

Goodyear Plant Closing Threat Forces USW To Strike

A Goodyear demand to close two more of its 12 U.S. plants, even after its prior contract with the Steel Workers led to its profitable turnaround, forced 14,000 USW members to strike the tire firm at 1 p.m. on Oct. 5.

"There's no sense continuing these talks if Goodyear is intent on gutting our contract and closing our plants," said USW Rubber and Plastics Conference President Ron Hoover, who is also an executive vice president of the parent union, just before bargaining broke off three days prior. USW then gave a required 72-hour notice.

"The company left us with no option. We cannot allow additional plant closures after the sacrifices we

made three years ago to help this company survive. It's a sad situation and a poor reflection on this company that we are forced to take this action after all we have done for them," added Hoover, whose conference is the old United Rubber Workers, now part of USW.

USW's prior contract gave Goodyear "much-needed financial flexibility by agreeing to wage, pension and health care concessions. In addition, each local union worked closely with local plant management to increase productivity and enhance efficiencies," the union said. USW also agreed to closure of the Huntsville, Ala., plant.

See Goodyear, Page 3.



Members of Local 1999, The Laborers Union, and Jobs with Justice attend a rally at the Goodyear store in Speedway on December 2nd. The rally was in support of Steelworkers on strike with Goodyear. A second rally was held December 16th at the Goodyear store in Greenwood



Local 1999, Unit 09

INFORMER

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Goodyear, from Page 1.

The old contract expired during the summer, but was extended day-by-day while the two sides tried to work out a new agreement. But in case they could



not do so, the old pact had the 72-hour notice provision, which USW invoked.

USW said a new agreement could not be reached because Goodyear insisted on closing plants in Gadsden, Ala., and Tyler, Texas, even as it paid millions in bonuses to executives and opened other factories overseas. Earlier in the talks, Goodyear mentioned closing plants in Fayetteville, N.C.--where USW re-

cently won a card-check victory--and Union City, Tenn. It later substituted Gadsden and Tyler.



“All this is in the context of the 2003 negotiations,” USW spokesman Wayne Ranick said. “We took cuts and concessions and it’s turned around. Other stakeholders have been rewarded, while we’re seeing cuts.” The firm also wants to shift more prescription drug costs to workers, so health care is on the table, too, he added.

To mobilize public support, USW started a radio ad campaign, especially in areas around its 12 Goodyear plants. “How would you feel if you worked a lifetime to build a great company, made sacrifices to save the company and now are being told that the company, after paying millions in bonuses to top management and investing in low-wage countries, needs to close more American plants?” the ads ask. “Goodyear workers and retirees say ‘Enough’s enough!’”

Press Associates, Inc. (PAI)



Dave Frye, Business Manager for Laborers International Union of North America Local 210 presents a letter to the manager at the Speedway Goodyear store. The letter detailed how the Laborers Union and its members will not do business with Goodyear as long as the Steelworkers are out on strike.

Las Vegas Night



Frank Benge, Derrick Morris, and Bob Bovee try there skill at a hand of poker



Sandy Warner (International Staff Rep.) and Dave Parliament (Local 1999) split the pot for first a second place in the Texas Hold'em Tournament. Kelly Ray Hugunin won third place.

On September 30, 2006 the Sub District held a Texas Hold'em Tournament and Las Vegas Night at the Local 1999 Union Hall. There was a good turnout for both events.



Raytheon Forces Machinists To Strike

TUCSON, Ariz. (PAI)--Raytheon demands that workers shoulder more of their health care costs and that new workers not get traditional guaranteed pensions forced 1,900 workers, represented by Machinists Local Lodge 933, to strike the firm's Tucson, Ariz., missile systems plant at a minute past midnight on Nov. 6.

The strike, approved in a mass meeting that drew more than 1,000 workers to a local convention center more than two weeks before, came after the profitable munitions maker refused to budge in lengthy talks with the union, IAM said.

Not only did Raytheon, whose workers at the plant make advanced weapons systems, want to have workers pay more for health care, it wanted to cut retirees out of health care entirely, IAM President Thomas Buffenbarger said.

"Like other corporations, aerospace companies think a secure retirement and decent living for workers is a

burden, but it is not. It is their responsibility to the thousands of men and women who make their profits possible," he told *The IAM Journal*.

The Machinists also blasted the company's pension proposal and a skimpy plan to raise wages by 9 percent over three years, at a time of record profits. IAM noted Raytheon's traditional pension plan is over-funded and, thanks to government defense contracts, its second-quarter profits rose by 54 percent in 2006, compared to 2005.

And the union was forced to file labor law-breaking charges with the regional National Labor Relations Board. It said Raytheon illegally spied on pro-union workers and illegally fired probationary workers.

Raytheon later announced a 41 percent increase in earnings per share, pleasing stockholders and executives, while refusing to share the increase with the workers.

See Machinists, Page 12.

False-Positive Triggers

Common medications and foods that might trigger false-positive in initial screening tests for controlled substances are:

Advil.....	Marijuana	Norflex	Methadone
Amoxicillin.....	Cocaine	Nuprin.....	Marijuana
Benadryl.....	Methadone	NyQuil.....	Amphetamines or Alcohol
Catac.....	Amphetamines or Alcohol	Phenergan.....	Methadone or Heroin
Diet Pills.....	Amphetamines	Poppy Seed Rolls	Heroin
Dilantin.....	Barbiturates	Rufen	Marijuana
Dristan.....	Alcohol	Soma.....	Methadone
Elavil	Methadone	Sudafed.....	Amphetamines
Mentholated Drops.....	Alcohol	Terinhydrate	Alcohol
Herbal Teas	Cocaine	Tonic Water	Cocaine or Heroin
Motrin.....	Marijuana	Vicks Inhaler.....	Amphetamines
Nasal Sprays.....	Amphetamines	Vicks Formula 44	Heroin

It is important to know that taking any of the above does not necessarily mean that you will have a false-positive test result. However, if you do take any of the above, you should keep a record of when you did and in what quantity. Likewise, you should maintain a record of-any prescription drugs your doctor has authorized you to take.

Chart courtesy of David L Lang, Chairman of the Brotherhood of Railway Carmen, Local 6136



Drive union

A buying guide of 2007 vehicles made by members of the United Auto Workers, Canadian Auto Workers (CAW) and International Union of Electrical Workers-Communications Workers of America (IUE)

UAW CARS

Buick Lucerne	Ford Mustang
Cadillac CTS	Lincoln Town Car
Cadillac DTS	Mazda 6
Cadillac STS	Mercury Montego
Cadillac XLR	Mitsubishi Eclipse/ Eclipse Spyder
Chevrolet Cobalt	Mitsubishi Galant
Chevrolet Corvette	Pontiac G5
Chevrolet Malibu	Pontiac G6
Chrysler Sebring	Dodge Avenger
Dodge Caliber	Pontiac Vibe
Dodge Viper	Saturn Aura
Ford Five Hundred	Saturn ION
Ford Focus	Saturn Sky
Ford GT	Toyota Corolla *

UAW PICKUPS

Chevrolet Silverado *	GMC Sierra *
Chevrolet Colorado	GMC Canyon
Dodge Ram *	Isuzu i-Series
Dodge Dakota	Lincoln Mark LT
Ford F-Series *	Mazda B-series
Ford Explorer Sport Trac	Mitsubishi Raider
Ford Ranger	Toyota Tacoma *

UAW/CAW VANS

Chrysler Town & Country	Dodge Caravan/ Grand Caravan
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CAW CARS

Buick Lacrosse	Dodge Charger
Chevrolet Impala	Ford Crown Victoria
Chevrolet Monte Carlo	Mercury Grand Marquis
Chrysler 300	Pontiac Grand Prix

CAW PICKUPS

Chevrolet Silverado	GMC Sierra
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UAW VANS

Buick Terraza	Ford Econoline
Chevrolet Express	GMC Savana
Chevrolet Uplander	GMC Savana Cargo
Chrysler Town & Country *	GMC Savana Passenger
Dodge Caravan/ Grand Caravan *	Saturn Relay
Ford Club Wagon	Ford Freestyle

UAW SUVs/CUVs

Buick Enclave	Hummer H2
Cadillac Escalade	Hummer H2 SUT
Cadillac Escalade ESV	Hummer H3
Cadillac SRX	Jeep Commander
Chevrolet Suburban *	Jeep Compass
Chevrolet Tahoe	Jeep Grand Cherokee
Chrysler Aspen	Jeep Liberty
Dodge Durango	Jeep Patriot
Dodge Nitro	Jeep Wrangler
Ford Escape/ Escape Hybrid	Lincoln Navigator
Ford Expedition	Mazda Tribute
Ford Explorer	Mercury Mariner/ Mariner Hybrid
GMC Acadia	Mercury Mountaineer
GMC Yukon XL	Mitsubishi Endeavor
GMC Yukon/Denali	Saturn Outlook
Hummer H1	Saturn VUE

IUE SUVs/CUVs

Buick Rainier	GMC Envoy
Chevrolet TrailBlazer	SAAB 9-7X

CAW SUVs/CUVs

Chevrolet Equinox	Lincoln MKX
Chrysler Pacifica	Pontiac Torrent
Dodge Magnum	Suzuki XL7
Ford Edge	

CAW VAN

Ford Freestar

* Vehicles marked with an asterisk are produced in more than one country, but all models made in the U.S. are assembled by UAW members.

