

# All-star Steward crowned

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## Leadership Slate Wins Re-Election

The victorious slate – which in accordance with the UFCW International's Constitution and the Local Union's Bylaws was declared elected by acclamation on September 1, 2010 – was headed by President Greg M. Conger and Secretary-Treasurer Andrea Zinder.

Also included were Shari Bolam as Recorder and Doris Barlow, Greg Halibozek, Laurinda Fiddler, Rick Eiden, Graham Ozenbaugh, Chuck Adinolfi, Patti Bruha, Charles Swain, Javier Ybarra, Gilbert Davila, Marty Woods and Jeff Weston as Vice Presidents.

**Next General Membership Meeting is Wednesday, December 8th at 7 p.m. 8530 Stanton Ave. Buena Park**

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If requesting withdrawal, what was your last day worked? \_\_\_\_\_

**If we don't know where you live or how to reach you, there's no telling what you might miss out on in the future.**

# U have to tell us!

Editor: Todd Conger  
Asst. Editor: Mercedes Clarke



**UNION OFFICE HOURS**  
8 a.m. to 5 p.m.  
Monday-Friday

**TELEPHONE NUMBERS:** Orange County: (714) 995-4601 Lake Forest: (949) 587-9881: Long Beach-Downey-Norwalk Limited Area Toll Free: (800) 244-UFCW

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## Meet the New 'Dave'

Commitments by large corporations to improve their employees' working conditions and the communities within which they do business are nothing new. And if genuine, would indeed be welcomed.

Unfortunately, when you look past the surface, most of these programs and initiatives created under the guise of bettering the lives of workers and the not-so-well-to-do are nothing more than well-engineered ploys for the businesses themselves to become even bigger or more involved in their employees' personal lives.

Ralph's Cultural Council, created under the auspices of helping the homeless and cleaning up local public spaces, such as beaches and parks, on the surface seems like a great idea. Gather the employees of a store together to help facilitate a better inner store community in order to help improve the outer community in which the store operates. What's not to like about that?

Except, we have seen all this before. Remember back before the contract talks in 2007 when the almost imperceptible Dave Hirz all of a sudden started making himself available for meals with the average everyday workers? First, it was breakfasts, then lunches, and finally dinners "with Dave." What a nice guy that Hirz was, buying everyone meals. But those few free meals were offered as a guise towards years of free meals Hirz and Ralph's were hoping to collect from our members.

Do not allow yourself to be confused. This is the same company that unsympathetically, deliberately and illegally locked you out for no reason in 2003, that was indicted on 53 felony counts for actions relating to the lockout, and that pleaded guilty to 5 of these

counts, paying fines of \$70 million to settle. That is a lot of lunches.

Nothing has changed, except Dave Hirz is no longer around.

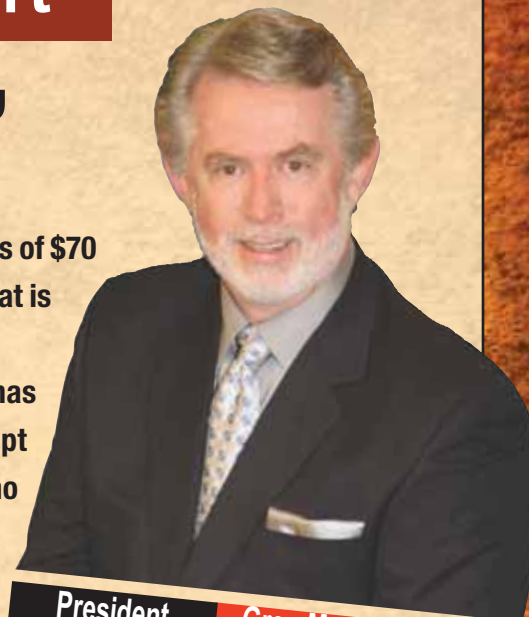
Contract talks begin again in

March, and "Meals with

Dave" is now called "The Cultural Council Program."

The Cultural Council Program is a Trojan Horse. Like Meals with Dave, it is merely a preemptive strike disguised as a gift, a ploy to circumvent our collective bargaining agreement by falsely gaining your trust.

So, when the topics of discussion at these meetings begin to change, and they will as we move closer to March, remember not to allow any camaraderie or goodwill that develops between you and management within these meetings ever to dissuade you from invoking your Weingarten rights or any other contractual right. Your employer does not share the same concerns for your well being as your Union Representative. The 'real' Dave, Kroger CEO David Dillon, does not reward himself 250 times the average workers' annual salary on a yearly basis because he is genuinely concerned about you or any community in any way that doesn't directly line his own pockets.



President

Greg M. Conger

A stylized, handwritten signature in black ink that reads "Greg".

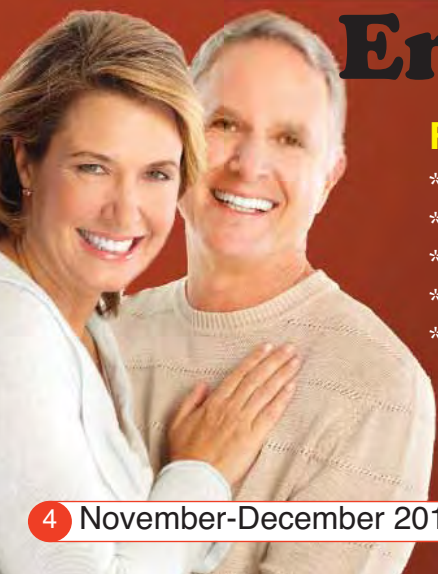


# The Finger Test



***Vons meatcutter Shenandoah Nugent was named Meat Apprentice of the year for what his instructor called "total commitment to learning every aspect of his trade." Dean Lowe, who has served as the primary instructor for Local 324's apprenticeship program for six years, told the audience at the regular membership meeting he held Nugent as an example of the high caliber professionals that***

***emerge from the apprenticeship tradition. Upon taking the podium back to resume the meeting, President Greg Conger recalled nostalgically that true mastery of the trade can really only be determined through the finger test. "Go ahead put both hands up to the light and wiggle your fingers," Conger said. "If they're all still there after you've been doing this 20 years then I'd say you are an expert."***



## Enjoy Your Retirement!

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Barbara Hamilton (562) 431-7545, Carole Peterson (714) 521-6820, or  
Marion Jones (714) 536-7315

## *The value of your service*

It is no coincidence that every time a major food retailer attempts to connect with its customer base or the broader community surrounding its stores it relies upon the individualities of its employees. You are not just the faces of these national corporations nor the skilled workforce, but the people the customers interact with daily and come to know.

