

February 2, 2012

Issue 221

Weekly Steward Update

UPDATE ON PLB DAYS

As we have previously reported to you, CWA won our Appellate Court case challenging the State's actions with regard to PLB days. The court agreed with our position that our MOA is enforceable including its provisions which stated the PLB days could be carried-over indefinitely and that the Civil Service Commission's rule which says they expire on June 30, 2012 violates that agreement.

We have just been informed that the Civil Service Commission intends to adopt a new rule to force workers to use their PLB days by June 30, 2012.

We are going to take what actions are necessary to contest this rule in court, however, it is possible that we will not resolve this matter by June 30, 2012.

We are therefore recommending that our members who do not want to use their PLB days do the following:

1. Wait and schedule their days as close to June 30 as possible;
2. Submit with their request for the days, the following memo:

I am requesting the use of my PLB days only because I do not want to lose them I believe that the MOA permits me to carry over these days indefinitely. Please be advised that if and when there is a determination that I was able to carry over my PLB days, I will want to be credited with the days I was coerced into using.

We are investigating what is the best course to take and we will know before the end of the fiscal year what our situation is, so do not panic and use days you do not want to use. Follow the instructions above so that you are protected.

'Average after-tax incomes adjusted for inflation are moving up a bit. (They increased at an annual rate of .8 percent in the last three months of 2011 after falling 1.9 percent in prior three-month period. For all of 2011, incomes fell .1%.)

'But beware averages. Shaquille O'Neal and I have an average height of six feet. Exclude Mitt Romney's \$20 million last year - along with everyone else securely in the top 1 percent - and the incomes of most Americans are continuing to slip.'

-Economist Robert Reich

What's Inside:

Up to the Minute

Book of the Week:
Which Side Are You
On? The Story of a
Song

AFL-CIO- 100th
Retirees Occupy
Century Aluminum

Labor Book of the Week:

Which Side Are You On? The Story of a Song

By George Ella Lyon, artwork by Christopher Cardinale

"What a perfect time for this picture book's arrival... 'Which Side Are You On?' is an old song with new relevance for a generation facing a dubious future." —NY Journal of Books

As many of you may have gathered over the years, I love a good children's book. And if there's one thing I like even more than a good children's book, it's a children's book that can be used to start a conversation about labor rights with kids. Bonus? This one is about one of the best labor songs ever written!

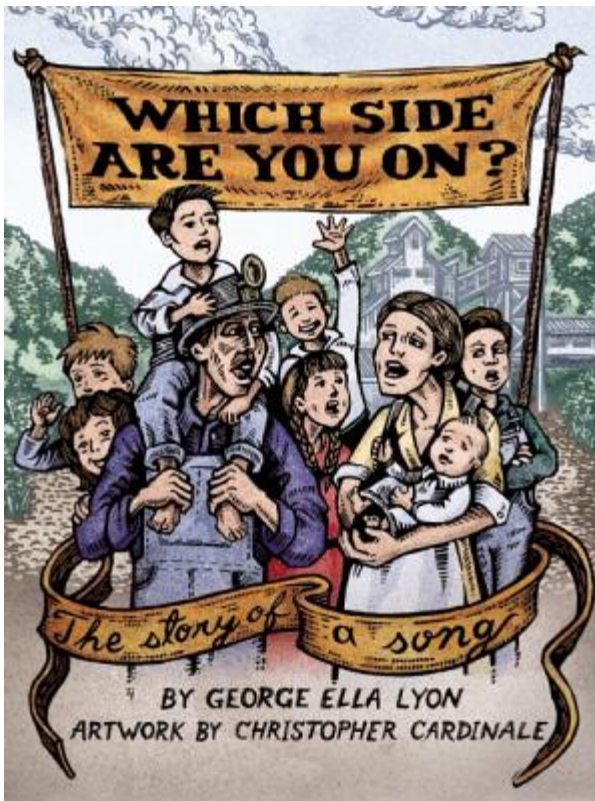
Which Side Are You On? tells the story of the classic union song that was written in 1931 by Florence Reece in a rain of bullets. It has been sung by people fighting for their rights all over the world. Florence's husband Sam was a coal miner in Kentucky. Many of the coal mines were owned by big companies, who kept wages low and spent as little money on safety as possible. Miners lived in company houses on company land and were paid in scrip, good only at the company store. The company owned the miners sure as sunrise.

That's why they had to have a union. Miners went on strike until they could get better pay, safer working conditions, and health care. The company hired thugs to attack union organizers like Sam Reece.

