

THE PROCESS NEWS

By the International Union of Operating Engineers,

Locals 351 & 564

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WHAT DO UNION DUES BUY?

Does it seem like you keep hearing more and more about joining the Operating Engineers? Yeah, what can we say, our members and organizers are hard at work signing up new operators and new signatory contractors. You see, the stronger our union is, the better it is for our current members, the better it will be for our future members...and the better it is for our industry as a whole.

We know that anytime you consider a new product or service, you do a cost-benefit analysis. And everyone knows that the cost of being in a union comes in the form of monthly dues (non-union employers constantly remind everyone of that!). They are certainly right. Union members have to pay dues. What they are not telling you is that for those dues, you will

likely be forced to accept a range of horrible things. So, in the interest of full disclosure...here's a list.

- You'll have to accept high wages.
- You and your family might have to put up with better quality, employer paid health insurance.
- It's possible you'll have to take time and a half on Saturdays and double time on Sundays.
- You will no longer be able to enjoy being fired just because your boss wants to put his nephew in your seat.
- You will be forced by your union to accept the security of knowing that you won't be disciplined for refusing to do something that is not safe.
- In the event that you are called into the boss's office

for disciplinary reasons, you will, unfortunately, have the right to have a representative from your union there to assist you.

- We know you love your 401K plan. Who wouldn't like a retirement plan that may or may not last through your golden years? Yes, the horrible rumors you've heard are true...the IUOE Central Pension Fund does provide a guaranteed benefit for the duration of your life.

- And the worst thing your dues pay for? The union will actually encourage you to go to regular meetings where your elected leaders will ask for your input on what the union should be doing.

It's a travesty.



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REFINING COMPANIES ATOP THE FORTUNE 500

Number one on this years list of the most revenue generating companies is, unsurprisingly, Wal-mart. However, the 2nd and 3rd places are held by Exxon Mobil and Chevron.

Oil and gas refining companies continue to do pretty well on the list. In fact, 4 out of the top ten are refin-

ery operators.

#2 Exxon Mobil - \$32 billion in profit on \$407 billion in revenue.

3 Chevron - \$21 billion in profit on \$220 billion in revenue.

#6 Phillips 66 - \$3.7 billion in profit on \$161 billion in revenue.

#10 Valero - \$2.7 billion in profit on \$137 billion in revenue.

The rest of the top ten consists of Berkshire Hathaway, Apple, GM, Ford, and GE.



\$10.10 MINIMUM WAGE FOR FEDERAL CONTRACTORS



In February of this year, President Obama issued an executive order that will raise the minimum wage to \$10.10 an hour for contractors that do business with the federal government. The raise is expected to impact thousands who work on military bases in food service and janitorial positions.

The order will take effect on January 1st, 2015 and will apply to new contracts. In other words, the higher wage requirement will be phased in as contracts are renewed after the first of the year.

The administration provided a couple of examples of how the order will benefit workers. They spoke of a dishwasher at Randolph Air Force Base in Texas, a fast food worker at Andrews Air Force Base, and a laundry worker at Fort Dodge in Iowa. These three folks were currently making between \$7.76 and \$9.03 an hour. So, an increase to \$10.10 will mean a raise of between about 12%-30%.

However, the increase in wages is not universally supported. In early May, republican law-

makers, defense department officials, and fast food industry lobbyists joined together to ask the labor department to exempt fast food restaurants on military bases from the requirement.

Democrat Rep. Grijalva from Arizona responded to the criticism, "I hope the Labor Department upholds the wage and offers to work with those franchises to find some way to meet the intent of the order. It is not like this will mean economic ruin for these companies."

EQUAL PAY FOR WOMEN

In the last couple of months, we have celebrated two days geared towards the women in our lives. May 11th was Mother's Day...hopefully if you are fortunate enough to still have mom around, you remembered the day and gave her a call, maybe took her out to dinner. About a month before Mother's Day, on April 8th, we celebrated the first annual National Equal Pay Day.

