



News from Local 70

Executive Board
 Marty Frates.....Secretary Treasurer
 Dominic Chiovare.....President
 Milton Lewis.....Vice President
 Rob Dias.....Recording Secretary
 Rich Fierro.....Trustee
 Kelsey Frazier.....Trustee
 Mark Hawkins.....Trustee

Business Agents
 Bob Aiello
 Lou Marchetti
 Felix Martinez

Marquel Pea.....Conductor
 Ray Woodruff.....Warden

400 Roland Way, Oakland, CA 94621

October/November 2011

Phone 510-569-9317

Wage claim enforcement: "Pay me now or pay me later"



Mike Fone (l) stands with Lou Marchetti while holding his "final" paycheck from Coca Cola.

Earlier this year, member Mike Fone notified Coca-Cola that he would be retiring in a few months. A few weeks after retiring, he contacted his Business Agent, Lou Marchetti, to inform him that he had never received his final check for accrued vacation from the company.

After numerous phone calls to the company and no resolution to the matter, Marchetti advised Mike to file a claim with the State Division of Labor Standards

Enforcement. Two months later, after filing the claim, the company finally paid Mike his accrued vacation, however, at this point the Company had already violated the law and the claim was scheduled to be heard.

At the hearing, the company made numerous offers to settle the claim. Finally, Mike accepted a \$4,000.00 settlement.

"I would like to thank Lou Marchetti for his support and advice during this process," says Mike Fone. "Local 70 has represented me well for over 30 years and even now after I have retired."

Redeeming earned and unpaid "wages" It's the law!

If an employee is discharged, all earned and unpaid "wages" (including all unused, accrued vacation time) are due and payable immediately. If an employee quits without providing the employer 72 hours notice, all earned and unpaid wages are due within three days of the last day of employment. If an employer fails to pay all wages when due, the employee is owed "waiting time penalties." This penalty requires the Employer to pay the employee one day pay, up to 30 days for each calendar day that the

wages were owed, yet not paid.

If you are owed wages or an employer untimely paid you wages, you can file a claim with the State Division of Labor Standards Enforcement. See www.dir.ca.gov/dlse/howtofile-wageclaim.htm for full information and a downloadable claim form. You cannot file your claim on-line, but must mail it or take it to the office located at 455 Golden Gate Ave., 9th floor, San Francisco. You can call the DLSE at 415-703-4810.

NOTICE OF ELECTION 2011 IBT Election

Soon, you will be receiving a ballot in the mail for the 2011 International IBT Officers Election. It is important that you participate in this process and VOTE! As a member of the Teamsters union, you are afforded the opportunity be a part of the democratic process of voting for who represents you. So speak up and vote!

The election of International officers is being conducted by mail ballot. To be eligible to vote, a member must have his or her dues paid through October 2011. Members may become eligible by paying any unpaid dues and initiation fees at their local union by the close of business on November 10, 2011. Ballots will be counted after 10:00 a.m. EST on November 14, 2011.

Protecting our members

In June 2011, Coca-Cola Steward Ruben Bustillos was terminated for allegedly viewing confidential documents on a company computer. Two months later, at a grievance panel, Business Agent Lou Marchetti was successful in reducing his termination to a one-day suspension and he was awarded back pay totaling more than \$10,000 and benefits.



The union is proud to present Ruben Bustillos a check for his back pay. (From left: Trustee Mark Hawkins, Ruben Bustillos, Business Agent Lou Marchetti, Trustee Kelsey Frazier)



President's Report

Dominic Chiovare

Arbitrator rules against "proven gross insubordination"

Waste Management of Alameda County (WMI) worldwide is the largest solid waste and recycling company in Local 70's jurisdiction. Large corporations with deep pockets always seem to want to test the system. In question: Proven gross insubordination.

WMI on March 29, 2010 terminated Michael Johnson for driving a vehicle the wrong way down a one-way street which resulted in an accident—in fact, it was a minor accident. WMI's position was that this was a negligent, reckless act.

However, under the accident policy of the collective bargaining agreement, and the fact that Michael has a good driving record, this would not warrant termination. Therefore, WMI terminated Michael for "Proven Gross Insubordination."