George Ella Lyon tells this hair-raising story through the eyes of one of Florence's daughters, a dry-witted, pig-tailed gal whose vantage point is from under the bed with her six brothers and sisters. The thugs' bullets hit the thin doors and windows of the company house and the kids lying low wonder whether they're going to make it out of this alive; wonder exactly if this strike will make their lives better or end them, but their mother keeps scribbling and singing. "We need a song," she tells her kids. That's not at all what they think they need. Graphic novelist Christopher Cardinale brings Florence's triumphant story to life in true rip-roaring union style.

Buy here and support a union-centered bookseller:

<http://commerce2.pair.com/unionist/ccp7/index.php?app=ecom&ns=prodshow&ref=whichside>



From AFL-CIO

Retirees Occupy Century Aluminum

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By Leo Girard

On Dec. 18, a dozen retirees, men and women in their 60s, 70s, even 80s, began occupying a median strip along Route 33 in front of the closed Century Aluminum smelter in Ravenswood, W.Va. In tents and under tarps, a small group stays overnight, despite hypertension, arthritis and other old age ailments. One has suffered a stroke.

These vulnerable people expose themselves to weather extremes although some have no health insurance at all. Century canceled it. That's why they're occupying Century.

The retirees labored their entire lives for wages and pensions comparably lower than those of other aluminum workers. They did it believing they made those sacrifices in exchange for good, lifelong health coverage. Over the past two years, however, Century evicted them, about 540 retirees altogether, from the insurance plan.

The betrayal burns. Executives at Century, corporate 1 percenters, committed the same sort of treachery that is being condemned by Occupy Wall Street demonstrators representing the victimized 99 percent across the country. Thus the retirees adopted the grandchildren's protest tactic of encampment.

Century shuttered the 50-year-old Ravenswood smelter in February of 2009, throwing 651 workers out of jobs. Century, headquartered in Monterey, Calif., didn't go bankrupt though. It still operates aluminum plants in Kentucky, South Carolina and Iceland. And it didn't immediately cancel promised insurance for retirees.

Nine months after the shutdown, it announced it would terminate as of June 1, 2010 health benefits for retirees eligible for Medicare. Then on Nov. 1, 2010, Century told its retirees who weren't yet eligible for Medicare that it would stop paying for their coverage as of Jan. 1, 2011.

This revoking of earned benefits isn't an isolated incident or a fluke. It is part of a pattern documented by Wall Street Journal investigative reporter Ellen E. Schultz in her new book "Retirement Heist." The subtitle is, "How companies plunder and profit from the nest eggs of American workers.

She describes in gory detail how corporations raided worker pension accounts, siphoning off surpluses that would be needed later to prop up plans damaged by the Wall Street collapse. She provides detailed accounts of executives gouging the funds to pay for their own exorbitant retirement packages. She tells of corporate executives ending retiree health insurance and freezing pensions but deceptively calling the changes improvements, so that CEOs could pump up company profits with money that had been pledged to workers.

While breaking promises to workers and violating contracts, these CEO 1 percenters falsely portrayed themselves as beleaguered champions of workers, valiantly attempting to preserve underfunded pensions. Like Costa Concordia Captain Francesco Schettino saving himself while abandoning passengers on his sinking cruise ship, the captains of industry padded their own pockets with pension and health care funds intended for retirees, then deserted the workers. Schultz

describes the CEO scams this way in the book: "In reality, they're the silent pirates who looted the ships and left them to sink, along with the retirees, as they sailed away safely in their lifeboats."

Most of the Costa Concordia passengers survived, but more than a dozen drowned. In West Virginia, most of the retirees are still kicking. A leader among the Century occupiers, Karen Gorrell, explained: "We may have one foot in the grave, but we are kicking like hell with the other."

But some have succumbed. Gorrell, wife of a 33-year veteran aluminum worker, says Century has retiree blood on its hands.

She tells of two tragedies. There's Bryce Earl Turner who Karen encountered after her first meeting with Century retirees in Ravenswood. He was scared and sick. Both alternatives he faced — buying private insurance or paying for his leukemia treatments out of pocket — were way beyond his means. Losing his insurance was a death sentence. The retirees worked desperately to get him more time.

With the help of West Virginia's U.S. senators, Jay Rockefeller and Joe Manchin, and a provision in Obama's health care reform law, the retirees managed to get coverage extended to Sept. 1, 2011. Bryce Earl Turner, 59, who worked 37 years at the aluminum plant, died the next day.

The other tragedy is Sam McKinney. He attended a meeting of the retirees on Feb. 14, 2011. He said he feared losing the insurance because his wife was ill.

