

INTERNATIONAL UNION NEWS

Volume 04, Issue 2

October, 2004

Special Points of

Interest

- New UGSOA International Web Site!
- May 2005 International Convention in Colorado

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From the President

Greetings Brothers and Sisters:

As summer draws to an end I want to reflect on what's been happening at UGSOA International Union. We have gained approximately 1200 new members, including additions to all divisions of UGSOA. A few have departed and we wish them well. The last several months have been very busy with contract negotiations in all Divisions, arbitrations in many areas, and organizing new members.



We continue to battle with the USMS over the CSO physicals. We are about to take on the DOL over the wage determinations used to set minimum wages on the Service Contracts for the Federal Government. In April all CSOs in the 9th Circuit received their back wages and benefits as a result of UGSOA prevailing against the DOL over the successorship clause of the Service Contract Act. We are monitoring the changes coming about with the Department of Homeland Security (DHS) and the NRC regarding new physical fitness requirements and will respond accordingly. We have met with the DHS very recently and more meetings are planned.

I want to thank Bob Maras and Dave Coon for all of their hard work over the years. Bob was a Director and a member of the Executive Board. He was a CSO assigned to the Tulsa, Oklahoma Court House. Bob retired and moved to New Mexico where he has a nice house and a river running through his back yard. Dave Coon has just retired saying "I've had enough – I've got an RV sitting in the driveway that I never use, it's time for me to use it and spend some time with my wife." Dave was a Vice President in charge of a couple dozen locals and had to travel quite a bit, so good luck to you Dave – thanks for all of your hard work. I know the entire International wishes both of these gentlemen well on their retirement and endeavors. Thank you both so much for your help.

Rusty Marine of UGSOA NRC Local 16 has been appointed to the International Executive Board as a Regional Director for NRC sites. Please welcome him in his new endeavor. Thanks Rusty!

In closing, I thank all of our local Presidents and members for their hard work in keeping the union strong! Our strength is in a united front. Keep an eye on our website to stay informed with the latest news and get involved to further the cause.

Fraternally,

James A. Vissar

UGSOA Local 132 Hurricane Charley Relief Fund



Please consider contributing to the above fund to help our Brothers & Sisters who sustained damage to their homes, autos, etc. These people may have also lost pay while taking care of their damages immediately after the storm. Send your contributions to UGSOA Local 132, PO Box 172716, Tampa, FL 33672. Make checks payable to: UGSOA Local 132 Hurricane Charley Relief Fund.

We are sad to announce the passing of Brother Bert Drumright whose has been working for the International for the past 5 years and has been very instrumental in the handling of grievances and arbitrations for our Union. Bert has been in law enforcement for most of his career having previously worked for the Adams County Sheriffs Department and served as a Court Security Officer in the Federals Courts in Denver, Colorado. Bert is survived by his wife, Myrna, three sons, a step daughter, eight grandchildren, and two great grandchildren. Bert has been a key player in ensuring the success of our union and will be sadly missed by all. Send donations to: Myrna Drumright

7655 Knox Court
Westminster, CO 80030



In lieu of Bert's passing, Tracey Keating will now be the Grievance Coordinator for the International. If you have any questions or concerns regarding a grievance, please let Tracey know. Thank you for your patience during these difficult times.

Variance Hearing Requests

By Donna Huff

I am preparing to file Variance Hearing Requests for those Locals whose wages will fall below the Locality Wage Determinations as of October 1st. I am waiting for Attorney Leslie Deak to review the request letter and advise me of any changes I may need to make. I will be sending along with the request letter copies of the CBAs, current Wage Determinations and Bureau of Labor Statistic Surveys. Each Local will be a separate request and the chances of getting a hearing depend heavily on the percent of difference between collectively bargained wages and the Locality Wage Determinations. The bigger the difference is, the better the chance of getting a hearing.—UPDATE: Requests have been filed (10/04).

