

THE PROCESS NEWS

By the International Union of Operating Engineers,

Locals 351 & 564

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WELCOME NEW MEMBERS AND CONTRACTORS

In recent months, hundreds of folks in the region have been exercising their right to form a union and win a voice at work by turning to the IUOE.

Just last month, 80 PCSI (Professional Contract Services Inc) workers at Fort Sill voted for the IUOE Local 351 as their exclusive bargaining representative. The new members provide essential maintenance services to the military personnel on base. We'd like to thank them for the job they do every day, and congratulate them on saying UNION YES!

Overall, in recent months over 1,100 workers have turned to the IUOE for repre-

sentation and joined one of our local unions in Texas and Oklahoma. Those locals have also signed new collective bargaining agreements with close to 100 contractors.

In recognition for our success fighting for working folks, the IUOE was presented with the AFL-CIO's organizing award in Texas for 2013.

When more workers decide that they want respect on the job, improved wages and benefits, better working conditions and an overall voice at their workplace, joining the IUOE is the answer. It is a winning proposition for the new members, as well as existing members. The new members earn the right to

negotiate better wages and benefits, our current membership's position at the bargaining table is enhanced by our increased market share...and our newly signed contractors get the benefit of a stable, content, and well trained workforce.

If you are interested in improving your workplace through unionization, the process is fairly straightforward. Start talking to your coworkers today to see if they have the same concerns as you. Give one of our local unions a call (contact info is on the back page), and we'll be happy to discuss your situation, meet with you, and assist you with the process.



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TEXAS WORKPLACE FATALITIES

The average worker in Texas is 12% more likely to die on the job than someone doing the same job in any other state. In the construction industry, Texas jobsites are 22% deadlier than the national average.

In response to the Dallas Morning News article, Governor Perry's office said that the state has numerous services and incentives to encourage workplace safety, such as OSHA and safety training seminars.

However OSHA is severely understaffed. In fact, OSHA

investigated far less than 1/2 of the **workplace deaths** in Texas between 2003 and 2012.

According to the article in the Dallas Morning News, the government and the businesses in the state invest relatively little on safety and training. Additionally the article stated that Texas is one of the toughest places to organize unions...and unions can lead to a safer workplace.

The article also noted that states with above average worker fatality rates tended

to have "right-to-work" laws.

You see, workers who belong to a union can rest assured that they can raise safety concerns without fear of employer retaliation, and this can lead to safer worksites.

Governor Perry in 2009, "Let free enterprise reign, and be wary of overregulation, all that regulation adds to your overhead, and you can't operate at a profit."

How about we start putting people's lives before profit?



THE PULLMAN RAILROAD STRIKE AND LABOR DAY



The Pullman Railroad Strike of 1894 was a tragic event in US Labor History. It illustrates how big business and the government it owned worked together to prevent workers from joining together to improve their lives.

The American Railway Union (ARU) won an 18-day strike against the Great Northern Railroad in April of 1894. Following that success, it began signing up 2,000 new members a day. By June of that year, it was the nation's largest union, with 150,000 members and 425 lodges.

Its members included 4,000 workers at the Pullman Palace Car Company in Pullman, Illinois. The company owner, George Pullman, owned and ran the company town and kept

the workers' rent high while reducing wages. The workers went out on strike on May 11th, 1894. The following month, the lodges involved brought the issue to the ARU's convention and it authorized a boycott against any train using Pullman cars.

The country's railroad companies refused to release Pullman cars and a national railroad strike occurred. There was widespread public sympathy for the strike, as many already resented the giant rail corporations.

After two days, the US Attorney General went to the railroad General Manager's Association for advice. It was recommended that he use the Sherman Anti-Trust Act to get a federal injunction to break

the strike. So, even though the act was meant to constrain industry monopolies, it was used against workers. The federal court in Chicago prohibited all interference with rail operations. President Cleveland ordered federal troops in to enforce the order and riots broke out. Dozens of citizens were killed over the next few days.