This case was deadlocked at the grievance panel and submitted to arbitration for resolution. The Arbitrator would have to decide, "Did the employer have just cause to terminate the grievant? If not, what was the appropriate remedy?"

WMI could not prove to the arbitrator that it was just cause to terminate Michael

under "Proven Gross Insubordination." He did not refuse a direct order; he simply made a bad decision trying to service customers driving down the street the wrong way.

Eighteen months later, the arbitrator's determination was that Michael Johnson must be made whole, with full seniority, full back-pay of wages, pension, health and welfare and benefits and then serve a thirty (30) day suspension. He should NOT have been terminated.

The award value is approximately \$185,000.

Reminder for those members who cannot make the Thursday night membership meeting: the next Saturday Local 70 membership meeting is October 15, 2011.

In mid-October, members will receive mail ballots for the International Brotherhood of Teamsters election of international officers and officials. Your terminal will be posted with information for those who do not receive a ballot. It is important to **vote**. Let your voice be heard.

Political Action Report by LOU MARCHETTI

Fighting for what is right

In 1861, the first Republican President of the United States addressed Congress and said "Labor is prior to and independent of capital. Capital is only the fruit of labor, and could never have existed if labor had not first existed. Labor is the superior of capital, and deserves much the higher consideration." Who was that Republican? Abraham Lincoln.

If Lincoln were to say that in today's twisted political climate, he would be called a Marxist fanatic and never be elected. What used to be the policy of America that workers are more important and superior to the profits of corporations has become a bizarre and almost treasonous philosophy. We have to get back to this basic idea that the citizens of this country, the ones who actually do the work, are more valuable to our survival and prosperity than the profits of Chevron, PepsiCo, UPS and all the financial institutions combined.

IBT General President James Hoffa recently received a lot of flack, some of it from our own members, for speaking out against the Tea Party by saying "everybody here's got a vote. Let's take these sons of bitches out." It amazes me that a labor leader

would get criticized for speaking out against politicians and organizations that are attacking the members he represents. I believe Hoffa said what all of labor should be saying—we have to be active in politics and only elect people who will fight for us.

Finally, President Obama is proposing to raise taxes on the wealthy. These ridiculous Bush era tax breaks should have been gone as soon as he left office. Having 2% of the country get obscenely rich while the rest of us struggle to just get by is another example of how perverted this country has become. Obama has been a disappointment to many of us. There are many reasons why his promises and agenda have failed but this is not a time to make excuses. It is a time to push forward and fight for what is right.

Do you remember the Employee Free Choice Act? Obama made a commitment to his labor supporters to endorse and try to push this legislation through but so far his efforts have failed miserably. This proposed law, along with others, such as deregulation of trucking, permanent replacement workers, and free trade agreements, have had a

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Local 70 in action

UPS Freight members ratify work rules



On August 6, Teamsters Local 70 held a Work Rules Ratification meeting for UPS Freight. At the meeting, many questions were raised in regards to the ongoing practices and the proposed changes at the San Leandro Terminal. After all the Work Rules were thoroughly discussed, a secret ballot vote was taken. The membership voted and overwhelmingly passed the work rules.

"When the Work Rules are passed in the Western Region, we will have a strong platform to move things forward in the West," said Business Agent Felix Martinez.



Business Agent Felix Martinez meets with the night shift at UPS Freight.



Business Agent Felix Martinez, along with other Officers and Officials at a Special-Called WM meeting.



Emil Radloff, Ruben Bustillos and Trustee Mark Hawkins in front of the Joint Council 7 Truck on election day at Saia, Inc.

on

Hard at work



Marcellus Williams
Yellow



John Corpening
UPS



Jaime Arroyo
Coca Cola



Dan Rivera & Dominic Drisdon
Alameda County Industries

Secretary-Treasurer's Report

Marty Frates



Politically active

This has been a very active summer as I attended numerous political events on behalf of the Local.

July 22, 2011—Meeting with Sen. Barbara Boxer. Sen. Boxer provided an update on Washington and reaffirmed to me what is very clear to the members of Local 70: the Tea-Party and Republicans refuse to compromise to move legislation forward.

