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VOL. 44; NO.2

MARCH 2001

At the time of this

Mark your calendar

March 11. 5th Annual
International Women's
Day Awards Reception.
California Capital Chapter
of Coalition of Labor Union
Women. 2 pm at the Labor
Center, 2840 El Centro
Road, Sacramento. (916)
685-5523

March 19-20. **Joint Legislative Conference:**Keep California Working,
California Labor Federation
and State Building &
Construction Trades
Council. Sacramento (see
page 4).

March 27. **Tribute to Rosie the Riveter** honoring tradeswomen from WWII to today. SBCTC and the Contra Costa Building Trades Council. Rosie the Riveter Memorial, Marina Bay Park, Richmond. 9 am to 1 pm. (415) 703-5050.

April 10-11. **24th Annual Convention**. Congress of California Seniors. Wyndham Hotel San Jose. (916) 442-4474

April 21-24. **Annual Conference**, AFL-CIO
Working for America
Institute and California
Labor Federation. San Jose.
(800) 842-4734.

April 27-30. AFL-CIO Union-Industries Show. Los Angeles. For information contact Charles Mercer (202) 628-2131.

California unions lead solution to energy crisis



Braving cold, gray skies and gusty winds, more than 300 members, friends, families and supporters of IBEW Local 465, 11, 441 and Utility Workers Local 246 marched and rallied on Feb.24 to protest price gouging by electricity generators. The marchers met at Huntington State Beach in Orange County and marched to the out-of-state owned AES Generating Plant. There, Art Pulaski challenged managers to come out and explain to the assembled how they justify price gouging unrelated to costs, while workers and ratepayers bear the burden of their profiteering. Other speakers included Linda Sanchez-Valentine, of the Orange County Central Labor Council; Pat Lavin IBEW Local 47; Marvin Kropke IBEW Local 11; Doug Chappell, IBEW Local 441; Dan Davis IBEW Local 246; and Dave Moore, UWUA Local 465. Photos by Stan Stossel. (More energy-related stories and photos page 2.)

For the first time in over 30 days, California has stepped out of a Stage 3 energy crisis. Not only is the energy supply meeting California's demand, but recent steps taken by legislative leadership and Governor Gray Davis have established a framework for stabilizing our energy market. After spending over \$2 billion in the last month on the spot market to keep our lights on during a time of crisis, the State has taken important steps to ensure adequate power supply at affordable rates. From entering long-term contracts with energy producers to sell us energy, to dedicating more state spending to foster conservation efforts, lawmakers are working to clean up the mess of utility

writing, Governor Davis is negotiating with utility companies to purchase their transmission systems. This deal is intended to protect the utilities from bankruptcy, while granting the state assets in return. Future state decisions will focus on the creation of a Public Power Authority and construction of new power plants. Union's 10-point plan (see below), announced Feb. 8, protects consumers, workers, and the economic prosperity of the state. "By standing together and

speaking for workers,

helped direct the poli-

made in Sacramento,"

said Art Pulaski, execu-

tive secretary-treasurer.

California unions

cy decisions being

deregulation.

Protect workers, consumers, environment

California's energy crisis puts thousands of jobs at risk and hurts millions of consumers and workers. Utility workers face lay-offs. Manufacturing workers are threatened by plant closings. Low-wage workers, middle-income households, and seniors have been hard hit by rate increases.

The cause of today's crisis is a deregulation scheme that put unregulated out-of-state generators in control of prices and production. We support efforts by Gov. Davis and legislators to ensure adequate power supplies at affordable prices. Such efforts are essential to California's economic future.

These ten points of consensus were developed by California unions representing all regions and sectors of our economy. They are principles for united action and solid policy planning. We encourage

all affiliates to endorse them, and to urge elected leaders to follow them, as we work together to resolve this crisis.

Create a California Public Power Authority to provide adequate reserves of electric generation capacity, including building of state power generation plants. Any plants financed by California taxpayers should be dedicated to serving Californians first. The existing workforce should be used for all operation, maintenance, and construction of power plants.

