

# Local member at heart of landmark legal case

Outcome could impact workers' rights for decades



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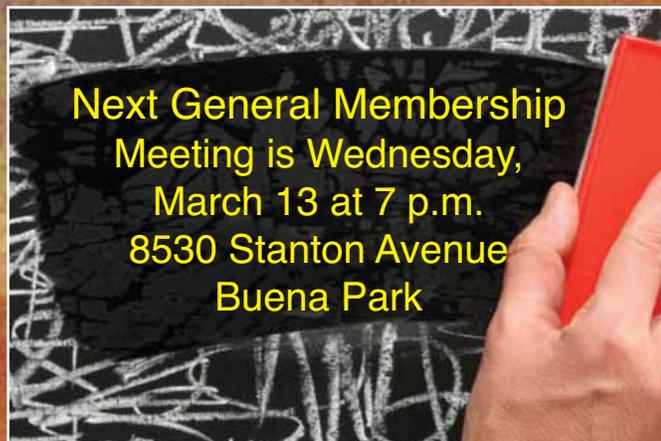
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## UFCW Convention Approaches

In accordance with Article 15 of the UFCW International Constitution, nominations and elections will be held for 23 delegates and 2 alternates to the UFCW International Convention to be held in Chicago, Illinois, August 12-16, 2013 at our March 13 membership meeting held at 7:00 pm in Local 324's Auditorium, 8530 Stanton Avenue, Buena Park.



**Withdrawal Card Request**

**Change of Address Form**

Member's name: \_\_\_\_\_

SSN: \_\_\_\_\_ DOB: \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ zip \_\_\_\_\_

Phone # \_\_\_\_\_

email \_\_\_\_\_

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!

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**Asst. Editor:** Mercedes Clarke



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

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## Another hard year brings both elation and grief; 2013 may be the year we turn the corner

Last year around this time I had reason to be optimistic. It appeared that the constant stream of bad news relating to the economy was nearing an end. Better yet, the poor economy also appeared to have created a sufficient amount of upheaval in the boardrooms of a few non-union companies to call into question their ambitious plans for Southern California's grocery market. I recall completing this very column and believing that 2012 would proceed on a decidedly more upbeat note.

Sadly, reality bears little resemblance to the rosy outlook I hoped to report to you here. In fact, 2012 came in with a bang and left with a question mark, by offering our membership yet another handful of challenges that tested our resolve.

To be sure it was not without its share of good news. Our cover story is one example of the year's triumphs that helped lessen the pain of pink slips, foreclosures and fiscal cliffs.

The story reports on an arbitration against Ralphs Grocery Company that will be remembered for decades to come as the case that kept our Weingarten Rights intact. In so doing, the National Labor Relations Board demonstrated courage and intelligence unimaginable five years ago.

The board has evolved from a directionless bureaucracy whose decisions were as predictable as a tropical weather pattern to an agency that is once again attune to its original mission.

That change in direction can be attributed to one person—President Barack Obama. His appointments of three board members tipped the balance in favor of workers at the very time corporations were behaving like a pack of jackals—wreaking havoc with little regard for the carnage they left behind.

Another heart-warming story that should bring

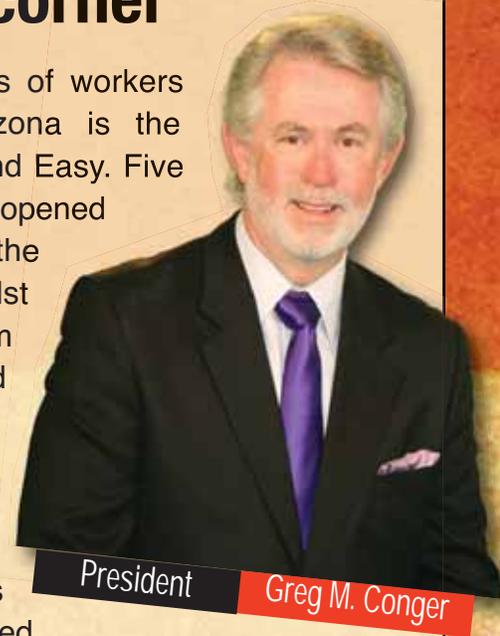
smiles to the faces of workers from here to Arizona is the demise of Fresh and Easy. Five years ago the chain opened its first store in the United States amidst a flurry of praise from VIPs that included the British Royalty. At the time it was perceived as a major threat.

Union employers in the Western United States cited its impending arrival as the primary reason why they needed to cut back on healthcare benefits and wages for its workers. But instead of storming ashore and seizing the grocery market for its own, Fresh and Easy's British-owned parent company, TESCO Ltd., appears to have conceded that its ambitious American experiment has failed miserably.

Their expansion-turned-bloodbath was partly responsible for the company's highly public management shakeup that seems to have ended with a new CEO recommitting the company to its highly profitable domestic operations and a markedly diminished appetite for foreign adventures.

I would love to take full credit for bringing the company to its knees through our market share efforts that included informational picket lines and constant contact with Fresh and Easy workers. And make no mistake; the UFCW was very effective and impactful. But there were several factors that added to the perfect storm. The weak economy combined with a jaw-dropping level of management incompetence was also to blame. A

*(Continued on Page 7)*



President Greg M. Conger

# Retired member postpones rest to take on his city's daunting challenges

**A**fter 30 years as a Benefits Auditor for the Food Trust, Bill Ivey finally decided to hang 'em up in December of 2012. Now that he is retired, Ivey has the time to roll up his sleeves and take on the tough issues facing Compton.

"The job of City Council member is described as part time, but really if you are going to make things happen, you need to be putting in full time hours. Now that I am retired, I am able to make such a commitment

Ivey's background is a unique blend of administrative experience and community participation. Besides his three decades of employment as an auditor, something Compton could greatly benefit from given its colorful past two decades of governmental controversy, Ivey also spent the past two decades volunteering for the Orange County Junior All American Football Conference (OCJAAF).