Because of the integration of U.S. and Canadian vehicle production, all these vehicles include significant UAW-made content and support the jobs of UAW members. However, those marked with an asterisk (*) are sourced from the United States and another country. When purchasing one of these models, check the Vehicle Identification Number (VIN). A VIN beginning with "1,"

"4" or "5" identifies a U.S.-made vehicle; "2" identifies a Canadian-made vehicle.

Not all vehicles made in the United States or Canada are built by union-represented workers. The Toyota Corolla, for example, is made in the United States by UAW members, but the Canadian model is made in a nonunion plant and other models are imported from a third country.

For copies of Drive Union, call the UAW Public Relations and Publications Department, (313) 926-5291.

NLRB Expands Definition Of Who Is A 'Supervisor,' Barring Workers From Labor Law Coverage

By Mark Gruenberg, PAI Staff Writer

WASHINGTON (PAI)--By a 3-2 vote along party lines, the Bush-appointed GOP majority on the National Labor Relations Board expanded the definition of who is a "supervisor," throwing millions of workers out from under labor law coverage.

The rulings in the so-called *Kentucky River* cases, announced Oct. 3, were widely awaited by unions and management. The AFL-CIO led a protest march to the board's offices earlier this year, urging its members not to deprive workers--union and non-union--of their labor law rights.

Federation president John J. Sweeney and other leaders blasted the rulings, while the California Nurses Association said 30,000 of its members had signed strike authorization cards should their hospitals try to impose the rulings on them, stripping their right to unionize and declaring them supervisors (see separate story).

"While the Supreme Court's (*Kentucky River*) decision cracks open the door to a redefinition of who is a supervisor, the decision by the NLRB virtually kicks it in," Sweeney said of the main ruling, *Oakwood Healthcare Inc. vs. UAW*. Calculations of the number of workers deprived of rights range from 8 million to 34 million.

Quoting the dissenters, Sweeney added the Bush-named majority's rulings "threaten to create a new class of workers under labor law: Workers who have neither genuine prerogatives of management, not the statutory rights of ordinary employees. In that category may fall most professionals--among many other workers--who by 2012 could number almost 34 million, accounting for 23.3 percent of the workforce." Many union leaders blamed not just the board, but the anti-worker GOP president himself.

David Cohen, an AFL-CIO Department for Professional Employees attorney who worked on the cases, cited that 34 million number and told Press Associates: "Professionals usually vote. When they vote this November, they should remember who appointed the people who made this decision," Bush and the GOP.

Management anticipated a board decision that would define supervisors to include some of the lowest-level workers possible, such as warehouse workers who tell less-experienced colleagues that heavy items go at the bottom of a flatbed truck. But the board majority split the difference, and said Oakwood's charge nurses who are in that role full-time are supervisors, while others incidentally in it for short periods are not.

The case the board used to expand the definition of supervisor involved the Oakwood Heritage Hospital, of Taylor, Mich., that UAW was trying to organize.

Hospital managers argued the UAW could not include "charge nurses" who do such things as oversee patient care. Oakwood has 12 fulltime charge nurses, but most of its 181 registered nurses also serve as charge nurses on occasion. Oakwood wanted 157 of them to be named supervisors. There was an union recognition vote at the hospital, but the ballots were impounded until the NLRB could decide the issue.

Had the board ruled that all charge nurses are supervisors, it would have opened the door to declaring other lower-level workers as supervisors, too--such as a worker who ordered another to put heavy items at the bottom of a flatbed truck, according to former NLRB General Counsel Fred Feinstein.



See Supervisor, Page 8.

The NLRB's 'Supervisors' Decision: The Other Shoe Drops--54 Times

By Mark Gruenberg, PAI Staff Writer

ROSEBURG, Ore. (PAI)--The other shoe dropped after the National Labor Relations Board's *Oakwood* decision, reclassifying full-time charge nurses--and potentially millions of other workers--as supervisors unprotected by labor law. In Roseburg, Ore., it already has. And it could do so nationwide in at least 54 other cases.

In Roseburg, in anticipation of the board's ruling, made Sept. 30 and announced Oct. 3, five full-time charge nurses at recently unionized Mercy Medical Center were excluded from the Oregon Nurses Association local, the *Northwest Labor Press* reported. That's because both the local and the hospital managers anticipated the Bush-named majority on the board would rule the way it did.

Roseburg is only the tip of the iceberg. And it's not just charge nurses who face unwanted conversion to being "supervisors," unprotected by labor law.

Supervisor, from Page 7.

The NLRB's Republican majority broadened who is a supervisor by writing new definitions for several terms labor law uses to define "supervisors."

One was to "assign" other workers to various tasks. The GOP majority said the duty of assigning had to be more than intermittent. The two dissenters said the board left the word so open that virtually any worker who gave an assignment to another at any time could be a supervisor. This "threatens to sweep almost all staff nurses outside the (National Labor Relations) act's protection," the dissenters said.

The second definition the board majority broadened said a supervisor was a worker with the duty to "responsibly to direct" others. That meant, in plain English, the worker who directed the others could be held responsible for their actions.

The third expanded definition said more workers who exercise "independent judgment" on the job are now supervisors and thus outside labor law. It was that definition, Department for Professional Employees President Paul Almeida told Press Associates, that would evict most professionals from labor law

In their comments on *Oakwood*, the two dissenters from the NLRB's 3-2 party-line vote predicted the ruling could affect up to 34 million professional workers by the year 2014. The first list of cases released by NLRB the same day shows the board majority believes thousands of workers could be supervisors. Not all are unionized, but the board wants regional officials to decide which ones can or cannot be, case by case.

That round of upcoming decisions illustrates a comment by former NLRB General Counsel Fred Feinstein. He said the board opened the way to declaring a worker a "supervisor" even if all he did was tell another worker that the heaviest items should be put at the bottom of a flatbed truck.

Unions said *Oakwood* could declare everyone from construction workers to newspaper reporters

See Shoe, Page 10.

coverage.

Almeida, a Professional and Technical Engineer, explained that in many professions--including his own but also including construction--even lower-level workers instruct and monitor apprentices. "In the trades, an electrician can be a foreman on one job and a journeyman (worker) on another," he noted. The board did not say what would happen to building trades workers who shuttle between being foremen and regular posts.

The board majority went to some lengths to rebut charges it is throwing millions of workers out from under labor law coverage, leaving them open to management whims. It said, for example, that nurses exercising "independent judgment" could be supervisors only if their decisions "were not of a routine nature." And it said workers who are supervisors "part of the time" would still be employees, protected by labor law. But it then noted that past rulings said a worker who manages others as little as 10 percent-15 percent of the time is a "supervisor" and not protected by labor law.

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Shoe, from Page 8.

“supervisors.” That, in short, is what the board majority, by identical 3-0 votes, told regional officials to decide in the 54 cases.

In each case, the board said the union and the company must get a new ruling on who is a supervisor and who isn't. Unions contend firms will use that issue to halt organizing, delay elections, clobber bargaining units and cripple workers' rights. And when new contracts come up, firms will cite *Oakwood* and demand workers' exclusion.

The 54 cases were all sent back to NLRB regions by the board's GOP majority. The two non-Republicans were shut out. While 35 cases involved hospitals and nursing homes, 19 did not, showing a wide range of workers could be supervisors. There were nine written decisions and 45 returned to regions without comment. Rulings included:

ADB Utility Contractors of St. Louis fired 13 workers for their pro-union activities for IBEW Local 2 in 2002. The firm said eight of the 13 are supervisors. The GOP majority sent the case back down to St. Louis for reconsideration. It did the same thing with a case involving Southwestern Public Service Co., of Amarillo and Denver, but without any comments. The union in that case was not identified.

RCC Fabricators in Southampton, N.J., won a new round in that region against the Carpenters, over whether construction workers are supervisors.

Terry Machine Co., of Waterford, Mich., gets to argue that UAW Local 15 cannot represent all its workers--because some are supervisors.

Other cases the board sent back down to its regional offices for new hearings on who is a “supervisor” include disputes involving a lumber company in West Virginia, a tug and barge operator in Longview, Wash., an “oil patch” firm, Entergy Operations of St. Francisville, La., and United Water New York in West Nyack.

There are also three media firms, two grocery stores, a longshore crane operator in Fort Lauderdale, So.

Cal Ship Services at Terminal Island, Calif., and even Seattle's Children's Museum. At all, the NLRB told regions to reconsider who is a “supervisor.”

The two grocery stores are the Food-for-Less Store #8 in Topeka and Highlander Foods--the Kroger store--in Roscoe, Ill. Another firm that gets a second chance to declare workers are supervisors is the Seven-Up/RC Cola bottling plant in Vernon, Calif.

And the Communications Workers' warnings that media workers--including broadcast technicians and newspaper reporters--could be ruled “supervisors” now will face tests in cases involving KOIN-TV in Portland, Ore., KDSK in St. Louis, and the *Toledo Blade*, whose managers have already locked out five of its seven union locals.

The hospitals and health care institutions where NLRB regions must reopen cases and decide who is a supervisor include the Charlevoix Healthcare and Rehabilitation Center in St. Louis, the Detroit Medical Center, the St. Joseph Healthcare Center in Hamtramck, Mich., University Park Living Center in Muskegon, Mich., the Kurtz Paramedic Service and Flint Hills Resources--a combined case--in St. Paul, Minn., two union recognition cases from the Walker Methodist Health Care Center in Minneapolis, and one at Margaretville Memorial Hospital in New York's Hudson Valley.

