


WORKING FOR A CAUSE

When Devlyn Sewell first saw Cora Flud's house, she almost cried. With live, exposed 220-volt lines, extension cords stapled along the walls and conduits falling away from the building, 88-year-old Flud's home was ready to catch fire or electrocute someone.

Sewell first took the problem to Local 302, Pleasant Hill, California, where she is chair of Community Services. Members volunteered two Saturdays to rewire the house, put in outlets and security lights around the yard and install new smoke detectors. She also persuaded the Labor Management Cooperative Coalition to donate \$500 in materials.

Flud, a victim of a flood which caused too many repairs to her home for her budget to stand, had been out of her house for nine months when Local 302 stepped in to help. Sewell dismisses her achievement with, "I enjoy volunteering, just sharing what I can. I want my kids to learn what it's like to give back." 

A Battle for Justice Continues

In a protracted six-year battle for justice, IBEW Local 702, West Frankfort, Illinois—with support from the IBEW International Office and the AFL-CIO—is taking a fight on behalf of its local union members to the U.S. Court of Appeals in Washington, D.C.

In July 1992, Local 702 and Central Illinois Public Service Company (CIPS), an investor-owned utility serving gas and electric customers in central and southern Illinois, reached a new three-year labor agreement. *[Ed. note—CIPS has since merged with Union Electric to form a new utility, Ameren/CIPS.]* The agreement included a new medical plan, effective January 1, 1993, with reduced benefits, but at a lower cost to members. The new family plan would cost \$64.50 per month, compared to \$199.30 the members were paying for their portion under the old agreement.

Before the new plan took effect, CIPS notified Local 702 that a "mistake" had been made in calculations and the projected cost for the employees would be \$179.50, instead of \$64.50 per month. Unable to negotiate a compromise, Local 702 filed an Unfair Labor Practice (ULP) charge against CIPS. In January 1993, the National Labor Relations Board (NLRB) ruled that no contract existed as there had not been a "meeting of the minds."

Local 702 continued to bargain on a new agreement from January 1993 to May 7, 1993, but refused to extend the old agreement past April 24, 1993. Between April 24 and May 20,

1993, the Local 702 membership began refusing *voluntary* overtime and began "working to the rule" (following CIPS work rules to the letter). On May 20, 1993, CIPS locked out 996 Local 702 members for "working to the rule" and refusing voluntary overtime.

Local 702 immediately filed both a ULP charge over the lockout and a lawsuit charging that the company violated federal laws in

implementing the insurance plan. On August 11, 1993, the NLRB regional office, after seeking advice from the NLRB General Counsel's Office in Washington, D.C., filed a complaint and notice of hearing. On August 25, 1993, CIPS ended the 14-week lockout.

In January 1994, the lawsuit was resolved as part of a new three-year labor agreement. That left the ULP charge, which underwent nine

weeks of testimony in Peoria and Springfield, Illinois, in late 1994 and early 1995. On May 20, 1996, exactly three years from the start of the lockout, NLRB Administrative Law Judge Marvin Roth issued a ruling declaring the lockout illegal and ordering full back pay, plus interest, for the 996 Local 702 members affected. Judge Roth concluded the lockout was not motivated by the



company's desire to obtain a contract and avoid a strike during a severe storm, but rather was unlawful retaliation for the membership's exercise of protected activities (working to the rule and refusing voluntary overtime).

After reviewing Judge Roth's decision, CIPS notified Local 702 of its intent to appeal. The attorney for Local 702 immediately contacted the IBEW International Office. The IBEW, in conjunction with the AFL-CIO, agreed to file a friend of the court brief in support of Local 702.

On appeal, a three-member panel of the NLRB reversed the decision of Judge Roth in a 2-1 decision on August 27, 1998. The two-member majority, even though accepting the judge's findings of fact and credibility determinations, nevertheless ruled that the lockout was motivated by the company's desire to obtain a contract and was therefore lawful. The dissenting member agreed with Judge Roth that the lockout was an unlawful retaliation for the exercise of protected activities.

Local 702, again supported by the IBEW and the AFL-CIO, filed a motion with the NLRB for reconsideration of its decision. The Board, however, denied that motion. On April 1, 1999, Local 702 appealed the NLRB's decision to the U.S. Court of Appeals in Washington, D.C. Both the IBEW and the AFL-CIO have supported Local 702's continued fight for justice, filing a supporting brief in the Court of Appeals.