2 Utility companies must be kept from filing bankruptcy. In the event of financial underwriting or subsidy by taxpayers or ratepayers of utility companies, tax and ratepayers should receive assets in return. Net undercollection costs should be shared by the utilities, independent generators and ratepayers. In the event of bankruptcy or severe service disruptions to businesses, all workers who lose jobs should be made whole. The State should con-

tract back with regulated utilities to operate any state owned assets. All collective bargaining agreements and successorship clauses should be recognized.

3 Utilities should be regulated, to the extent federal law permits, to provide reliable electric generation, transmission, and distribution.

Regulate plant maintenance procedures to coordinate necessary shutdowns and establish an inspection and enforcement mechanism to assure proper and safe maintenance.

Maintain the current permitting process, environmental, and labor standards for approval of future power plants. Emphasis should be placed on increasing transmission and natural gas line capacity to all regulated and municipally owned utilities.

6Revamp voluntary interruptions policy to protect large customers from insufficient notice and excessive number of interruptions, while allowing for planned and voluntary interruptions.

Direct access to unregulated energy marketers should be limited to large non-core users based on a fixed opt-out period.

Regulated utilities must be able to plan for their power supply requirements. Preexisting contracts must continue to be honored.

Fill the vacancies on the California Energy Commission with knowledgeable and pro-consumer and environmental appointments.

Increase the State's commitment to programs that foster conservation.

10 In the event the energy crisis is not solved in the near future, the State should exercise its power of eminent domain to take control of power generating plants previously owned by the utilities as a way to force power generators to lower prices.

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IBEW and UWUA members and supporters demonstrated against price gouging by outof-state owners of generating plants in Huntington Beach Feb. 24. Linda Sanchez-Valentine (center) represented the Orange County Labor Council. Photos by Stan Stossel.



AFL-CIO on energy deregulation: A national warning

The following are excerpts from a resolution adopted by the AFL-CIO Executive Council at its meeting in Los Angeles on Feb. 15.

The AFL-CIO Executive Council has previously expressed concerns about state and federal efforts to restructure the electric power industry (February 20, 1997, and February 17, 1999). However, the ongoing California energy crisis, precipitated by A.B. 1890, the state's restructuring initiative, now compels the AFL-CIO to revisit this important issue.

High energy costs and unreliable power threaten the future of California's hightech industrial base, and the crisis is spilling over into other states by driving up electricity costs across the West—triggering shutdowns of mines, sawmills, and aluminum smelters, which have caused significant job loss.

State efforts to maintain electricity delivery are draining the state budget surplus at the rate of approximately \$40 million a day. This places an additional burden on taxpayers and may limit the expansion of public service programs. If the electric utilities go bankrupt, more jobs will be lost. California employee pensions, as well as workers' 401(K) funds, risk losing millions of dollars which have been invested in utility stocks.

California's crisis is primarily due to inadequate generating capacity, and this shortage is the result of the removal of the regulatory regime that would have been responsible for assuring adequate supplies of power. This

underlying problem has been aggravated by the creation of a centralized wholesale power exchange which large, out-of-state power generating companies have learned to game by withholding power to force price surges.

Proponents of deregulation claim that California did not deregulate enough or just did it incorrectly. There is little to support this ideologically driven claim. For over 65 years, the North American electric power system has been the safest, most reliable, and the lowest-cost producer of electricity in the world. The California crisis confirms the AFL-CIO's primary concern, that electricity restructuring will destabilize the national power system, undermine supply reliability, and dramatically increase prices. California's experience exemplifies the pitfalls of electricity restructuring and underlines the foolhardiness of trusting this most essential industry to flawed market mechanisms.

The AFL-CIO supports the ongoing efforts of the California Labor Federation to reintroduce a strong governmental role to guarantee an affordable and reliable power supply and to keep the state's utilities solvent. How to distribute the burdens arising from California's failed deregulatory venture remains a difficult, unresolved matter. What is clear is that California needs a new regulatory regime that can ensure affordable and adequate supplies of power. This new regime must also increase public accountability, encourage conservation, and assist dislocated

workers.

In light of the California experience, it would be folly for Congress or the Bush Administration to introduce new federal initiatives to similarly facilitate retail electricity restructuring on a nationwide basis.