UGSOA Local 56, Cleveland, Canton & Akron, OH - CBA wage \$18.49 W/D wage \$19.61 – 6.1% difference

UGSOA Local 63, E. St. Louis, IL—CBA wage \$17.93, W/D wage \$18.59—4% difference

UGSOA Local 85, Austin, TX – CBA wage \$16.86 W/D wage \$17.74 – 5.2% difference

UGSOA Local 86, Sherman, Tyler & Plano, TX – CBA wage \$18.58 W/D wage \$19.11 – 2.9% difference

UGSOA Local 113, Gary & Hammond, IN – CBA wage \$22.58 W/D wage \$24.25 – 7.4% difference

UGSOA Local 137, Cincinnati, OH – CBA wage \$20.79 W/D wage \$22.20 – 6.8% difference

Court Security Officers Update

By Donna Huff

Dear Brothers and Sisters,

Thank you to all who were involved in contract negotiations this year. Your professionalism and patience were very much appreciated. Together we completed whole CBAs for 12 UGSOA CSO Locals, wage and health & welfare openers for 15 UGSOA CSO Locals, health & welfare openers for 30 UGSOA CSO Locals and 1 year extensions for 5 UGSOA CSO Locals. The negotiations included all CSO contractors (Akal Security, Inc., MVM, Inc. and Ares Group, Inc.). Again, thank you for your help in getting the job done.

My next immediate goal is to get caught up on all of the grievances. The main grievance issues are:

- 1) Changing shifts to avoid overtime
- 2) Prorating share time employees personal leave, vacations and holidays incorrectly
- 3) Payment for additional testing associated with the physical exam
- 4) Family Medical Leave Act denials

There have also been complaints about how, when and where the bullet proof vests are to be worn, cell phone issues and mandatory use of personal leave or vacation in lieu of leave without pay. Some of these problems are a direct result of interference of the USMS; they are looking more and more like co-employers and there alleged misuse of funds is cutting deep into these federal contract budgets. We need to research the conduct of the USMS and its COTRs to bring action against them on some of these problems. Please keep your eyes and ears open and document any evidence of interference and / or co-employment.

Another area of importance is the Department of Labor, Wage and Hour wage determinations.

Since last year, I have been gathering historical information on all of the locality wage determinations that affect UGSOA Locals, going back to 1997. My next step is to create a document with this data and visit with the DOL and expose the absurdities of how and when these wage determinations are revised (or not) and incorporated into the USMS contracts. If you can assist with this project or would like to be involved in some way, please contact me.



On August 10, 2004, Judge Kessler held a status conference with counsel from both sides to discuss where the CSO Physical Lawsuit stands. I should soon be receiving the latest motions and briefs and will get them posted to our web site as soon as I get them. Our Attorney, John Tucker, thought the conference went well and there were no changes to the previous schedule of events. Previously, Judge Kessler had denied the USMS second motion to dismiss and granted the UGSOA motion to add the individual plaintiffs to the lawsuit. Judge Kessler was also very interested in the settlements that occurred in the Texas lawsuits. This is a long and costly battle and I appreciate your patience. Please check the web site regularly for postings of all pertinent documents.

I have recently received several calls from Court Security Officers inquiring about joining UGSOA, International Union; please speak up on behalf of UGSOA's Court Security Officer Division. Encourage those you know to become involved in preserving the Court Security Program.

AKAL Security has been awarded the CSO contracts in the 7th, 9th, and 11th Circuits. July and August were HOT for organizing with 5 wins:

- 1) Arizona Corrections—INS—240 members
- 2) Orlando/Tamps—FAA Security Officers—34 members
- 3) Willacy County Corrections—TX—180 members
- 4) State of Arkansas—CSOs—48 members
- 5) Southern District of Florida—100 CSOs chose to stay with UGSOA and not go with SPFPA

Special thanks for Bill Ryan, Ruben Vela, Juan Torres, Donna Huff, Ben Couch, and Ron Smith for working so hard on these campaigns.



