



Volume 3, Issue 1
March 2016

IUOE Local Unions 351
and 564



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Find more information to organize at your workplace at workers-united351.org and workers-united564.org

The Process News

By the International Union of Operating Engineers, Locals 351 and 564

NLRB Orders Four Seasons Environmental to Bargain with IUOE

Last year a majority of the service contract workers (general maintenance, HVAC, plumbers/pipefitters, carpenters/painters, millwrights, electronic technicians, and others employees) with Four Seasons Environmental at the Atlanta Center for Disease Control voted to join IUOE Local 926. Since the union was certified as the exclusive collective-bargaining representative for the 180 workers on October 29th, 2015, Four Seasons has failed to recognize and bargain with the union.

The National Labor Relations Board has recently issued a decision finding that Four Seasons is in violation of

Section 8(a)(5) and (1) of the National Labor Relations Act.

In their ruling, they order Four Seasons to cease and desist from refusing to recognize the union as the bargaining agent for the workers and to bargain on request with the Local 926.

Additionally, the company was ordered to post at the facilities copies of a notice informing employees of their rights under the NLRA and a statement that says:

WE WILL NOT fail and refuse to recognize and bargain with International Union of Operating Engineers, Local 926 as the exclusive collective-bargaining representa-

tive of the employees in the bargaining unit. WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights listed above. WE WILL, on request, bargain with the Union and put in writing and sign any agreement reached on terms and conditions of employment for our employees in the following bargaining unit: (Unit outlined here).

It is yet to be seen if the company will comply with the order. However, if they fail to do so, there are additional remedies in place to protect the rights of these workers.

New IUOE International Training Center Coming to Texas

The International Union of Operating Engineer is in the planning stage for the construction of a world-class training and conference center northeast of Houston TX.

Set on well over 200 acres in Crosby, TX, plans call for H&P (heavy equipment), petrochemical and stationary engineering training facilities. There will also be a fully equipped mechanic training shop, meeting facilities, a dormitory, and administrative areas.

The design of the outdoor training areas include separate

sections for dirt-work classes, crane and rigging training and certification, and pipeline work. Each separate work area will include its own satellite meal pavilion, so that little time will be lost running operators back and forth to the main dining hall.

On the stationary side, the facility's physical plant will be equipped in triplicate so that apprentices can learn the trade while working alongside equipment actually being used to run the center.

The before mentioned mechanic shop will be large

enough to roll in any variety of equipment for servicing and training. Both it and the physical plant will feature viewing platforms.

The IUOE already has over 100 local union training sites spread out across the US and Canada. This new proposed training and conference center just goes to further show the IUOE's commitment to both preparing the next generation of operating engineers as well as improving the skills of existing members.

Congratulations to Zep Workers in Desoto

Zep Inc. workers in Desoto recently voted to join IUOE Local 564. They began their efforts to make improvements at their workplace earlier this year and were successful in a 11 - 5 NLRB election in late February.

The workers were able to take advantage of recent changes to the National Labor Relations Board election procedures that allow for employees to get to a union election in a more reasonable amount

of time.

The Zep organizing effort also shows how it may not be necessary for ALL workers at a facility to desire a union for those workers to achieve their goal. The NLRB provides for situations where 1 or more classifications of workers at a facility can form a union independent of other workers who may not yet desire one.

In this instance, some of the manufacturing workers want-

ed a union, so Local 564 filed for an election for just those job classifications. The company tried to "water down" the election by including other workers, as well as engaging in additional union-busting tactics. However, the law was on the side of the workers and their new union.

Congratulations again to the new union workers at Zep! Stick together and get a great first contract!

It's corporate welfare at its worst.
- Russell James speaking of the incentives given to Tesla in Nevada.

\$10 per Barrel Oil Fee = More Good Jobs

President Obama has proposed that we fund additional rail and highway projects by phasing in a \$10 per barrel crude oil fee.

The revenue generated by the tax would fund highway construction, rail corridors, and pilot programs for self-driving cars, to name a few.

Specifically, the White House said that \$20 billion of the money raised would expand transit systems in cities, suburbs and rural areas and to make regional high speed rail travel more feasible. The proposal also outlines about \$10 billion per year to be used

for local and state regional transportation projects.