The AFL-CIO therefore urges federal and state governments to adopt the following principles to ensure a reliable, safe and low-cost supply of electricity for the United States:

- Create safeguards and incentives to guarantee adequate generation and transmission capacity at all times, while ensuring that all existing environmental and labor standards are maintained for new power plants;
- Enact policies to ensure the stability and integrity of wholesale electricity markets;
- Create safeguards to minimize price volatility and prevent manipulation of power supplies to artificially driveup prices;
- Support a policy of fuel diversity which also sustains all current generating options;
- Encourage increased investment and incentives to promote energy efficiency, demand-side management and conservation, and enact tough Quality of Service standards;
- Enact adequately funded programs to make workers dislocated by electricity restructuring whole;
- Expand support and subsidies to ensure that lowincome families have sufficient access to affordable electric power. For full text visit: www.afl-

Proposition 34: Changing rules for locals

After years of hand-wringing, false starts and legal battles, California voters approved Proposition 34 and its strong but sensible campaign finance reforms. Unlike previous attempts, Prop 34 will pass constitutional muster giving participants in the political process clear and reasonable guidelines.

Under Prop 34, persons, including union PACs may contribute a maximum per election of \$3,000 to candidates for the legislature, \$5,000 to statewide candidates other than the governor, and \$20,000 to the governor. These limits double for PACs that qualify as small contributor committees with the exception of contributions to gubernatorial candidates, which remain capped at \$20,000.

Small contributor committees must have at least 100 donors who contribute a maximum of \$200 per calendar year, must contribute to at least five candidates and be in existence at least six months. Most labor unions will qualify and can take advantage of the higher contribution limits.

Of particular interest to organized labor is that local unions are treated as separate entities for the purpose of contribution limits under Prop 34, even if they are affiliated. Multiply the number of locals in California by the higher limits that apply to small contributor committees, and it isn't difficult to see the potential for unions to flex added political muscle in the coming years.

PACs, as well as individuals, businesses and unions, may contribute a maximum of \$25,000 to political parties for the purpose of making contributions to candidates for elective state office, and there are no limits on the contributions political parties may make to support their candidates. You can expect to see the parties wield considerably more influence in state elections than before Prop 34 passed.

Proposition 34 imposes no limits on contributions to ballot measures and independent expenditure committees, and, for the most part, reporting requirements remain as they were before the measure passed. Internal communications among members advocating the election or defeat of a candidate do not constitute contributions, and are not limited or reportable. While Prop 34 does not regulate local elections, this membership communications exception does apply to local cities and counties.

This brief summary of Proposition 34 covers only the highlights of the measure as they apply to labor unions. Not discussed here is the profound impact Prop 34 will have on how candidates conduct their campaigns and new rules that apply to lobbyists. For a more detailed analysis, visit www.olsonhagel.com.

Lance Olson

Olson is managing partner of Olson Hagel Waters & Fishburn and the principal drafter of Proposition 34.

Proposition 34 Strategy Meetings

The California Labor Federation will convene strategy meeting across the state this spring to develop coordinated labor campaigns in the wake of Proposition 34. For more information, contact:

- Southern California Nancy Romero (213) 736-1770
- Northern California Teferi Gebre (415) 986-3585 x 231
- Central California Don Hightower (415) 986-3585 x 219

CALIFORNIA LABOR NEWS

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From the labor newswire



4000 march for immigrants' rights

Marchers wind their way through Oakland's Fruitvale neighborhood to demand general amnesty for immigrants and workers' rights for all on Jan. 27. Photo by Lincoln Smith.

More than 4000 people demonstrated in support of immigrant rights in Oakland on Jan. 27. Organized by the Alameda County Central labor Council and the Labor Immigration Organizing Network (LION), the march and rally called for immigrant rights and amnesty. Nearly 100 labor, community, and religious groups endorsed the event, which highlighted five demands for amnesty.

"The key issue for labor in California is how all workers are treated, whether they have full rights or not. Immigrant workers are being denied those rights and being exploited. These issues of economic and social justice affect all California workers," said Chuck Mack, President Teamsters Joint Council District 7.

Speaking in Spanish to the exuberant crowd, Alfredo Lahud, a member and vice president of SEIU Local 1877 said: "I want to mention that in 1989 in Germany, the Berlin Wall fell and was destroyed. And in Mexico last year, the PRI fell after being in power for 70 years. And if there can be changes throughout the world, here in the United States there must be change in immigration law through a general amnesty. Because this is a country created by and for immigrants. Si se puede!"