After all, you can only become so intimate with corporate logos or merchandise upon shelves, and neither offer much in the way of meaningful human interaction.

And meaningful human interaction is what turns inhabitants of a location into a community just as genuine familiarity transforms residents of an adjacent proximity into neighbors.

And who doesn't value a good neighbor? Or, at least, this is what the big grocery companies are relying upon in their efforts to expand and solidify their customer bases.

Kroger has a 'Neighbor to Neighbor' Charitable Giving program, and Supervalu refers to itself as 'America's Neighborhood grocer,' and both are ways these companies have chosen to represent themselves to the broader communities within which they do business.

Probably no major food retailer understands the value of human fellowship better than Safeway, though, whose 'Heart of Safeway' community outreach program begins where it should with the category of people. And by people, they of course mean you.

So, if you find yourself featured on your employer's website, pictured largely above some major thoroughfare, or having a brief cameo on T.V., don't be surprised. You are all the hearts and souls of your corporate employers, and the top brass of each knows it.

Guess what, the regular customers at your stores know it too. They know you, and don't think for a minute that your kind greetings, competent assistance, and cordial conversations go unnoticed.

Customer relations matter and are an advantage of the food retailers with union contracts over non-union employers. Our contracts allow for long-term stability, which allows for your relationships with customers to foster and the grocery markets where you work to become neighborhood fixtures.

Let's face it, the uncertainty that is experienced by regular customers from the absence of a long familiar employee far outweighs the value of any weekly promotion. In today's world with jobs increasingly being outsourced and the nature of the work that is not, doing business face to face with someone you know who is reliable and whom you are comfortable is a very rare and increasingly appreciated thing. There is no two ways about it.

That is why when some of you see us in the parking lots in front of your stores this November, remember there is no reason to panic. We are just getting the word out to your customers about the pending contract talks upcoming in March of 2011.

We simply want to remind your customers who you are, so they can remind your employers that they are the same neighbors and communities who overwhelmingly had your backs in 2003/2004.

If you weren't with us then, then just ask your co-workers who were, and they will tell you most people value people whom they have come to know. And, in terms of job security, a little familiarity goes a long way.

So, make the extra effort to allow your customers to get to know you better. This way come March, they will see the people behind the facial images on all your employers' catchy new community ads.



**Secretary-Treasurer** Andrea Zinder

A handwritten signature in black ink that reads "Andrea".





# Addie Wyatt: UFCW Lighthouse

—By Matthew Hart

For every labor union that exists, there is an individual who symbolizes the essence of the organization and the Labor Movement. These individuals, through their actions or personalities, have acted as lighthouses, giving members direction while illuminating the great cause of Labor. The Teamsters have Jimmy Hoffa, the Longshoremen Harry Bridges, and the UFCW Addie Wyatt, who dedicated her entire life not only to the cause of labor, but also to racial and gender equality.

Having moved to Chicago from Mississippi at age 17, Wyatt began working at Armour & Co, a slaughterhouse and meatpacking plant. While she was originally hired over the phone as a typist, when she arrived, she was sent to the meatpacking plant because the company did not employ black typists. This blatant act of racism had a beneficial consequence for Wyatt. She soon found herself working on the production line packing stew, a union position that paid \$24.80 per week, a higher rate than typists were paid.

Like many African-American women of this period, Wyatt's first encounter with trade unionism came during World War II. In 1952, she joined the United Packinghouse Workers of America (UPWA). Formerly known as the Packinghouse Workers Organizing Committee, this union formed in 1943 as part of the Congress of Industrial Organizations and had built a reputation for militancy and advocacy of racial and gender equality.

After being asked to be a local delegate at an anti-discrimination conference, she became an activist dedicated to bringing women and people of color to the forefront of union leadership. By 1953, she was elected vice president of UPWA Local 56, and the following year, she took over the Local after the president resigned, becoming the first black woman to hold senior office in an American labor union.

She then ran for the Executive Board of the UPWA on a platform emphasizing women's right and the advancement of racial minorities. Soon after, Wyatt was appointed to the international staff of the UPWA as Secretary of the Civil Rights Committee.

Wyatt's activism was not confined to the labor movement. She had met the Reverend Martin Luther King, Jr. a few months prior to the start of the Montgomery bus boycott and then ded-

icated herself to the larger civil rights movement. Soon, she began working as labor liaison to King's Southern Christian Leadership Conference (SCLC), joining him on many important civil rights marches.

She also traveled the country petitioning packinghouse workers in support of King's campaign to end racial segregation. In 1962, Wyatt and her husband worked with Rev. Jesse Jackson to found Operation Breadbasket, which distributed food to underprivileged people in 12 American cities, and later she became involved in its successor, P.U.S.H. (People United to Serve Humanity). In 1975, Time magazine named her Person of the Year, the first African-American woman to be so honored.