The OCJAAF is a youth program consisting of twenty-six city-chapters, stretching all the way from Beverly Hills down to South Orange County, and dedicated to inspiring youth from all backgrounds to come together "to practice the ideals of health, citizenship and character."

Ivey is on the commissioner's staff and oversees the Compton chapter. The three youngest of his four children all participated in the program, and he still enjoys being a part of it,

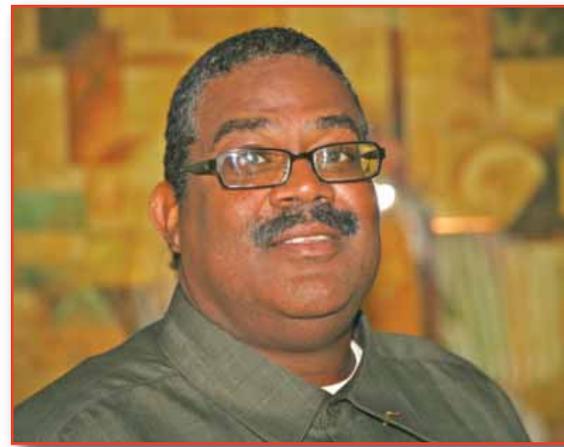
"during the season, I pretty much spend all day Saturday out on the fields."

Not one to sit on the sidelines while things are left undone, Ivey also serves as Deacon, Property manager, and Trustee for Mount Olive 2nd Missionary Baptist Church of Los Angeles. He has been a Deacon there for 15 years.

When still at the Food Trust, Ivey was one of four shop stewards. He served on the organizing committee and was instrumental in unionizing the Food Trust in 2006.

Bill Ivey is an involved, committed, and passionate participant within the many communities he is a member.

Ivey said Compton's reputation as the poster child of urban violence is unfair and



misplaced.

Ivey plans to build a strong community youth coalition from already existing church youth, gang awareness, and sports organizations within the community and then to increase the options and positive outlets for children and young teens, such as the aviation program currently offered at the Compton airport.

"If we could increase and improve the youth programs, start intermingling the different youth in the neighborhood better, that would go a long way towards stopping gang violence."

Ivey would also prioritize the development of a citywide jobs revitalization program, making the city more attractive to businesses while also providing jobs to help keep Compton's youth off the streets.

"It would have to be done in a way that would protect Compton's many small businesses from predatory big box stores like Walmart, which would destroy our economy."

Finally, Ivey said he would work to attract quality restaurants to the city, a comfort most communities take for granted, but remains lacking in Compton.

Ivey is perhaps most proud of raising four kids to be productive citizens in their own right. He said his children always knew that they could turn to him when they needed to. "too many parents don't try, don't put the time in. I did and do, and sure my kids need me, but what I've learned is I need them too."

UFCW Local 324 has enthusiastically endorsed Ivey's bid for public office and encourages all members who live in his community to help elect him.



*Bill Ivey, far right, breaks into spontaneous celebration with colleagues after results of the union vote are announced in 2006.*

to my neighbors and the larger community of Compton."

Ivey grew up in Compton, attending elementary and Jr. High there before graduating from Dominguez High School in 1975. His youngest child currently attends high school in the community.

"Compton is my home, and the truth is that there just isn't enough being done here, especially in the 2nd District." Ivey is referring specifically to the north-eastern quarter of the city, the district for whose council seat he is running.

The LA Labor Fed has given Ivey its coveted C.O.P.E. endorsement and many local labor unions and leaders are also supporting his candidacy.

# Secretary-Treasurer's Report

## Increasing our numbers is key to our future

Organizing new members and new work places is our most important task as a labor union and it is also our biggest challenge. With new organizing and members we become more powerful and we are able to leverage our size and strength in the workplace, at the bargaining table, at city hall and at the state and federal levels. We organize to improve our market share and to level the playing field for the members we represent. The more employers that pay a fair wage, provide job security and adequate benefits, the easier it is for us as a union to achieve improvements at the bargaining table. Organizing is the life blood of the union movement.

Along these lines, we have a new opportunity in the coming years to organize more than 300 non-union CVS stores in Southern California. Many of these are within Local 324's jurisdiction.

For more than 30 years CVS (and its predecessor company – Sav On Drug) has vehemently fought UFCW efforts to organize new stores. On several occasions, employees at the non-union stores expressed a desire to become union. These employees knew that a union contract means that seniority is given first consideration; that terminations and discipline can only be for good cause; and that there is a grievance/arbitration clause if the company violates any provision of the collective bargaining agreement. They knew that the union negotiated health benefits were better and more affordable than the company plan. They knew that we have a defined benefit pension plan that employees do not have to contribute to or manage.

Unfortunately, each time the union launched an organizing campaign, CVS initiated a mean spirited dishonest counter attack. The top management of CVS sent in a team of "union busters" who spent day and night in the stores for the sole purpose of instilling fear and confusion in employees' minds. By the time the National Labor Relations Board conducted the election, employees were so demoralized they voted against their own best interests and rejected the union.

Things have now changed and CVS has realized that a cooperative relationship with the UFCW is more beneficial than an adversarial one and a path to organizing the non-union stores in Southern California has been developed. This was accomplished during the most recent negotiations for a new collective bargaining agreement with CVS for the stores which are currently union and was ratified by the CVS members on January 11.

The employees at the newly organized CVS stores will have many of the same rights and benefits as current members. There remain some differences however, and we were not able to completely close the gap between the existing union stores and the newly organized stores in one contract. However, CVS has agreed not to oppose our organizing and our goal is to strengthen our bargaining unit for future contract negotiations. This plan will also give us the opportunity to focus on other companies in the Retail Drug industry.

Organizing is a critical function of our labor movement and necessary for our continued existence. However, with the most anti-union laws our country has ever experienced and with a congress that is more concerned with protecting the wealthy than with improving opportunities for working people, we cannot expect the laws to change any time soon. We must continue to launch regional and national campaigns and hope that other companies come to the same realization as did CVS.