LION organizer Katie Quan remarked, "The intent of LION and the march is to promote organizing of immigrant workers. The pool of cheap labor keeps the standards down for all workers. The five demands for amnesty will help secure all workers' rights and raise the standards for all." Marchers and speakers included Ramon Fernandez, IBT Local 70, Terrance O'Sullivan, General President LIUNA, John Wilheim, President HERE, U.S. Senator Barbara Boxer and U.S. Representative Barbara Lee.



Photo by Jim Moreau

RNs defeat anti-worker consultants to win a voice at work in SEIU Local 535

Sick of payless holidays, below-standard wages and short staffing, 430 registered nurses at Garfield Hospital in East Los Angeles voted to join SEIU Local 535 on Jan. 18-20. The hospital, owned by for-profit chain Tenet Healthcare, hired the anti-worker Burke Group and no fewer than four attorneys in an unsuccessful attempt to hinder the workers' efforts.

Jim Moreau, RN and SEIU organizer, reports the key to the victory was a large and active organizing committee of more than 50 RNs. The committee reflected the various departments and shifts, as well as the nurses' age, racial and gender diversity. "Although management and their 'consultants' poisoned the atmosphere and racked up dozens of unfair labor practices, the nurses stayed strong," said Moreau. The nurses, predominantly Chinese- and Filipina –American women, were required to attend captive audience meetings the final four weeks before the election. Some meetings were conducted for Chinese RNs only in Mandarin. Management and the Burke Group held meetings throughout the day, including 2 am, paying overtime for nurses to attend. Not all nurses were allowed to attend, however, known organizing committee members were excluded.

"Management told us we [organizing committee members] were not allowed to attend the meetings because we were not open-minded. These were the same managers who told us our charge nurses were management, when clearly they are not. They threw a lot of misinformation at us, but we stayed together by communicating, communicating, communicating," said Graciela Jaime, a nurse in the neonatal intensive care unit for four years.

Governor names unionist to board

Bill Nack, executive officer of the San Mateo Building and Construction Trades Council, was appointed by Gov. Davis to the Bay Area Conservation and Development Board on Feb.2. The Commission regulates all filling and dredging in the San Francisco Bay, and new development within the first 100 feet inland.



Writers Guild stars in nailbiter negotiations

Seeking to rectify two decades of unfair compensation, the Writers Guild of America is making residuals for cable, foreign markets, new technologies and the Internet one of its major bargaining issues in negotiations with the Alliance of Motion Picture & Television Producers. Writers also want increased creative rights.

Residual payments for cable syndication and reruns are miniscule. "Twenty years ago, the companies asked for a break, saying cable is new, Fox is new, they aren't making a profit. [They] have had a free ride for a long time," said Adam Rodman, a Guild member and feature and TV writer for 20 years. Many writers experience long periods of unemployment and depend on the residual income.

Calling creative rights a respect issue, John MacLean, WGA executive director, said the union is negotiating for the rights of screenwriters to enter sets, attend readings, casting calls, and rewrite sessions, and the end to vanity credits. "How writers are treated as artists has been in the forefront of discussions for decades," MacLean said. "Creative rights are fundamental for all artists."

"Writers know that feature films and TV are team efforts, and object to the possessory, or 'vanity' credit used by directors. When audiences see 'a film by' before the title of a movie, it insults the labor of the costumers, the propmakers, the carpenters, the cinematographer, the editors and all who contributed to the film," said Rodman.

In an attempt to avoid a repeat of the brutal, 22-week strike of 1988, the WGA opened negotiations nearly five months before the May 1 contract expiration date and set a two-week deadline. Prior to the first bargaining session, the union held town hall membership meetings, collected emails, and surveyed members. The website, www.wga.org, is updated frequently and members receive bargaining updates via email after each session. Twenty-two writers serve on the negotiating committee. Talks had continued past the two-week deadline, but broke off March 1 over economics and artistic rights.