Wyatt was also a vocal and active supporter for women's rights. In 1961, she was appointed by Eleanor Roosevelt to serve on President Kennedy's Commission on the Status of Women. She campaigned tirelessly for the passing of the Equal Rights Amendment and was the founding member of the National Organization of Women. Later, Wyatt helped to form the Coalition of Labor Union Women.

In 1974, after the UPWA merged with the Amalgamated Meat Cutters and Butcher Workmen of North America (AMCBW), she became the director of the Women's Affairs Department.

Two years later, she became the first female international vice president in the history of the AMCBW. After the Amalgamated Meat Cutters union merged with the Retail Clerks union in 1979, forming the United Food and Commercial Workers (UFCW), she served as the Director of Civil Rights and Women's Affairs until she retired in 1984. 21 years later, at the age of 81, she was inducted into the Civil Rights Walk of Fame.

While there are many labor leaders who have helped pave the way for the labor movement, there are few who have ensured, as much as Addie Wyatt, that the path is broad enough to include everyone, regardless of race or gender. And though her name might not be as recognizable as others, it is only because she chose to act as a lighthouse rather than basking in the spotlight.





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# shopping place



## 'Union difference' showcased at LA County Fair

UFCW volunteers from several locals staffed a booth at the Los Angeles County Fair in September, passing out everything from ink pens to re-usable grocery bags to the public.

Interest in the booth surprised even the most enthusiastic organizers of the effort.

Attendees of the fair lined up to receive information about the union and to play games that earned them additional prizes.

**Pictured top left:** Fair goers sign petitions in support of grocery workers.

**Middle left:** Fair goers spin the UFCW wheel to win additional prizes.

**Bottom left:** UFCW Local 324 member Diana Huffman collects petition signature from a member of the public.

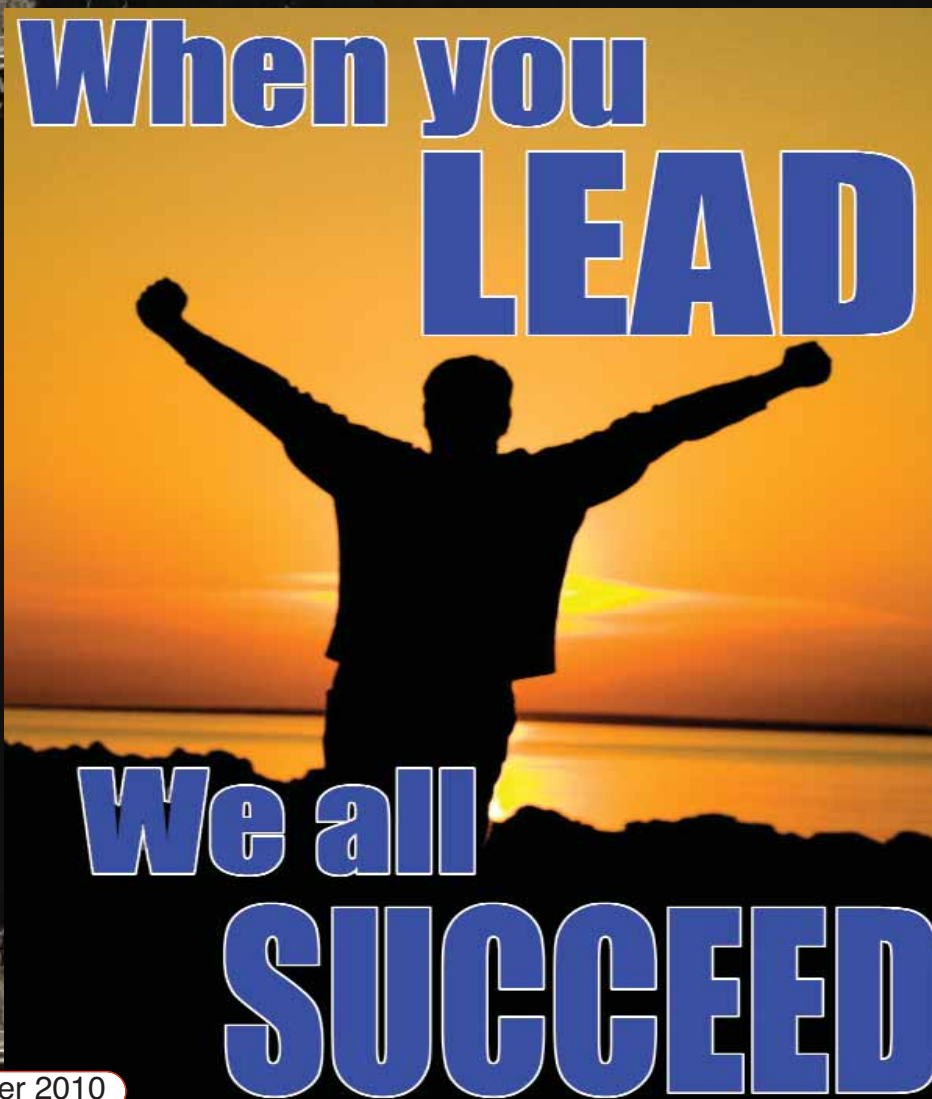
**Top right:** Reusable grocery bags were popular items among fair goers.



# STEWARDS CONFERENCE



Above: Every year since Local 324 began holding annual conferences for its union stewards, the event has drawn a larger crowd than the year before. This year's event finally forced conference organizers to concede that the next thing to grow may have to be the auditorium. Below: This year's conference logo.





# Stewards train for Upcoming challenges

**N**early 400 stewards from throughout the local's widespread jurisdiction met Sept. 10 in Buena Park to hear a passionate call from union leaders for them to stay focussed and energized as the union seeks to address the bread and butter economic issues that form the backbone of the union's ambitious agenda.

The crowd officially marked the largest gathering of union stewards in the local's history and coming at a pivotal time for UFCW members at the ballot box and the negotiating table.