One of the big issues for our members at UPS was the FAA reauthorization bill, which would have eliminated the special deal that Fed-Ex has with Congress. Currently, unlike UPS, Fed-Ex is covered under the National Rail Labor Act instead of the National Labor Relations Board. We are asking for a level playing field by having both companies covered under the National Labor Relations Act. The reason is simple. Trying to organize Fed-Ex under the Rail Labor Act has to be done nationally with severe restrictions. Under the National Labor Relations Act, we can organize area by area. This would give us a fair chance to organize Fed-Ex.

Also on July 22nd, I and Political Coordinator Lou Marchetti met with Oakland City Council Member Libby Schaaf. We had a good conversation on what was important to Oakland and the Teamsters.

The big issue for Local 70 is the Franchise Agreement for the Solid Waste Industry in Oakland and protecting our members at Waste Management and Cal Waste Solutions. Part of the problem is that the Franchise Agreement is not exclusive, which means outside carriers can take out food waste, recycling, construction materials, etc., and pay nothing to the City of Oakland. Currently, Waste Management and Cal Waste Solutions pick up about 65 per cent of the garbage and recycling. Waste Management pays the City of Oakland \$32 million a year in Franchise fees. If this agreement was exclusive, more jobs could be created and the city could substantially increase revenue from the agreement. The meeting was a positive experience for all.

July 29, 2011—Supervisor Scott Hagarty Fundraiser. Local 70 and several of our members attended Scott's fundraiser, an outstanding BBQ at the Pleasanton Fairgrounds. A partial list of those in attendance were Emil Radloff, Bruce Kelley, Billy Rogers, John Bradley, Dan Rivera and family, Ruben Bustillos, Jim Perkins, Rich Fierro, Kelsey Frazier and Lou Marchetti.

August 4, 2011: Supervisors Nate Miley and Scott Hagarty's hearing on Port Drivers complying with the law requiring trucks to meet certain pollution requirements. This meeting was requested by the brokers who operate on the waterfront. Owner-Operators are not able to afford the modifications to their tractors to meet the requirements of the law on pollution. Therefore, they are requesting a delay in the implementation of the law.

The meeting started off with the Brokers talking about the plight of the poor Owner-Operators. The first two speakers were from non-union trucking companies with both employees and Owner-Operators who spoke against delaying the implementation of the law because they and

their Owner-Operators had already complied with the law and had upgraded or purchased new equipment and that any delay would be unfair to them.

I spoke on behalf of Teamsters Local 70 against the delay because it would be unfair to the companies we represent at the Port, including Horizon Lines, Waste Management, as well as the companies we don't represent. We need to address the real issue, which is the system. The legitimate companies have complied with the law as it is part of the cost to do business. The Owner-Operators cannot afford to comply with the law because the way it works some of the master shippers hire brokers to control the movement of containers who in turn hire Owner-Operators. It becomes a race to the bottom to see who will work for less. The very

people who called for the meeting want to pass the cost to the Owner-Operators instead of paying the cost to do business like the legitimate carriers. Then they have the nerve to suggest that the tax payers pay to upgrade the tractors. Local 70 strongly disagrees! If some shippers can pay as part of doing business, they all can. We are keeping an eye on this issue.

August 16, 2011: Nancy Pelosi and Barbara Lee

Town Hall Meeting on Jobs House Minority Leader Nancy Pelosi and Representative Barbara Lee held a town hall meeting in Oakland to push for jobs. I spoke at this meeting about how major manufacturing companies that used to be in Oakland, such as General Motors, Clorox, Mothers Cookies, Sunshine Biscuits, Gerber Foods and Granny Goose are now gone to third world countries with no replacements locally.