In the end, the company and its government broke the strike. In response to the widespread outrage of the events, the President established Labor Day as a federal holiday.

And that is the sad story of the establishment of Labor Day. It illustrates why it was eventually decided that strong unions and collective bargaining was a better approach than chaos.

AMERICAN MADE VEHICLES

There seems to exist this growing rumor that vehicles made by Ford, Chrysler, and General Motors are somehow "less American-made" than the Hondas and Toyotas assembled in US factories. The huge automotive website, www.cars.com, even created a list stating that 4/5 of the most American made cars were actually Japanese models.

However, according to a great article by Daniel Miller on the "Motley Fool" website, that is simply not true. Miller states that the cars.com analysis is flawed. He noted that General Motors alone purchases more US made car parts than Toyota, Honda, Nissan, Subaru, Mitsubishi, and all other Japanese automakers combined.

Additionally, while Toyota, Honda and a few others have opened factories and offices here, their companies are still

headquartered overseas. Thus, Detroit's big 3 still employ over 8 times as many Americans as the their foreign owned counterparts.

Likewise, the Research and Development departments of the big three also employ workers here in the states and contribute to our economy. In fact, as Miller states, the Detroit vehicle companies spend more on research and development yearly than "Boeing, Intel, Google, Apple, Hewlett-Packard, and ExxonMobil...COMBINED."

Miller determined that a study done by Professor Frank DuBoise at American University in Washington, DC was more accurate. This study took into account labor, R&D, inventory, capital spent, engine parts, transmission parts, body, interior, chassis, electrical and profits. It concluded that the

most "American Made" vehicles are the Buick Enclave, Chevy Traverse, GMC Acadia, the Ford F-Series trucks, the Dodge Avenger, the Ford Mustang and the Chevy Corvette.

Seeing as the "Motley Fool" is an investing oriented website, Miller noted that the best thing that could happen for the investors in GM, Ford and Chrysler would be for Americans to actually start backing our own automotive industry again.

This would not only be good for investors...but it would also help sustain over 8 million quality jobs here in the United States.

So, while that Toyota truck you see on the road may have a "Born in Texas" sticker on the back window...and that may be partially true...buying a Ford, Chevy, or Dodge is still better for our US economy.

If you miss the way America used to be, then buy American, make corporations pay their fair share, and support the return to Organized Labor!

PROFESSIONAL UNION BUSTERS

Did you know that there are people...actually entire businesses, whose main purpose is to prevent you from exercising your right to form a union? And we are not talking about a few small insignificant union busting firms... from Littler Mendelson with over 1,000 lawyers and Jackson Lewis with over 700 to smaller firms like Cruz and Associates and newcomers Dallas based Treyburn HR Consulting, they are everywhere.

These businesses may advertise themselves as "labor and employment law firms" or simply as union avoidance consulting. Either way, their purpose in a union election is the same = to convince workers to not form a union.

This is how it could happen: imagine workers at ABC, INC start talking amongst themselves about forming a union. They might bring up things like wanting a higher wage and better benefits or their desire to improve their workplace conditions. Maybe 5 out of the 20 workers meet up and agree that things need to change and a union is the way to make it happen. Then they approach a union to talk about their options. The union will likely tell them that they need to talk to the rest of their coworkers to see if they feel the same way.

The workers set up a meeting at a restaurant or at someone's house and a union organizer or representative will likely be there to answer questions.

Within a few days or maybe a week or two, it is apparent that 15 out of the 20 workers want a union. Great, all you need is over 50% to win an election. But...one of the 5 that does not want a union informs management.

The company does not want you to have a union, because they don't want any "outside interference"...so they call in a high-powered outside law firm to fight the union effort. They will likely spend an obscene amount of money with these firms to help them avoid dealing with a union.