Stewards, about a quarter of whom were attending their first ever Stewards Conference, appeared transfixed as each speaker emphasized a different view to the event's formal theme—When You Lead We All Succeed.

In his opening remarks, President Greg Conger lavished praise on the group as a whole, crediting their one-on-one interaction with fellow members for a laundry list of accomplishments in 2010.

"As an organization in the workplace, our membership sometimes is only as good as your advocacy on their behalf. . ." Conger said.

He went on to directly link the success of such important initiatives as the recent Active Ballot Club drive and the collection of AB 1060 cards to the effectiveness of store level liaisons who are the face of the union to dozens of members.

Conger then pointed to the midterm elections as one venue where labor unions nationwide will attempt to educate members on the political process in order to bolster the standard of living for working families.

"Phone banks, precinct walks, get-out-the-vote projects have been and must continue to be an outlet for stewards to demonstrate their commitment in a powerful way," he said.

Conger also touched on upcoming contract negotiations, saying that "the six Southern California UFCW Locals are as united as they have ever been."

He stressed, however, that predicting the timing, challenges or outcome of such talks is always a risky venture.

"Strengthening solidarity among your co-workers is an essential ingredient for success. With your leadership comes our success," Conger said.





# Zinder 'drops in', delivers rousing address

With each stewards conference, anticipation around a single event seems to grow exponentially—how will she arrive this year?

Three years ago she rode in on the back of a Harley. The next year, she went “green” and flung vinyl shopping bags into the audience while riding a 10-speed down the center aisle en route to the podium.

Then last year actually stopped in the middle of a video and emerged from the television screen and onto the stage where she delivered what has traditionally been the second speech of the event.

This year, veteran conference goers wondered aloud what over-the-top spectacle would mark Secretary-Treasurer Andrea Zinder's introduction.

Stewards didn't have to wait too long.

As they viewed a video depicting President Conger and Zinder surveying the union's vast jurisdiction from a hot-air balloon, Zinder gets a call on her cell phone and announces she'll be back in a moment.

Audience members then see a ladder fall from the ceiling of the auditorium over the stage and the Local's Secretary-Treasurer descends.

Zinder wasted no time in telling the stewards how important they are to the Local and to the Labor Movement.

“On behalf of the 23,000 members of UFCW 324, we thank you for your service as stewards —dedicated hard-working advocates of working people,” she said.

Your impact upon our organization is exceptional,” she said as she went on to give specific examples of how Local 324 stewards have demonstrated leadership recently.



Andrea Zinder

## Victoria Frantz named Local 324 'Steward of the Year'



Victoria Frantz

Union Steward Victoria Frantz sat stoically as President Greg Conger ticked off the laundry list of activities this year's Steward of the Year has been involved in.

And in his usual style, Conger didn't divulge the name until the last possible second, giving Frantz plenty of time to digest why she stood out to those tasked with choosing an annual recipient.

“Every year the choices we have are incredible . . . you are magnificent,” Conger told the group of stewards.

Frantz has been in the grocery industry since 1981, but realized the true power of collective action during the 2003/04 Strike/Lockout, she said.

When her name was finally announced, she appeared genuinely shocked and overcome with emotion.

“I should be thanking you not the other way around,” Frantz said.



# International VP Bill Mc Donough calls on stewards to stay focussed on the 'end game'

International Executive VP and Director of Collective Bargaining Bill Mc Donough had the unenviable task of speaking to the crowd of 400+ union stewards at the end of the conference.

If people thought that he would adjust to the unfortunate time slot by inserting enough laugh-out-loud comedy to fill an HBO special, well, that's what he did.

But those who expected the last speech of the day would also be lighter in substance, requiring little or no thought, . . . well that's where Mc Donough defied expectations.

The former president of UFCW 99 in Arizona engaged stewards in a soul search of sorts by asking simply "Who are you?"

"Are you a hand clapping, romping, stomping, hell raising, street fighting activist member who's here to take control of your future?"

Mc Donough then transitioned into the heart of his speech—an overview of recent contract talks throughout the country. Mc Donough has either observed or participated in dozens of negotiations in the past year alone.

His early assessment was almost depressing as he mentioned the take aways and rollbacks that some chains opened negotiations with in the last year.



Bill Mc Donough

But he promptly countered by reciting stories of how locals nationwide mustered strong displays of unity, securing contract improvements in the end.

The most ironic twist came as Mc Donough prepared to finish. He asked the audience to not allow sophisticated marketing campaigns—with flashy visuals and music you can dance to—to sway their resolve.

He then pointed to his own speech as an example of how people can be moved by persuasive appeals.

"Companies like Kroger, Supervalu and Safeway are in business because they have succeeded in convincing enough people to buy something that they previously did not think they needed," he said. He then warned that companies will attempt to use the same power to convince union members to reign in lofty goals for a new contract.

Mc Donough said that the UFCW locals that maintained solidarity and supported their leadership scored contract improvements.

He even suggested a song for grocery employers to use as their mantra in 2010. And as the crowd roared its approval the speakers blasted the popular Rolling Stones hit "You Can't Always Get What You Want."

## Stewards hear unedited straight talk from leaders

From the first day that Local 324 held a conference for stewards, the question and answer session with the president and secretary treasurer have been the most universally praised.

This year's nearly 30-minute session was no exception.

President Greg Conger and Secretary-Treasurer Andrea Zinder answered everything from what services seafood clerks can perform to what fixes are needed for the Pension fund's long-term health.

One member commented that this "is where we get it all out in the open and see what we're dealing with. Then they lay it out and tell it like it is," he said.







## An interview with

**U Magazine:** Congratulations on your re-election.

**Greg:** Thank you. Andrea and I are very pleased with the confidence that the membership has shown us and Local 324's Executive Board.

