

The Journal



National Conference of Firemen & Oilers Newsletter



Solidarity Stops Milking of Dairy Workers

With 100 percent of the 285 workers standing together, and organized labor and the community showing strong solidarity, NCFO Local 473 and Teamsters Local 463 members at Wawa Dairy Farms in Middletown, Pennsylvania, won their 10-day October strike.

After bragging about making a \$10 million profit last July alone, the company moved to squeeze its employees and brought in a “hired gun” corporate law firm for ruthless bargaining.

“This was excessive corporate greed at work,” says NCFO Local



NCFO Local 473 member Bill Dougherty pickets a Wawa store during the successful 10-day strike won by solidarity and community support. Delaware County Daily Times photo by Robert J. Gurecki

473 Steward Bill Schrader, a maintenance mechanic at Wawa. “They wanted 23 take-backs from us—including replacing our good union pension with a company plan.”

The company brought in scabs and got a court order sharply restricting union picketing, allowing only a single picket at each Wawa store entrance.

But the unions fought back—telling their side of the story to the media, getting strong displays of support at two labor rallies, bringing in elected officials to help broker a settlement and winning the support of consumers.

The result: a new five-year contract featuring solid raises, a no lay-

Y2K-Ready, and More

There will be no computer glitches at your national office come January 1, 2000.

On the contrary, NCFO has made a number of changes to improve communications and efficiency to work better for you in the new millennium.

A new state-of-the-art computer system, combined with an improved filing system, has moved NCFO into the information age.

And, if you are hooked into the Internet, you can get the latest NCFO information by visiting our website.

Find it at www.NCFO.org.

off clause (for employees with two years of service) and retention of the pension plan.

“By standing together and reaching out to labor and the community, we won,” says Local 473 President Ronald Kirschner. “Every time a greedy company is stopped from trying to make more at the expense of its workers, it’s a victory for workers everywhere.”

100th Anniversary Convention Set

The dates are set for marking the past and building the future of NCFO.

The celebration of the union’s 100 years of fighting for working families will take place on August 12, 2000, in Washington, DC.

It will be a highlight of NCFO’s 34th Regular Convention, to be held at the Omni Shoreham Hotel, August 9–13.

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Ask President Francisco

Q How does our being part of the Service Employees International Union (SEIU) benefit us as NCFO members?

—Local 758 member Randy Brown, Los Angeles

A The affiliation of our union with the SEIU—now just under five years old—has given us the best of both worlds.

On the one hand, it allows us to maintain our identity, our internal democratic decision making and our proud traditions that we enjoyed as a separate, but much smaller, national union.

On the other hand, by linking up with the 1.3 million-member SEIU, one of the largest unions in America, we've greatly expanded our clout and the resources available to us to get things done for our members.

For our public employee members that means being able to tap the experience and solidarity of 600,000 other public workers. That already has led to organizing victories, increased membership and strong backing at the bargaining table.

SEIU also has helped us with innovative tactics like corporate campaigns and shareholder resolutions to help us fight for our railroad and commercial members.

For a California rail worker like you, the affiliation means having the almost 306,000 members of



Randy Brown, Local 758, LA

SEIU in that state standing with you during any disputes or contract fights and working with you to defeat anti-worker measures in the state legislature and in the U.S. Congress.

Here in Washington, it means much greater power and access when we talk to lawmakers and regulatory agencies on matters affecting the jobs, benefits and well-being of our members and their families.

As we rebuild our once strong political action program, we know that every dollar we raise, every voter we register and every volunteer we recruit will be a stream feeding into a powerful river that politicians cannot ignore.

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A Season of Peace

On behalf of myself and Secretary-Treasurer Dan Anderson, all the members of our National Executive Board and our entire staff, I want to wish you and your loved ones a joyous and safe holiday season.

Rest assured, as we celebrate during this season of peace, we look forward to working with you in the next year—and the next millennium—to defend and win just treatment and a good life for our members and for all working Americans.

Members Teach School District A Lesson In Worker Solidarity

Thanks to a massive turnout at a membership meeting at which they authorized their leaders to call a strike against the School District of Philadelphia, the membership of NCFO Local 1201 won a pace-setting agreement without having to hit the bricks.