International President J.J. Barry commended the officers and members of Local 702 for their solidarity and courage in this protracted struggle. "Our members are right, and through their determination, justice will prevail," he said.

At present time Local 702 is in negotiations with Ameren/CIPS. Because the NLRB did not overrule Judge Roth's decision that working to the rule or refusing voluntary overtime was legal, the company is now proposing that overtime be mandatory. ☐

Back at Work With Back Pay

In what is believed to be the largest reinstatement and make-whole award in the history of Southern Maryland Electric Cooperative, Inc. (SMECO), Dorothy Butler of Local 1718, Waldorf, Maryland, received \$75,000 for unlawful discharge from her job.

SMECO provides electricity to consumers in Calvert, Charles, St. Mary's and part of Prince George's counties in southern Maryland. About 20 percent of the cooperative's customers pay their bills in person at any of the four company offices. As part of her job as remittance processing clerk, Sister Butler sometimes filled in for cashiers, receiving payments from customers.

Management discharged Butler for failing to follow proper procedures. She had been given a verbal warning, but was not



Dorothy Butler displays her \$75,000 back pay award with William Braxton, president, Local 1718, Waldorf, Maryland and Tom Maynard, Fourth District International Representative.

told that she would be subject to discharge. The arbitrator found that Butler was not willful in her misconduct and that dismissal was excessive punishment. She was reinstated to her former position in the Prince Frederick office, and, thanks to her union's pursuit of the case, will have \$75,000 in back pay as compensation for the time lost due to her wrongful discharge. ☐

SENDING A MESSAGE



The Washington Post management directly across the street got the message from this sign displayed in the windows at the IBEW International Office during the successful seven-month fight by The Newspaper Guild to get the Post to sign a fair contract. IBEW members also joined in three rallies outside the Post entrance since November, including the celebration May 13 when the tentative agreement was reached on behalf of 1,200 TNG members in the news and commercial departments.

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New Local Aims Organizing At Small Industrial Units

A new IBEW local union in Western Pennsylvania is specially designed to launch organizing efforts at a traditionally tough target, small units of industrial workers. Local 385 was formed with approximately 600 industrial members previously represented by Local 5, Pittsburgh, Local 712, Beaver, and Local 1968, Spring Valley, N.Y. The new local has a Taft-Hartley pension and benefit plan to enhance the appeal to workers at small companies and employers.

To launch the project, Third District Vice President Lawrence Rossa assigned International Representative Steven Kamen to help organize the local. Brother Kamen is a former business manager of Local 1968, with experience both in bargaining manufacturing contracts and in administering multi-employer benefit plans. International President J.J. Barry established the new local effective January 1, 1999, and called it "a vehicle to aggressively pursue industrial organizing in Western Pennsylvania."

Rossa said the appeal is "to have

available, as in the construction branches, benefit and pension plans to offer to prospective new members and to be utilized as a vehicle to provide benefits in negotiations with newly organized employers." Rossa said the area is dotted with manufacturing plants with 10 to 20 employees, small sign companies with 10 or fewer workers and multiple "free lancers" in television. The Taft-Hartley plan of Local 385 can provide health benefits at lower premiums than are available elsewhere. The local's first organizing success came among clerical workers at a town government office.

Vice President Rossa appointed Terry Hanes, a former business representative with Local 712, as interim business manager of Local 385, who has opened an office in Grove City, Pennsylvania. "As we meet the challenges of the new millennium," Rossa said, "all Local Union 385 members will be urged to assist in organizing the unorganized in Western Pennsylvania in the many diverse industries that the IBEW represents." ❏

RECHARGING ONE IN NEED

After reading a newspaper account of the plight of an unemployed man, Local 573, Warren, Ohio, performed \$1,000 worth of work, and Horton Electric of Youngstown donated the materials needed to reestablish power to his home. Local 573 members not only reconnected the lines, but also repaired the lights inside and added plugs to the home of David Mask in Niles. Mask, who has no insurance and is unemployed, had been without electric service for nine months after a tractor-trailer caught an overhead utility wire and ripped his house meter off. Numerous attempts to track down the vehicle turned up empty and the utility company turned power off because the wiring was ripped off the side of the house.