**U Magazine:** What is the biggest challenge ahead for Local 324?

**Greg:** Getting through the next negotiations with a collective bargaining agreement that maintains what we currently have and even makes a few improvements in some vital areas.

**U Magazine:** What areas?

**Greg:** Our members need a raise. In addition, we are at the point where we need to strengthen our Pension plan and that means taking a hard look at where employer contributions currently are and where they

have to be for the fund to be the true safety net that it has always been for UFCW members.

**U Magazine:** Have we seen any signs, read any signals from the employers that would lead you to believe that these talks will be easier or more difficult than previous years?

**Greg:** I used to try and handicap contract talks and learned pretty quickly that it's not an art or a science at all. Every negotiation is separate and apart from the previous one and can't be compressed into a sequel or second half. One thing I will say, though, is that the solidarity and willingness our members took to stand up for themselves in the last contract talks enabled us to make the significant gains that we did. I don't believe that the employers expected that degree of unity.





## h President Greg Conger

**U Magazine:** What do you see for the union in Sacramento and Washington, D.C.?

**Greg:** You should let the readers know that we are doing this interview with a little more than one week left before the mid-term election. If things stay generally where they appear to be today—and that's a big IF—then I think it is fair to say that we will very likely be in a precarious situation in Washington. We have a pro-labor President who supports our cause but just wants us to whisper about it and he's not a sure thing in two years. And we have a Congress that is constantly in a power struggle among the two parties. Our allies can't get strong enough to support us with bold progressive initiatives like Employee Free Choice. On the other hand, our adversaries can and do try to destroy us every chance they have.

**U magazine:** Your career as a union member has spanned nearly 35 years now. How have you seen the Union change?

**Greg:** I think we are a lot wiser bunch these days. I remember when (young or old, it didn't matter the age), when employees actually thought that the employers they work for had their best interests at heart and back when I started cutting meat, most did. Clearly this is not the case today. Few people would even argue that Fortune 500 corporations are in business to be good employers—they are not. Profits at any cost are today's motive. Interestingly, different age groups have come to that conclusion through different experiences. Some of our Veteran members remember the Strike/Lockout as the stabbing in the back; others watched during different times, but I don't think anyone is as naive or uninformed as they used to be.



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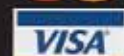
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## Having the world 'at your fingertips' can be hazardous to your job

—By Field Director Chuck Adinolfi

The advent of the smart phone and its easy access to everything from personal text messages to vast social networks like facebook or Myspace has given employers just one more way to collect evidence against you.

Imagine this scenario: you receive an off-color joke from a friend via text message on your phone, you find it so funny that you post it on your facebook page to share with your friends.

The next thing you know, your buddy (remember the one who sent the joke) is called into his bosses office and told to vacate the premises. It turns out that his boss—who got the joke sent to his email inbox within an hour of your posting—isn't as much a humorist as you are.

The fact is that when you send a text message you have the expectation that it will be private. "Back in the day" when people had verbal conversations, your communication was unlikely to travel beyond your group of friends. Now, with technology and social media at our fingertips, these conversations are no longer private. These conversations can get emotional, threatening, flirtatious and even sexual in nature. There is nothing private about a text!

Because text messages are in writing and can be reproduced and disseminated in record time today, it is essential for members to practice greater discretion than ever before.

People share very private information with their friends using social media. You may think that this group of friends can be trusted to keep your information private, but these same friends can easily share this information with your enemies.

An inappropriate text can be forwarded to management or transcribed and later used against you. The weekend that you called in sick, but really went to Vegas with your friends, gets posted along with the damaging pictures on your web page. A video of horseplay at work is posted on You Tube for the entire world to see, including management and Human Resources.

Members always seem surprised and shocked to see their own postings used against them in a grievance meeting.

Employers have begun to crack down on the use of cell phones during working hours. There has been an increase of discipline including suspensions for the use of cell phones on the job.

Some consider the practice of answering a phone call while on the clock to be a form of theft. You should leave your phone in a locker or your car in order to avoid the temptation of using it on company time. This out of sight and out of mind tactic could save your job in the future.





# Cloak and Gavel

## *A handful of pivotal court cases will indelibly*

To many rank and file union members, presidential and mid-term elections are of obvious importance as Organized Labor routinely comes together to elect the best possible representatives for working people. What is not always so obvious is the indirect result of those elections. In fact, those indirect results can sometimes have more of a profound impact on the lives of workers than the immediacy of executive orders or other actions taken by a chief executive.

Presidents and Governors nominate judges and legislators, appoint them, and depending on what party is in power or whose interests are being represented determines what sort of judges will decide upon cases with implications greater than most members are aware.

After all, judges have power. They hear appeals, reject or accept pleas, overturn or set precedents, and directly preside over many other aspects of the legal process. Often, their influence shapes the very scope and manner in which legal activities are pursued.

This study will discuss a few decisions that have already been presided over by judges and the effects of these decisions upon organized labor and working folks, and a few decisions that are still pending.

### **Citizens United v. Federal Election Commission, No. 08-205**

In January of this year, the Supreme Court, with a bitterly contested 5-to-4 vote, essentially ruled that institutions, such as corporations or unions, have the same First Amendment rights as human beings.

The Supreme Court's decision in this case overturned previous restrictions and limits to corporate spending on election advertisements.

While this initially might seem like a beneficial ruling, organized labor and its allies have never been able to match corporations and wealthy conservative donors in spending and usually counter such sums with mass door-to-door and phone campaigning. But, with no limits to the amounts of money corporations can spend on political advertisements, the balance in the election process has been irrevocably changed.

According to recent articles in the Washington Post and L.A. Times, as of October, \$80 million had been spent already by groups outside the Democratic and Republican parties on this year's mid-term elections or five times the amount spent

by outside groups on the entire mid-term elections in 2006.