The new designation comes from a proclamation by President Obama, in which he asked for all Americans "to recognize the full value of women's skills and their significant contributions to the labor force, acknowledge the injustice of wage inequality, and join efforts to achieve equal pay."

It is important to note, the ad-

ministration did not pick the date of April 8th out of a hat. The date actually symbolizes how far into the new year the average American woman has to work to earn what the average American male did in the previous year.

National Equal Pay Day was just one of the ways that the administration has tried in recent months to highlight the need for pay equity. In early April, President Obama signed an executive order prohibiting federal contractors from retaliating against workers who discuss their salaries with coworkers. He also directed federal contractors to submit their wage data, including gender and race, to the DOL.

The US Congress has tried to implement similar protections

across the board through the Paycheck Fairness Act, but the efforts have been blocked by Republicans in the Senate each time. A Republican filibuster in April blocked the vote on the issue for the second time. Sixty votes were needed to overcome the filibuster – all 44 Republicans voted against it.

The conservative Heritage Foundation said that the Paycheck Fairness Act unfairly burdened employers. They state that the gender gap exists because women work in different jobs, with different hours, and have different qualifications than men. They said that the Paycheck Fairness Act would expose employers to "frivolous lawsuits" by women seeking equitable pay.



"LEGISLATION TO APPLY THE PRINCIPLE OF EQUAL PAY FOR EQUAL WORK WITHOUT DISCRIMINATION BECAUSE OF SEX IS A MATTER OF SIMPLE JUSTICE" - DWIGHT D. EISENHOWER.

HISTORY OF THE US LABOR MOVEMENT—PART 2

The decades following the civil war up to WWI were not good for workers. As mentioned in the last issue, the “Titans of Industry” who ruled the countries steel, shipping, and banking industries ruled their employees with an iron fist.

In the last couple of decades of the 1800’s, hundreds of workers were killed during strikes and thousands were injured. State and federal troops were dispersed over 160 times to intervene in strikes. And it wasn’t just official government troops who broke strikes. The Pinkerton Detective Agency employed more strike breakers than the US had in its standing army (over 200,000).

Big Business used federal court injunctions to ban virtually any concerted activity by workers. They had workers sign “Yellow Dog” contracts, stating that they would not join a union. This time period also saw a rise in the use of the “company town”, where virtually all of a man’s wages went back to the company.

The late 1800’s and early 1900’s also saw the rise of some real heroes in American Labor History. Mary “Mother” Jones fought tirelessly to help mine workers and child laborers. In 1903, she led a march of child laborers, many missing fingers or hands, to President Teddy Roosevelt’s house. Roosevelt refused to see them.

A decade later, the elderly Mother Jones was jailed twice for speaking to striking mines in Ludlow, Colorado. The miners were asking for several improvements, including union recognition. When John D. Rockefeller’s Colorado Fuel and Iron Company evicted them from their company town, 1,100 miners set up camp outside the company territory. On April 20, 1914, state militia stormed the camp. One soldier, five miners and one boy died in the skirmish. The soldiers then torched the tent encampment, burning to death two additional women and 11 children. In the 10 days that followed, Colorado ap-

peared to be in open revolt, with miners and the public raiding other mines and fighting against the Colorado National Guard.

The early 1900’s is also when the Industrial Workers of the World (IWW) was founded. Started with the belief that the American Federation of Labor was too conservative, the IWW fought to organize all workers, regardless of skill set, race or gender. Their membership grew to about 40,000, but shrunk rapidly after the first “Red Scare” in 1919-1920.

Overall union membership grew during and just after WWI. President Wilson championed the idea of “workplace democracy” and the AFL unions worked with companies to provide the steady labor needed for war.

Well, we did not make it to WWII in this issue. The 1880’s to 1920’s were a crazy time for workers, when billionaires and corporations ruled the country. More next time.