The management consultants will come in and start talking to workers. Their only goal is to prevent unionization. They will hold "captive audience" meetings with the workers where they will talk incessantly about strikes, plant closures, and union intimidation and tricks. *You have to ask yourself...is the union using highly paid consultants and forced meetings?*

They will likely talk about their previous "experience" dealing with corrupt unions and how bad it turned out for workers. They might say that unions are affiliated with...THE MOB! *At this point, you might want to ask them if Richard Nixon is still president in their world.*

Companies hire union busters because they are good at what they do. Sometimes their tactics are subtle. Maybe they "educate" workers on union intimidation and violence and as a follow up off duty police or a security firm is brought in to "make sure that doesn't happen here".

Or maybe while the two times Joe was late to work last month was not a big deal then...now it's ground for termination. Any guess if Joe was voting "yes" or "no" for the union? Would a union busting law firm advise a company to break the law (because firing someone for supporting a union IS against the law...)? No, of course not. We're sure it just a

coincidence.

Now for some numbers. According to Cornell University's Dr. Brofenbrenner's analysis of over 1,000 union elections, management consultants are hired about 75% of the time.

75% of employers in the study sample are alleged to have committed *at least one* illegal action.

57% of employers threaten to shut down all or part of their facility.

47% threaten to cut wages.

89% hold captive audience meetings.

77% have supervisors regularly talk to workers about negative effects of unions.

60% use 1 on 1 meetings to interrogate and harass workers about their union support.

And yet, union busters talk about union intimidation? Who are they kidding?

Well, these tactics tend to work pretty often. In our fictional ABC, INC election, while 75% may have wanted to have a union 2 weeks before the election, the union busters scared 6 of them into voting no.

Union busters are used even to prevent just a small number of workers from exercising their rights to join a union.

The important thing to remember is that you ABSOLUTELY have the right to form a union. Do not let some highly paid lawyers (or their semi-anonymous hired henchmen) talk you out of that right.



*ONLY A FOOL
WOULD TRY TO
DEPRIVE
WORKING MEN
AND WORKING
WOMEN OF
THEIR RIGHT TO
JOIN THE UNION
OF THEIR
CHOICE -
DWIGHT D.
EISENHOWER*

DEATH AND TAXES

Benjamin Franklin, 1789 - "in this world nothing can be said to be certain, except death and taxes."

Everyone knows the phrase...nothing is certain but death and taxes. Maybe it came from a letter written by Ben Franklin, or maybe it came from an earlier book by Daniel Defoe. In any case, most people take it to be a true statement. If you earn money each year, odds are you are taxed on your income (if you earn above the poverty line anyway). And even if you use some creative accounting to alleviate your income tax burden, lets face it, you are taxed every time you spend your money, when you register your vehicle, and when you purchase a hunting or fishing license.

So, everyone who has any money tends to be taxed.

But what about big business? If you listen to some, you'd hear that the U.S. has one of the highest corporate tax rates in the world. Indeed, the high-

est nominal tax rate for U.S. corporations is currently 35%.

However, there is the "official" tax rate, and then there is the effective tax rate. The effective rate is what is actually paid. In the 1950's...you know, when we were creating the middle class, widespread prosperity, etc... the effective corporate tax rate was around 50%. Now, it is around 12%.

But lets face it. You get some of the same benefits when it comes to taxes. If you make \$100,000 in 2014, your official tax rate would have you paying close to about \$17,000 in federal tax alone. You likely pay a bit less than that, with deductions, credits, etc.

It basically works the same way for corporations. Except some corporations utilize a few more creative, but completely legal, accounting techniques.

For instance, the pharmaceutical company Merck reported about \$2 billion in income for the second quarter of 2014, yet their effective tax rate for that

time frame was...negative 7.5%. So they get a tax credit on their \$2 billion in income.

Seagate Tech is another multi-billion dollar company. Its tax burden for the last fiscal year? A \$14 million credit.

And then there are companies, like Caterpillar, who simply shift their profits to lower tax countries. Since 1999, they've avoided paying \$2.4 billion in US taxes by negotiating a tax shelter deal with Switzerland.