Mask had been scheduled to appear in Niles Municipal Court for a misdemeanor charge of living without electric service, a required utility under city building codes. When Local 573 President Mark Catello and Business Manager Roy Mason read about Mask's plight, they organized the volunteers for the job. "That's part of what belonging to the IBEW is all about. Whenever somebody is in trouble, we do what we can do to help," said Catello. ❏



Third District Vice President Lawrence Rossa (far right) with officers and charter members from the newly formed Local 385.

Kudos for *PT Phone Home*

Since 1990, *PT Phone Home* has installed more than 40,000 bedside telephones in the rooms of veterans in almost all of the 173 veterans' hospitals across the country. The volunteer organization has also taken on a second project to establish *PT Phone Home* Computer Training centers in the medical centers, thus giving veterans further access to the world outside the hospital (see the July 1996, issue of the *IBEW Journal*, "PT Phone Home," page 12).

On May 10, 1999, IBEW International President J. J. Barry and Communications Workers of America President Morton Bahr accepted a Department of Veterans' Affairs Certificate of Commendation for the work done by *PT Phone Home*. "On behalf of all our hospitalized veterans who are connected with their loved ones and new friends through the *PT Phone Home* Project, I thank the members of IBEW and CWA for their volunteer efforts to support our nation's veterans," said Deputy Secretary Hershel Gober, as he presented the award. President Barry, too, commended the efforts of our mem-

bers saying, "Whenever someone is in need, the Union of Hearts and Minds always answers the call. The IBEW is indeed proud to be part of *PT Phone Home* and provide such a vital service to those who have served their country."

The *PT Phone Home* program is a cooperative effort including the IBEW, CWA, Bell Atlantic, NYNEX Corporation and the Telephone Pioneers of America. The program provides patient telephones, installation, system support equipment and remote computer access at no cost to the Veterans Administration or hospitalized veterans. ■



Above, the sign at the Omaha Works Tool Technology Training Center.

Getting the Right Tools

Others talk about getting workers the skills they need to advance. IBEW locals take action.

The first 33 Machinist and Toolmaker Apprenticeship graduates are on the job at the Lucent Technologies plant in Omaha, Nebraska, thanks to a new training program established by the company, IBEW Locals 1974 and 1614 in Omaha, and the Enhanced Training Opportunities Program (ETOP). Faced with a shortage of qualified applicants for the apprenticeship program, the partners established a Tool Technology Training Program and Center on site at Lucent's Omaha facility.

The first group of students and IBEW-represented employees received instruction at Southeast Community College, a premier technical college located in Milford, Nebraska, and graduated on February 1, 1999. Students put in over nine hours of classroom and lab time each week, attending classes on their own time. They each received a graduation certificate qualifying them to bid on future apprenticeship openings at the Omaha plant. The certificate also qualifies them to work in the machinist/toolmaker field for companies across the nation. ■



At the ceremony to confer the U.S. Department of Veterans' Affairs official commendation of IBEW's participation in *PT Phone Home* are: (left to right) David Thistle, IBEW coordinator of *PT Phone Home*; International President J. J. Barry; Deputy Secretary Hershel Gober; Executive Assistant to the International President Charles Fisher; and Telecommunications Department Director William Davis.

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IBEW CURRENTS

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U.S. Trade Deficit Soared in 1998

The U.S. merchandise trade deficit reached \$230.9 billion in 1998, a 27 percent increase over the 1997 mark. During the past 18 months, 40 percent of the world's economies slid into recession, causing a \$26.2 billion decrease in U.S. exports last year to \$167.5 billion, the first year this decade

that U.S. exports have dropped.

With Japan trying to export its way out of its worst recession since World War II, the U.S.-Japan trade deficit surged to \$64.1 billion—a 14 percent increase. The imbalance in U.S.-China trade also worsened, jumping from \$49.7 billion to \$56.9 billion. Together, Japan and China accounted for just over three-quarters of the U.S. \$160.4 billion trade deficit with the Pacific Rim nations.

The U.S.-NAFTA trade deficit also increased last year, climbing from \$31 billion in 1997 to \$34.2 billion in 1998. ☐

CANADA'S OHS BOOKLET: VIOLENCE IN THE WORKPLACE

The Canadian Centre for Occupational Health and Safety (CCOHS) has released a publication on curbing workplace violence. The *Violence in the Workplace Prevention Guide* covers both prevention and practical advice on how to deal with violence when it occurs. The cost is \$10. To order, contact CCOHS Customer Service at 1-800-668-4284 or by fax 905-572-2206. The CCOHS web site is www.ccohs.ca. ☐