Bush launches attack on workers, taxpayers

In one of his first acts as the "uniter and healer" president, George W. Bush secretly blocked responsible contractor rules. Without public notice or the opportunity for public input, the Bush administration deviated recent regulations that allowed officials to disqualify contractors who repeatedly violated labor, environmental and consumer laws. The regulations were the result of three years of hearings, agency review, and public comment by business groups, unions, environmental groups and consumers. The contracts are worth \$200 billion per year.

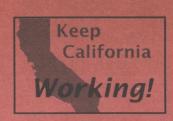
"It didn't take long for the Bush administration to strike out against labor unions. In a series of anti-union moves, Bush has tried to sweep aside years of solid gains for labor that are also good for the American public. Three [s]enators, Lieberman, Kennedy, and Durbin have already questioned the legality of Bush's attempts to roll back the 'contractor responsibility' rule. The State Building and Constructions Trades agrees. These and other attacks underscore the reality that Bush has never been a friend of labor," said Bob Balgenorth, President of the State Building and Construction Trades Council.

Bush followed up with other executive orders to:

- Ban project labor agreements, *PLAs*, on all federally funded projects.
- Require federal contractors to post Beck notices, which inform workers of their right to withhold a portion of their dues that sponsor political activity.
- Abolish the National Partnership Council, an organization established under the Clinton administration to assist government agencies and unions in resolving their differences.
- Revoke a policy that protects workers at federal buildings when the project is awarded to another contractor.

Other Bush administration targets are OSHA's new ergonomic standards, the result of a ten-year fight by unions, and minimum wage. Bush has promised to make "paycheck deception" the cornerstone of campaign finance reform.

—Margaret Hanlon-Gradie



Register now!

Joint Legislative Conference, **March 19-20**

TO INJURY!

Injury

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Legislative Conference to inform activists, advocate for bills

This year's Joint Legislative Conference in Sacramento will be held March 19-20 at the Holiday Inn Capitol Mall. Union activists are encouraged to attend to learn about California unions' priority legislation. Workshops designed to impart useful skills are scheduled throughout the first day. Dinner on Monday evening honors injured workers, and includes speeches by Governor Gray Davis, Speaker Robert Hertzberg, and Senate President Pro Tem John Burton, author of Senate Bill 71, the Federation's workers compensation improvment bill.

On Tuesday, participants will join with their Central Labor Council in lobbying their legislators A lunchtime rally on the Capitol lawn will demonstrate California union solidarity for the AFL-CIO's Respect Work, Strengthen Families Campaign.

Workshop highlights and presenters include (partial listing):

2001 Priority Legislation and Anti-Worker Bills This workshop provides an overview to the Federation and SBCTC legislative agendas and helps prepare participants for lobby day. Presented by Tom Rankin & Lisa Ecks, California Labor Federation; Brian Hatch, IAFF; Barry Broad, Legislative Advocate; Art Carter, Legislative Advocate; Chuck Center, LIUNA.

Energy Crisis and its Impact on Labor The current energy crisis affects the labor movement in many ways. Workers face lay-offs and higher utility bills. California's economic prosperity is on the line. Meanwhile, out-of-state generators profit from deregulation. This workshop will provide diverse perspectives on how the energy crisis is impacting workers and unions. Presenters include: Carl Wood, PUC Commissioner; Art Carter, Coalition of Utility Employees; Mark Joseph, Adams, Broadwell, Joseph, & Cardoza; Matt McKinnon, California Conference of Machinists; Loretta Lynch, PUC Commissioner; Angie Wei, California Labor Federation.

Lobbying Fundamentals If you have never lobbied before, or wish to brush up on your skills, this workshop provides useful materials and "hands-on" training. Hear from union leaders, legislative advocates, and elected officials how to effectively influence the legislative process. Prensenters include: Willie Pelote, AFSCME; Tim Cremins, IUOE; Lisa Ecks, California Labor Federation; Assemblymember Darrell Steinberg.

Effects of the New Economy on Job-Related Benefits

The growing use and classification of temporary and contingent workers by companies causes instability in our economy and insecurity in our workforce. This workshop will explain how employers are getting away with missclassification and how Federation sponsored legislation will fix this problem. Presenters include: Rona Levine Sheriff, Senate Office of Research; Rebecca Smith, National Employment Law Project; Cynthia Rice, California Rural Legal Assistance Foundation; Seunghee Cha, Center for Policy Initiatives.