"It's a new era in Local 1201," says Thomas Doyle," explaining the success of his first contract negotiations as president of the local. "Our membership sent a very clear message when 2,300 of them showed up and said they were ready to strike for a fair contract."

The four-year contract provides all classifications of workers in the wall-to-wall blue collar unit of over

4,000 with average wage increases of no less than 11 percent, retains a management-opposed job security clause banning layoffs without a full year's notice and introduces spousal benefit coverage for part-time employees.

The agreement also boosts employer health and welfare fund contributions a whopping 56 percent during the contract.

"That's a larger increase for the next four years than was won in the previous 17 years combined, and our contract is setting the standard for other school district and city public employee bargaining," adds Doyle, who also serves as an NCFO vice president.



Union Readies for Rail Bargaining

Armed with the input of hundreds of members from around the country who filled out and returned bargaining surveys, NCFO will soon begin negotiating on behalf of several thousand members covered by national rail agreements. "The more united and determined our membership is, the better we will do at the table," explained NCFO President George Francisco.

NCFO Stops Anti-Employee Training Program

Armed with facts, figures, survey results and their own experience, NCFO Florida Local 1227 got the Boynton Beach City Commission to kill a wasteful "efficiency" program led by outside consultants who "belittled and verbally abused" city workers instead of listening to their ideas, while undermining the union.

Local 1227 presented the commissioners with a detailed 12-page report documenting that the so-called "Architecture for Excellence" scheme subjected employees to unwarranted Myers-Briggs personality tests (with the results then posted).

A union survey documented that 52 percent of those responding said



"They've hired so many consultants, there's practically no one left to do the work."

they had been harassed by trainers, supervisors or other "team" members during the training.

The report also showed that the program—which began as a \$30,000 program just for department heads—

ballooned into a \$800,000 drain on the city budget.

Claims that the program had brought the city big savings were likewise demolished at the hearing by a series of union speakers.

Chief Steward Richard Stone, for example, showed that an in-house study by utility employees which officials said had saved \$100,000 was actually started a year before the training began.

"I'm relieved," said Local 1227 activist Debbie Lytle of the unanimous vote to kill the program.

"Hopefully other leadership will be found that can at least listen to what employees suggest."

NCFO Activists Ready for Political Battles of

"We're going to crush labor as a political entity" and ultimately "break the unions."
 —right wing organizer
 Grover Norquist,
 Sacramento Bee,
 April 22, 1998

"The hell you will. We're going to raise money, register voters, recruit volunteers and mobilize like never before. Nowhere can our members help each other—and all American working families—more than through political involvement."
 —NCFO Sec-Treas. and Political Action Chair,
 Dan Anderson,
 September 21, 1999

The seven regional meetings—the first of their kind for NCFO—drew no television crews. Though they had representation from virtually all locals in each region, there were no newspaper headlines.

But they will help re-shape the American political landscape.

By the time these political train-

ing sessions were completed, hundreds of NCFO local leaders and activists united and began implementing a plan to build a strong, grassroots program that will help NCFO and all of working America resist corporate attacks and fight for a better society.

The Goal: build a strong political program that can fight for the

interests of working families at the local, state and national levels. Nationally, our sights are trained on the 2000 elections.

Step One: build up the Firemen & Oilers Political Fund/SEIU COPE (F&OPF) by involving thousands of NCFO members in giving small contributions.

"We're not the money people of



"Now I have a wider view—our fight in politics is for all of the NCFO members in so many different industries and for all working people."
 —Local 413 member
 Edwina Fields



"I know we can get many people involved and send politicians a message: if they don't shape up, it will be time to ship out."
 —Local 1227 member
 Norman Williams

Never missing an opportunity to raise political action funds, Local 1227's Ethleen Page, a Palm Beach school bus driver and leader of her local's political action efforts, sold raffle tickets during breaks in the Tampa Bay political meeting. Here she sells one to Local 1220 Secretary-Treasurer William Pickard, a maintenance mechanic for the St. Petersburg Water District.



the world, but every penny we raise for political action and every member we get involved is crucial to our survival,” says Local 413 Regional Local Chairman Steve Arnold, of Waycross, Georgia, who attended the day-long meeting held in Tampa Bay.

“They make the key decisions in Congress about railroads and we just can’t sit and watch the political train go by. These new F&OPF booklets will help us to reach every member and get them involved.”