And, as might be expected given the company's long top-management-directed campaign against unionization by the Service Employees, there's even a workers-as-supervisors case involving a Beverly nursing home, in Fort Smith, Ark.

The Northwest Labor Press contributed material for this story.

Press Associates, Inc. (PAI)





Scholarship helps students Pay for College

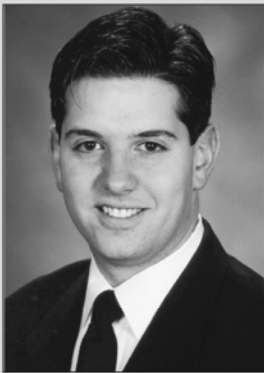
College costs are rising at nearly twice the rate of inflation. It's harder than ever for working families to send their children to college. And in today's world, every dollar counts. That's why you should know about **The USW Union Plus Scholarship Program** and the difference it has made to thousands of children of union families.

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Timothy C. Hurst
USW Union Plus Scholarship Winner is proud to be a member of Local 10-901.



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Amanda Rae Runions is thankful her father is a union member.



KELLY'S COLUMN

Preparing For Bargaining

At this point in time no meetings have been scheduled with the company for contract talks. However we have already begun to prepare.

Your negotiating committee consists of Mike McDonald, Derrick Morris, Andy Engle, Stan Perkins, and myself. I feel we have a very good committee for this contract. I feel that all of the members of this committee will work very hard for the wants, needs, and desires of the membership.

On Thursday, December 21st your negotiating committee met for the first of several meetings to prepare for the upcoming negotiations. The committee has begun to prepare the union's non-economic proposals to be given to the company.

There is still a lot of work that remains to be done. The committee has scheduled to meet at least two more times to prepare for bargaining. In those meetings the committee will finalize the non-economic proposals and prepare the economic proposals.

With the help of Business Representative Bruce Reed and International Staff Representative Jim Adcock your committee has and will study the contract for any needed language changes, examine the grievances filed over the past three years, and analyze the data collected from the two contract surveys that you completed. Using this information the committee will draft the union's proposals.

I would like to thank each of you who took the time to return the surveys. Your input is greatly appreciated and needed. You may continue to give your input at the unit meetings and we will keep you informed through the meetings and the newsletter.

In Solidarity

Kelly Ray Hugunin

Kelly Ray Hugunin
USW, Local 1999
Unit 09, President

Machinists, from Page 5.

"We tried to get an agreement with Raytheon, but this company insisted on reducing the standard of living for the families of these workers even as they announce tremendous profits from their defense contracts," said Bobby Martinez, Local 933's Directing Business Representative, after the talks broke down and the strike began.

"Many of our members haven't had a raise in six years. The families of this area deserve better and it just isn't fair. We are disappointed that Raytheon would choose to reap huge profits from the war effort, and then attack their workers," Martinez added.

Reaction to the strike at the Tucson area's largest private employer was mixed, with some people charging, in blogs, that the workers are overpaid, and others--in a right-to-work state--denouncing unions. The IAM workers' defenders noted they are highly skilled, highly trained and need security clearances to manufacture the weapons.

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Wal-Mart Loses Court Battle, Has To Accept Union In Canada

Wal-Mart has lost an appeal against a labour board decision in the Quebec Court of Appeal and must now accept a UFCW presence in its Canadian store in Gatineau. The labour board had decided that the store's workers have the right to be represented by their UFCW Local, as the required between 35 and 50 per cent of them have signed union cards.

Wal-Mart had tried to keep UFCW out on the pretext that a Local had withdrawn its recognition request,

and been replaced by another UFCW Local. Thus, the company tried to force a vote at the workplace, quite apparently counting on its good chances to win it through its normal union-busting tactics.

Union spokesman Louis Bolduc called the decision a victory and said the labour board can deal with the accreditation effort of the second local.

UNI global union - December 8th 2006

More Than 600 Economists Support Raise in Minimum Wage

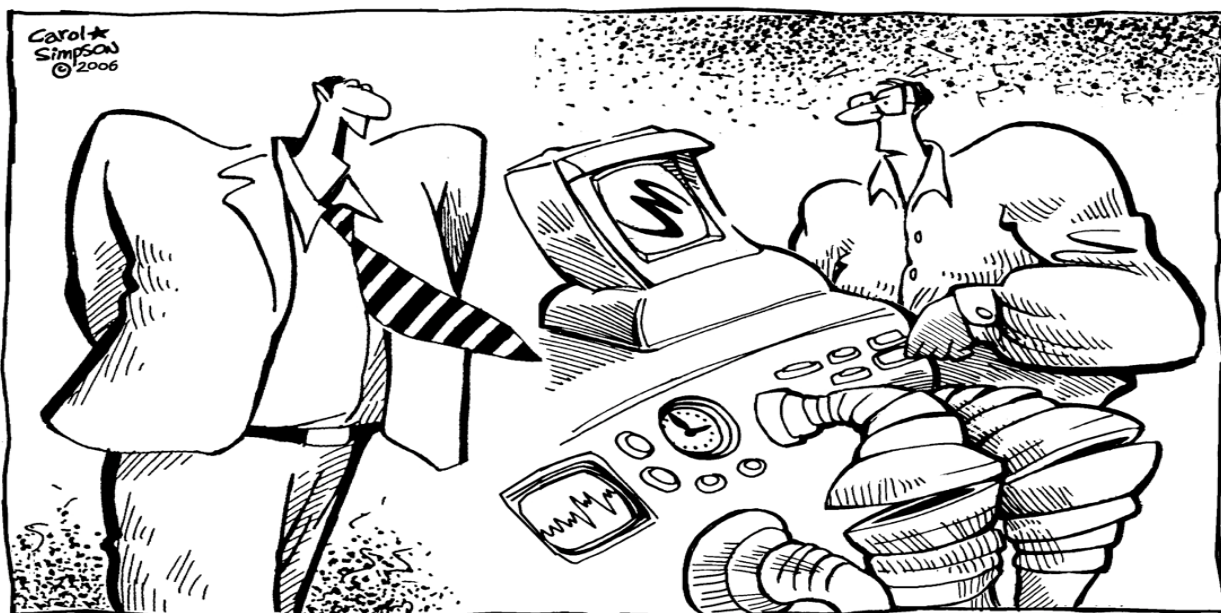
More than 600 economists have signed on to a policy statement crafted by the Economic Policy Institute (EPI) that calls for an increase in the minimum wage that would be indexed to protect against inflation.

The statement endorses "modest increases in state minimum wages in the range of \$1.00 to \$2.50 and indexing to protect against inflation."

The four-paragraph statement states "that an increase in the minimum wage would improve the well-being of low-wage workers and would not have the adverse effects that critics have claimed."

A proposal in Congress to raise the federal minimum wage from \$5.15 to \$7.25 per hour "falls well within the range of options where the benefits to the labor market, workers, and the overall economy would be positive," the statement said.

According to EPI, 22 states and the District of Columbia have set their minimum wage above the federal level. Currently, six states have ballot initiatives pending that would increase the minimum wage above the federal hourly rate and index the state minimum wage to inflation. They are Arizona, Colorado, Missouri, Montana, Nevada, and Ohio.



*"I respect you for having a mind of your own...
but I'd appreciate it if you'd use one of ours while you're here."*



SPORTS



Sub-District 3 Bowling Tournament

The Sub-District 3 Bowling Tournament will be held February 17th and 18th at the Terre Haute Bowling Center, in Terre Haute Indiana. Unit 09 has entered three teams in the tournament this year.

Kennedy Panel Agenda To Include Employee Free Choice Act, Medicare For All, After Min. Wage Hike

By Mark Gruenberg, PAI Staff Writer

WASHINGTON (PAI)--The Republican-run 109th Congress has yet to stagger to a conclusion--it returns for another lame-duck session in early December--but incoming Senate Labor Committee Chairman Edward M. Kennedy (D-Mass.) has already laid out an ambitious legislative agenda for his panel in the coming Democratic-run Congress, including the Employee Free Choice Act and extending Medicare to all.

Those plans will come after he pushes through his first priority, raising the federal minimum wage for the first time in a decade. Kennedy wants to increase the minimum wage from its present \$5.15 an hour in three steps over just over two years, to \$7.25.

"We're not rewarding work fairly anymore, and working families are falling behind," Kennedy declared in presenting his agenda for the panel just after the Democrats won enough Senate seats Nov. 7 to control the chamber 51-49.

"A minimum wage worker who works 40 hours a week, 52 weeks a year still makes just \$10,700 a year--\$6,000 below the poverty line for a family of three. In this era of skyrocketing costs, these hard-working Americans are forced to make impossible choices--between paying the rent or buying food, between paying for gas or paying the doctor. Americans understand fairness, and they know this is unfair."

Kennedy's other priorities include worker rights and government-run universal health care, an idea he has pushed for years. He is the lead Senate sponsor of the Employee Free Choice Act, to help level the playing field between workers and management. EFCA would outlaw employer-run "captive audience" meetings during organizing drives, legalize card-check union recognition, increase labor law-breaking penalties and mandate first-contract arbitration, among other moves.

Kennedy also mentioned extending the Family and Medical Leave Act by creating paid leave. FMLA now offers eligible workers only 12 weeks of unpaid leave.

Kennedy and Rep. Rosa DeLauro (D-Conn.) have drafted legislation to give seven days of paid sick leave to all workers in companies with at least 15 employees.

