

## Cannabis industry seeks Labor's help to 'professionalize' dispensary staffs



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## Branch Office Closure

We have lost the lease for our satellite office in Lake Forest. The Branch Office will be closing permanently on June 17, 2016. Please contact the Main Office, or your Union Representative with any questions you may have.

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**Asst. Editor:** Mercedes Clarke



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Monday-Friday

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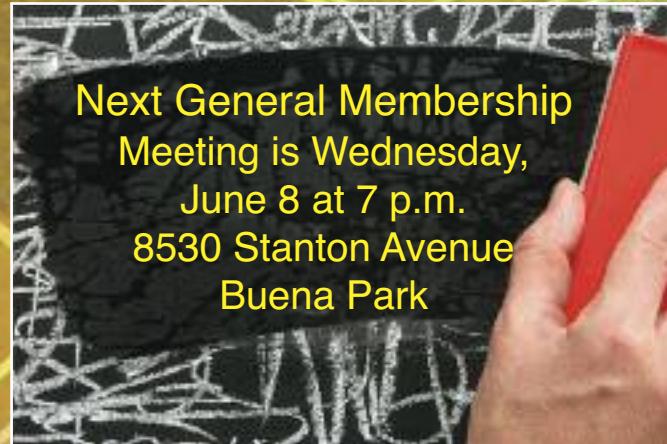
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Finally, it's all starting to click



**Next General Membership Meeting is Wednesday, June 8 at 7 p.m.  
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!**

## It's not about Pot, it's about Poverty

With a title like Union President, I am rarely tagged as a conformist. By the same token, there are a handful of issues on which my traditional, suburban upbringing colors my perspective. I admit that the contentious issue of medical marijuana has been one of those topics.

Two decades ago when the subject was on the California ballot, there were a handful of insightful people in our movement who were quick to point out the potential benefits to our union. As retail workers, future employees at medical marijuana dispensaries, they argued, are natural UFCW members.

The pros and cons that characterize this issue have changed very little since voters approved the measure. My instincts inspired a great deal of skepticism around the prospect that social good could come from increasing the availability and use of another drug.

As a parent, I was swayed more by the arguments that legalization would send a bad message to kids who were already immune to lectures on the subject... Suffice it to say, Prop. 215 passed without my enthusiastic embrace

I rarely waste my time exposing my involvement in losing causes of over 20 years ago, but I do so as a way of saying that I understand the feeling some members have expressed recently over our campaign to organize cannabis dispensaries throughout our jurisdiction

A small but passionate group of members believes that we are condoning drug use by helping to legitimize the dispensaries with our ongoing campaign to organize them. I respect the spirit and motivation behind this no tolerance approach to drug use. I share this ethos in many respects. But this is not the same for one major reason: The debate over legalizing cannabis for medical purposes is over. If we sit around and argue about whether it should have been legalized or not, we will be seen as antiquated and irrelevant by a new generation of workers whose view of cannabis is untainted by years of anti-pot slogans and rhetoric.

The battle over legalization is over and it has resulted in a new industry of retail workers in need of union representation. Like most other non-union workers, they are (were) underpaid, overworked, taken advantage of and denied the respect and dignity they deserve.

Our recent contract for members of South Coast Safe

Access is the first of its kind in the county and potentially a powerful tool in our effort to expand our reach. The document instantly provided for pay hikes, medical benefits, full-time work guarantees, paid vacation, sick pay, seniority protections and much more for about 20 workers at the facility.

The contract secured their places in the middle class while also serving as advertisement to others what awaits them if they join our ranks.

It was interesting to note that the debate over the issue and the proposition that created it took place long before most of the workers were old enough to cast a vote. They had no stake in the debate or the outcome. Some don't even have particularly strong opinions on the subject today. Wherever they come from on the spectrum of support for medical cannabis one can't escape the simple reality they show up for work every day and deal with the same demanding public that most of our membership serves so well. The workers who staff the facilities where medical marijuana is sold are simply not part of the debate over legalization.

It is for that reason that I maintain a somewhat conventional approach to the larger question but insist that we have a moral duty to reach out to exploited workers wherever they exist in our jurisdiction.

Our goal as a Labor union is to fundamentally improve the lives of workers by collectively bargaining improvements on the job. In the medical cannabis industry, we have an audience that is receptive and a goal that is within reach. If we focus on that fact it becomes clear that we are doing the right thing for the right reasons.



# New Rite Aid Store Opens in Irvine

How often do you hear about a new store opening these days that is literally brand new?