After the meeting, Sam McKinney took his wife to Outback Steakhouse in Parkersburg for Valentine's Day. As they left, he collapsed and died in the parking lot. Karen is sure the stress killed him. Wrongful stress. Stress he'd not have experienced if Century was good for its word.

Karen says of Turner and McKinney: "It was murder without a gun."

Though Century failed to fulfill its obligation to pay for retiree health care, it handed its last CEO, Logan W. Kruger, \$4.9 million in 2010. That's twelve times more than Americans pay their president, the leader of the free world. Century gave Kruger another \$6.2 million to leave last November. Still, he's suing for \$20 million on top of that. Century also is defending against a lawsuit filed for the retirees by the United Steelworkers (USW) union, which represented most of the Century workers.

The USW hopes, however, to resolve the dispute outside the courtroom, with the help of the retirees and West Virginia lawmakers. The elderly agitators managed to win the support of the state's U.S. senators, its governor and its legislature. So last year when Century went begging to the state for \$20 million it claimed it needed to re-open the Ravenswood smelter, the lawmakers sent Century away empty handed with a directive to settle with the retirees before seeking reconsideration. Not long afterward, Century booted Kruger, and the new management team is negotiating with the USW and the retirees.

The protesters don't have what they want yet, and they're not leaving their tents until they do. Century gave the retiree occupiers port-o-potties and installed concrete barriers to prevent cars careening on an icy Route 33 from plowing through the encampment.

Very nice gesture. But resuming payment for promised health insurance would be a whole lot better.

We're on the Web!

See us at:

www.cwa1037.org

CWA HAS NOT SETTLED A CONTRACT IFPTE LOCAL 195 HAS A TENTATIVE AGREEMENT CWA, AFT AND AFSCME HAVE NOT SETTLED CONTRACTS

Why hasn't CWA settled?

CWA has had 3 goals for this contract since the beginning:

1. Protect Jobs;
2. Protect the Collective Bargaining Agreement from Rules, Executive Order, or new laws;
3. Protect our standard of living.

CWA submitted an economic proposal for more money than this and we have important open issues. Job Security has been the number one concern of our union and our members. We moved a Job Security proposal and we have not gotten a response from the State. The State has demands that we eliminate long standing language that makes the contracts we bargain enforceable. CWA wants to protect the integrity of the collective bargaining process.

What will a Local 195 Agreement mean for CWA and other unions?

The very lean agreement that Local 195 made will make it more difficult to get a satisfactory financial settlement. Of even greater concern is our Job Security language and maintaining the integrity of the Collective Bargaining Agreement. **The Christie Administration is resisting a satisfactory financial settlement for CWA members and is trying to diminish job security and enforcement of the collective bargaining agreement.**

What's Next?

The Administration must bargain with each Union in good faith. We demand that they do so. Each Union's goals and needs are different. Over the next several weeks, your Local will be contacting shop stewards and members about meetings and mobilization plans.

We know that negotiations will be very difficult and that this will be a lean agreement – but – CWA is fighting for a Contract that protects our jobs and the collective bargaining process. **IN THIS ECONOMY, JOB SECURITY IS CRITICALLY IMPORTANT. IN THESE UNSURE TIMES, WE MUST PROTECT THE INTEGRITY OF THE CONTRACT.**

**We know that our members are anxious for an agreement.
But we think Job Security and Collective Bargaining are worth fighting for.**

**THIS COMMUNICATION IS DIRECTED TO CWA MEMBERS ONLY AND IS NOT INTENDED FOR MEMBERS OF
OTHER UNIONS**

The State Legislature is After Our Retirement Security

They rammed through cuts in June, but they're still not satisfied. Now they're after supplemental sick leave payments for retiring workers, a modest retirement benefit some civilian public workers receive after a career of service.

The problem is not career employees—it's politically-connected managers who have no cap on the amount of sick leave they can cash out. Some get six-figure payouts.

But that's not stopping some of the Trenton crowd—both Democrats and Republicans—from coming after our sick leave benefits.

Some proposals completely eliminate the value of unused sick leave. Others want to cut the amount civilian workers can accumulate in half and apply it for post-retiree medical benefits—if you don't need post-retirement medical from your employer, you get nothing.

On top of that, some legislators want to fine or even fire workers who don't get a doctor's note to take more than five sick days.

Call your legislators NOW 888-875-6558

You will be prompted to enter your five-digit zip code to find your legislators. When you speak to the legislator or staff, tell them:

It's time for legislators to stop attacking the retirement security of rank-and-file public workers. Sick leave payments for workers like me are a modest retirement benefit after a career of service. Fix the system so managers and political cronies can't receive six-figure payouts without attacking my retirement security again. Vote "NO" on Assembly Bill 4345 or any proposal like it.