Labor Law Enforcement This workshop provides a historical background to labor law enforcement and an overview to the resources required to enforce current law. It will also demonstrate the need to increase California's budget for labor law enforcement. Presenters include: Steve Smith, Department of Industrial Relations; Pat Henning, Senate Industrial Relations Committee; Ralph Lightstone, Assembly Labor Committee; Nikki Bas, Sweatshop Watch; Paul Broyles, Sheetmetal Workers Local 162.

Implementing 2000 Legislative Victories and IWC Orders. Unions won significant victories in 2000, including AB 1889, the Right-to-Organize (AB 1889) legislation and AB 2509 the Wage and Hour Enforcement (AB 2509) bill. Learn how to use these and IWC wage orders to support workers. Presenters include: Barry Broad, Law Office of Barry Broad; Scott Kronland, Altshuler, Berzon; David Rosenfeld, Van Bourg, Weinberg, Roger & Rosenfeld.

Unionists will meet in Sacramento on March 19-20 to learn about and lobby for legislation that will keep California's workforce and economy strong. The following bills represent the formula to

Keep California Working!

NO MORE INSULT One in twenty California workers experience a workplace injury or illness on the job every year. Senate Bill 71 No more insult to (Burton) will reform California's inadequate and out-dated workers compensation system. California's workers com-Senate Bill 71, Burton pensation system, with it's stagnated wage replacement, low rates of benefits, and reduced eligibility adds insult to injury and threatens the state's economy. SB 71 will:

- Increase the maximum weekly temporary disability benefit
- Index benefits to state's average weekly wage
- Assure prompt payment of benefits and early access to medical treatment
- Increase penalty assessments on uninsured employers



California's unemployment benefits rank last in the nation. The maximum weekly benefit of \$230 replaces only 24% of lost earnings. In fact, the maximum weekly benefit has not increased since 1989, when Governor Deukmejian signed legislation. Forty-four states and the District of Columbia pay higher maximum weekly benefits.

Benefits have also failed to keep pace with changing employment trends, like the rise in temporary and contracted work. Non-standard jobs represent 30% of the workforce, according to the Economic Policy Institute. Senate Bill 40 will:

■ Index the maximum weekly benefit to the state's average

weekly wage

- Redefine the base period of earnings to a moveable period of earnings so that more unemployed workers would be eligible to receive benefits
- Authorize benefits for workers who are locked-out
- Define penalty payments by employers under the federal Worker Adjustment Re-notification and Training Act.

LAW & ORDER **DIR Budget**

California's workforce has boomed, increasing nearly three-fold from 6.3 million in 1960 to 17.1 million in 2000. Yet, staffing for labor law enforcement at the Department of Industrial Relations has not kept pace. Previous administrations have attempted to weaken labor laws through budget cuts.

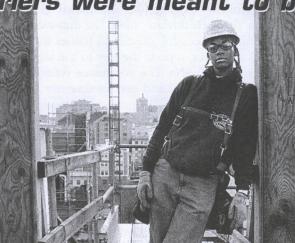
Governor Davis' proposed budget, while modestly increasing funding, would eliminate twenty vacant enforcement jobs at CalOSHA and sixteen vacancies at the Division of Workers Compensation. Our hard-won labor laws cannot protect workers' rights unless they are properly enforced by qualified agents of CalOSHA and the DIR.

The California Labor Federation will be working with legislators through the budget process to ensure that these organizations and programs are fully-funded and staffed. The Federation demands

- No budget cuts for DIR
- Upgrading of DIR's computer system to more efficiently process claims
- Skilled staff dedicated to an area of enforcement in field offices to ensure follow-up.

Some barriers were meant to be broken

JOIN US FOR THE TRIBUTE AND **CELEBRATE WOMEN'S HISTORY MONTH** AND NATIONAL **TRADESWOMEN** DAY



Tuesday Mar. 27, 2001

9 a.m. to 1 p.m.

Rosie the Riveter Memorial

Richmond California

For more information call Susan Gard California Department of Industrial Relations (415) 703-5050

Tradeswomen then and again. The tribute.