NCFO President George Francisco and House of Representatives Democratic Leader Richard Gephardt (D-MO) talk about a shared top priority—doing what needs to be done to win a labor-friendly majority in the year 2000 Congressional elections.

For public employees like Local 1227 member Norman Williams, who works in housing code enforcement for the city of Rivera Beach, Florida, building political strength is the only way to “make changes in the city, the state and in the country.”

Williams, now the political action chair (COPE representative) for his unit, was impressed that NCFO’s current top leaders spoke candidly about the union’s almost non-existent effort for a decade to get mem-

bers involved in holding politicians accountable.

“NCFO, under our current leaders, is taking that negative and turning it into a positive now. I most definitely got lots of energy from this meeting,” continues Williams. “I know we can get many people involved and send politicians a message: if they don’t shape up, it will be time to ship out.”

Gathering and working together with NCFO members from a number of different locals was an eye-opener and morale-builder for Tampa rail worker Edwina Fields.

“I was so energized by the presentations,” says Fields. “For so many years all I’ve been centered around was the railroad because we had so many problems.

“Now I have a wider view—our fight in politics is for all of the NCFO members in so many different industries and for all working people,” she adds.

“I feel much more part of an overall labor movement now and I’m ready to fight.”

It Won’t Work Without You

In order for working America to be heard in the 2000 elections above the roar made by the deep pockets of corporate America, millions of union members and their families will have to pitch in.

There are lots of ways to help.

- If you’re not registered to vote, do so.
- Make sure you and all members of your family of voting age are registered to vote, and your friends too!
- Sign up to be a contributor to the Firemen & Oilers Political League (see page eight) and volunteer to help talk one-on-one to other NCFO members you work with about signing up.
- Let your local know that you’ll be willing to make telephone calls, stuff mailings, distribute yard signs or volunteer in other ways next year.



NCFO Local 1221 President Mike Rossignol (left) wastes no time putting the training session—and the new Firemen and Oilers Political Fund brochures—to good use in building the union’s clout. Here he discusses becoming a contributor with school plant operator James Jackson.

Around The Conference

Not Ducking the Union

A special Ducks Unlimited collector's canister of George Dickel Tennessee Whiskey—distilled by members of NCFO Local 513 in Tullahoma—will help raise funds this holiday season to protect habitats and a diversity of wildlife. It features this watercolor by renowned waterfowl artist Art Lamay.

Beginning early next year, George Dickel labels will include another important work of art: the words "Union Made" and the NCFO logo.



Union Wins Justice for Florida Workers

In more than one sense, NCFO Local 413 members Charles Phillips and D.W. Hayes wouldn't go away in Tampa, Florida.

For family reasons, they couldn't move when CSX laid them off, offering transfers to Georgia more than eight years ago.

And they refused to give up their fight to get the money owed them under a protective agreement guaranteeing 60 percent of salary for up to five years for workers in their situation.

"We were dealing with a company that thought it was above the law but found out it wasn't," says Phillips. "We never lost faith in our union," adds Hayes.

The two together were finally awarded the over \$72,000 due them, and their persistence led to favorable settlements for employees denied their rights in a number of other localities.



Phillips (left) and Hayes.



NCFO Seniority Leader Meets Free World Leader

Daniel S. Anderson, Sr., who has among the longest tenures as an NCFO member, with 60 years under his belt, chats with President Bill Clinton at a recent Washington reception. A former National Executive Board member, Anderson is the father of current NCFO Secretary Treasurer Dan Anderson. Also shown is Anderson's granddaughter Bridget Martin.

NCFO Members Bail Out Paper Mill

With the International Paper (IP) mill and most of the rest of the town of Franklin under as much as 14 feet of water after Hurricane Floyd hit Virginia on September 15, the membership of NCFO Local 176 worked around the clock on 12-hour shifts to get the power house, damaged motors and 17 flooded control rooms operational. Thanks to their efforts, some 2,200 unionized workers are back on the job.

But 40 IP employees—including two Local 176 members—lost their homes and all their possessions in the flood. To help get their families up and running again, you can send your tax-deductible contribution to Flood Fund, % International Paper, Franklin, VA 23851. Note "for IP employees" on your check.