The vast majority of this \$80 million has come from conservative groups, out spending liberal ones 7-to-1 in September alone. These same conservative groups have committed to spending another \$50 million in support of Republican candidates.

The spending appears to have confirmed the fears of retired Supreme Court Justice Sandra Day O'Connor who took the unusual step of criticizing the decision of her former colleagues by saying the ruling will "open the floodgates" for spending by third parties.

Large corporations and the ultra wealthy have invested heavily into tipping governorships and state and national legislatures in their favor during these mid-term elections. Many fear that such leanings will only lead to more big business friendly rulings, which will only lead to more corporate campaign spending in the presidential election in 2012.

### **New Process Steel v. National Labor Relations Board, No. 08-1457**

In June of this year, the Supreme Court, with another 5-to-4 vote, ruled some 600 cases decided upon by the National Labor Relations Board to be invalid. The U.S. Senate's refusal to consider President Obama's nominations at the National Labor Relations Board was directly responsible.

Deciding over 600 cases is about two years worth of work for a properly constituted NLRB, and the Board was already backlogged a few hundred cases prior to this ruling.

The potential postponement of already won awards and sanctions to workers and the pileup of some 900 or so cases temporarily deemed unable to act, initially seemed like a major setback to organized labor. The March recess appointments of Craig Becker and Mark Pearce to the NLRB changed the previous landscape drastically.

Now, not only does the NLRB have the quorum necessary to make valid rulings, but the Board also is tilted 3-to-1 in Labor's favor. Thus, the current Board is not likely to overturn any of the 600 cases ruled in favor of either workers or organized labor and will have the opportunity to set new pro-labor precedents. It may even reconsider old cases in which the board ruled in favor of management.

If the newly constituted NLRB can handle the workload, organized labor should benefit.



# *shape the union's agenda for decades to come*

## **Ralph's Grocery v. UFCW, CO60413**

**I**n July of this year, the California Court of Appeal, 3rd District, while overturning a trial courts' denial for a preliminary injunction against a UFCW local, invalidated the Moscone Act and Labor Code section 1138.1 on the grounds that both violated the 1st and 14th Amendments.

Basically, the Appeal's court ruled that the sidewalk between the store's entrance and the parking lot and the parking lot itself were private property and not a 'public forum' for free speech. Therefore, Ralph's as a private property owner has the right to selectively permit or prohibit speech in these places as it desires, including the ability to seek preliminary or permanent injunctions against groups intending to engage in speech the company deems undesirable.

The Moscone Act and Labor Code Section 1138.1 are two of the legal apparatuses that allow for organized labor to demonstrate on site. Without such legal wherewithal, strikes or picketing would have to occur outside of the parking lots of employers and not be nearly as effective.

Lester Aponte, an attorney who has worked for one of the more notorious anti-labor law firms in the nation New York City-based Seyfarth Shaw, described the court's ruling as one of the most sweeping free speech decisions to emerge from the state courts in years and predicted that the California Supreme Court would likely overturn it.

"This decision would have implications not only for unions, but also for everyone from Cub Scouts to gay activists ...in California we have come to take for granted the ability to get the word out to the public on a variety of issues and certainly the right of unions to let the public know they are on strike falls into that," Aponte said.

Because rulings in state courts can be used as precedents by other judges in other states as they examine similar issues, unions nationwide are watching the case closely as it winds its way up to the state Supreme Court.



## **State of California v. Safeway, No. 08-55671**

**I**n August of this year, the United States Court of Appeals, 9th Circuit, overturned the California Central District Court's denial, in February of 2004, for a summary judgment as to whether Kroger, Supervalu, and Safeway violated federal antitrust law when they agreed to share profits during the Strike/Lockout of 2003-2004.

The 9th Circuit's reversal of the Central Court's denial did not consider the grocery strike to be justification for separate and naturally competitive companies to artificially and temporarily agree not to compete in order to maintain their market status and stabilize their profit margins.

Judge Steven Reinhardt concluded that the companies' mutual strike assistance agreement ran afoul of federal law. The federal appeals court not only reinstated the case but also concluded that it should proceed to trial.

The decision was seen as a major setback for the grocery giants as they prepare once again for negotiations with the same Southern California Unions they plotted against in the first place.

Now, six years after the strike/lockout, the state of Califor-

*(Continued on page 18)*







# The Labor Movement's future will be determined partly by judges

(Continued from page 17)

nia, represented by Attorney General Jerry Brown, will get their day in court, and Kroger, Supervalu, and Safeway will have to defend their conduct before a jury.

This case when heard could set landmark precedents for organized labor and corporate responsibility.

## Tarkington V. California Unemployment Ins. Appeals Board No. BS107174

**O**n the evening of Oct. 11, 2003, thousands of UFCW members employed by Vons throughout Southern California carried out their threat to strike. Within minutes, Ralphs and Albertsons, locked their employees out of the stores, despite their willingness to clock in and work their posted hours.

The UFCW took the position that the thousands of workers who were not allowed to clock in were now unemployed through no fault of their own and should be entitled to unemployment benefits.

But officials at California's Employment Development Department (EDD), under the direction of Gov. Arnold Schwarzenegger, ruled against the striking workers based on Unemployment Insurance Code (1262) under which benefits are denied to workers who leave their jobs in a trade dispute.

But a major ruling from the U.S. Ninth Circuit Court of Appeals last month has given new life to the issue when it granted Class Action Status to thousands of Ralphs and Supervalu employees locked out during the dispute.

Union officials stressed that although the ruling was great news, this legal matter is likely far away from a final conclusion.

Nevertheless, the sheer weight of a potential ruling in favor of unions has many people watching the case anxiously.