Are we saying that we need to go back to a 50% tax rate? No, but we would like for you to think twice the next time you hear some politicians and business groups complaining about how high corporate taxes are.

Patriotism—Devoted love, support, and defense of one's country.

Why do we ignore this when it comes to corporations paying taxes to support the United States of America?

The history of the twentieth century was dominated by the struggle against totalitarian systems of state power. The 21st will no doubt be marked by a struggle to curtail excessive corporate power - Eric Schlosser

NLRB GENERAL COUNSEL AUTHORIZES COMPLAINTS

The General Counsel for the National Labor Relations Board has determined that some of the 181 cases filed against McDonald's since 2012 have merit. Specifically, they have said that 68 of the cases have no merit, 64 are pending investigation and 43 have been found to have merit.

The General Counsel's office has authorized complaints on the alleged violations. Additionally, the office has determined that if settlements can not be reached in these cases, that McDonald's, USA, LLC will be named as a joint employer respondent.

What does all of that mean? Basically, in the last couple of years McDonald's workers have started standing up for their

rights. At the heart of the problem is the allegation that a McDonald's franchise illegally fired 9 workers for seeking to unionize. Yes, even fast food workers are guaranteed the right to unionize.

The workers filed unfair labor practice complaints with the NLRB. The General Counsel's office reviewed the complaints, made the decisions on merit, and now the cases will be heard by the board.

Additionally, the office of the General Counsel has advised the board that even though the alleged violations took place at a franchisee owned restaurants, the actual main McDonald's corporation should be treated as a joint

employer. You see, for a long time, when there was a labor problem at a franchised location, the big corporation could basically just say, "hey, we don't own that business, those are not our employees."

Now, if this stands, McDonald's the corporation may apparently have some responsibility for what goes on in the restaurants that are owned by franchisees.

Since McDonald's USA, LLC gets some of its revenue from these franchised locations (monthly fees), should they be partially responsible?

HISTORY OF THE US LABOR MOVEMENT—PART 3

When FDR took office in 1933, the Great Depression was at its worst. There were 50 million jobless workers and dependents, over 5,500 banks had failed, thousands of homes were in foreclosure, and many businesses could not afford their payrolls.

Roosevelt took immediate action and had congress pass the New Deal legislation. The New Deal included several different programs and reforms. It put hundreds of thousands of people back to work through public projects (roads, bridges, dams) and tightened government regulation of banks and the stock market (two of the prime causes of the depression).

The National Industrial Recovery Act (NIRA) sought to stabilize business markets. It instituted regulated prices, production quotas, and labor standards. Part of the NIRA said that workers must be allowed to organize and bargain collectively. However, it quickly became apparent that businesses did not intend to

follow that portion of the new law. Likewise, the federal government proved that it was not intent on enforcing the rights of workers either.

In 1933 and 1934, over 2.5 million workers went out on strike. In the second half of 1933, union membership grew by over 3/4 of a million. The gains for workers continued over the next year. The United Mine Workers organized 300,000, the International Ladies Garment Workers gained strongholds in New York, Los Angeles and San Antonio, and the industrial unions organized 100,000 autoworkers, 90,000 woodworkers, and 60,000 in the rubber industry.

In May of 1934, the stevedores in San Francisco organized with the Longshoremen's Association. After the companies would not bargain, on May 9th workers at every west coast port went on strike. Sympathy strikes spread all the way to the Port of Mobile, AL.

Two months in, the police moved to break the strike.

Two strikers were killed and over 100 were wounded. In response, a general strike was called in San Francisco. 127,000 workers shut down the city. Towards the end of July, the striking dock workers agreed to federal arbitration and won most of their demands.

American businesses responded to the gains made by workers in a variety of ways. They had their state and local governments pass laws to slow down unions, they employed strike breakers and thugs, engaged in violence and sabotage, and did their best to portray all union member as being unpatriotic.