About 20 members are among a select group who can say they are the first to occupy the newly constructed Rite Aid on Irvine Center Drive across from the Spectrum. The facility opened officially April 10.

The novelty of being the first occupants to do everything from turn on the lights to sweeping the shiny new floors wasn't lost on the store's employees.

When asked to name the best thing about being



the first to occupy a brand new development, one member said "I love that new store smell."

He was quick to point out that customers will see at least one thing that should feel familiar. "Our service is still all about the customer. That won't be new at all."



## Union wins big arbitration against Rite Aid

A select group of about 300 Local 324 Rite Aid employees will receive a cash payout totaling over \$85,000 following a sweeping arbitration decision that found Rite Aid improperly withheld wage increases from clerks and PACs following California's minimum wage increase in 2014. The total throughout Southern California is many times that amount.

The ruling was a total victory for the union. Specifically the arbitrator ruled that clerks with more than six months receive 65¢ per hour over the state minimum wage and supervisors and PACs must be paid 50¢ per hour over the clerk rate.

These increases continue until January 2016 when the minimum wage increased to \$10.00.

Union officials say that this is exactly the kind of issue that exemplifies how Organized Labor can be effective in

representing their interests of its members. If individual employees, for example, were forced to challenge their employer's decision to withhold a pay raise they would be at a tremendous disadvantage.

But instead of being forced to take on the legal resources of a multi-billion dollar corporation, UFCW members were able to muster formidable legal resources of their own through their union.

The arbitration decision and payout would be an unlikely outcome if left to individuals to pursue. Without a union, workers are left to relying on the kindness of the company's human resources department, according to Local 324 President Greg Conger.

"In a nonunion environment, challenging the company is more likely to produce a pink slip than a check for back pay," Conger said.

## Fair scheduling policies sought at bargaining table and in the legislature

The unfairness of scheduling practices in the retail industry is finally receiving recognition by legislators and the public. Your union has been in the forefront of the effort to bring this to the public's attention, while seeking solutions legislatively and at the bargaining table.

At the urging of the UFCW, the Center for Law and Social Policy conducted a California study on retail workers related to a variety of policy issues, especially the execution of work schedules. Not surprisingly, the findings show that even as minimum wage rises, stress related to income uncertainty continues and is directly related to unpredictable and varying work schedules.

Unlike non-union workers, UFCW members in the retail food and drug store industries have weekly minimum guarantees of hours. In the non-union setting, no minimum exists and with no advance scheduling requirements, workers can learn last minute that their schedule has been cut to near zero or that hours they expected to work are no longer available to them.

Adequate advance notice of one's schedule however is a real problem in union and non-union workplaces. Once posted in the union setting, the schedule cannot be changed without penalty, but less than 3 days' notice is often not enough to accommodate an individual's personal responsibilities. In the non-union setting, schedules can be changed, even after posting, without penalty, leaving employees with no means to pay their weekly bills.

Reserving child care, enrolling in school, purchasing a car and even renting an apartment all depend on some level of confidence in the weekly schedule and the amount of income expected. The current protections in our contracts are not enough, and more needs to be done to assist part time retail workers in both the union and non-union setting.

It is for this reason that the UFCW is a sponsor of

Senate Bill 878 (Reliable Scheduling Act) currently pending in the California Senate. It is also the basis of contract language proposals we have presented to all retail employers during this bargaining cycle.

Ideally, we believe that 2 week advance scheduling is best. This allows some time to schedule personal appointments and also provides some level of predictability to your income stream. We have presented this proposal across the table and it is also an element of the current senate bill, which would assure that all retail employers are held to a reasonable and fair scheduling requirement.

Pursuing this issue both contractually and legislatively is important. Your contract penalties for non-compliance are easier to enforce and monitor. In the non-union setting, compliance with State laws is a more cumbersome process. But it is important that as the union representing the retail sector, we pursue the goal of bettering the lives of all retail workers.

As the negotiations advance, we will keep you advised of our progress on all contract proposals. Your support and solidarity is critical if we are to prevail and bargain the best possible contract for all members. Please check our website, [www.ufcw324.org](http://www.ufcw324.org) for contract updates and make sure that your Union Representative or Steward have your most up to date address, phone number and email address.



**Andrea Zinder**  
Secretary Treasurer

# They help you get the most out of your contract;



## Trust Fund contract negotiations stalled by management

Why have the employees of the Trust Fund become the latest victims of the grocery chains master strategy for contract 2016?

Their contract expired in December 2015, a date which apparently snuck up on negotiators of the major grocery chains.

The contract expiration was a known deadline. Nevertheless it came and went with little fanfare as representatives from the grocery companies were hard pressed to find the time to negotiate.