Secretary-Treasurer Andrea Zinder



## Paul Robeson and the Peekskill Riots

—By *Matthew Hart*

Those who recognize the name Paul Robeson recall the American actor and singer known for his deep baritone voice and rendition of “Ol’ Man River.” But in 1949, Robeson was considered such a controversial figure that his mere presence at concerts in Peekskill, NY, would lead to two bloody riots in a single week. For decades to come, the events that became known as “the Peekskill Riots” would mar the reputation of Peekskill, associating it with racial intolerance.

Robeson’s career developed while the US and USSR were on the brink of the Cold War, and racial violence plagued both the European and North American continents. The political landscape impacted Robeson who became an outspoken critic of Fascism in Europe and Jim Crow laws and Ku Klux Klan violence in the US. Robeson also became an advocate of peace and championed the cause of working people and labor unions. His vocal opposition to the Cold War brought open attacks against him for being too radical and subversive.

On August 27, 1949, Robeson was scheduled to perform in Peekskill at a benefit for the Civil Rights Congress, a progressive organization working to challenge racial injustice. The local newspaper condemned the event and encouraged the community to make their voices heard. The call brought several hundred veterans, local citizens, and members of the Ku Klux Klan to protest Robeson’s presence.

As protesters gathered along the dirt road outside the concert, they soon began to block the entrance, preventing concertgoers from entering. Soon small scuffles escalated into pitched battles. Protesters were overheard declaring, “We’re Hitler’s boys — here to finish his job.” A 12-foot cross was raised and set on fire. Concertgoers responded to the attack by linking arms together and singing “God Bless America” and “Solidarity Forever.” After three hours of fighting, police finally arrived to break up the riot. Paul Robeson was able to avoid the conflict because he was met en route by a supporter who led him away.

After the riot, local citizens, supporters of Robeson, and union members formed the “Westchester Committee for Law and Order” and invited Robeson back to Peekskill. Robeson

accepted the request. Pete Seeger, Woody Guthrie, and several other folk singers agreed to join Robeson on stage.

On September 4, 1949, the rescheduled concert began at two in the afternoon at the Hollow Brook Country Club, about a half-mile from the prior concert site. Twenty-five thousand people attended the concert, many of whom were union members of Jewish ethnicity. Members of the Fur and Leather Workers, Longshoremen, and United Electrical workers worked security, surrounding the entire concert grounds as well as accompanying Robeson on stage.

The concert ended at around four in the afternoon without incident. However, as cars and buses started to depart from the



concert grounds, police directed the vehicles through the woods, up a steep and winding road. There, crowds of men were waiting. As if on cue, they began to hurl rocks at the vehicles smashing the windows of buses and cars, including the vehicles carrying Robeson, Seeger, and Guthrie. Cars were also overturned. Bus drivers abandoned their vehicles and fled on foot, leaving hundreds of

passengers stranded. Some people were reportedly dragged from their vehicles and beaten as the mob yelled racial slurs targeting blacks and Jews. Over 145 people were injured.

In the following weeks, thousands voiced their outrage through newspapers and letters to government officials, but their complaints fell on deaf ears. Civil lawsuits were filed against Westchester County, but later dismissed. The only person to face any serious repercussions was Paul Robeson who had 80 scheduled concerts cancelled over fear of further riots.

Years later, folk singer Peter Seeger would meet a young man who confided his father had been a police officer in Peekskill and that the riots were arranged by the police and Ku Klux Klan. However, it would take fifty years for the community to admit its role. In September 1999, Westchester County attempted to make amends to survivors of the riots by holding a “Remembrance and Reconciliation Ceremony.” It included Paul Robeson, Jr. and Seeger, who was so affected by the incident that he used some of the rocks thrown in the riots to build the chimney of his cabin in remembrance.

# Another hard year brings sorrow and joy?

(Continued from page 3)

special thank you goes to the Local union members who volunteered their time and energy to the campaign. They stayed focused even when it seemed like a never-ending battle.

President Obama's re-election and the overall voter triumph in California have given millions a reason to be confident about the future. Arguably, the influence of labor unions had a greater impact on this election than any in recent history as tens of thousands volunteered to walk precincts and phone bank. The complete destruction of Prop. 32 is the perfect example. But the flipside is enough to put a damper on any celebration.

It comes in the form of a steady barrage of well-orchestrated attacks on the very foundation of Organized Labor as Republicans across the country successfully strip away collective bargaining rights from workers. Right-to-Work (for less) legislation, long held up as the ultimate anti-union battlefield weapon, hangs over the heads of Michigan workers like a mushroom cloud. That state's Republican governor conspired with GOP majorities in a lame duck session of the legislature to pass the new law with minimal debate and little warning it was coming. It was the 24th state to do so.

As we look forward to another year, hundreds of our brothers and sisters are caught in the grip of uncertainty that only those who have experienced unemployment can understand. The persistent fear that settles in the pit of your stomach when rumors first surface.

Local 324 has tried to fill in the financial gaps

for hundreds of members through our Food Bank. We have collected food and other items through generous 324 member's donations for months and distributed them to members in need throughout the year. Your union will remain dedicated to this effort.

The decline of Albertsons came as a surprise to no one but its management team—a now notorious group of overpaid executives who have distinguished themselves in this industry by sinking a perfectly healthy grocery chain in record time. If future buyers are familiar with everything Supervalu did when it bought Albertsons seven years ago, then a good business plan might well include doing the opposite. In my career, I have been witness to more corporate incompetence than most, but Supervalu's clumsy management resembled more of a traveling carnival than prudent business venture.

This past year undoubtedly can't get much worse for many former Albertsons workers. It's hard to consider 2012 to be one of our finest knowing that. But we have been through challenges that have tested our strength and resolve before. We have always emerged intact and stronger for the experience. In 2013, we will confront those challenges as we always have, head on.