Slightly over \$2 billion per year would go towards research and development of smart, cleaner vehicles and aircraft.

The administration said the oil tax would raise *"the funding necessary to make these new investments, while also providing for the long-term solvency of the Highway Trust Fund to ensure we maintain the infrastructure we have."*

While most economists, energy experts and even some oil industry executives have long

supported this type of oil tax, it is normally opposed by republicans in congress.

One thing is certain, wherever the money comes from, infrastructure spending is good for the economy. Whether it be road or bridge construction, new railways, or improvements to airports, port facilities or our nations freight system, this type of spending provides additional good, well-paying jobs for our members. And that is never a bad thing.

The trade union movement represents the organized economic power of the workers... It is in reality the most potent and the most direct form of social insurance the workers can establish. - Sam Compers, 1st President of the AFL-CIO

Oklahoma Operating Engineer Publishing Third Book in Series

RJ "Sonny" Burroughs started working in the trades in the early 1960's. Over the years he has operated all manners of equipment on pipelines and construction sites.

In addition to his decades as an Operating Engineer, Sonny has been a lifelong writer. His first published work, "The Boys of '58" came out in 2012 and tells the tale of a group of 5th grade boys wil-

ing away the summer of 1958 in their small Oklahoma home town.

The following year, Sonny continued the story with "The Boys of '59". In this second book of the series, the boys are a year older and Sonny brings us along as they encounter a so-called Vampire, toss a live grenade off the river bridge and go on their first "dates".

"The Boys of '60" is set to come out this month.

If you are looking for some great storytelling that takes you back to an easier time, check out Sonny's books. They are available as e-books on Amazon and Smashwords or in paper format through Martin Sister's Publishing.

See more info at Sonny's website—
www.rjburroughs.com

Strange News of the Day

You are not going to believe it, but the Democratic Party has recently announced that they are appointing Republican Governor Scott Walker as party chairman. In a statement, the Democratic Party said that Scott Walker's actions over the last couple of years show his commitment to democrats everywhere.

In other news, Vladimir Putin has just won the Nobel Peace Prize. His tireless work on liberating the Ukrainian people from themselves and providing Bashar al-Assad with an endless supply of heavy weaponry so that the Syrian regime is not overrun by the people of the country show his commitment to global peace.

Next up, in an unexpected announcement, the Motion Pictures Association has decided that Braveheart, their 1996 selection for best picture, was not the most deserving film of the year. In a

unanimous vote, they've decided to award best picture of 1996 to Kazaam. You know...where Shaquille O'Neil plays a genie in a lamp. Yeah, that movie.

Lastly in this edition of Strange News of the Day, Texas Governor Gregg Abbott recently announced that he is appointing Julian Alvarez as the labor representative to the Texas Workforce Commission. Alvarez's work representing the interests of employers as an executive with the Chamber of Commerce has clearly prepared him to be an effective advocate for workers in the state of Texas.

OK...so maybe the first three strange reports are not true. Scott Walker is still a republican trying to undermine workers' rights, Putin is probably not going to win a Nobel Peace Prize...and no delayed Oscar for Kazaam.

However, sadly (and equally

confounding), Governor Abbott did actually appoint a Chamber of Commerce executive as the labor representative on the Texas Workforce Commission. Texas AFL-CIO's President John Patrick says it best, "*I don't know too many workers who feel like the Chamber of Commerce really speaks for them. This makes it plain where working people stand in Gov. Abbott's agenda for Texas.*"

"The appointment comes on the heels of Gov. Abbott's appointment of an opponent of traditional public employee pensions to head the State Pension Review Board," Patrick said. *"Abbott's own news release doesn't even recognize the seat is designated for a labor representative."*

There you have it, your Strange News of the Day. Four equally ridiculous stories...and perhaps the most obscene one being true.

Tesoro to pay \$8.08 Million to Union Workers

In February 2015, 769 union steelworkers at two Tesoro facilities went out on strike after their collective bargaining agreement expired. The strike ended when an acceptable new contract was agreed upon.

In early March, Tesoro gave annual incentive bonuses to employees based on performance and profits. The striking union members were excluded from this annual bonus.