“THE HISTORY OF THE LABOR MOVEMENTS NEEDS TO BE TAUGHT IN EVERY SCHOOL IN THIS LAND. AMERICA IS A LIVING TESTIMONIAL TO WHAT FREE MEN AND WOMEN, ORGANIZED IN FREE DEMOCRATIC TRADE UNIONS CAN DO TO MAKE A BETTER LIFE. ... WE OUGHT TO BE PROUD OF IT!” - HUBERT HUMPHREY

COMMON LABOR TERMS

Deregulation—the removal of government oversight to any number of issues. The deregulation of the economy began under President Carter and accelerated greatly under Reagan and Bush.

Dispatch—The person highest on the out-of-work list who matches the needs of a signatory contractor is dispatched to the contractor.

Double-Breasted—in the building trades, a union company that sets up shop elsewhere (mostly the south) as non-union.

Dues—fees paid by members

to finance the running of the union. The funds are used for legal fees, arbitrations, salaries, physical expenses, etc. Dues are not used for political activities.

Excluded Positions—Mutually agreed upon employees not covered in a collective bargaining agreement (usually members of management).

Family Medical Leave Act—FMLA, 1993 act that says employers with over 50 workers must grant 12 weeks of unpaid leave for the birth of a child, adoption, taking in of a foster child or to care for sick family member.

Free Rider—a worker in a union shop who chooses to accept the benefits of the union without paying dues.

Fringe Benefits—negotiated contract provisions, outside of wages and hours—includes health insurance, pensions, vacations, etc.

General Strike—a strike that is more geographic than employer, union, or industry related. Large general strikes happened in Waco, Seattle, Boston (1919), Kansas City and Seattle (1934).

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



OIL AND GAS BOOM - BY THE NUMBERS

“THANKS TO EXTRAORDINARY AND SWIFT ADVANCES IN TECHNOLOGY TO LOCATE, CAPTURE AND PRODUCE NATURAL GAS, TODAY THIS COMMITTEE WILL DISCUSS THE EXPANDED OPPORTUNITIES TO EXPORT LNG, THE POSSIBILITIES TO CREATE HIGH-PAYING JOBS IN AMERICA AND SUPPORT OUR ALLIES IN EUROPE AND BUDDING DEMOCRACIES ACROSS THE WORLD,”
SENATOR MARY LANDRIEU

Pretty much everyone is aware that the amount of oil and natural gas being extracted in the United States has increased in the last couple of years.

Thanks to improved drilling techniques, including hydraulic fracking, wells are able to tap into new sources for crude oil and natural gas, and this has led to a massive increase in productivity. The immediate result of all of this new activity has been the addition of tens of thousands of jobs in our industry.

There are many shale “plays” in the United States, but currently the most active in the country are: (1) the Bakken in the Dakotas and Montana, (2) the Eagle Ford in South Texas, (3) the Haynesville in NW Louisiana, (4) the Marcellus from Kentucky up through Ohio and Pennsylvania, (5) the Niobrara from NE Colorado up through Nebraska, Wyoming and South Dakota, and the (6) Permian in west Texas.

Like it says, everyone know there is more drilling and production, but we’d like to give you some recent facts and numbers to put things in perspective.

- According to a search of the Texas Railroad Commission records, 4,923 new oil and gas wells have been approved in the state of Texas during the first four months of 2014.

- The United States overtook Saudi Arabia and Russia as the world’s largest producer of Oil and Natural Gas in 2013.

- Eagle Ford oil production has increased from about 54,000 barrels per day in January 2007 to an expected 1,417,582 barrels per day in June 2014.

- Marcellus Shale natural gas production has increased from about 1.1 billion cubic feet per day (Bcf/d) in January 2007 to an expected 14.59 Bcf/d in June 2014.

- Oil production is expected to

increase until about 2020 and then slowly decline. Around 2020, the oil production will be approximately the same as the peak in 1970 (EIA.gov report).

- Natural Gas production is expected to increase through 2040, at which point it is expected to be the fuel that accounts for the largest portion of our electric generation (EIA.gov report).

- About 10 million US jobs are created by the oil and gas industry, with about \$500 billion in wages paid to workers either directly or indirectly related to the industry (energytomorrow.org).