As we take our first few steps in that direction, let us be thankful for what we have maintained, positive about what we have accomplished and optimistic about what lies ahead.

At press time, Cerberus Capital Management has agreed to purchase 877 Albertsons, Jewel-Osco, Acme, Shaw, and Star Markets. Details are expected to be finalized by the end of the first quarter of this year.

# Amuse Yourself...



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Children  
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**\$78**



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(ages 10+)  
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(ages 3-9)  
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(available online only)

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(2 day 1 park pass)  
Expire 12/10/13

**\$60**



(Two Day 3 park Hopper)  
Expire 12/10/13

**\$69**



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**\$35**



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Adults  
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Children  
(ages 3-9)  
**\$10.95**



SeaWorld  
Expiration Date Varies  
One Ticket Price

**\$63**

Tickets are on sale now in the General Office of Local 324,  
at our Branch Office in Lake Forest and online at [www.ufew324.org](http://www.ufew324.org)

Prices are subject to Change and Availability  
NO RETURNS OR EXCHANGES

Tickets are for Southern California Local 324 Members Only



# ... at a discount price!

# CVS members ratify new contract

CVS members trickled into the union headquarters all day Jan. 11 to give thumbs-up to a five-year contract that exceeded most expectations.

The final agreement included retroactive pay and bonuses and also included raises for all employees, according to Secretary-Treasurer Andrea Zinder.

Members also preserved their healthcare and pension plans.

CVS had been criticized early in the process for foot-dragging on important contract content.

“But when you look at what we ended up you have to conclude that it was worth it,” Zinder said.



## OC Dental Ratifies

Local 324 members of OC Dental ratified their new three-year contract on January 10. Highlights of the new contract include a wage increase for all employees, a new wage scale for new employees, split shifts on a voluntary basis only and maintenance of medical benefits for life of the agreement. OC Dental has offices in Mission Viejo, Santa Ana and Fullerton.

# Reps Reveal



## Bridget Adinolfi

ALBERTSONS,6504  
GELSONS,6  
RALPHS,33,744,745  
UFCW FOOD TRUST FUND  
STATER BROS,25  
VONS,1911,1912,2235,2513,3005  
RED SHELL FOODS,6  
CVS,8881  
RITE AID,5733,5746,5747,6207



## Rocky Pebley

DISNEYLAND  
DISNEY CALIFORNIA ADVENTURE  
DOWNTOWN DISNEY  
DISNEY HOTEL STORES



## Kristen Ashe

ALBERTSONS,6525,6551,6574,6591,6596  
GELSONS,18  
RALPHS,154,161,187,299  
STATER BROS,37  
VONS,2146,2324,2822  
RED SHELL FOODS,18  
TUSTIN OPTOMETRIC GROUP  
CVS,9497  
RITE AID,5754,5755,5765



## Dan Kittredge

ALBERTSONS,6102,6110,6145  
RALPHS,131,233,604, 650  
STATER BROS,148  
VONS,2041,2090,2206,2285,2803  
ACE INC  
STANDARD PARKING  
DR FENEMMA  
CVS,9491,9569  
RITE AID,5500,5515, 5742,  
5743,5745,5756,5763  
SO LOW DRUG



## Dan O'Brien

ALBERTSONS,6119,6141,6510  
FOOD 4 LESS,508  
RALPHS,1,67,72,192,756  
STATER BROS,60,129,135,136  
VONS,1,2326,3069  
RUSS OPTICAL  
CVS,9598,9747  
RITE AID,1,5465,5732,5757,6472  
HOWARDS SHOP RITE  
OC SMILE,1



## Matt Bell

ALBERTSONS,6507,6527,6534,6598  
FOOD 4 LESS,340,382  
RALPHS,8,80,748  
STATER BROS,28,29,38,40  
VONS,1626  
EL SUPER  
DR SHELDON MARSHALL OD  
DR FENEMMA,2  
CVS,8849,8854,8883  
RITE AID,5748,5759,5760,5761,5766  
OC DENTAL  
OC LABOR FEDERATION



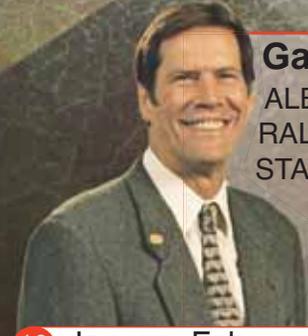
## Jeri Hander

ALBERTSONS,6105,6154  
FOOD 4 LESS,775  
RALPHS,58,83,115,165,250  
STATER BROS,30,159,160,161  
VONS,1638,2203,2209  
VIERREGGER ACCOUNTANCY  
CVS,8844,8861,9489  
RITE AID,5496,5497,5510,5523



## Pat Lee

ALBERTSONS,6107,6108,6124,6135,  
6159, 6160,6164,6183  
FOOD 4 LESS,350,368,760  
GELSONS,1  
RALPHS,20,87,110,111,132,255,  
256,262,728  
STATER BROS,147  
VONS,1625,2162,2233,2272,  
2283,3160,3517  
RED SHELL FOODS,1  
CVS,8850,9483



## Gary Piper

ALBERTSONS,6517,6521,6549  
RALPHS,76,78,79,99,117,224  
STATER BROS,1,142  
VONS,1670,2210,2217  
CVS,8891,9485  
RITE AID,5758  
ALL CARE DENTAL  
OC SMILE,2

# New Routes

## Linda Martinez

ALBERTSONS,6526,6552,6575  
RALPHS,4,34,223,288,738,755  
STATER BROS,124,143  
VONS,2089,2332,2508,2703  
CVS,8884  
RITE AID,5736  
RITE PRICE PHARMACY