"We must give workers a stronger voice in their own futures and in meeting the needs of their families. We must protect workers' right to join together and fight for better wages and working conditions, free from employer intimidation...And families deserve paid sick days to care for loved ones without fear of losing their jobs," he said.

And Kennedy put extension of Medicare to everyone
See Kennedy, Page 16.

Federal Chemical Safety Board Throws The Book At BP Over Fatal Texas Blast

By Mark Gruenberg, PAI Staff Writer

TEXAS CITY, Texas (PAI)--Agreeing with the Steelworkers and strongly rejecting company claims of workers' guilt, the federal government's chemical safety investigations board threw the book at British Petroleum on Oct. 31 over the fatal explosion at its Texas City refinery more than a year before.

In its preliminary report and recommendations to the Occupational Safety and Health Administration, the Chemical Safety Board said BP knew of hazards at the plant before the March 23, 2005 blast, which killed 15 workers and injured 180 other people. It said the firm didn't fix the biggest hazards because it refused to spend the money.

"In 2004, BP's own auditors found similar problems that were common across 35 units worldwide, including Texas City," safety board chair Carolyn W. Merritt explained. "The findings describe the drastic effects of corporate cost-cutting at Texas City, where maintenance and infrastructure deteriorated over time."

Steel Workers spokeswoman Lynne Baker wasn't surprised by the findings.

"These voluntary protection programs in the refineries aren't working," she said of the Bush administration OSHA's favored method for dealing with job safety and health issues, both in refineries and elsewhere. "It's like the fox guarding the chicken house.

"Industry can't police itself," she continued. "What the refineries should do is get involved with OSHA's consultation program, asking the agency 'Could you help us get in compliance so that when your inspectors come around, things are OK?'"

BP tried to fix some of the problems at Texas City, but its response, one company official told Merritt's 5-person board--which was unanimous in its findings--was "too little, too late." Merritt said the resulting explosion, and the reasons for it, should serve as a cautionary tale for oil and chemical companies and workers nationwide.

BP claimed that workers--members of the Steel Workers and formerly members of PACE and its predecessor, the Oil, Chemical and Atomic Workers--were responsible for the explosion in the Texas City refinery's blowdown drum, part of its isomerization unit. USW sharply disagreed and challenged that conclusion, with its own investigation.

The chemical board found BP, workers, fault. Lead tor Don strom re-distillation overfilled highly flammable hydrocarbons" which flowed down, and overflowed the drum. The drum had 58 valves.



cal board not the were at investiga- H o l m - reported "a tower was w i t h

No valves "had undergone a required relief valve and piping study" to see if they could handle overfilling or other hazards, Merritt noted.

"Not only could the blowdown drum not hold enough liquid, it could not assure safe dispersion of flammable vapors through the vent stack," Holmstrom said. And those conditions existed before the blast 18 months ago.

Before the drum exploded, Holmstrom said, it had eight releases of flammable vapors from 1994-2004. Six of the eight times, "ground-level vapor clouds formed" of hydrocarbons. Those would have produced explosions had a flame been present to set them off, he said. The other two times, the vent stack caught fire.

BP had 17 such blowdown drums at its refineries, including Texas City, and engineers recommended they all be removed as antiquated and possibly dangerous, he noted, to be replaced by a safer flare system. At Texas City "this was not done. Cost pres

See BP, page 26.

Kennedy, from Page 14.

atop the committee's health agenda, alongside renewing the Children's Health Insurance Program, which serves millions of low-income children (and thousands of Wal-Mart workers' kids) nationwide.

"The most straightforward way to see that every American has affordable, quality health care is to extend Medicare to all citizens," Kennedy said, citing the "Medicare for All" act he wrote with Rep. John Dingell (D-Mich.). Dingell will chair the House Energy and Commerce Committee, which has some power over health legislation. "This proposal should be the starting point for discussions on achieving universal coverage."

Meanwhile, at least 200 union groups, including locals, retiree groups, central labor councils and 15 state federations, back a similar Medicare-based government-run single-payer health care bill, HR 676, drafted by Rep. John Conyers (D-Mich.)

Kennedy's agenda is the most extensive of those laid out by the incoming Democratic committee chairs, but not the only one of interest to workers. Other new chairmen have made pledges on other issues of interest to working men and women:

Rep. Charles Rangel (D-N.Y.) will take over the House Ways and Means Committee, the key panel that handles "fast track," anti-worker trade treaties, Social Security, taxes and Medicare, among other issues. Rangel said before the election that the Democrats have been pushing for more fairness in the tax code.

Just after the Democrats won their House majority--231-196 and counting--Rangel pledged they would try to extend expiring tax deductions that benefit middle-income people, such as the one 3.3 million teachers took last year for buying school supplies for their students and classrooms.

"We'll be able to work together on...ending tax shelters for companies that move American jobs overseas," Rangel added. "And I'd like to start rebuilding the trust between" the political "parties by bringing (lawmakers) together for informal retreats with key officials" on issues like trade and Social Security

"to get a full sense" of problems Congress must tackle, he added.

"Once we lay the groundwork and involve Democrats and Republicans in the process, we'll be in a stronger position to work together on big-ticket items like simplifying the tax code, enforcing trade laws and protecting Social Security's guaranteed benefit for future generations," he explained.

New Senate Finance Committee Chairman Max Baucus (D-Mont.) has said little about his priorities, but declared any Social Security privatization plan by GOP President George W. Bush dead. Baucus has backed anti-worker trade treaties. Sens.-elect Sherrod Brown (D-Ohio) and Bernie Sanders (I-Vt.) will oppose them.

Incoming House Education and the Workforce Committee Chairman George Miller (D-Calif.) is also the prime House sponsor of the minimum wage hike. He did not discuss it in a post-election broadcast interview--his only one about his agenda--but focused on next year's scheduled renewal of Bush's education law, the No Child Left Behind act. Both teachers unions, the AFT and the NEA, say it is seriously flawed.

Miller, however, stands behind the basic thrust of the law, for accountability. Both Miller and Kennedy worked with Bush on NCLB before Sept. 11, 2001, and both have since criticized him and the GOP-run Congress for failing to fully fund it and help local schools meet new, higher, federally set education standards.

Bush's law "is the cornerstone of improving the educational opportunities for poor or minority children in this country and it's the cornerstone of putting some accountability and responsibility into the school systems for what our children are learning. And there is a lot of support for those goals in this country," Miller told the interviewer.

"There are changes that have to be made and I would welcome the president back" into the discussion. "He has been absent without leave for five years and

See Panel , Page 17.

Nationwide Pressure Gives Houston Janitors Big Win

HOUSTON (PAI)--Nationwide pressure--everything from pending strikes elsewhere to a strong statement from a key U.S. senator--plus images of Houston's mounted police beating and arresting unarmed janitors, forced the city's top cleaning firms to bargain and finally give the striking janitors a big win on Nov. 20.

Four weeks after the cleaning companies forced out the janitors, newly organized by Service Employees Local 26, the firms settled with the union on their first-ever citywide contract. It raises the janitors' minimum pay from its present \$5.30 an hour to \$7.75 an hour on Jan. 1, 2009, and lengthens their hours. The pact gives them health insurance for the first time. Some 1,700 janitors struck, but 5,300 benefit.

Before the pact, janitors working for the cleaning firms that hired them to take care of Houston's office buildings earned an average of \$20 a day for a 5-day week.

Keys to the contract, besides the citywide mobilization, were nationwide support and images of mounted Houston police beating and arresting janitors during a Nov. 16 demonstration. Four janitors were injured and 44 arrested. SEIU janitors in other cities where the cleaning firms handled buildings put

Panel, from Page 16.

failure to fund No Child Left Behind is causing serious problems for the states and local school districts. Hopefully we can correct that," Miller said.

Another Bush education scheme--taxpayer-paid vouchers for parents of private school kids--is part of NCBL and a key Right Wing cause as a way to undermine public schools, their students and their unionized teachers. It got a flat turndown from Miller.

In a statement posted on incoming House Speaker Nancy Pelosi's Democratic agenda website, Miller stated: "Our nation's public schools do not deserve to be cut at the expense of private school vouchers. Our public school children do not deserve to suffer because of a demand by the Republicans to de-fund public education."

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the firms--and the building owners--on notice that janitors elsewhere could mount strikes on behalf of their Houston colleagues.

The janitors also drew notice by marching on Chevron's Houston headquarters, saying the city's dominant landlord and biggest oil company should weigh in on behalf of the underpaid workers who clean its buildings. That march prompted support from incoming Senate Labor Committee Chairman Edward M. Kennedy (D-Mass.).

"Houston janitors are fighting hard for basic rights every worker deserves: Fair wages, decent health benefits, and the opportunity to work full-time to support their families," Kennedy said. He reminded management that such "issues of fundamental fairness and simple justice" got "a resounding vote of support on Election Day.

"Responsible corporate citizens should support these too," Kennedy declared, adding Chevron and other oil companies should "devote some of their record profits to improving the lives of these hard-working men and women who clean their offices and who deserve to be treated with dignity and respect."

"Corporations like Chevron have a responsibility to use their power to make sure the American Dream stays within reach for working people. Instead of



squeezing low-wage janitors, Chevron should be a leader in making sure we have an economy where every worker has fair wages and health care," added SEIU President Andy Stern, who joined the janitors

See Janitors, Page 18.