### *Not out of reach*

Everything from major social issues to economic controversies seem to many peo-

ple to be topics that are out of reach for the average citizen to influence.

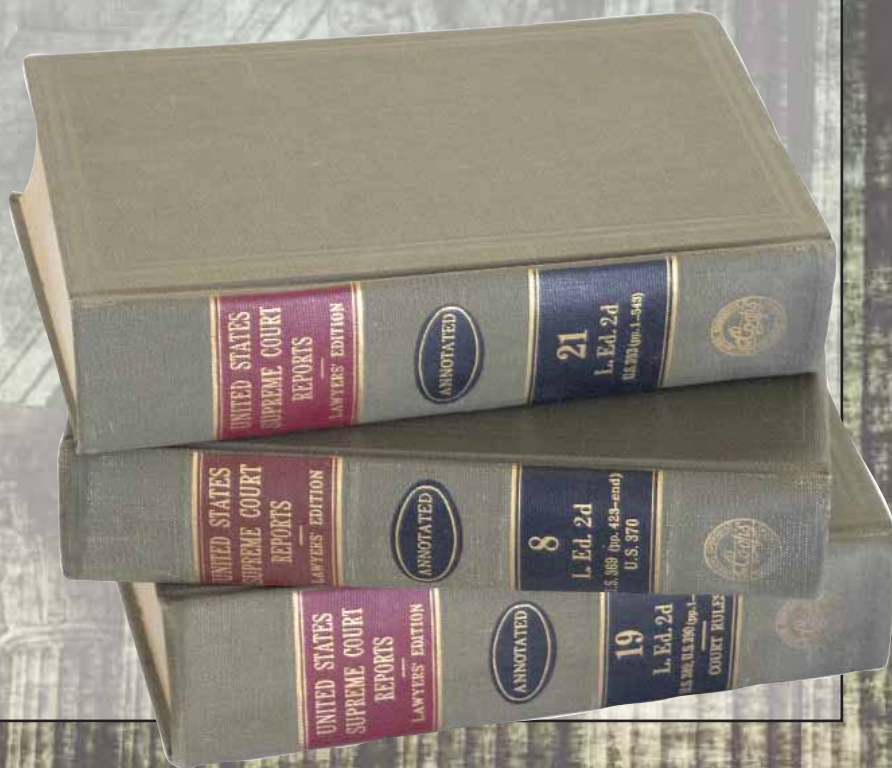
But years of consistent and coordinated campaigns designed to bolster member awareness about politics appears to be bridging that gap

Voter registration and participation are up among union households in recent years and many members appear to be more cognizant of their highly influential role in the process.

Union officials are quick to point out that simply because pivotal issues of national significance to Organized Labor is in the hands of the judiciary branch of government, citizens still play an essential role.

The governor and president, for example, are directly elected and both have the power to appoint judges. State senators and U.S. senators confirm or reject an executive appointment, giving rank-and-file union members yet another shot at influencing the judiciary.

"No matter what angle you look at it from, the vote remains the most powerful tool anybody has to shape the direction of public policy in our democracy," said President Greg Conger.







## 2 cities settle with veteran union members who say local police violated their civil rights in 2003/04 Strike/Lockout

**F**ourteen UFCW members will share a sum total of \$420,000 in compensation from the cities of Hermosa Beach and Manhattan Beach, marking the first and only such case of civil damages arising from police misconduct during the 2003/04 Strike Lockout.

Overall, Hermosa Beach contributed \$400,000 of the settlement money while Manhattan Beach contributed \$20,000.

The lead attorney for the plaintiffs, Los-Angeles-based Olu Orange, said that the parties involved settled only after the presiding judge rejected a motion by the defendants to have the case thrown out of court.

Instead, the judge ruled that there was enough evidence to warrant a trial in the case in which the 14 UFCW picketers accused officers of the Hermosa Beach Police with violating their constitutional right to free speech.

The picket line at Vons on Pier Avenue was ground zero for several confrontations with police, the worst of which resulted in an injury to a union member and the arrest of another.

The settlement also calls for the Hermosa Beach Police to undergo formal training on how to handle incidents between picketing union members and local employers.

Field Director Chuck Adinolfi called the settlement a victory and predicted it would be seen as welcomed news to many veterans of the Strike/Lockout who were labeled “troublemakers” by police.

“It’s demoralizing when you see the people who are supposed to protect you turn out to be squarely on the employer’s side. It was heartbreaking to see a member come to that realization for the first time.”

The case was filed in 2005 in U.S. District Court in Los Angeles but got bogged down by delay tactics from defendants, said UFCW 1442 President Michael Straeter.

“It is inspiring that these 14 members managed to stick together and remain committed to securing justice as long as they did,” Straeter said.

For his part, Orange credited the outcome of the case to the solidarity of the picketers as well as to UFCW Local 1442, which he described as instrumental in seeing that each of the 14 members got their day in court.

“The Union stood behind these men and women and never waived a bit,” he said.

### *Victory Number 2*

Although the case is the first of its kind to involve police conduct during the infamous labor dispute, it is actually the second case to emerge from the judicial system in which union allegations of wrong doing were validated.

The landmark case brought by the U.S. Justice Department in 2005 resulted in several felony convictions of Ralphs and its executives for violating federal labor laws.

UFCW members employed by Ralphs divided \$50 million in compensation from the company in that case. An additional \$20 million went to the Justice Department. And like the settlement with Hermosa Beach, the belated victory for the unions showed that union members can be remarkably patient as they wait for the wheels of justice to turn.

“Hopefully the actions of these few union brothers and sisters will spare many more from being hurt or demeaned by a few badge carrying thugs on a power trip,” said Local 324 President Greg Conger.





# Governor vetos bill designed to curb teen drinking

An avalanche of bills that successfully emerged from the State Legislature met their untimely deaths in the last week of September, including Assembly Bill 1060, which sought to ban the sale of alcohol in self check-out lines.