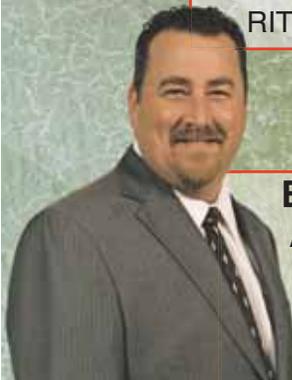
## Matt Hart

ALBERTSONS,6125,6148,6158,6165  
RALPHS,64,158,162,245  
STATER BROS,15,132,133,134,137  
VONS,2027,2524  
DR FORMAN OD  
CVS,9512,9738  
RITE AID,5494,5499,5501,6267,  
6333,6441  
ARTESIA FOOD PROCESSORS



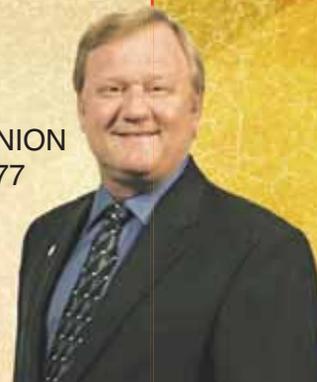
## Brett Midkiff

ALBERTSONS,6194,6585  
RALPHS,68,116,135,148,296  
STATER BROS,66,131,165,166  
VONS,2103,2216,2328,2335  
CVS,9744,9753,9759  
RITE AID,5768,5770



## Jamie Sessions

ALBERTSONS,6157,6170,6532  
FOOD 4 LESS,310,518  
RALPHS,18,59,71  
RANCHO FEDERAL CREDIT UNION  
STATER BROS,27,32,33,35,41,77  
VONS,1736,2176  
SPECTRA VISION SERVICES  
CVS,1,8855,8862,9481,9510  
RITE AID,5734,5739,5741,  
5762,6213  
RITE PRICE PHARMACY



## Debbie Watts

KAISER PERMANENTE OUT-PATIENT  
PHARMACY  
KAISER LABS  
KAISER LAB SCIENTISTS  
KAISER IN-PATIENT  
KAISER PERSONNEL



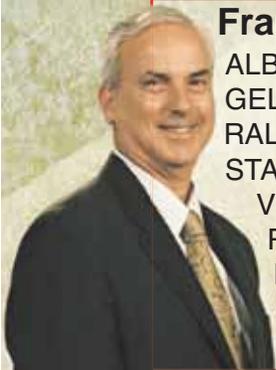
## Tony Sotelo

ALBERTSONS,6191  
BRIDGFORD FOOD PROCESSING  
FOOD 4 LESS,317,367,379,778  
RALPHS,85,196,265,631  
ALBERTSONS PLANT  
STATER BROS,153,164  
SUPER A FOODS  
VONS,2277,3519  
CVS,9495,9579  
RITE AID,5508,5512,5521,6313  
JOHNS SHOP RITE PHARMACY



## Frank Simkins

ALBERTSONS,6508,6509,6556,6558,6563  
GELSONS,19  
RALPHS,15,163,188,221,287,739  
STATER BROS,149  
VONS,1676,2091  
RED SHELL FOODS,19  
LA PAZ OPTOMETRIC CENTER  
CVS,8893  
RITE AID,5735,5749,5750,5751,5753



## Maggie Land

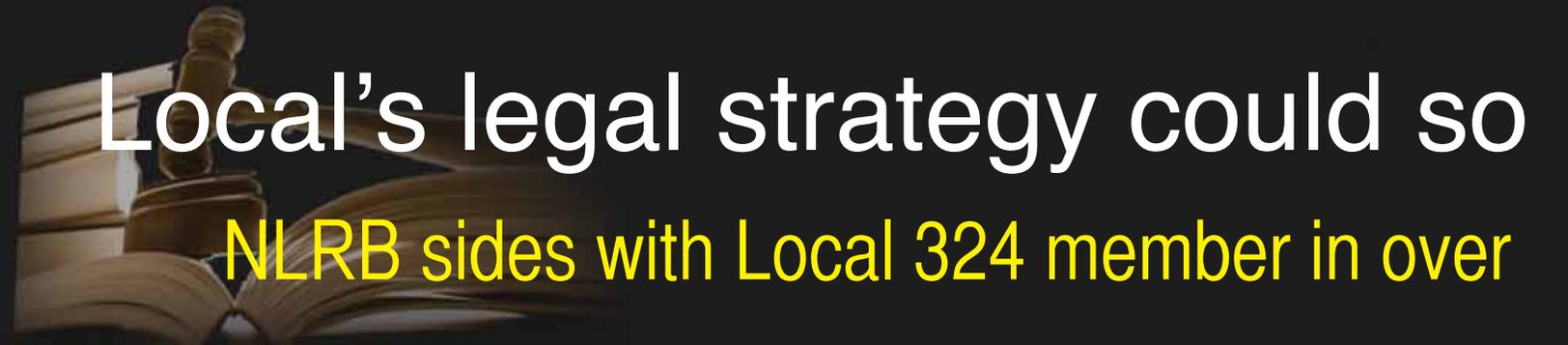
ALBERTSONS,6120,6132,6163  
FOOD 4 LESS,762,772  
RALPHS,73,178,186,251  
BLEIWEISS COMM INC  
VONS,2861,3076  
THE MARKET,2280  
JATAR COURIER SERVICE  
CENTRAL PARKING SYSTEM  
LONG BEACH OPTOMETRIC  
CVS,8838  
RITE AID,5518,5519,5520,5524,5525,6129,6346,6371  
FARRIS BEAUTY DESIGN STUDIO  
DR ALAN GRANT DDS



## Dario Rodriguez

STATE FISH  
ALBERTSONS.6140  
FOOD 4 LESS,1,336,366,383,761  
RALPHS,40,172,173,295  
STATER BROS,70,154,155  
JBS  
EL SUPER  
DR CRISMON EYE CENTER  
CVS,8841,8867  
RITE AID,5466,5495,5505,6495  
DAY LEE FOODS





# Local's legal strategy could so

## NLRB sides with Local 324 member in over

**A** UFCW Local 324 member is poised to make legal history for a dispute with Ralphs Grocery Company that evolved from a simple contract violation to a potentially precedent-setting landmark case for workers' Weingarten Rights.