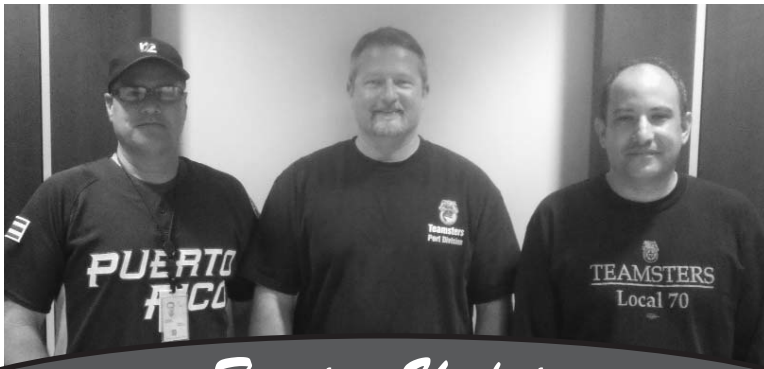
Some politicians will say that we have to compete globally, but how can we compete with any third world country? We can't! The truth of what is going on is plain and simple; it's class warfare. Not too long ago, the taxpayers bailed out the financial institutions for ripping off the America public. Now, we're being told that firefighters, police officers, and teachers are the problem.

In my opinion, the major financial institutions and corporations are holding the President of the U.S., the Congress and the American people hostage for their financial gains. What this is all about is political power so they can do what they want. The other issues being leveraged by the Tea Party Republicans and major corporations who want to shift the cost of health and welfare and pension to the backs of the workers and repeal the environmental and safety protections we have.

The bottom line is that we all have to be politically involved. We, our families and friends—the ones we can count on—have to register to vote **and then vote!** Those of us who are working need to belong to DRIVE, the political arm of the Teamsters. This is a voluntary program via a payroll deduction from your employer. The local cannot use dues money for donations to the politicians. We have to be in a position to vote and support those who support us! I look forward to working with everyone.



Marty Frates addresses Rep. Barbara Lee and House Minority Leader Nancy Pelosi at a Town Hall meeting in an Oakland church, urging a nationwide solution to high unemployment.



Trustees Update

by Kelsey Frazier, Mark Hawkins, Rich Fierro

Meeting, organizing, and voting

Membership Meeting

Summer has ended and we will resume our normal schedule with membership meetings on the fourth Thursdays of the month starting September 22. Our members from the Solid Waste Industry, specifically Waste Management, will be tending the grill as October brings back the Saturday meetings and BBQ. Bring your suggestions, opinions, and appetites. We hope to see you there! Remember there is still time to volunteer with your coworkers to show off your BBQ'ing skills for future Saturday meetings.

Organizing

Trustees Mark Hawkins, Rich Fierro and Kelsey Frazier have been very busy during their off hours helping Business Agent Lou Marchetti organize and increase Local 70's membership. The vote count at Odwalla continues to drag out but we are confident Local 70 will prevail. We worked extremely hard on the Saia campaign only to suffer defeat. It is still very hard to understand why, in this day and age, anyone would vote against Union representation. The Company held daily captive

audience meetings, numerous one on one meetings and even ride-alongs to get their anti-Union message out. In the end, their messages of half truths and threats were enough to scare the workers into voting NO. E. B. Bradley employees have signed pledge cards and we are working towards an election. We continue to meet with employees interested in joining Local 70.

We are planning on having an organizing seminar for the members of Local 70. As you meet with other workers at non union companies during your routes or anytime, please tell them the benefits of being in the union, please have them contact us.

International Election

In October, we will receive our ballots for the 2011 International Election. It is our right and responsibility to vote in the upcoming election. We will be asked to vote for a General President, a General Secretary-Treasurer, At-Large Vice Presidents, Regional Vice Presidents and Trustees.

As we continue to visit terminals, the message will become louder. Learn about the issues and VOTE!

Political Action Report

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tremendous impact on the labor movement and its members.

With the support of Secretary-Treasurer Marty Frates and the Executive Board committing both time and resources to various organizing campaigns, we have recently been more active than ever. As always, we report to you the ones we win as well as the ones we lose. Anyone who has done organizing will tell you what a tough job it is. If the Employee Free Choice Act was the law, we would have won every campaign and had many more opportunities. To me, there is no better way to fight corporate greed and bad employers than to unionize their workers.

For these reasons and many more, all of us in Local 70 need to re-commit

to DRIVE, voter registration and political activism. In a few months it will be 2012 and we will be in the political fight of our lives. In July, I participated in a Teamsters-sponsored nationwide legislative conference. While there was much criticism of President Obama, everyone agreed that the alternatives would put another nail in the coffin of the working middle class in America.