The IUOE is constantly working to ensure that these jobs are as safe as possible, with the highest wages and best benefits available.

IUOE STATIONARY TRAINING - SIMPLY THE BEST!

Our members are trained through formal apprenticeship programs and through on-the-job training. This can be supplemented by courses offered by the IUOE and its local unions and through trade/technical schools.

For those just starting out, our apprenticeship program is designed to take someone who may be unfamiliar with the trade and help them grow into a journey-level stationary engineer.

Our journey-level stationary engineers are provided with opportunities to continue their

skills-building education to keep abreast of changes in the industry and to increase their employability.

Courses may include:

- Boiler Operation
- Boiler Maintenance
- Air Conditioning and Refrigeration
- HVAC Instrumentation/controls
- HVAC Advanced Testing/Balancing
- Safety
- Electricity

- Energy Conservation
- Indoor Air Quality

Our International Union is currently in the process of purchasing 200 acres east of Houston, TX to be developed as a new nationwide training site for the Operating Engineers. The details of the development and the types of training that will be offered are still being worked out.

We’ll let you know more when it is finalized...but it is an exciting development for all Operating Engineers!

FACILITY TOLD TO REOPEN AFTER ULP

In November 2012, Gunderson Rail Services (Greenbrier), a nationwide railway car repair and maintenance company, laid off 28 of its 90 Tucson, AZ employees. People occasionally get laid off, right? So what's the big deal? The problem with this was that a majority of those 90 employees had signed cards to indicate their intent to form a union with the Sheet Metal Workers International Association's Local 359.

The union filed a ULP (Unfair Labor Practice) charge with the National Labor Relations Board's Phoenix office alleging that the layoff was unlawful. An administrative hearing was set for September 17, 2013 to resolve the matter. However, just before the hearing, Greenbrier announced that it was closing the Tucson facility altogether and that the remaining employees were being let go.

The regional NLRB office

decided that the impending closure and layoffs were also unfair labor practices and were designed to further disrupt the employees from exercising their right to form a union. Realizing that Greenbrier's unfair practices had effectively squelched the attempts to organize a union at the Tucson facility, the NLRB sought injunctive relief from the US District Court.

In March 2014, Senior District Judge Frank R. Zapata agreed with the NLRB and issued an injunction order, instructing Greenbrier to reopen and restore operations at the facility, to immediately offer reinstatement to the Tucson employees and to bargain in good faith with the newly formed union. Furthermore, the injunction order was clarified that Greenbrier was to continue its past practice of sending its own rail cars and equipment to be serviced at the location, to inform its largest customer that it

would charge the same 2013 rates for services, and to let other past customers know of the reopening in Tucson and to solicit their business.

Greenbrier appealed the decision and filed an emergency motion to stay the injunction. The 9th Circuit Court of Appeals denied their request and ordered that the company comply with the injunctive order. The moral of the story? Companies sometimes use threats and intimidation to deter employees from exercising their federally protected rights to form a union. And sometimes the employers may follow through with those threats. However, your right to a union is absolutely guaranteed and there are processes through the National Labor Relations Board and through the court system to remedy any employer misconduct.

“CAPITAL
ORGANIZES AND
THEREFORE
LABOR MUST
ORGANIZE” -
THEODORE
ROOSEVELT

MCNAMARA-O'HARA SERVICE CONTRACT ACT

Essentially, the Service Contract Act (or SCA), helps to insure that workers who provide services to the federal government are fairly compensated. It was passed in 1965. The act applies to every service contract entered into by the US government or the District of Columbia.

In other words, the SCA is in effect every time the federal government enters into a contract with a private company for any service that utilizes service employees.

The law states that for every contract in excess of \$2,500,

the contractors and subcontractors have to pay their employees doing the work no less than the monetary wage rates and fringe benefits found to be prevailing in the locality. Or, the rates contained in the previous contractor's collective bargaining agreement.

Not all types of work qualify under the SCA. For instance, construction of public buildings, contracts for carriage of freight or personnel, and contracts for public utility services are not under the SCA.