Sign Up for Indiana AFL-CIO

E-Activist Network

INDIANA AFL-CIO E-ACTIVIST NETWORK!

The Indiana AFL-CIO and its affiliated unions along with the independent unions have joined forces to fight back damaging legislation against Indiana's working families. Therefore, they have created an E-Activist network that allows them to directly communicate with union members about possible damaging legislation or other vital labor union news.

Members who register for the Indiana AFL-CIO E-Activist network can update their profiles, access the tell-a-friend web page, locate their legislators and send them an email, and check on any email alerts or advocacy campaigns. Through the E-Activist Network you can watch and listen to the Indiana General Assembly.

To sign up, go online and visit the IN AFL-CIO website at www.inaflcio.org. Bookmark the site in your web browser to stay informed and prepared to take action. **Please sign up today! And, tell a friend so they can sign up and be informed!**



Ken Zeller
President

Joe Breedlove
Secretary / Treasurer

"A STRONG VOICE FOR INDIANA'S
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Janitors, from Page 17.

at their Nov. 14 Chevron march.

Contract details included:

A large wage increase, with a 21 percent hike from the present \$5.30 an hour retroactive to Jan. 1, followed by raises to \$6.25 hourly this January 1, \$7.25 on Jan. 1, 2008 and \$7.75 on Jan. 1, 2009. The janitors sought a raise to \$8.50 an hour from the five cleaning companies: ABM, One-Source, GCA, Sanitors, and Pritchard.

More work hours, all at the higher pay rate. Janitors who now get only 4 hours a night --at the \$5.30 rate--will get six hours per shift within two years. The local forecast that the combination of the longer hours and higher pay would double the janitors' income by the end of 2008.

Individual health insurance for \$20 per month, with family insurance at \$175 monthly, starting Jan. 1, 2009. The janitors now have no health insurance at all.

Six paid holidays per year--a first--and the ability to "accrue paid vacation time beginning in the first year of the contract."

"The increase in wages and hours will lift many families out of poverty, and provide janitors and their families with a steppingstone into the middle class while the health insurance will ensure workers have access to affordable health care," the local union said. And SEIU said the janitors' success in Houston will show other workers in the mostly anti-union South the value of organizing and unionizing.

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I have three pictures side by side in my house: John L. Lewis, Franklin Delano Roosevelt and Jesus. I draw Social Security on account of FDR. I draw a pension on account of John L. Lewis, and I'm going to Heaven because of Jesus.

-- Jack McReynolds, 70, retired miner, West Frankfort, KY

Diamond Chain Election Results Are In

An election for Unit Vice President and Unit Griever was held at Diamond Chain on October 10, 2006. This election was held as a result of the International Board of Appeals overturning Attila Martin's trial conviction which barred him from holding office.

Attila Martin beat Mike Hensley for Unit Vice President 136 votes to 104 votes. There was a six way

race for the Unit Griever. Chuck Davis won with 75 votes with Rita Brock receiving 69 votes, Jason Hughey with 45 votes, Ray Alexander received 25 votes, Gary Davis with 15 votes, and Jeff Huber with 4 votes.

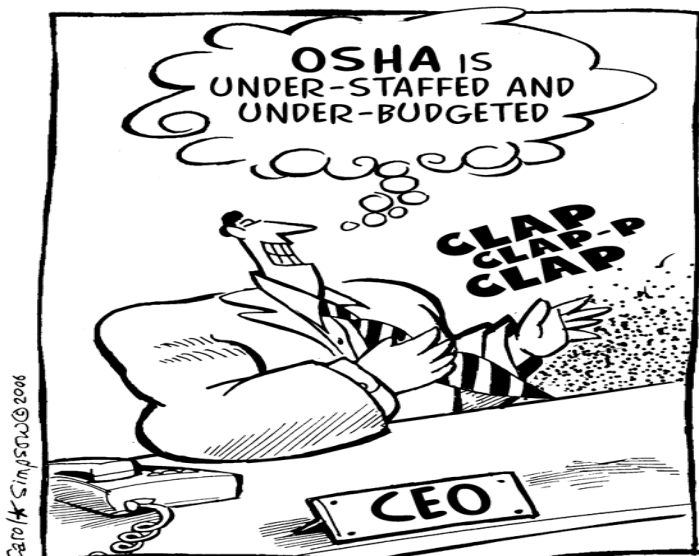
Both Martin and Davis will serve until the next general election in 2009.

ASC Elects Officers

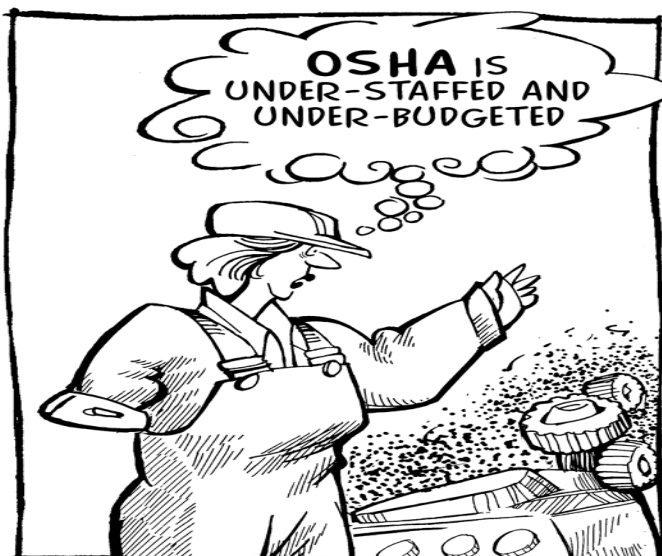
The locals newest unit, Air System Components in Lebanon held their first election of Unit officers on October 10, 2006.

Dustin Martin who ran unopposed was elected Unit President. Sonja Moore also unopposed was elected as Unit Vice President. Bob Wines was elected Unit Griever. Wines tied John Smith with 7 votes received. Smith then declined his nomination after the election.

Bob Garrigus from Diamond Chain was the election chairman certifying the election at ASC and Diamond Chain.



We all know the sound of two hands clapping.



But what is the sound of one hand clapping?

Caro K. Simpson © 2006

Labor Dept.: Rate Of Workplace Injuries, Ills Declines Slightly In '05

WASHINGTON (PAI)--The rate of workplace injuries and illnesses declined slightly in 2005, the Labor Department reported. But buried in the report were several qualifications to the data.

The Survey of Occupational Injuries and Illnesses, by the Bureau of Labor Statistics, reported virtually the same number of injuries and ailments as it did in 2004. But the rate dropped by 0.2 cases per 100 workers because workers toiled more hours.

And while the survey counts injuries and illnesses that forced workers to miss time from the job, or to have their work life changed--such as being barred from heavy lifting--it does not count long-term illnesses that develop after years at work or afterwards, such as asbestosis, black lung disease, mesothelioma and other cancers.



Larry Silcox has announced his upcoming retirement from Rexnord on February 1, 2007. Larry has been very active in the local over the years. He is currently Chairman of the Trustees for Local 1999.

BLS reported 4.6 cases of non-fatal workplace injuries and illnesses per 100 private sector workers last year, down from 4.8 cases per 100 workers in 2004. "The rate resulted from a total of 4.2 million nonfatal injuries and illnesses in private industry workplaces during 2005, relatively unchanged compared to 2004, and a 2 percent increase in the number of hours worked," BLS added.

Virtually all of the data showed injuries, not illnesses, with a total of 242,500 reports of new on-the-job illness last year. But BLS said that understates illness.

"The survey measures the number of new work-related illness cases that are recognized, diagnosed, and reported during the year. Some conditions--for example, long-term latent illnesses caused by exposure to carcinogens--often are difficult to relate to the workplace and are not adequately recognized and reported. These long-term latent illnesses are believed to be understated...In contrast, the overwhelming majority of the reported new illnesses are those that are easier to directly relate to workplace activity--for example, contact dermatitis or carpal tunnel syndrome," BLS said.

In line with previous data, goods-producing industries had a higher rate (6.2 per 100 workers) of workplace injury and illness than did service-producing injuries (4.1 per 100), and services now account for 79 percent of the economy, BLS said.

"Fourteen industries, each having at least 100,000 injuries and illnesses combined, accounted for slightly more than 1.9 million cases (46 percent) of the 4.2 million total. These same fourteen industries also reported having at least 100,000 injuries and illnesses in both of the previous two years. Hospitals (281,500) topped this group of industries in each of the last three years, followed by nursing and residential care facilities," which had 209,100 illnesses and injuries in 2005, the BLS pointed out.

Construction workers suffered 6.3 cases of illness or injury per 100 workers in 2005, with little change from the year before. Specialty construction workers --roofers, plumbers, electricians, painters and their

See Labor Dept., Page 22.

North Carolina Smithfield Tar Heel Workers Win 2-Day Walkout

By Scott Marshall, *The People's Weekly World* - Special to PAI

TAR HEEL, N.C. (PAI)--In a triumph of solidarity by fed-up employees, almost 1,000 Smithfield Packing Co. workers spontaneously walked off the job at their plant in Tar Heel, N.C. Nov. 16 to protest illegal firings, and returned to work after a 2-day strike having gained virtually everything they sought.

The walkout was notable because it involved non-union workers, many of them undocumented, in a rural area, in a state with a "right-to-work" law, with one of the most notorious anti-union environments in the country.