Attorneys for Ralphs will face a legal team from the National Labor Relations Board in February in a hearing before an administrative law judge who will decide whether Ralphs violated the National Labor Relations Act by

Management cited no probable cause warranting a drug test in May of 2011, when the incident took place. In addition, there were no injuries or damage to company property, both factors that would have contractually obligated the member to comply with the order immediately.

Instead, the demand for the drug test was made absent any facts, evidence or specific accusations. Finding fault with that process, the member insisted he be permitted to confer with his union

“First, it shows that if workers choose to exercise their rights under the law that the NLRB will go to bat for them. That's a huge change from previous years.”

—Joe Paller, Local 324 attorney

denying the Local 324 member the right to confer with his union representative before submitting to a drug test. (The union member involved in the case has asked that his name not be disclosed until the conclusion of the case.)

The case has already made history of sorts, given the fact that the flurry of legal activity is coming after an arbitrator ruled in favor of the employer.

Although the case at hand arguably includes a handful of issues of a personal nature, the overriding controversy centers on a decision by the store manager to drug test the employee and deny the member his Weingarten Rights.

representative prior to taking the test. The manager agreed to that request only to reverse himself when the member could not reach the union rep immediately.

The union member held to his position; was suspended and then terminated. A full year after that incident, the long-awaited arbitration decision baffled union officials.

The arbitrator clearly ignored the issue at hand. In the process, he appeared to concede that the member exercised his Weingarten Rights in the appropriate manner.

Then, seemingly without warning, the arbitrator did an about face, asserting that the member's refusal to

# on earn place in history books

## turning controversial arbitration decision

submit to the test was insubordinate. The termination, he ruled, was in compliance with the contract.

“It flew in the face of logic,” said President Greg Conger, who immediately understood the consequences of giving up without a fight.

“It was potentially precedent setting and was bound to be used by our employers to dismantle Weingarten,” Conger explained

**T**hat 1975 Supreme Court decision gave workers the right to have a union representative present in a meeting if the member feared that discipline could come from the meeting.

Joe Paller, chief legal counsel for UFCW Local 324, was directly involved in the early stages of the case. Upon reading the arbitration decision, Paller insisted that we appeal the case to the NLRB.

He went on to describe the issues in the case as multi-faceted and potentially devastating. “First, it shows that if workers choose to exercise their rights under the law that the NLRB will go to bat for them. That’s a huge change from previous years,” he said.

“If the one thing that results from this case is that union members begin to understand the importance of

knowing their rights, then at least we can point to something positive that came out of this,” he said

Field Director Chuck Adinolfi, who has conferred with the member and attorneys from the beginning, said that the decision not to accept the initial ruling demonstrated the local’s commitment to Labor’s core principles.

“This is exactly what unions need to do if they expect to see justice done. Adinolfi said. “Justice rarely comes neatly packaged in a timely manner and without any setbacks,” he said.

**I**f the administrative law judge finds that Ralphs violated the law by firing the Local 324 member, the case could potentially drag on for months. Several stages of appeal still remain an option for Ralphs, including an appeal all the way to the Supreme Court.

Until the time comes, however, interested parties must simply stay-tuned for the last few rulings that will result from this case in the same way sports fans await the Super Bowl or movie buffs wait for Oscar night.

Just imagine if the final score was reached or the envelopes opened only to be told that the results would be released “sometime in the near future.”

“To say that there is a lot of anticipation in this case is putting it mildly,” Conger said.

## U.S. Constitution Amendment 12

*Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress . . . The Electors shall meet in their respective States, and vote by Ballot for two persons, of whom one at least shall not lie an Inhabitant of the same State with themselves.*

# Home from college

## Conger takes part in time-honored Constitutional tradition

Most people would be shocked to discover that President Barack Obama received only one vote from Local 324 members in his bid for re-election—at least only one was officially counted.

That lone vote came from the Local's President Greg Conger, who traveled to Sacramento to cast one of the 55 ballots that helped officially re-elect President Obama to another four-year term.

Together, they comprised California's delegation to the Electoral College—that group of men and women tasked with formally electing the President and Vice President of the United States.

California's electors joined those from the 49 other states and the District of Columbia who met in their respective state capitals to perform the time-honored ritual that is steeped in tradition.

Conger described the highly scripted event as one of the highlights of his life. Conger had been to Sacramento enough



*President Greg Conger signs the ballot that will be sent to Washington, D.C. and counted among the 55 Electoral votes from California for Barack Obama.*

times that the novelty long ago wore off, but this time entering the grand chamber where the state's Assembly conducts its business felt decidedly different than any previous visit.

"You can't help but appreciate the magnitude of the moment. We were selecting the President and Vice President of the United States. On my list of important things to get done that day, well, I put it up at the top," Conger said.

It took only an hour for all 55 electors to sign both ballots and six different petitions that were sent to such revered addresses as the White House, Congress and U.S. Archive at the Library of Congress.

The Electoral College has remained a poorly understood creation of the Constitution. Electors sworn into office every four years with the single purpose of casting their state's ballots for President and Vice President.

When that is done, they are adjourned ending their mere hour-long tenure as an official body. Their actions, however, are preserved for as long as the Republic survives.

Many Americans didn't even realize their role until 2004 when more people voted to elect Al Gore President. That year, George W. Bush legally laid claim to the office after securing a majority vote in the Electoral College. (With a little help from the Supreme Court).

Ever respectful of the tradition the ceremony brought with it, Conger described his experience as profoundly moving.

"One can't go through this process and NOT feel like they have been part of something larger than themselves," he said.