The United Steelworkers Union filed charges in Los Angeles and in Seattle against Tesoro, alleging that this withholding of the bonus was an illegal retaliation against the workers for going out on strike. The USW

claimed that the failure to pay the bonuses was an unlawful modification of the parties' contract.

The NLRB issued a complaints in both cases. Upon issuance of the complaints, the parties reached a settlement whereby the workers will all be paid 100% of their owed bonuses. Additionally, the company will be required to post a notice for employees of their rights under the National Labor Relations Act.

Tesoro does not admit any violation of the NLRB.

It is important to remember, unions and their member never want to go out on strike. It is a last resort, generally when companies fail to

fairly participate in the established process that a strike occurs.

This case does provide an example of how a union works. The workers' contract expired and they could not reach an agreement on a new one. So they stood together and legally withheld their services.

Shortly thereafter, a contract was reached. The company tried some shenanigans with the bonus, and the workers and their union corrected the issue by utilizing the NLRB.

If there had been an immediate agreement on a new contract, there would have been no strike...if the company had not withheld bonuses, there would have been no charges.

I live in the United States, but I do not know exactly where. My address is wherever there is a fight against oppression. My address is like my shoes; it travels with me. I abide where there is a fight against wrong. - Mother Jones



AIG Wants to Monitor Worksite Movements



At many worksites across the country, whether it be in a refinery, at a new building construction, or on road/bridge work, generally you are required to have any number of things on your person...safety glasses, steel-toe boots, hardhat, gloves, etc. Insurance giant AIG is looking to add one more thing to the list. A device to monitor and map your every movement on around the site.

Initially reported in the Wall Street Journal, AIG has invested “an undisclosed sum in a maker of wearable devices designed to monitor the movements of employees in factories, on construction sites and at other hazardous workplaces.”

According to them, the purpose of the new technology is to be able to reduce onsite injuries (and thus, insurance

payouts...).

“AIG’s investment is part of a broader push by insurers, brokers and other companies in the nearly \$90 billion workers-compensation industry to use sophisticated data analysis to cut costs and boost profits. Efforts to monitor workers’ movements for insurance purposes are in their infancy and could take time to put into practice, industry experts say. One concern is that the technology might give employers and insurers access to detailed information about individuals’ behavior and health and that employees will have to be persuaded that the safety benefits are worth it.”

However...what else with the information be used for? And who will have access to it?

Just some hypotheticals:

Jim, we noticed that you were outside of your crane for 1 hour and 38 minutes yesterday...what were you doing?

Frank, you sat in one place for 47 minutes yesterday? Where you sleeping or what?

John...four times last week, you were standing next to that troublemaker Scott who keeps talking about forming a union...are YOU loyal to the company?

We aren’t saying this is absolutely going to be a bad thing. Obviously, if it helps in reducing worksite injuries, that is great. However, it will definitely have to be monitored for privacy concerns and abuse by employers.

Under the NLRA, You have the Right to:

- Organize a union to negotiate with your employer concerning your wages, hours, and other terms and conditions of employment.

- Form, join or assist a union.

- Bargain collectively through representatives of employees’ own choosing for a contract with your employer setting your wages,

- benefits, hours, and other working conditions.

- Discuss your wages and benefits and other terms and conditions of employment or union organizing with your co-workers or a union.

- Take action with one or more co-workers to improve your working conditions by, among other means, raising

work-related complaints directly with your employer or with a government agency, and seeking help from a union.

You have these rights and others. See more at www.nlrb.gov.

If you are making a decent salary in a non-union company, you owe that to the unions. One thing that corporations do not do is give out money out of the goodness of their hearts. — Molly

Ivins, political commentator

Cheniere Sabine Pass Exporting First LNG

In late February, Cheniere shipped out its first tanker load of liquefied natural gas from its Sabine Pass, LA facility. This first shipment is destined for Petroleo Brasileiro SA in Brazil.

Meg Gentle, Cheniere’s president of marketing, said this

was the first step towards creating a liquid and transparent market for LNG across the globe.

Cheniere Sabine Pass will eventually have 6 liquefaction trans up and running, currently this is the first one.

The project is still under construction and has reportedly had numerous labor issues over the last couple of years, with constant hiring needs and at least one major walkout by the primarily non-union workforce.