When management found the time to discuss a new collective bargaining agreement, they slammed the door on any hope for a resolution anytime soon by refusing to discuss pay hikes for workers—the one single issue that is holding up completion of a deal.

They insisted that they couldn't move forward on wage increases until a Master Food Agreement is finalized.

Local 324 has filed charges with the NLRB, claiming grocery chains are negotiating in bad faith. Rather than trying to defend their bad faith actions management finally agreed to return to the bargaining table.

Union members have staged a series of rallies at high volume stores from each of the companies, hoping to shine light on tactics they

claim are unfair.

Informational picket lines drew dozens of members and activists, many of whom wondered aloud why they are being thrust into the middle of a fight between the UFCW and grocers.



# Now they are fighting for one of their own



## Trust Fund: Who are they and what do they do?

Most UFCW members won't get the chance to attach a face to a name. But every year thousands of calls come into the Trust Fund from members with questions about their medical coverage or Pension Plan.

About 200 employees staff Trust Fund headquarters, performing such tasks as navigating members to the most qualified doctors ensuring bills are paid in a timely manner, and answering questions about retirement.

The Trust Fund has their own

collective bargaining agreement since 2007.

They work jointly for both the food employers and the unions, and are committed to seeing that members receive the benefits to which they are entitled.

The contract between Trust Fund employees and The Trust Fund itself had been independent of any outside influences—that is until recently.

Grocery chains are now linking any progress on the contract with the Trust Fund's 200 employees to

the fate of the Master Food Agreement for 70,000 grocery workers in Southern California.

UFCW Local 324 has filed an Unfair Labor Practice charge with the National Labor Relations Board in an effort to move the negotiations forward.

During this unfortunate delay, the union is urging Trust Fund employees to remain united and not to allow these tactics to weaken their resolve.

# Construction continues, but progress is made

An ambitious remodeling project is nearing completion on the headquarters building for Local 324, bringing an end to months of thumping, pounding, and hammering that has become common to the facility's roughly 60 employees.

When the dust settles, literally, members will be looking at a building that has been profoundly transformed. "I think a lot of people will be hard-pressed to recognize any of the old building," said President Greg Conger.

The original office was rebuilt after a fire destroyed it in 1991. Many areas were in need of updating to bring everything up to local municipal code and Americans with Disabilities Act requirements.

The main auditorium was remodeled at

the same time to also bring it up to code and ADA specifications.

One long time employee of the union commented after getting a closer look at areas of the building that had been inaccessible for weeks: "This is really a place members can be proud to call their own."

Union Officials are encouraging members to visit the newly remodeled headquarters and see the dramatic change for themselves.





**Before**



**After**





# Orange County's first unionized dispensary focuses on identifying patients

On November 5, 1996, the people of California passed Proposition 215 also known as the Compassionate Use Act of 1996. The purposes of the Act include, in part: "To ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where the medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other illness for which marijuana provides relief; and to insure that patients and their primary caregivers who obtain and use marijuana for medical purposes upon the recommendation of a physician are not subject to criminal prosecution or sanction."

The UFCW hopes to give cannabis a public relations makeover.

"We hope that the public will start to view the staff working at the dispensaries as professionals," said Executive VP Rick Eiden, "and better pay and benefits are the first steps in building a staff that is proud to come to work every day and use their skills to help others—that is a professional."



When the 20-person staff at South Coast Safe Access in Santa Ana voted to join Local 324, they did so with the support of the owners—a scenario virtually unheard of in the Labor Movement. Owners Derek Wordon and David Dewyke were actually two of the union's staunchest supporters.

There are many reasons behind their sentiment, but chief among them was the role they believed the union would play in reinventing the staff's image.

"Being union buys us a higher quality employee, it's that simple," Wordon said. And now that Orange County has a union dispensary that can serve as the model to follow, he feels that the medical cannabis industry will soon reap the benefits of a better image.

"Look if people see that a job in this industry can also bring them dental, chiropractic benefits, better pay .... if they feel there is something worthwhile that they can get from working here, then the pool of people applying for these jobs is going to improve as well. This is just the beginning," Wordon predicted.