### The Electoral College

*The Electoral College came into existence as a way of satisfying competing schools of thought among the men who had gathered in Philadelphia to write America's Constitution.*

*First it appeased those who wanted each state's influence in the new government to be based on population: The number of electors assigned to each state also includes their U.S. Senators, thus throwing a bone to advocates of small states.*

*In addition to that, however, the Electoral College was devised to reassure skeptics of democracy that a group of educated and refined gentlemen would be around to keep an eye on "the people."*

*That's not to say that the founders weren't pro-democracy. But it's fair to say that some had serious reservations.*

*An Electoral College limited the power of the people to directly elect the President and Vice President. The framers believed that the Electoral College would be guided by the people's vote but not necessarily bound by it.*

*They envisioned electors as coming from the country's learned elites. Constitutional framers believed that electors would not be inclined to support spontaneous public passions that threatened the established order. Electors would understand the need to tame the tyranny of the majority.*

# Hot Topics

Words of wisdom to help you keep your job

## G.M. Crossover Pay

—By Field Director Chuck Adinolfi

When hours for Food Clerks become tight, management tends to rely more and more on General Merchandise (G.M.) Clerks crossing over to the Food Clerk classification to get the job done. Historically pay issues were easily spotted and corrected by members at store level by simply bringing it to the attention of the Store Director. Now the solutions to pay issues are more complicated and almost impossible to monitor and correct at store level. It will require auditing punches, checks and good record keeping by members. Many times it requires filing a grievance through your Union.

In order to insure that you are paid properly it is important that you take the time to read and understand the contract that deals with G.M. cross over. Article 5U of the Retail Food and Meat Agreement explains the way G.M. Clerks get paid when they perform work as a Food Clerk. The language is a bit complicated, but there are some basic guarantees that you should know.

First, you should keep accurate records of the times that you are asked to perform work as a Food Clerk. Then you must clock over or fill out the proper paperwork to show that you worked as a Food Clerk. If you are scheduled to work as a G.M. Clerk and you are required to work as a cashier, stock the dairy box, work in produce, unload a grocery truck or stack off the grocery load to name a few, you are guaranteed two hours of pay as a Food Clerk. You get the pay even if the work was for just a few minutes. After the first two hours of guaranteed pay, every time you per-

form Food Clerk work during that same shift you get paid for an additional hour at the higher rate of pay. Any portion of an hour worked, will be paid on the hour. (For example, a G.M. Clerk assigned to work as a Food Clerk at 10:15 AM shall be paid the applicable food rate starting at 10 AM). It is possible to do work as a Food Clerk for a few minutes in every hour of your shift and if management paid you properly, your entire shift should be paid as a Food Clerk.

Many members file grievances and our Representatives are successful in getting them the proper pay. But, a majority of our members do not understand how they should be paid and rely solely on management to interpret the contract and pay them correctly. That is just not the case. Your payroll system is set up to pay you the correct rates when you work in your classification on Sundays, holidays, overtime and night premiums, etc. But it takes close monitoring and manual changes in the payroll system by management to get you paid properly when you work as a Food Clerk.

Keep good records, clock over to the correct department, check your pay stubs and notify management immediately if you are not paid correctly. Ask your Union Rep for more information on crossover pay or any other contract issues that you may have. File a grievance if management does not correct pay issues in a timely manner which should not exceed two weeks. These hours also go toward the time necessary to get raises in the Food Clerk classification. **You did the work and deserve the pay and credit.**

## Join the Retiree's Club!

- \*Monthly Luncheons
- \*Semi-Annual Pancake Breakfasts
- \*Annual Fashion Show
- \*Annual Indoor Picnic

- \*Regular Bingo
- \*Party Bingo
- \*Bowling
- \*Reduced Travel Trips

As a member of Local 324 you are welcome to participate in many of our activities. For information please call:  
Barbara Hamilton (562) 431-7545, Diana Eastman (714) 528-6720, or  
Marion Jones (714) 536-7315



**How To Apply For A Non-Food Scholarship Award**

(Disney, Food 4 Less, Rancho Federal Credit Union, CVS, Rite-Aid, Kaiser Permanente, The Market, Day-Lee Foods, Bridgford and Pharmacists at Albertsons, Stater Bros., Ralphs and Vons)

Complete and sign all sections of this form. If the Applicant is different from the Member, both persons must sign and date the form. Mail the application to the Union Office. Include all documents listed below in Section 3.

**Incomplete applications will not be accepted. All applications and accompanying documentation must be postmarked no later than May 10, 2013 in order to be eligible for consideration.**

**1. Member's Information**

Member's Last Name		First Name		Middle Initial	Social Security Number (last 4)
Mailing Address		City	State	Zip Code	Date Of Birth
Home Telephone Number	Employer		Work Telephone Number		Union Local 324

**2. Applicant's Information (if dependent of member)**

Applicant's Last Name		First Name		Middle Initial	
Mailing Address (If Different From Above)		City	State	Zip Code	Date Of Birth
Home Telephone Number	Employer, if currently employed		Work Telephone Number		Union Local 324

**Current Academic Information:** Are you Currently enrolled in school?  Yes  No

High School: \_\_\_\_\_ (name of institution) Undergraduate College/University: \_\_\_\_\_ (name of institution)

Date of High School Graduation: \_\_\_\_\_ Technical/Vocational School: \_\_\_\_\_ (name of institution)

Degree objective:  College/Undergraduate degree  Technical school credential  Vocational license or credential  
 Graduate Degree

Do you have a bachelor's degree?  Yes  No

School or Schools you plan to attend:

(name of institution)	(address)	(telephone number)
(name of institution)	(address)	(telephone number)
(name of institution)	(address)	(telephone number)

**3. Documents you must attach to your application:**

**a. Transcript**

Obtain a transcript of courses you have completed and grades you received from your high school and other schools including undergraduate colleges and universities that you have attended.