We also need to be ready to fight numerous anti-labor statewide initiatives that we expect to see on ballots across the country. The far right has unlimited funds to promote Right to Work, Paycheck Deception and many other initiatives that attack unions and working families. Fortunately, we have the most important resource of all—the working men and women of this great country.

For updates between newspapers, go to the Local 70 Website:
www.teamsterslocal70.org

**Local Union 70, City of Oakland, CA
International Brotherhood of Teamsters
TRUSTEES REPORT**

August 2011

INCOME			
Membership Dues	\$203,899.51	Refunds - Dues	463.00
Initiation and Re-initiation Fees	5,506.98	Refunds - Initiation & Reinitiation	510.00
Assessments & Fines	250.00	Office and Administrative	13,424.20
Non-member fees	346.91	Legal Fees	11,308.40
Funds for transmittal for members	270.00	Artibrator Fees	761.47
Receipts from affiliates	0.00	Other Professional Fees	972.85
Other Income (Schedule A)	3,038.05	Taxes	4,810.65
Total Cash Received	\$213,311.43	Meeting and committee expenses	860.15
		Auto expenses	4,781.10
EXPENSES		Out-of-town travel	5,948.42
Salaries	56,182.46	Other expenses (Schedule B)	22,809.66
Expense allowances	6,075.00	Other transactions (Schedule C)	6,782.19
Per capita tax	56,850.12	Total Paid Out	\$226,809.66
Contributions	2,600.00	Net Increase (or Decrease) in Cash	\$(13,021.41)
Benefits Paid	31,010.17	Cash balance: beginning of period	\$364,640.37
Funds for Transmittal	183.00	Cash Balance: end of period	\$351,618.96

**STATEMENT OF ASSETS & LIABILITIES
As of August 31, 2011**

Assets	August 1, 11	Change	August 31, 11
United Labor - General Fund	364,640.37	(13,021.41)	351,618.96
Petty Cash	850.00	0.00	850.00
General Fund-CD	229,061.64	1.90	229,063.54
Cash in Special Funds	34,666.95	4.15	34,671.10
Land	823,521.00	0.00	823,521.00
Buildings	3,462,224.36	0.00	3,462,224.36
Office Furniture/Equipment	37,228.53	0.00	37,228.53
Total Assets	\$4,952,192.85	\$(13,015.36)	\$4,939,177.49
Deduct Obligations	\$(282,811.57)	\$(6,782.19)	\$(276,029.38)
Net Assets	\$4,669,381.28	\$(6,233.17)	\$4,663,148.11
List of Obligations			
Obligations			\$(274,220.51)
Payroll Liability			\$(1,808.87)
Total list of Obligations			\$(276,029.38)

SCHEDULES

Schedule A—Other Receipts		Janitorial Service	900.00
Sale of Supplies	3,009.82	Janitorial Supplies	335.21
Interest-General Fund checking	28.23	Gardening Service	2,000.00
Total Other Income	\$3,038.05	Northern Cal Teamster News	1,908.15
		Total Other Expenses	\$22,809.66
Schedule B—Other Expenses		Schedule C—Other Transactions	
Sick Benefit Payments	2,520.00	Payroll liability: deducted not disbursed	6,782.19
Checks Uncollected & Returned	256.00	Total Other Transactions	\$6,782.19
Bank Error	14,890.30		

Did you move? Tell us your new address!

Don't miss out on important information distributed to members by mail and e-mail. Keep your address, telephone number and e-mail updated in the following ways:

- ▲ **By the web:** www.teamsterslocal70.org
- ▲ **By E-mail:** ibt70@teamsterslocal70.org
- ▲ **In person or U.S. Mail:** 400 Roland Way, Oakland, CA 94621.

Your attention to this important detail will be greatly appreciated.

For Local 70 members who are sick or hurt.

We want to hear from you—you may have benefits coming.

SICK BENEFIT FUND

Monthly Meetings: 2nd Tuesday at 11:00 a.m.-3:00 p.m.

1-800-243-1350 or 510-569-9317

To be eligible for Sick Benefits, claims must be filed at Local 70's office within thirty (30) days of disability. Also, dues for the previous month must have been paid on time.