And it was a protest against company decisions to use federal "no-match" letters that said Social Security numbers did not match workers' documents, to fire some 75 workers. All 600 who got the letters and all those fired have Hispanic last names.

After two days, and very little production from the plant, Smithfield gave in. It agreed to increase the time allowed for employees to respond to "no-match" letters. The 75 fired workers--let go for failure to resolve Social Security issues--can return to work while the issues are sorted out. There will be no more firing and no discipline of the up to 1,000 workers who walked out.

Smithfield's Human Resources Department agreed to help process "no-match" Social Security issues and respond to questions. And Smithfield agreed to meet with a 14-member committee elected by the workers--one per department from both shifts--to deal with concerns raised by the workers.

The walkout came at a company that illegally fired union supporters in an United Food and Commercial Workers organizing drive in 1994 and then harassed and beat up union supporters in another attempted union drive in 1997.

Smithfield's labor law-breaking in both drives was so extensive that the National Labor Relations Board threw both subsequent elections--which UFCW lost--out as illegally skewed. UFCW is conducting a third drive at Tar Heel, and demanding card-check recognition of the union now, not an election.

Eduardo Pena, from the Eastern North Carolina Workers Center and an UFCW organizer who has been working with the Smithfield workers, believes that in many ways the workers won the minute they walked out.

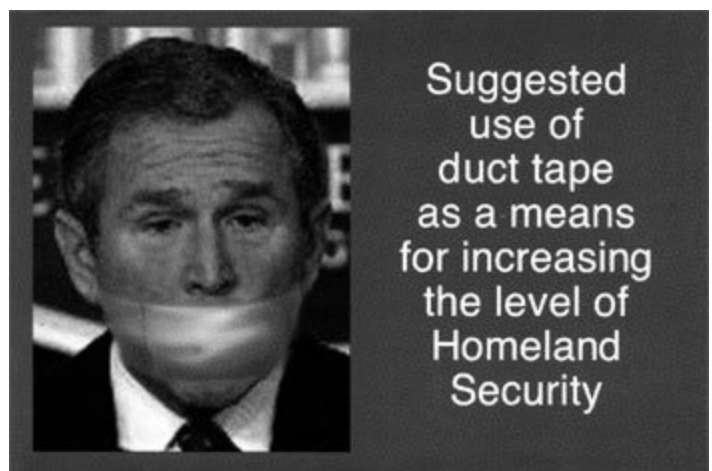
Unlike in previous years, instead of being met with company violence and intimidation, workers rallied peacefully in the parking lot immediately in front of the plant. They even set up a sound system and used electricity from the main building.

"This is 'protected' union activity, and this time the company was forced to recognize the workers' rights. Because the workers have stuck together and because there are so many legal and Labor Board charges pending from past illegal anti-union activities, the company is being very careful," Pena said. Many workers, even those still going into the plant to work, were wearing bright yellow "Justice@Smithfield" T-shirts.

Smithfield fired the 75 workers because they had received "no-match" letters from the Social Security Administration. "No-match" letters tell a firm that a worker's Social Security number does not match the name or some other information on record. Smithfield claimed it didn't want to fire anyone said the letters forced it to do so.

The UFCW pointed out that not only was Smithfield not required to fire workers, but that the federal

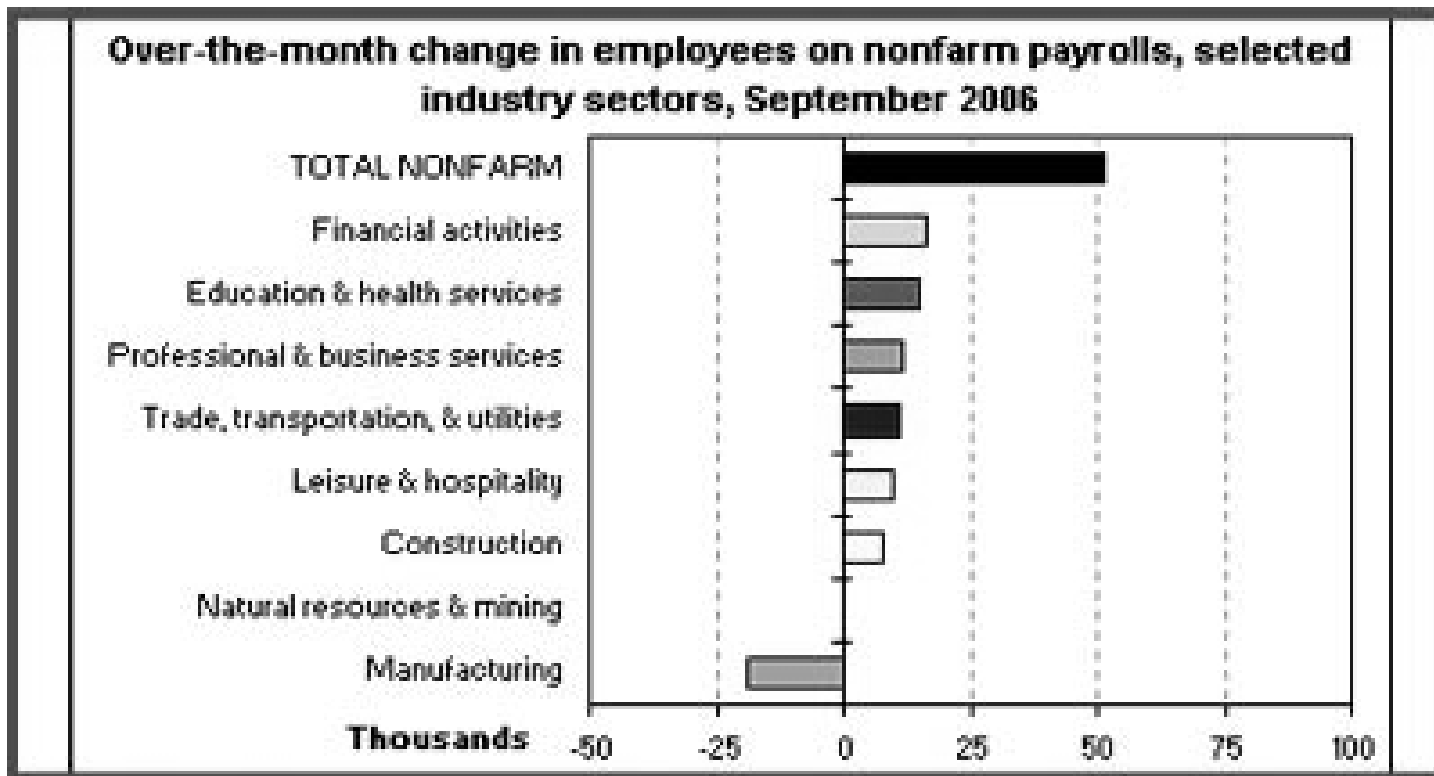
See Walkout, Page 23.



Manufacturing Job Losses Keep Climbing

According to monthly figures from the Bureau of Labor Statistics, the manufacturing sector lost another 19,000 jobs in September. This marks the third straight monthly decline.

Although there was a slight change in total non-farm payroll employment (+51,000) in September, it was substantially lower than the 123,000 rise expected by economists.



The nation has lost manufacturing jobs during 57 of the 69 months of the Bush Presidency according to a report by CBS Marketwatch. The nearly three million manufacturing jobs which have been lost since January 2001 exceeds the total lost in the 22 years before Bush took office.

More than 83 percent of the new jobs created since August 2003 are in the service sector, which pays an average hourly wage that is lower than the national average. Almost 1.2 million jobs were in low-paying domestic industries, such as wait staff in restaurants and bars and retail workers. More than 30 percent of the new jobs created are temporary jobs or in low-paying domestic industries.

Labor Dept., from Page 20.

colleagues--accounted for 64 percent of all construction workers, two-thirds of the injuries and illnesses and had a higher injury and illness rate (6.8 per 100). Even within that, there were higher rates, including among masons (13.4 cases per 100 workers) and building exterior workers (8.5 per 100).

Factory workers were harmed by more than 20 percent of all the injury and illness cases and almost 40 percent of the illnesses, BLS said, even though fac-

tory workers are only one of every seven private-sector workers. The overall injury and illness rate for factory workers was 6.3 per 100 workers, but three manufacturing industries were among the 14 private sector industries with at least 100,000 cases of injury and illness last year: Transportation equipment manufacturing with 146,800 cases, fabricated metal product manufacturing with 121,800 cases, and food manufacturing with 114,200 cases.

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AFSCME, Carpenters, Activists Force Breakup Of Drug Price-Fixing Scheme

BOSTON (PAI)--In another illustration of how unions help everyone, not just their members, New York's AFSCME District Council 37, a Carpenters health fund and Bos-ton-based public-interest activists forced breakup of a national drug price-fixing scheme.

The unions and the activists announced a settlement on Oct. 24 with the intermediary firm, First Databank, that fixed the prices of drugs sold to pharmacies. The settlement could save an estimated \$4 billion in drug costs for consumers and their health insurance plans, they said. A federal district court in Boston will hold a hearing in January on the settlement.

"We're proud to have taken a lead role in protecting our members' vital prescription drug benefit. The corrupt pricing practices uncovered in this lawsuit bled money from all union benefit plans and ultimately from our members' pockets," said AFSCME Council 37 Executive Director Lillian Roberts after the settlement.

Walkout, from Page 21.

agency specifically states the letters cannot be used to fire workers.