**Your official transcripts MUST show your cumulative GPA and SAT scores. (SAT scores not required if you have attended college for 2 years or more.)**

**b. Teacher's Appraisal Forms**

There are two Teacher Appraisal Forms with your applications package. You must sign and date each form and give them to two teachers who have taught courses you have taken. The courses may be academic, technical, or vocational subjects. **Letters of recommendation are required.**

## Instructions for Written Portion of this Application

On a separate sheet or sheets of paper, type your response to Questions in Part A or Part B below. Be sure to caption your sheets as "Part A" or "Part B" responses. Your responses must be numbered to correspond to the questions. Your name must appear on each sheet.

<b>Part A</b>	<b>Part B</b>
<b>Applicants who are graduating high school seniors or who graduated high school last year</b>	<b>Applicants who graduated from high school two or more years ago</b>
<b>QUESTIONS FOR PART A APPLICANTS</b>	<b>QUESTIONS FOR PART B APPLICANTS</b>
<b>Limit your answers to the last three years of high school and first year of college, vocational or technical training school.</b>	<b>Restrict your answers to your post-high school years.</b>
<p>4A <b>Describe your academic, vocational, and/or other technical goals</b> State whether you plan to attend a two- or four-year college next year, or a technical or vocational school. State your long-term goals for your education. Name the institutions to which you intend to apply.</p> <p>5A <b>List major events, honors, scholarships, awards, and athletics</b> List honors, scholarships and awards you have received. Describe your participation in athletics and other major school activities.</p> <p>6A <b>List membership and responsibilities in organizations</b> List positions and leadership roles you have held in school or community organizations</p> <p>7A <b>List volunteer, community service, and/or other extracurricular activities</b> List volunteer work and community service that you have performed and any extracurricular activities you have participated in.</p> <p>8A <b>List your employment history</b></p> <p>9A <b>Describe your career and life goals and how this scholarship will help you attain them</b> Your college entrance application essay may be used to fulfill this requirement.</p>	<p>4B <b>Describe your academic, vocational, and/or other technical goals</b> State your academic plan for the remainder of your post-high school education. Name the institutions to which you intend to apply.</p> <p>5B <b>List major events, honors, scholarships, awards, and activities</b> Describe your participation in major campus activities and list honors, scholarships and awards you have received.</p> <p>6B <b>List membership and responsibilities in organizations</b> List positions and leadership roles you have held in college, vocational or technical training schools or community organizations</p> <p>7B <b>List volunteer, community service, and/or other extracurricular activities</b> List volunteer work and community service that you have performed and any extracurricular activities you have participated in.</p> <p>8B <b>List your employment history or participation in career internships</b></p> <p>9B <b>Provide an explanation of how you see your career and life developing.</b></p>

**10 Return this application and all documents to:**

UFCW Local 324  
8530 Stanton Avenue  
PO Box 5004  
Buena Park, CA 90620-5004

**REMINDER – Be sure to include:**

- Your transcript
  Two Teacher Appraisal Forms  
 Your separate pages with your response to Part A or Part B Questions



**11. Sign And Date Below Both Member and Applicant must sign this form.**

I/We hereby certify that all information supplied above is true and correct to the best of my/our knowledge.

Member's Signature

Applicant's Signature

Date

# Word on the street

Q.

**What do you think of your new contract?**

“



I feel secure with regular wage increases, affordable quality healthcare, and insured seniority. I am happy with our new contract.

**Martha Frausto**  
CVS 9738



Good. I think the union did well for us.

**Tammy Alvarado**  
CVS 8881

I think it's pretty good. Getting a retro check, and a raise isn't bad at all.

**Ronnie Alvarado**  
CVS 8854



I think it's good. I'm new, so this is all still really new to me.

**Erika Rodriguez**  
CVS 8854

As I understand it the benefits are better, which is good.

**Teresa Strickland**  
CVS 8881

”

# After standing up for workers' rights Labor Chief Solis to step aside

Secretary of Labor Hilda Solis announced in January what many had speculated for several months—that she would step aside as Secretary of Labor at the conclusion of President Obama's term.

Solis, who has strong ties to Los Angeles is rumored to have an eye on County Commissioner Gloria Molina who will be retiring at the end of her current term.

Although the news was not a total shock to the Labor community, it did not stop the words of praise from flooding her office.

AFL-CIO President Richard Trumka "talks tough and acts tough on enforcement, workplace safety, wage and hour violations and so many other vital services."

Solis, who will have served all four years in Obama's first term, cited her desire to spend time with family.

Under her leadership, the department shifted from an openly hostile relationship with unions to a pro-active support for worker rights.

In fact, The Labor Department often endured the ire of

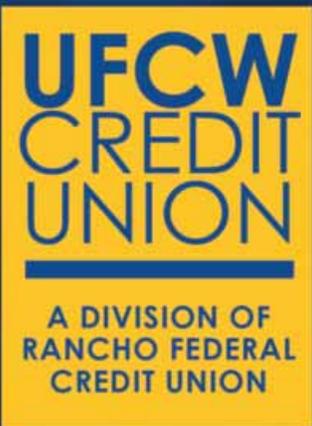
Congressional Republicans as it sought to toughen regulations on child labor and mine safety.

Her pro-union rhetoric had to be tamed upon assuming office to meld with the more moderate positions of the Obama Administration.

One such example was her outspoken support for the Employee Free Choice Act

Upon assuming office, however, discussion of the far-reaching legislation was scarce at best.

If behind the scenes she urged the president to take more bold steps in Labor's direction, she maintained the image and role of a loyal team player. Obama praised her as a key member of his economic team.



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Buena Park, California 90622-5004



PERIODICAL  
POSTAGE  
PAID

# What have you done for me *Lately*?



## STATS

GRIEVANCES FILED . . . . . 1,573  
MEMBERS BACK TO WORK . . . . . 249

LIVE BETTER  
BANK UNION

Year End  
Totals

BACKPAY COLLECTED:  
\$ 241,976.81

UFCW  
CREDIT  
UNION

2012

UFCW324.ORG

A DIVISION OF  
RANCHO FEDERAL  
CREDIT UNION