# *ized pot dispensary nts' medical needs*

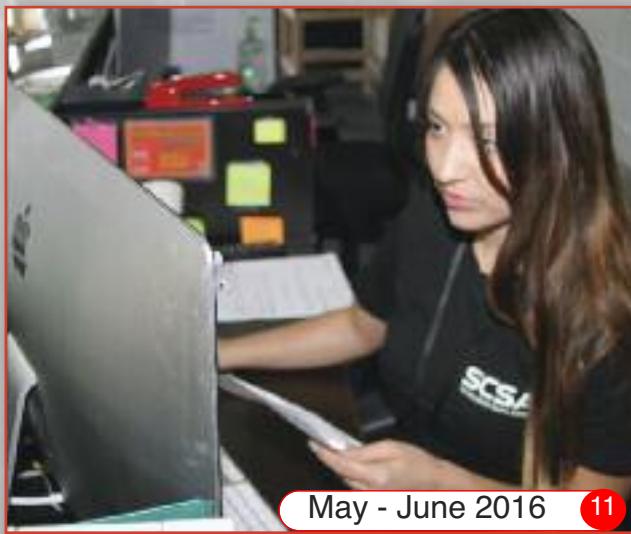
SCSA's crusade to "professionalize" its staff is just the first step in making communities aware of the importance of medical marijuana and the need for dispensaries staffed by professionals.

Union officials and dispensary owners agree that as facilities expand, outreach to those communities will be important. A staff of qualified professionals can potentially be an enormous asset as the industry puts forth a friendlier, less threatening face in its interaction with neighbors.

Patients, whose knowledge and experience with marijuana ranges from expert to novice, have been quick to praise SCSA staff members for their knowledge of the product as well as their approach.

Diane Freely who has been a customer for five months says, "They are a huge help for me. They ask questions that get to the heart of what ails me."

(Continued on page 12)



# **The difference is ‘like night and day’**

(Continued from page 11)

One customer drives 25 minutes to get to Santa Ana despite the fact that he can get medical marijuana from a dispensary a block and a half from his home.

Customers praised SCSA staff for their knowledge of the plant and the multiple ways patients can benefit from its primary active ingredient —THC.

It is the THC in cannabis that produces widely varying effects on users. Hundreds of strains of cannabis and dozens of edible products that produce similar results have made finding the right product an adventure of sorts.

Unlike workers in similar facilities, SCSA staff are required to complete in-depth training before they can work with customers.

Marc Zavala, who has worked in and out of the industry for several years, lauds his co-workers for a commitment to what he described as “the real reason why a lot of us wanted to work in this industry in the first place—because there are a lot of people suffering and we can help them.”

Zavala was the only SCSA employee to speak at the press conference held in March to announce its new relationship with UFCW Local 324.

He was among a long list of local dignitaries that included state legislators, local council members, a member of Congress and union officials all of whom sited SCSA as representing a new chapter in the decades long discussion surrounding the issue.

## **Activists need help with ballot initiative aimed at protecting cannabis dispensaries from exile**

Long Beach City Council has refused to lift a citywide ban on marijuana dispensaries.

Pro medical marijuana activists and labor leaders have joined forces in an effort to ensure that Long Beach residents aren't denied access to the medicine. Supporters of the petition also say the measure estab-

lishes common sense regulations that protect the integrity of local neighborhoods.

“The effort to qualify a ballot initiative to counter that move is in high gear, but we need volunteers to keep up the momentum,” said Executive VP Rick Eiden.

The initiative, which supporters hope could be before voters in November, will restrict the location of dispensaries to ensure they are safe distances from schools, parks, beaches and libraries, place reasonable taxes on sales and create hundreds of jobs in the process.

Headquarters for the effort is 1735 E. 7th St. Volunteers are urged to visit the location to help collect signatures.

For more information call (562) 270-5454 for more information.



## Keeping up the pressure

Nearly 1,000 *El Super* union members and their supporters marched through the streets of Los Angeles April 4 in an effort to remind the community that their boycott campaign remains in full force.

Meanwhile, news from Mexico, where *El Super*'s parent company is based, was encouraging.

*El Super*, which prior to the boycott reported healthy profits that continued to climb, has seen in-store sales decline and its overall growth come to a screeching halt.

With no other factors at play, union officials say the only logical explanation for the sudden reversal of fortune is the boycott itself.



# Reversal of Fortune

## *The death of a Supreme Court Justice may have spared Labor a painful demise*

Labor unions occupied the top position in a laundry list of litigants who were expecting to be on the losing side of several epic legal rulings by the US Supreme Court this term.

But the death earlier this year of Supreme Court Justice Antonin Scalia has single-handedly moved the earth beneath the feet of the country's legal system.

Friedrichs v. California Teachers Associations—the case that legal experts had been predicating for months would be a substantial blow to labor unions—turned out the opposite. The speculation was driven by questions asked by justices during oral arguments. Prior to the arguments it was unclear where the justices stood on the matter. After the case, it was painfully apparent that a majority of the court was leaning against Labor.

