usw12-591.org) for more information.

- **Picnic**

Our picnic is scheduled for August 20<sup>th</sup>, 2011 in the usual spot in Bayview, WA. Brother Cantu is the coordinator of the USW Local 12-591 picnic and he's been hard at work to continue the successful event which Brother Darst has placed so much work into in the past. See some new faces and reminisce with retirees while enjoying good food and a having a relaxing time with all of our Brothers, Sisters and families.

- **Oil Bargaining**

NOBP is here. The National Oil Bargaining Policy will be in Dallas in Sept. Any resolutions which have been brought forward from the Districts will be voted upon for consideration as National bargaining items. A final list of National items will be reviewed and discussed.

Hopefully you have been preparing yourself for this round of bargaining. Last time wasn't much fun and it looks like this time could be similar. Shell recently tried to take away one of our pension options during this closed contract period. What do you think they'll try when our contract is open? Will they try to take our current Medical? Will they try to take your retiree Medical? How about losing your pension? Is any of this meaningful enough to you that you are you willing to fight to keep these benefits? Prepare yourself. Save your money.

As we move along during bargaining, we will be posting regular updates on our web site. This will be the best way to get up-to-date information while we are at the bargaining table.

Check out [www.usw12-591.org](http://www.usw12-591.org) as we get further along.

- **Strike preparation**

We have discovered, incontrovertibly, that Shell is making preparations for a work stoppage in Martinez. The company is sending approximately 30 salaried individuals from Puget Sound Refinery to Martinez to train in various disciplines in that refinery. Martinez has made contact with these folks and they are preparing to clear medical, go through respirator fit testing, hearing testing and ultimately basic operator training as replacement workers in various job assignments.

Does anybody think that Oil bargaining is just a formality anymore? This is real. This is your future. Prepare yourself.

- **Staffing study**

Beville Engineering - Human Factors Consultants are in the refinery following our operators during their work shift. They are doing their observations in May and June with their final report out to the Company due in July. The Company is trying to see if they can cut operating positions. Sue said that when that happens that no one would lose their job but would be reassigned. For example, if the CHD loses a position, the then "excess" operators would be reassigned to a different unit within the refinery. This is the Company's plan and we are not sure how things will play out. We are waiting for the final report from Beville and to see how Shell is planning to use that information.

- **CRU #1 fire and L&I citations**

The Company has appealed all 4 citations they were issued by the Department Of Labor and Industries for PSM violations which stemmed from a piping failure caused by known chloride corrosion and resulting fire on the CRU #1. But L&I said that Shell missed the deadline for appeal. Our USW Health and Safety Rep, Brother Stemme and I will be having teleconference later this month with L&I, the Company's attorney and the Industrial Appeals Judge. This should be interesting to hear why Shell thinks that the experts in PSM, (Labor & Industries) are wrong.

- **Bensat staffing MOC and L&I complaint**

We filed a complaint with L&I against Shell regarding the Bensat staffing MOC. We believe the company did not follow PSM as it relates to employee participation relevant to Management of Change. The State is investigating and has given the Company until Friday, June 17<sup>th</sup> to respond. Again, it will be interesting to hear what their reason is for not following PSM. More to come on this.

- **Brother Fuentes' and Rommel's reinstatement**

We are still not satisfied that the Company is complying with the rulings in either case. It is our belief the Company is not accurate with the financial settlements and is not following the rulings as laid forth by the Arbiter's. We will be following due process to seek resolution and insure our members, who have been wrongfully terminated, are made whole as per the individual rulings.

- **Wrongful discipline grievance**

A member has been wrongfully disciplined of which includes a 1 year probation imposed by the Company. I filed grievance PSR 3-11 to seek resolution to this matter because the Company has not been reasonable with their expectations of a resolution. If the money is appropriated by the membership, I will be taking this grievance to arbitration.

Although not a literary masterpiece, hopefully this has given you a snapshot of what has been going on over the past few months. Historically, it seems that the periods leading up to Oil Bargaining have been laden with increased activity by the Companies involved and this round seems to be following that pattern. I'm not saying that it is a focused effort or planned diversions but the current happenings do give a reasonable person cause to raise an eyebrow with suspicion.

In Solidarity,

Paul Demmon  
Bargaining Unit Chair – Shell PSR