The Outdoor Corner

Texas Dove, Duck and Other Hunting Changes

The U.S. Fish and Wildlife Service has approved a 90 day Texas dove season for the coming year, the longest in 80 years.

The proposal is currently up for public comment.

A few changes have been proposed for duck hunters as well. The Texas Parks and Wildlife staff are recommending the early teal season open on September 10 and to through the 25th.

For the regular duck season, the proposed dates are:

- High Plains Mallard Management Unit: Youth: Oct. 22-23; Regular: Oct. 29-30 — Nov. 4 — Jan. 29; “Dusky” Duck: Nov. 7 — Jan. 29.

- North Zone: Youth: Nov. 5-6; Regular: Nov. 12-27 and Dec. 3—Jan. 29; “Dusky” Duck: Nov. 17-27 and Dec. 3—Jan. 29.

- South Zone: Youth: Oct. 29-30; Regular: Nov. 5-27 and Dec. 10 — Jan. 29; “Dusky” Duck: Nov. 10-27 and Dec. 10 — Jan. 29th.

For geese, the proposed framework is as follows:

- East Zone: Early Canada goose (bag limit of 5 Canada Geese only and possession limit of 15) Sept. 10-25 and Nov. 5 — Jan. 29, 2017; white-front Nov. 5 — Jan. 29, 2017; light Nov. 5-Jan. 29, 2017; conservation order Jan. 30 — Mar. 19, 2017.

- Bag Limit after the Early Canada Goose: 5 dark geese, to include no more than 2 white-fronted geese, 20 light geese (no possession limit).

- West Zone: Nov. 5 — Feb. 5, 2017; conservation order Feb. 6 — Mar. 19, 2017.

- Bag Limit: 5 dark geese, to include no more than 2 white-

fronted geese, 20 light geese (no possession limit).

For sandhill crane:

- Zone A: Oct. 29 — Jan. 29, 2017. Bag Limit: 3, possession limit 9.

- Zone B: Nov. 18 — Jan. 29, 2017. Bag Limit: 3, possession limit 9.

- Zone C: Dec. 17 — Jan. 22, 2017. Bag Limit: 2-possession limit 6.

For Snipe:

- Oct. 29 — Feb. 12 with a daily bag of 8 and possession limit of 24

For Woodcock:

- Dec. 18 — Jan. 31, 2017 with a daily bag limit of 3 and possession limit of 9.

For falconry:

- Statewide: dove Nov. 19-Dec. 5; ducks Jan. 30-Feb. 12, 2017.

Ready for Springtime Bass?

The next few months undoubtedly provide the best opportunity for catching big bass. Between February and May, most of the biggest bass of the year will be caught nationwide. This is mostly because the spawning season causes the big bass to move out of the deeper water where they normally reside into the shallows, making them easier to find and catch.

OK, so not everyone catches monster bass every year in the spring. However, our region does provide an excellent array of lakes that regularly produce 10-12 pound fish.

Toledo Bend, Caney and Caddo Lakes in Louisiana,

along with Lake D’Arbonne and the Lacassine Refuge pool all put up some great fish. On the Texas side, Lake Fork, Falcon Lake, Sam Rayburn and obviously Toledo Bend, also generate some huge fish.

Oklahoma is not to be left out, with Cedar Lake producing the state record at over 14 pounds. Additionally, a couple of years ago anglers on Arbuckle Lake weighed in two five-fish stringers of over 40 pounds.

While there are no absolute secrets to hooking to these lunkers, most agree that you should look for shallow water that is close to deeper areas. Think creek beds, points, and coves with deep cuts in the banks. Once you find your spot, it is suggested to try bright-

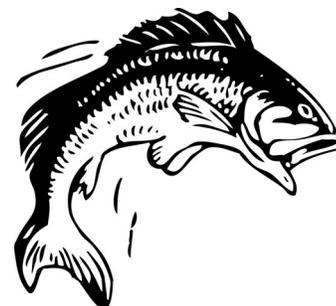
ly colored spinner baits in the shallows and work medium-depth crank baits going out.

You should work a lot of water, but when you connect to a fish, hang around a while as there are often other quality fish nearby.