The massive unrest in the country resulted in the FDR administration pushing for the second New Deal. This one included the National Labor Relations Act (still in effect). It established a method for workers to unionize and encouraged collective bargaining. Businesses despised it.

More to come next time.

True individual freedom can not exist without economic security and independence. People who are hungry and out of a job are the stuff of which dictatorships are made. - FDR

COMMON LABOR TERMS

More common labor union terms below...

Grievance - A dispute between a union member and management (health hazard, contract violation, etc.). If a grievance is not resolved, it may progress to arbitration.

Haymarket Affair - in 1886, police opened fire on a labor protest. The next day a protest was organized against the shooting - a bomb exploded, killing 8 police officers and the officers opened fire into the crowd. Eight were convicted, 4 were hanged, 4 were par-

doned - though no one knows who actually threw the bomb.

Joe Hill (1879-1915) - Labor organizer who was convicted of murder (though it was widely contested), and executed. Hill's famous last words were, "Don't mourn...Organize".

James R. Hoffa - the things you likely don't know—Hoffa negotiated substantial nationwide increases in wages and benefits for truck drivers. In 1964 Hoffa negotiated a national agreement for most commercial drivers.

House calls - union members

and organizers visit the homes of workers who are seeking to form a union.

Industrial Revolution - starting in the 1870's, refers to the switch from the small scale economy to a more factory based model. This greatly increased production, consumption, and wage labor.

Internal Dispute Plan - method to settle disputes between affiliated AFL-CIO unions.

List compiled with assistance from the "Lexicon of Labor", R. Emmett Murray.





Williams Kherkher Law Firm: Proud Supporter of Operating Engineers

Members of Operating Engineers Local 351 and 564 know Jim Hart and the Williams Kherkher Law Firm. For more than 15 years, they have helped our union members in arbitrations and Jim has counseled our union in a variety of ways. We know we can always count on him and his firm.

In addition to helping our members with personal injury cases, they also handle asbestos injuries, pharmaceutical dangers and even commercial litigation. Many of our members don't know, but the Wil-

liams Kherkher Law Firm also helps our members draw up simple wills and can help direct us on family law needs. And they provide training to our apprenticeship program.

It's great to be able to shine a spotlight on the good guys, and that's why it's my pleasure to tell you that Jim Hart was selected statewide earlier this year as Litigator of the Week, by Texas Lawyer Magazine. Jim won an \$11 Million Personal Injury verdict for a family that lost a loved-one in a truck accident. Jim won a

notable verdict in Harris County that made state and national news. After a nine-day trial and two days of deliberations, a jury issued a verdict in favor of the family.

It's great to have Jim in our corner. Never hesitate to call Jim or his firm with your legal needs. Jim can be reached at 713-230-2317 or email at jhart@williamskherkher.com

WATER BREAK ORDINANCES

The Workers Defense Project successfully fought for the city of Austin to pass an ordinance that requires contractors to give construction workers water breaks. Now they are pushing for Dallas to follow suit.

According to the Workers Defense Project, about 1 in 3 construction workers in Texas report receiving no breaks during a shift other than for lunch. Two-thirds say that their employer does not provide any water on the job. And 10% reported that they have seen a coworker faint on the job due

to heat exhaustion.

Father Joshua Whitfield of St. Rita's Catholic Church added, "I mean, OSHA has recommendations for water consumption and breaks, but there are no federal or state laws, and a city ordinance would be a stronger factor in creating this culture of safety and health in the Texas heat."

The Associated General Contractors' Austin chapter president, Phil Thoden, disagreed with the need for an ordinance. He said that workers simply take breaks when they need

them. Also that workers may be able to rest during the day when they are waiting for delivery of supplies or for others to complete their tasks.

The AGC also expressed concern that such an ordinance could be used to harass certain contractors and projects.