Thacker Named to Head Expanded Organizing Program

John Thacker of Russell, Kentucky, a 20-year NCFO member, is the new NCFO Director of Organizing.

"Through years of involvement, Johnny has proven himself to be a creative, skilled, energetic and determined organizer," points out NCFO President George Francisco.

"Tapping him to lead our organizing program—in which we hope to have the participation of many hundreds of our members—is a clear statement that organizing is a top priority for NCFO.

Can Employers Change the Rules in the Middle of the Game?

- For years, your employer has allowed workers to play radios while working. One day, the boss says: “No more radios!” Your contract says nothing about radios.
- Until recently, the boss has allowed you to stop work a few minutes early to wash up. Now it’s “Wash up after finish time.” The contract is unclear about whether you have “wash-up time.”
- You’ve always been allowed to skip your 30-minute paid lunch break and leave work a half-hour early. Now the boss says you can’t do this any longer. The contract specifically says that employees must start work at nine, take their lunch break, and leave at five.

In some situations like these, you can fight the actions of employers who change the rules on their own—thanks to a legal principle called “past practice.”

It’s not part of any labor laws. The tradition of giving weight to how things were done in the past has been developed by arbitrators resolving disputes over the interpretation of union contracts.

What’s A Past Practice?

What makes something a past practice? It must be a customary way of doing things that, while not spelled out in the contract, has been done for a long time, done consistently and done with the knowledge and acceptance of both management and the union.

In the “radios” and “wash-up time” examples, the employer knows about and has allowed those activities—not covered in the contract—for years. The second contract is unclear as to

whether or not wash-up time is allowed.

In both these situations, you would have a strong case if you filed a grievance against the boss.

A grievance filed concerning the “skip lunch/leave early” practice would be much more difficult to win because the contract specifically prohibits the activity.

Cases involving employee benefits or privileges make for strong past practice grievances.

Generally it’s much harder to argue “past practice” when employers change methods of operations or introduce new technology. Other contract language may be helpful (like a requirement to give the union notice of changes) but the “we’ve always done it this way” argument probably would not work.

Be Aggressive

Being aggressive—and timely—in defending your contract can

help stop management from using past practice as a defense against a union grievance. If workers wait years to grieve against a new policy, the employer can argue that this policy has become a past practice.

This area of labor law can be very complex and is harder to apply for rail workers. But none of this should stop you from raising the issue with your NCFO local if you think your employer has violated your rights by changing the rules in the middle of the game.

Past Practice Victories

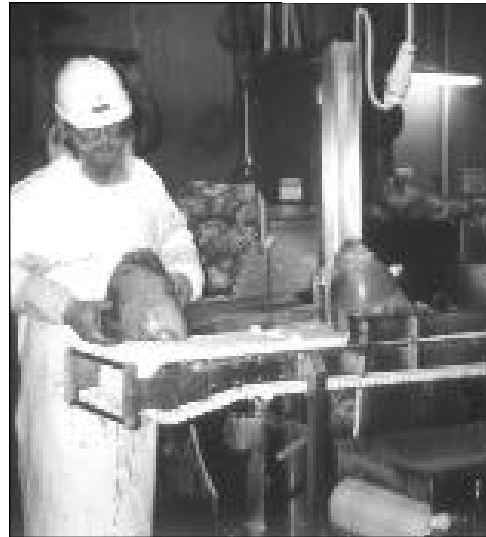
Examples of past practices not written in a non-rail contract but enforced by arbitrators because employers had allowed them for a long time include:

- lost time pay while seeing the company doctor
- shift swapping
- sick pay during layoffs
- use of company vehicles to commute to work
- yearly company picnic
- discounts on company products
- free meals and coffee
- pay for travel time
- considering the lunch period as paid time
- Christmas bonus

Different Work, But a Common Job— Fighting for the Future of Working Families

Members of the National Conference of Firemen and Oilers all across the country are joining in that fight by contributing to the Firemen & Oilers Political League/SEIU COPE.

The mission is clear: help elect officials who will stand with America's working families and defeat politicians who seek to hurt us.



Contact your local union to get our new brochure that explains how you can sign up to participate.

Or to get copies for you and other interested co-workers, just write to NCFO, 1900 L Street, NW, Suite 502, call us at 202 872-3600, or send an email to Claudia Garcia: gar_ciac@bellatlantic.net.



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