While the SCA does provide a minimum wage to be paid for

each service type, sometimes those wages do not go up very often. So, many SCA workers are turning to unions, like the IUOE, to help them negotiate contracts with better wages and benefits.

The IUOE has been representing service contract workers all over the United States at federal buildings and military bases for many years.

For more information see the SCA tab on :

Workers-united351.org

Workers-united564.org

Or at www.dol.gov



WEINGARTEN RIGHTS



Imagine you are working on the shop floor, out in the yard, or on a jobsite, and you get a call to immediately go in to your supervisor's office. What could they want? Is it about last Wednesday when you were 15 minutes late because of a wreck on the freeway? Are they finally cracking down on wearing your work gloves 100% of the time? Did you miss something on the daily inspection sheet you fill out?

Well, as a union member, you would have what are referred to as "Weingarten Rights". Basically, Weingarten Rights say that if a supervisor wants to ask you questions that might lead to you getting in trouble at

work, then you would have a right to request that your union steward or representative be present during the questioning. Your employer would have a couple of choices: They could grant your request and delay the interview until the representative arrives or they could deny your request and stop the interview immediately. If your employer denies your request, and continues to ask you questions, then it commits an unfair labor practice and you have the right to refuse to answer. Your employer would not be allowed to discipline you for this refusal to answer. Some union members carry Weingarten Cards which state something similar to:

"If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I request that my steward or union officer be present at the meeting. Without representation, I choose not to answer any questions."

The National Labor Relations Board under President Clinton extended Weingarten Rights to non-union employees, but that was reversed under President Bush's board.

WHAT HAVE UNIONS DONE?

There are many good personal reasons to join or form a labor union...better pay, a more secure retirement, better employer paid health insurance, a voice at work...however, unions have proven time and time again that they are good for all of society. Here is a list of 36 positive things we can thank unions for getting done.

- Weekends without work
- All breaks at work, including your lunch breaks
- Paid vacation
- Family & Medical Leave Act (FMLA)
- Sick leave
- Social Security
- Minimum wage
- Civil Rights Act/Title VII - prohibits employer discrimination
- 8-hour work day
- Overtime pay

- Child labor laws
- Occupational Safety & Health Act (OSHA)
- 40-hour work week
- Workers' compensation (workers' comp)
- Unemployment insurance
- Pensions
- Workplace safety standards and regulations
- Employer health care insurance
- Collective bargaining rights for employees
- Wrongful termination laws
- Age Discrimination in Employment Act of 1967 (ADEA)
- Whistleblower protection laws
- Employee Polygraph Protection Act (EPPA) - prohibits employers from using a lie detector test on an employee

- Veteran's Employment and Training Services (VETS)
 - Compensation increases and evaluations (i.e. raises)
 - Sexual harassment laws
 - Americans With Disabilities Act (ADA)
 - Holiday pay
 - Employer dental, life, and vision insurance
 - Privacy rights
 - Pregnancy and parental leave
 - Military leave
 - The right to strike
 - Public education for children
 - Equal Pay Acts of 1963 & 2011 - requires employers pay men and women equally for the same amount of work
 - Laws ending sweatshops in the United States
- List taken from the Union Plus website.

THE BASIC GOAL OF LABOR WILL NOT CHANGE. IT IS -- AS IT HAS ALWAYS BEEN, AND I AM SURE ALWAYS WILL BE -- TO BETTER THE STANDARDS OF LIFE FOR ALL WHO WORK FOR WAGES AND TO SEEK DECENCY AND JUSTICE AND DIGNITY FOR ALL AMERICANS. —
GEORGE MEANY

The Outdoor Corner

OKLAHOMA HUNTER RECOGNITION PROGRAM EXPANDS

For several decades, the Oklahoma Department of Wildlife Conservation has run the Cy Curtis Awards program as a means of recognizing deer hunters who harvest a trophy buck in the state. They are currently expanding the program to include trophy elks, black bears, and antelopes.