The measure received a groundswell of support from such prominent community organizations as Mothers Against Drunk Drivers (MADD).

Local 324 members played paramount roles in brining the bill's popularity to Schwarzenegger's attention by securing signed petitions from roughly 10,000 members of the pub-

lic.

"It was clear that this legislation had the best interests of the community as its primary objective," said President Greg Conger. "But when the guy wielding the veto pen has big businesses as *his* primary objective, then we probably shouldn't be surprised when this happens."

In his explanation, the governor declared the measure to be frivolous.

"There is no legitimate evidence to suggest that self-service grocery checkout stands are contributing to the theft of alcoholic beverages and sale to minors or intoxicated persons.



"Retailers have several strong reasons to prevent the theft or sale of alcohol to minors, including the fact that alcohol is an expensive product to be stolen and a grocer's alcohol sales license could be placed in jeopardy," Schwarzenegger said.

A collage graphic for "STREET SESSIONS". It features a laptop displaying "ufcw324.org", a red stop sign with "TOP" in white, a professional video camera, a silver microphone, and a yellow "Caution" sign. The background is a winding road with yellow lines under a blue sky. The text "STREET SESSIONS" is written in large, orange, stylized letters across the middle. At the bottom, a black banner contains the text "Check out ufcw324.org for the newest Halloween episode" in white and red. A yellow and black striped caution border is at the very bottom.

**ufcw324.org**

**TOP**

**STREET SESSIONS**

**Caution**

Check out [ufcw324.org](http://ufcw324.org) for the newest **Halloween episode**



# ...Aisles of smiles for miles

Attendees described the event as “informative and helpful”





# Word on the street

Q

- What role has your Union Steward played at your worksite?

“



She does great work and is always helpful with members and really takes care of us during the holidays.

**Laura Sanchez**  
**Albertsons**  
**6534**

If anybody in the store has problems she fixes them fast!

**Lori Robles**  
**Stater Bros. 28**



Good advocate for the Union and knows where to get the answers. She also monitors the combo clerks to keep it fair.

**Janice Lutz**  
**Ralphs 68**



She is always good to me and helped out wherever I needed it.

**David Hunt**  
**Ralphs 8**



She is very nice to us and knowledgeable when we have questions.

**Chelsee Crain**  
**Rite Aid 5748**



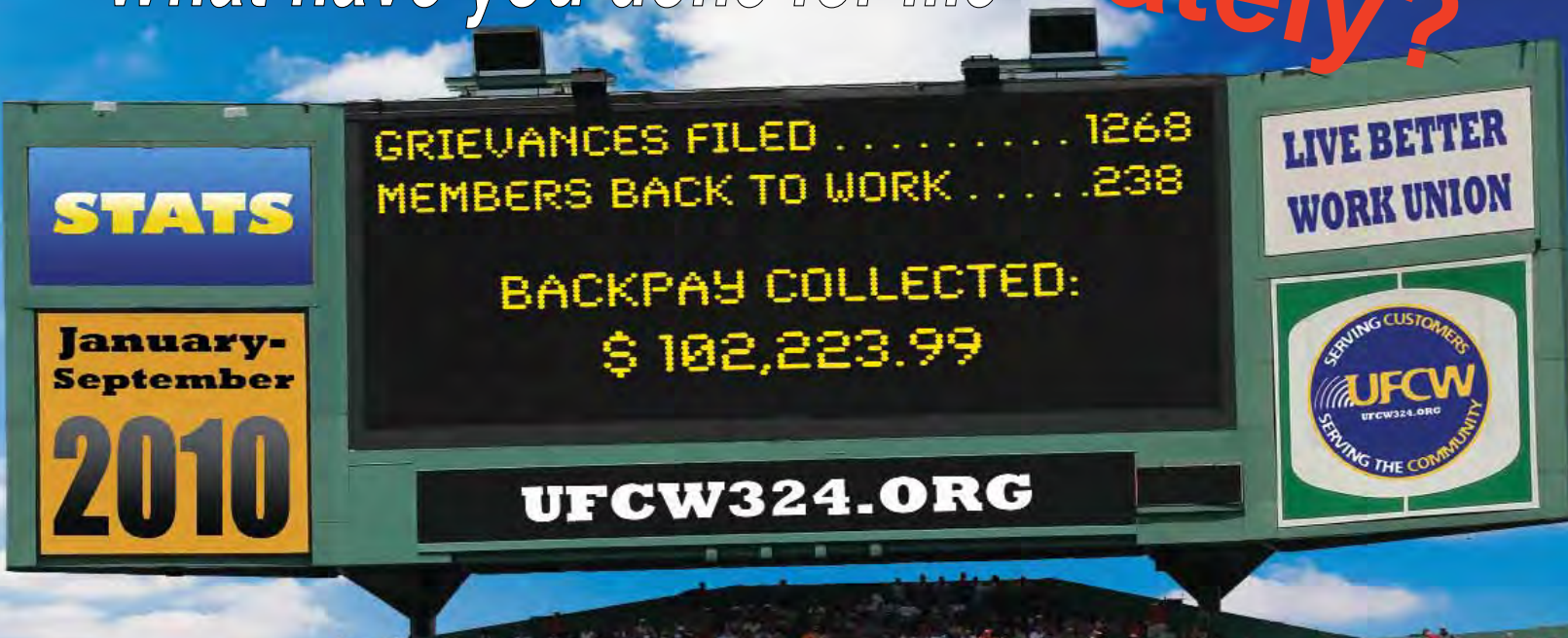
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# Off the wall



What have you done for me **Lately?**





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PERIODICAL  
POSTAGE  
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# Happy Holidays

From the Staff and Executive Board of  
UFCW Local 324