The Austin ordinance calls for a 10 minute rest break every 4 hours and signs in English and Spanish explaining the ordinances at job sites. Employers may be fined \$100-\$500 for every day violations occur.

US Corporations have placed approximately \$2,000,000,000,000 offshore to avoid paying taxes on it (that's two trillion, with a T).

CHECK OUT THE NLRB APP.

The NLRB has released an app. in the Apple and Android stores. The free app has been developed to educate workers on their rights under the National Labor Relations Act. It includes information on the NLRB election process that is followed when workers choose to form a union. It also in-

cludes information for employers and unions. You can find the application by searching for the "NLRB" in the APP store for your smart phone.

"It is clear that the American people have questions about the law. This app can help provide the answers," said

NLRB Chairman Mark Gaston Pearce "With this app, we are using 21st century technology to inform and educate the public about the law and their rights."

The Outdoor Corner

OKLAHOMA DOVE SEASON

Dove season in Oklahoma runs from September 1st to October 31st and from December 20th to the 28th.

Dove hunters often head out opening day or the following weekend, with about 80% of all birds taken during the season harvested in the first few days.

More than 23,000 hunters shot about 421,000 doves last season.

Josh Richardson, a bird biologist with the Oklahoma Department of Wildlife Conservation said doves should be plentiful this year.

“It’s looking good from what I

have seen and heard so far. Most people (in the Wildlife Department) who were out dove banding (this summer) were seeing a pretty good number of birds,” Richardson said.

He further reported that this year’s dove nesting survey showed an increase of 20% over last year.

According to the Department of Wildlife Conservation, the key to finding doves is to find the food and water sources that they prefer. This could include sunflower, snow-on-the-mountain, croton and other fields.

The Wildlife Department as-

sists by managing several dove fields around the state. Also, deals with some farmers has wheat being planted for wildlife management.

Hackberry Flat is a popular area to try. However, during opening weekend, it has tremendous hunting pressure and it may be difficult to get away from other shooters.

A HIP permit is required for anyone who hunts migratory birds in Oklahoma. For more information please see the Oklahoma Department of Wildlife Conservation.

www.wildlifedepartment.com



ITS GOOD FOR BUSINESSES, LAWYERS, AND REAL ESTATE AGENTS...

Businesses seem quick to oppose unions for their workers, yet most businesses belong to a variety of “associations”. Likewise, while we do not normally think of lawyers and real estate agents as belonging to a union...they usually belong to “associations” as well. We’d like to take a look at these examples.

The largest industrial trade association in the US is the National Association of Manufacturers (NAM). According to their website, they “are on the front lines of a wide range of policy battles, from health care reform and labor relations to energy and the environment, to trade policy and taxes”.

The US Chamber of Com-

merce represents 3 million member businesses. According to OpenSecrets.org, the Chamber spent more on lobbying than any other organization (\$136 million in 2012). One wonders how much they spent informing workers of their right to form their own organizations?

Likewise, we are sure you have heard of the American Bar Association and the National Association of Realtors.

The Bar Association represents 400,000 members. It seeks to support the legal profession though “practical resources for legal professionals” and “accrediting law schools”, among other things.

The National Association of Realtors is “America’s largest trade association”. According to their website, the core mission is “to help its members become more profitable and successful”.

Hmm...so the NAM, Chamber of Commerce, the Bar Association and the National Association of Realtors all have members...those members pay dues...and the organizations work to advance the interests of said members?

So... good for businesses, lawyers, and real estate agents but bad for working people?

THE US
CHAMBER OF
COMMERCE
SPENT ABOUT
\$293 MILLION
ON LOBBYING IN
THE LAST TWO
ELECTION
CYCLES.

IUOE Local 351

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Borger, TX 79007

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TEXAS EURECAT WORKERS!

If you want to make
improvements at your
workplace, you will have to
remain organized to form
your union!

Do not let anyone convince
you to give up your right to
organize and bargain
collectively over your
wages, benefits, and
working conditions!

THE PROCESS NEWS

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