And obviously, when you are going after bigger fish, it doesn’t hurt to go up a size or two in your lure size. Bigger baits do tend to catch bigger fish. Likewise, ensure that your tackle is up to the test of brining in larger fish than you may normally hook into.

Good luck on the water!

When he was young, I told Dale Jr. that hunting and racing are a lot alike. Holding that steering wheel and holding that rifle both mean you better be responsible. - Dale Earnhardt



Only buy something that you'd be perfectly happy to hold if the market shut down for 10 years. - Warren Buffett

I think organized labor is a necessary part of democracy. Organized labor is the only way to have fair distribution of wealth. - Delores Huerta, early Farm Workers Organizer

Buffett Buys More of Phillips 66

In early February, it was announced that the Oracle of Omaha, Warren Buffett, has purchased 1.7 million additional shares in Phillips 66 (through Buffett's Berkshire Hathaway Inc).

Along with previous purchases, this means Berkshire Hathaway spent \$964 million on 12,500,000 shares of Phillips 66 stock in a 30 day period.

Overall, they own about 14% of Phillips 66, or 73.98 million shares valued at close to \$6 billion.

Buffett has previously said he likes the company because of its balance between chemical and refining businesses. Additionally, Phillips 66 has benefited from the extended downturn in the price of crude oil and has done well since it spun off from ConocoPhillips.

A couple of investment analyst commented on the purchase of additional stock.

"Like many of Warren Buffett's businesses, accumulating shares in a company like Phillips 66 is a long-term

play in both dividend growth and capital gains potential," Profit Confidential said.

Managing Director of Houston's US Trust, William Griffin, noted that this purchase should not be taken as a bet that oil prices will rise back up.

"You can't read too much into their position on particular investment decisions. It may have nothing to do with a bet on commodity prices." said Griffin.

Paid Sick Time for Federal Contractors

Back in September of last year, the Obama Administration proposed Executive Order 13706, which would require federal contractors to provide paid sick leave for employees. In late February, the Department of Labor issued a Notice of Proposed Rulemaking regarding the implementation of that order.

Basically, this means the DOL is accepting written comments on the proposed rule until the March 28th deadline. Comments may be submitted on www.regulations.gov.

The purpose of the proposed rule is to establish a minimum amount of paid sick time for employees of contractors working on federal contracts. It outlines that workers would accrue 1 hour of paid sick leave for every 30 hours worked, up to 56 hours in a year or at any one point in time.

Workers would be allowed to use this sick time in the event of their own illness, to care for a family member or loved one who is ill, and in the event that care is needed as a result of domestic vio-

lence, assault, or stalking.

Or, as Secretary of Labor Perez put it: *"Because moms and dads should be able to stay at home with a sick child, because workers shouldn't have to choose between their health and their job, because it is both morally right for workers and good for communities and the economy, President Obama chose to lead by example and require that companies doing business with the federal government provide paid sick leave to their workers."*

Dow / DuPont Merger Might take Additional Time

It was reported the end of February that the huge merger between Dow and DuPont might take a bit longer, as US regulators said they needed more time to review the deal.

DuPont said the Department of Justice's antitrust division has notified them that it needs additional time and requested additional information about the merger.

According to a filing with the

US Securities and Exchange Commission, the waiting period will be extended by at least another 30 days.

The \$130 billion merger would actually create three separate companies over the next 18-24 months.

The plan calls for the initial all-stock merger of the two main companies and then it will be divided into a global

agriculture company (\$19 billion in revenue), a global material science company (\$51 billion in revenue), and a technology and innovation company with a focus on specialty products (\$13 billion in revenue).

The agriculture and specialty products companies will be headquartered in Delaware and the material science company HQ will be in Michigan.

Air Products Building \$400 Million Facility near Baytown

Air Products, one of the world's leading Hydrogen providers, recently broke ground on a steam methane reformer in Baytown, TX.

The plant will produce hydrogen and carbon monoxide, which is to be sold to Covestro, one of the world's largest polymer companies.

"We have worked with Covestro (formerly Bayer

MaterialScience) for decades and look forward to being an important industrial gas supplier to them in Baytown for many more years to come," said Corning Painter, executive vice president of industrial gases at Air Products in a news release.