In a nutshell, the issue was to decide once and for all whether unions had a right to pass along the cost of negotiating a contract to people who benefited from that contract but who refused to join the union.

Few analysts were willing to predict how the court would rule prior to hearing oral arguments. Those oral arguments were backed up by thousands of pages of supporting material submitted by organizations sympathetic to one side or the other.

But after that day, analysts from across the legal profession and academia seemed to agree that the court was poised to rule against Labor.

Experts were correct. According to re-

ports, Justice Scalia was among the most vocal in promoting his belief that the plaintiffs were victimized by unions.

Indeed, the case was decided in a 5-4 vote in favor of the plaintiffs. But the court's rulings are not official until formally released. And when formally released the justices who voted must be alive. Because that final requirement was no longer met, the case reverted to a 4 to 4 tie, meaning the lower court's decision stood—and the lower court's decision was in favor of unions.

So the untimely passing of Justice Scalia has already had a profound impact on the American workplace. And although the tragedy came as a surprise to millions, the upheaval surrounding his replacement on the court comes as a surprise to no one.

The Republican majority in the US Senate has pointedly refused to give Merrick Garland, President Obama's choice to succeed Scalia, a confirmation hearing of any kind.

Although the Constitution makes no such reference, Republicans have been claiming that the public—through its vote at the ballot box—has a right to weigh in on such an important matter. But as the election prospects for Republicans appear to be dimming with every passing day, the current position becomes all the more ironic.

Said president Greg Conger "They might just delay long enough for the Senate to change hands come November."

# Hot Topics

Words of wisdom to help you keep your job

## How Seniority Works

—By Field Director Chuck Adinolfi

The question of how seniority works in case of a layoff, has been on the mind of our membership in all the companies that we represent in the food industry.

Seniority is covered in Article 4 of the Master Food Agreement covering Albertsons, Ralph's and Vons. It is in the same Article 4 in the Staters and Gelsons Agreements. In the Food 4 Less Agreement you can find the language in Article 3.

Seniority commences with the date of hire with the company; however when an employee moves to a higher classification or is promoted, a new seniority date is established as the date of assignment to that new classification. For layoff purposes, an employee can bump back to his former classification carrying with him his total seniority. Should a layoff or reduction of hours occur, where the newly assigned (less senior) employee is to be replaced or reduced, such employee shall be permitted to reclaim the former vacated, or equivalent position entitled to by the combined seniority in the old and new classifications.

When a layoff or reduction occurs, the company is required to abide by the seniority rules established in your contract. You will be allowed to exercise your seniority first within the store and then within the established company district. For

Meat Department employees, your seniority will also be recognized on a company wide basis within the jurisdictional boundaries of the Union. For all employees, except those in the Meat Department, your seniority is limited to the district that your store is assigned to. Therefore, you do not have the ability to exercise a bump across district lines during a layoff. It is possible that the hire dates that the layoffs will affect may vary from district to district.

Your seniority also is important for reinstatement to your former position when business improves and the company needs to add employees. The last employee laid off, or reduced, shall be given the first opportunity to reinstatement in their former position when it becomes available. Seniority rights for the purposes of recall are the time equivalent to the employees' seniority but in no event to exceed 12 months.

There are some positions, such as Department Head, Person-In-Charge (P.I.C.), Receiver, Scan Coordinator and Bookkeeper that require special "skills and ability" and may be protected during a layoff. Should you have questions regarding your rights during a layoff, we encourage you to contact your union representative or the union office.

## 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:  
Lou Cruz (714) 325-2847 or Diana Eastman (714) 528-6720



Be Sure to check out the website for more info!

[www.ufcw324.org/retiree\\_club.aspx](http://www.ufcw324.org/retiree_club.aspx)

May - June 2016



# REPRESENTATION

Union Representative Matt Hart





## Food Division Bargaining Continues

Food Members must pledge their solidarity and commitment to stay informed and involved in the negotiation process and to STAND TOGETHER to achieve the following goals in our contract negotiations:



- **Fair Wages and progressions**
- **Affordable Health Care**
- **Retirement Security**
- **Fair Scheduling Practices**

# Why Not?

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# Off the wall



## Amuse Yourself...



Most tickets are available on-line at [www.ufcw324.org](http://www.ufcw324.org), or in the union office.

Prices subject to availability.

See office for additional details.



... at a discount price!

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

**STATS**

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MEMBERS BACK TO WORK ..... 42

LIVE BETTER  
WORK UNION

BACKPAY COLLECTED:  
\$ 78,332.40

January-  
April  
**2016**

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