Keith Ludlum, a worker in the 5,500-worker pork processing plant's livestock department, and one of those fired in 1994 union drive, who was recently reinstated by the NLRB, said the letters were just the spark. He walked out Nov. 16 with the others, after having returned to the plant and resuming his effort to organize it.

Ludlum said there is a tremendous backlog of resentment and frustration by all the Tar Heel workers over a wide range of issues from health and safety violations to speed-up and working conditions. "The joke in the plant is that the hogs have more rights than the workers do. They have the protection of the USDA [U.S. Department of Agriculture] and we have none without the union."

He noted those who walked out were not only Latinos but also African-American and white workers. Workers said young Latino women played a special

The council's health plan administrator, Rosa Esperon, explained that "from 2002-2005, this conspiracy cost our benefit plan and others like it throughout the country billions of dollars in unnecessary drug spending every year."

The Prescription Access Litigation Project (PAL), which includes both the AFSCME council and the Carpenters' New England Health Benefits Fund, sued First Databank earlier. First Databank, a subsidiary of the Hearst Corp., not only publishes, but virtually sets, prescription prices for drugs that account for 95 percent of retail branded drug sales, PAL and the unions explained.

That power gave the drug company intermediaries, including First Databank and drug wholesalers, "countless ways they manipulate the system in order to wring out unjust profits," said PAL Director Alex Sugerman-Brozan. The other conspirator, McKesson Corp., a leading drug wholesaler, is still being sued.

See Scheme, Page 26.

role in organ-izing and leading the walkout. In UFCW's drives, Smithfield Tar Heel managers used race to try to divide the workers. UFCW has made Tar Heel a civil rights cause.

Robert Dixon, who also works in the livestock department, said even workers afraid to join the walk-out fully supported it. The company is "so heartless and mean that we all have stories of brutality and injustice," he said. "We all support the Latinos," he said, "and we all have our own reasons for wanting a union here."

UFCW quickly pointed out--refuting company charges--that workers on the shop floor, not union organizers, led the Nov. 16-17 walkout. "We are here to support them in any way we can," said Gene Bruskin, UFCW director of organizing, "but they are doing the planning and making all the decisions." A young Latino worker leaving the plant summed it up nicely: "We won and we'll keep on winning until we get the union."

Press Associates, Inc. (PAI)

NEA, AFT, AFSCME, AFL-CIO Side With Local School Districts In Desegregation Case

By Mark Gruenberg, PAI Staff Writer

WASHINGTON (PAI)--Saying a “racially diverse student population is essential for all elementary/secondary schools” because it “promotes racial acceptance, improves academic performance, and fosters a robust exchange of ideas,” the nation’s teachers unions, plus AFSCME and the AFL-CIO, weighed in on the side of school districts in Seattle and Louisville that defended their voluntary desegregation plans before the U.S. Supreme Court.

In a brief written by the National Education Association--the nation’s largest union, with 3.2 million members--and joined by the others, the four said the justices should uphold the desegregation plans against challenges from small groups of white parents who complained the goal of making schools racially diverse deprived their kids of their equal protection right to go to the high schools they wanted.

The Dec. 4 High Court hearing was marked by debates among the justices inside the courtroom over the constitutionality of voluntary desegregation, and demonstrations outside of it by backers of the two school districts.

The demonstrators said a decision against the districts--now a possibility with two justices named by GOP President George W. Bush--could undo progress in the nation’s schools, however halting, since the historic 1954 *Brown vs. Board of Education* ruling that outlawed “separate-but-equal” school systems and segregation in general.

The American Federation of Teachers’ comments in the brief expanded on those points. The joint NEA-AFT-AFSCME-AFL-CIO “friend of the court” brief was one of many sent to the justices before the case began, but the labor groups did not participate in the court session. There, the justices heard from attorneys for the school districts, for the challenging parents and for the Bush administration, which sided with the parents.

“The experience of the AFL-CIO and the AFT teaches the unique opportunities to interact with peo-

ple from other races in the public schools that are fostered by the policies at issue in this case, have substantial, positive impact on students, making them better citizens in our democracy and in the workplace, as well as more productive members of society,” AFT said in its paragraph in the joint brief.



“Specifically, the challenged policies reduce employment discrimination and equip America’s workers to flourish in an increasingly diverse society and global economy,” the joint brief added.

The Seattle and Louisville school districts “to a limited degree, take race into account” when assigning students to high schools, the unions said. The lower court ruling for the Seattle district noted it used race as the #2 factor in reassigning students when one of the district’s 10 high schools was oversubscribed in its open enrollment plan. The #1 factor was whether an applying student’s siblings were at the school.

A Supreme Court ruling for the two voluntary desegregation plans “would acknowledge the uniquely important role public education plays in preparing students to function effectively in a multi-racial, democratic society, accord with the deference this court has

long given to the educational policy judgments of school districts as to how best to carry out their mission,” the unions added in their joint brief.

But the justices did not focus so much on the aims of the desegregation plans as on their effect. They discussed the Louisville case, first.

“There is a cluster school...and a majority of the time you are not allowed there because of your race,” lawyer Teddy Gordon, arguing for the Louisville parents, told Associate Justice Ruth Bader Ginsburg. Gordon called it a “quota,” a loaded word.

Gordon noted the Louisville voluntary desegregation plan followed a successful court-ordered desegregation plan there. He said once a desegregation plan succeeds, it’s no longer needed, even if everything else stays the same. That puzzled Ginsburg.

“Do you think that there’s something of an anomaly there, that you have a system that is forced on the school, that it doesn’t want it, works for 25 years, and then the school board doesn’t have to keep it any more, but it decides ‘It’s worked rather well, so we’ll keep it,’” she said. “What’s constitutionally required one day gets constitutionally prohibited the next day” by the parents’ argument. “That’s very odd,” Ginsburg added.

Gordon later tried to backtrack, but Associate Justices David Souter and Stephen Breyer both caught him. “Why do we have to choose between diversity and educational outcome? I thought it was supposed to be both,” Gordon asked. “I think that’s what your friends on the other side are arguing,” Souter deadpanned.

“No. The friends on the other side”—the unions, the school boards and other desegregation backers—“are arguing there’s some type of improvement in educational outcome solely because you sit black children next to white children,” Gordon replied. Breyer then said that may be an improvement “from the Constitution’s point of view.

“The Constitution wanted...to take people who had formerly been slaves and their children and make them full members of American society. And part of that was that the state couldn’t insist that they go to separate schools,” Breyer added.

Associate Justices Antonin Scalia and Anthony Kennedy—now the court’s “swing justice”—challenged the Louisville school board’s lawyer, Francis Mellen. Mellen said the voluntary desegregation plan was “narrowly tailored” to pass constitutional muster.

Dual school systems “stigmatized the black children. It sent the message that the white race was dominant and superior and that the black race was inferior. That caused great harm to those black students and this court properly remediated it,” Mellen said.

“And this doesn’t? I mean, this (plan) which is somehow based on the notion that a school that is predominantly black or overwhelmingly black cannot be as good as a school that is predominantly white or overwhelmingly white? That doesn’t send any message?” Scalia asked.

Mellen replied the school board’s voluntary plan is not based on that idea. “This is based on the supposition that a school that is racially identifiable, and that would include a white racially identifiable school, does not provide to the students in that school the compelling benefits that our board believes are presented by racial integration,” he explained.

“This plan has stopped white flight and has stabilized enrollment in our schools.

This plan was adopted for the purpose of providing the compelling benefits of racial integration...in an elementary and secondary system of schools. For example, the district court found that this plan makes our public schools more competitive and attractive and results in broader community support for those schools,” he said.

Kennedy conceded that benefit, but then said that even though the Louisville (and Seattle) desegregation plans achieve it and are narrowly tailored, they “present the principle that...if we for the first time say that a system that has achieved unitary status, so that the courts no longer have the authority or the need to supervise them, can (they) then turn around and use individual skin color as a basis for assignment? We’ve never said that. And that takes us on a very perilous course.”

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Scheme, from Page 23.

The two unions and PAL explained that in the four years the case covered, First Databank and McKesson conspired “to arbitrarily increase by 5 percent the markups between what pharmacies pay wholesalers (like McKesson) for prescription drugs and what health plans and insurers reimburse pharmacies for those prescription drugs.”

When pharmacies bought drugs from McKesson, or other wholesalers, they paid a “wholesale acquisition cost.” But when the pharmacies turn around and sold drugs at retail to consumers, the consumers’ health insurers—including AFSCME’s health plan and the Carpenters’ health plan—picked up most of the tab after initial consumer co-payments. It’s in the insurers’ payments to pharmacies where the price-fixing occurred.

The health plans paid the pharmacies for drugs based on an “average wholesale price” (AWP). That wholesale price is published in First Databank’s catalogue, the suit explained. That catalogue covers almost all prescription drugs in the U.S.

The “spread” between the pharmacy’s payment to drug wholesaler McKesson and the payment it got from the health insurers, set by First Databank’s list, is what was inflated by the two companies, the suit said.

“AWP is a controversial and outdated system, which created billions of dollars in unnecessary drug spending every year as reimbursement prices for drugs have far exceeded the market price of drugs. AWP’s are not based on actual sales, making them susceptible to being manipulated,” the unions and PAL said in their class-action suit in federal court in Boston.

Several years ago, the Teamsters’ health and welfare fund in Philadelphia sued a leading drug company for similar manipulation of AWP’s, costing it millions of dollars.