The plant is being built by a partnership between Air

Products and Technip. It will feature technology that will maximize energy efficiency and reduce emissions and will be connected to Air Products existing pipeline network on the Gulf Coast.

They hope to have the facility online by 2018.

Oil Rig Count Shrinks to Levels not Seen in Maybe 150 Years

As of early March, there were only 502 active drilling rigs in the United States, according to a count from Baker Hughes. That number was expected to fall to below 488 by mid March.

This would put the count below the number back in 1948, the earliest year for which we have consistent drilling records.

The head of commodities research for Standard Chartered Bank, Paul Hornsell,

extrapolates that we may actually be at levels not seen since well before 1948.

"While there is no consistent series for drilling activity before 1948, we think it likely that to find a lower level of activity would require going back to the 1860s, the early part of the Pennsylvania oil boom," Hornsell said

However, it is worth noting that this excessively low rig count certainly does not mean that US oil production has

fallen to 1850's levels. Modern rigs are obviously much more productive and efficient than those old ones.

However, the active rig count does provide some indication on the mood in the oil industry, as pointed out by Mr. Hornsell.

"Each active rig is the result of a decision to employ capital in the industry, and the current lack of drilling indicates a strong drive to conserve cash," he said.

Walkout at Tesla Factory Construction in Nevada

Tesla Motor's battery manufacturing facility in northern Nevada was granted more than \$1 billion in tax breaks. About 350 union plumbers, carpenters, electricians, painters, and others walked off the job in early March to protest the increasing number of out-of-state non-union workers being brought in on the project.

Russell James of the Northern Nevada Council of the Building and Construction Trades said that the walkout and subsequent picket line was the result of Brycon Corp.'s hiring of cheaper labor from out of the state of Nevada.

"Nevada's tax dollars should

be used to provide jobs for Nevada construction workers, not New Mexico construction workers," said Ted Koch, president of the northern Nevada council.

They say it's because there are not enough workers in state to fill the jobs, but we have all kinds of workers available. They simply are going out of state because they can pay them less money," James said Monday.

"Most of the guys from out of state probably have no health insurance and no pension benefits, so that alone could be a difference of \$10 an hour even if you pay the same wages."

Tesla responded with a statement that said the construction is in compliance with the local hiring requirements, claiming over 50% are from Nevada.

The unions have not decided if they will file unfair labor charges related to the hiring.

"At this point, we don't know exactly what is going to happen," James said. *It would depend on their action. If Tesla chooses to be a good steward with Nevada taxpayer money going forward, we could probably come to terms with that. If they choose not to do that, I don't know."*

There is no power in the world that can stop the forward march of free men and women when they are joined in the solidarity of human brotherhood. - Walter Reuther, former UAW president.



Local 351

111 East Coolidge St.
Borger, TX 79007

THE PROCESS NEWS

Local 351

111 East Coolidge St.
Borger, TX 79007
806-274-4501

Local 564

2120 N Brazosport Blvd
Richwood, TX 77531
979-480-0003



Pipeline Mega-Deal Going South

Energy Transfer Equity announced its intention to buy Williams Bros Pipeline last September for about \$38 billion. The purchase was seen as a necessary expansion for Kelcy Warren's Energy Transfer Equity 71,000 mile pipeline empire.

Now, five months after the deal was made, the acquisition appears to be turning into a nightmare as Williams Bros and EnergyTransfer have lost a combined \$37 billion in market value.

It has even been reported that Energy Transfer executives were considering offering Williams a one time \$2 billion payment to simply walk away from the buy-out (though the offer was never presented).

As it currently stands, Energy Transfer is supposed to come up with \$6 billion in cash for Williams...which it may not currently have. Thus, the company would have to either raise additional

debt or sell assets to come up with the money. Possibly even worse, Chesapeake Energy, one of Williams's biggest customers is possibly going to file for bankruptcy soon.

Adding to the drama, not everyone at Williams was thrilled with the sale to begin with. While two board members were keen on selling, the longtime CEO was against the deal.

According to a NYTimes article, outside of declaring bankruptcy itself, Energy Transfer is going to be stuck buying Williams regardless of the future values of each company.

Though it is possible that Williams will exercise its right to back out of the deal.

In any case, like many others, the massive downturn in the oil market seems to be causing problems for this deal.