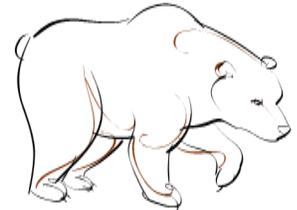
Regional Supervisor Jerry Shaw attributed the addition of additional animals to the successes of the department's

wildlife management programs over the last few decades.

"If you would've asked me when I started 20 years ago if we would ever be putting black bears in our Cy Curtis book, I would have said no. But here we are!", said Shaw at a May 5th meeting.

The program works similarly to national recognition programs from Boone and Crockett and Pope and Young. Basically, when a hunter harvests

an animal that is certified to meet the minimum score required, the hunter, details about the animal, and the location will be entered into the Cy Curtis book. In years past, the book just was printed annually, however, later this year, the information will be entered into a searchable database available through the Wildlife Department's website.



TEXAS NATURE CHALLENGE

The Texas A&M University's AgrilLife Extension and Forest Service programs are coordinating this summer's Texas Nature Challenge. Their stated goal is to get families and kids outdoors this summer at as many parks and nature areas as possible.

The "challenges" consist of a variety of educational lectures, nature walks, wild life identifi-

cation, and other outdoor activities. They are broken down geographically into six different regions of the state. So there are likely some participating parks and challenges near where you live.

For example, one challenge involves a visit to the Texas State Capital. You print out the challenge paper and it guides you on an educational

walk around the capital grounds.

You can just do the challenges for fun, or you can register your "team" and submit your completed tasks for a chance to win prizes.

More info at naturechallenge.tamu.edu



RIGHT-TO-WORK-FOR-LESS DEFEATED IN MISSOURI

Missouri House Speaker Tim Jones made his intentions clear from before the 2014 legislative session began. Passing right-to-work in Missouri was a priority.

Speaker Jones, supported by a group of Washington D.C. lobbyists, toured around the state touting the "benefits" of his proposed legislation.

The efforts may have hit a snag when one of Speaker Jones' cohorts inadvertently told the truth about what right-to-work laws actually do. At a news

conference meant to promote the ill-fated legislation, State Senator Ed Emery said, "One of the things that will be advocated by unions is look at all these right-to-work states, average wages all go down. Sure they go down."

Oops.

One supposes that Mr. Emery was hoping that maybe the states' workers would rally behind an effort that might lead to them making less money?

However, Senator Emery's goof, was not what actually led

to the bill's failure. Workers, unions, community groups and responsible politicians all stood up to this latest attempt by the American Legislative Exchange Commission (ALEC) to increase the bottom line for businesses at the expense of workers.

Make no doubt about it, they will try again next year. You see, that is the full-time job of these big business lobbyists.

Which is why union members work full-time to defend our rights.

"ONE OF THE THINGS THAT WILL BE ADVOCATED BY UNIONS IS LOOK AT ALL THESE RIGHT TO WORK STATES, AVERAGE WAGES GO DOWN. SURE THEY GO DOWN" MO SENATOR EMERY

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HAVE A GREAT 4TH OF JULY

A couple of weeks after this arrives at your door, we will again be celebrating our country's independence.

With all of the barbecues, parades, firework displays and baseball games, it may easy to forget the significance of the 4th of July. It was on that date in 1776 that the US Declaration of Independence was adopted.

Perhaps it is best summed up in a letter written by John Adams to his wife Abigail. On July 3rd, 1776, Adams wrote, "*The second day of July, 1776, will be the most memorable epoch in the histo-*

ry of America. I am apt to believe that it will be celebrated by succeeding generations as the great anniversary festival. It ought to be commemorated as the day of deliverance, by solemn acts of devotion to God Almighty. It ought to be solemnized with pomp and parade, with shows, games, sports, guns, bells, bonfires, and illuminations, from one end of this continent to the other, from this time forward forever more."

OK, so John Adams was off by two days, but still a pretty good prediction!

Have a safe and happy 4th of July!

***PCSI workers! Win your
Voice at Work and VOTE YES
on June 18th!***

THE PROCESS NEWS

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