“First Databank and McKesson illegally used the increased markups as a symbiotic business strategy for their respective drug-wholesaling and drug price publication production. The case claimed McKesson and First Databank agreed to increase the ‘spread’ between AWP and the other price from 20 percent per drug to 25 percent per drug on hundreds of drugs,

to benefit McKesson’s customers and the purchasers of First Databank’s pricing guides.”

Faced with a potential loss in court to the unions and PAL, First Databank agreed to cut the spread back to 20 percent. The unions estimated that could save health insurers and consumers \$4 billion in drug costs.

But even more importantly, the firm agreed to stop publishing the AWP data within two years. That would lead to an end of the easily manipulated system of drug price-fixing and “a shift to a more transparent and accurate way of paying for drugs,” the Boston consumer group contends.

PAL said the settlement most directly benefits union health insurance and benefit funds, other third-party payers for drugs, and employers, such as GM, who are self-insured and pay pharmacies for prescription drugs for their members. All were forced to pay artificially high prices, due to First Boston’s and McKesson’s price-fixing.

“We got involved to make real change for working people, and that’s what we’ve achieved. Our fund works hard to provide affordable benefits for our union members and their families, but our hands are tied when this kind of price-fixing is going on,” said Carpenters New England health plan official Mark Ehrlich.

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BP, from Page 15.

“sures drove this decision,” Holmstrom said.

Merritt also warned that other aging refineries in the U.S. are similarly at risk, a point Baker said USW emphasizes repeatedly. To prevent similar such fatal explosions elsewhere, the board recommended OSHA warn companies “against using similar blow-down drums...urge use of inherently safer flare systems and ensure companies plan effectively for large-scale flammable liquid releases from process equipment.”

It also called for “concerted inspection and enforcement” by OSHA at the plants.

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Leo W. Gerard
International President

December 20, 2006

Dear Sisters and Brothers:

I'm asking you to join me and Goodyear workers from the U.S., Canada and around the world on Friday, January 19 at 1:30 p.m. in Akron, Ohio to participate in the "Action in Akron." We will be taking our fight for justice to the doorsteps of Goodyear Tire & Rubber Company's corporate headquarters to show Goodyear's executives that their decisions have put them on the wrong side of history.

On February 14, 1936, a group of tire-builders in Akron decided to sit down at their machines to protest layoffs and concessions demanded by the very same Goodyear. Their courageous act of refusal sparked a massive strike that saw thousands of Akron citizens circle the Goodyear properties with a picket line that stretched 11 miles. The 1936 strikers, having just lived through the Great Depression, walked the line for 5 weeks in the face of sub-zero temperatures and police intimidation.

When they finally returned to work in Akron, they had won a landmark victory that established the United Rubber Workers union and set an example that was soon followed in fights to establish the United Steelworkers, the United Autoworkers, and unions in other major industries.

Today, there are 15,000 Goodyear strikers walking picket lines in cities and towns across the U.S. and Canada. Like their grandfathers, today's Goodyear strikers are fighting to preserve their jobs and to resist concessions. And, just like the victory of '36, our victory at Goodyear is going to set an example for workers across the world to follow.

That's what our current fight at Goodyear is really about: workers across the world. Goodyear is not the only corporation that wants to take good jobs away from our communities and turn them into sweatshop jobs in communities overseas. Goodyear is not the only corporation that wants to break promises made to tens of thousands of retirees, who planned their lives with the understanding that their employer would always provide adequate health insurance.

It sometimes seems that workers are powerless to resist these large scale economic changes. But history shows that when workers have the courage to stand up together, when workers take action to support one another, there is no limit to our power to build a better world.

For more detailed information about the Action in Akron, please check our website at www.usw.org/goodyear. You can also send an e-mail to solidarity@usw.org or call toll-free at 1-877-511-8792.

We look forward to seeing you in Akron on January 19!

In solidarity,

A handwritten signature in black ink that reads "Leo W. Gerard". The signature is written in a cursive, flowing style.

Leo W. Gerard
International President

LWG/yj

United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union

Five Gateway Center, Pittsburgh, PA 15222 • 412-562-2400 • www.usw.org



SAVE THE DATE!

FRIDAY, JAN. 19, 2007
AKRON, OH
1:30 P.M.

(specific location, transportation and other arrangements to be announced soon)

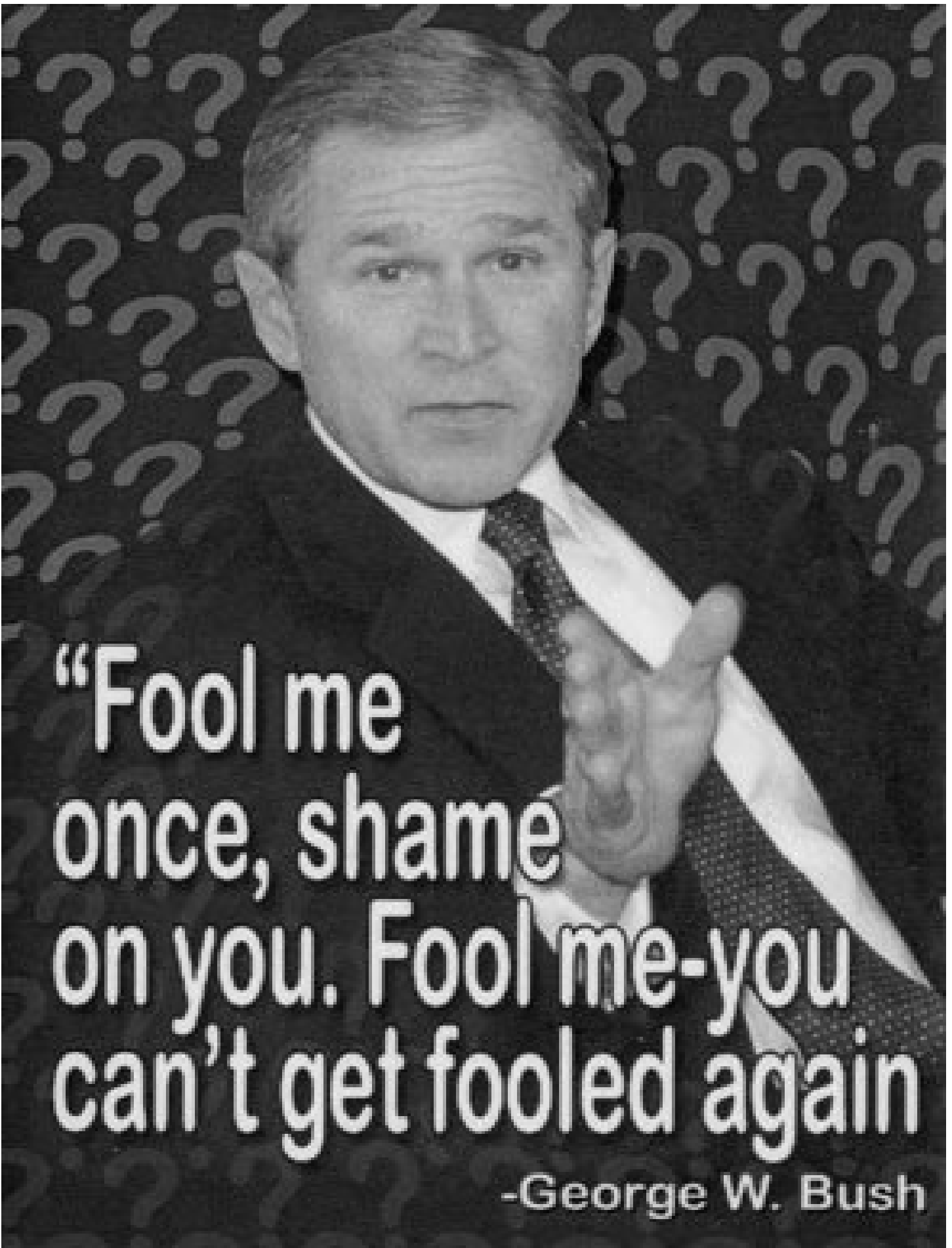
USW members on strike at
GOODYEAR TIRE AND RUBBER
will be joined by their
BROTHERS AND SISTERS, RETIREES AND ALLIES
to bring Goodyear's Corporate Headquarters
our fight for
JOBS – STRONG COMMUNITIES – DECENT HEALTHCARE



For more information,
check the USW website at:
www.usw.org/goodyear

Request information
by email at:
solidarity@usw.org

CALL TOLL FREE AT 1-877-511-8792



“Fool me once, shame on you. Fool me-you can't get fooled again

-George W. Bush

Is This Any Way to "Save" American Manufacturing?

Goodyear's top brass say they're "trying to save American manufacturing."

This picture speaks louder than a thousand Goodyear lies.

In the past two years alone, Goodyear has invested \$18 million in this plant in Communist China. It's increasing production there to 5.3 million tires a year.



Meanwhile Goodyear has forced 15,000 Steelworkers out on strike by demanding wage and benefit cuts, shutting its second U.S. plant in three years, and abandoning its moral and contractual obligations for retiree health care.

Enough is enough.

Stand Up for American Workers Protest Goodyear's Outsourcing of U.S. Jobs

Call or email Goodyear's top executives Bob Keegan and Jon Rich and let them know you also want to save American Manufacturing.

Bob Keegan: 330-796-1145 or bob_keegan@goodyear.com

Jon Rich: 330-796-4550 or jon_rich@goodyear.com

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