Update from the NRC / Commercial Division

By Larry Ferris

Since our last newsletter in March there have been a number of things going on within the division so here's a brief update.

It appears all the new training and physical requirements based on the DBT are being developed and implemented at this time. Make sure you request information from the company to show they are Bona-Fide Job Qualifications and how they were developed if you do not agree with what they are proposing.



The overtime situation at all sites seems to be increasing again as companies are looking for ways to maintain the fewest number of employees. Are you experiencing any problems with the overtime and fatigue order?

We want to welcome the officers from Millstone Nuclear Plant who were previously represented by SPFPA. We just completed negotiations on a new contract that was overwhelmingly ratified by the membership.

Wackenhut has recently been awarded the contract to train guards for the force-on-force exercises at all sites. I have notified all the locals and you should be extremely careful if you are making deals for your members. Make sure it is in writing and membership is on board with it.

We presently have more recruiting campaigns going on at other nuclear sites and will report the results as we move forward.

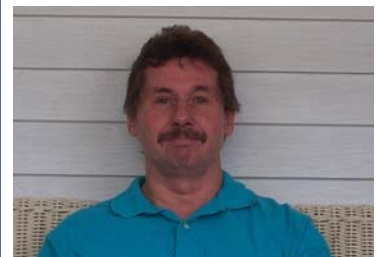
Grievances have increased significantly over the past few months but we are prevailing in a majority of the cases because of the good work of our stewards and executive boards. You can never have enough documentation and the investigations have been well done and thorough.

Contract negotiations have been completed at Yankee Rowe and are in progress at Wolf Creek and Ithaca College. Next year will be extremely busy with negotiations coming due at a number of sites and arranging all the schedules. All of those who have contracts or wage re-openers coming due should let your executive boards know what changes you are looking for in your new contracts.

The next few months will be extremely busy with the recruiting of new members and negotiations with a new corrections facility in Texas.

Congratulation to Local 16 President – Rusty Marine – for being named to the International Executive Committee.

My real name is Knute (which is Swedish) but I have been called Rusty since I was 6 months old (my grandmother gave me the name). I grew up and went to school in the Brattleboro Vermont area (Brattleboro is just north of Vernon and Guilford). I started in security at Vermont Yankee in December of 1982. Things were a little different then they are now. At that time there was only a 5 man rotation and there was little if any training that went on. I was on the fire brigade for 16 years. I live in Guilford, Vermont (our plant is in Vernon). I have been the Union President for the Local 16 for the last 2 years, and I am looking forward to working with the other local's on issues



UGSOA Wins for our Members!

For the past two years Kelvin Trotter and UGSOA have been fighting *Superior Protection* for his job back and fighting his unjust termination in Houston through the NLRB. Through the initial charge, Hearing before the Administrative Law Judge, to the full Board (NLRB) in DC, and now the 5th Circuit Court of Appeals, the NLRB and the 5th Circuit Court both have remained consistent that Kelvin has been wrongfully terminated for his testimony at the NLRB trial. The 5th Circuit ordered his reinstatement. Next for *Superior* is another 5th Circuit review for our Local #229 (Houston Local) on another matter.

Organizing Division

By Ben Couch

Here’s what’s new in the UGSOA Organizing Department. First let me recap on the campaigns and elections covered in the previous newsletter. I am proud to announce that the organizing campaign in Connecticut led to an election! We welcome Local 19, another Local that left SPFPA. We won the elections in Louisiana, Florida, and Pennsylvania.

We have organizing campaigns going on in California, Michigan, Alaska, Illinois, Texas, and Arkansas. I would like to take the time to thank those who have been or are currently helping with these campaigns.

Since March, we have had elections in Florida, Texas, and Idaho. Out of those elections we welcome aboard six new UGSOA Locals (listed below). By the way, we held a second election in Arizona against SPFPA and for the second time they chose UGSOA!



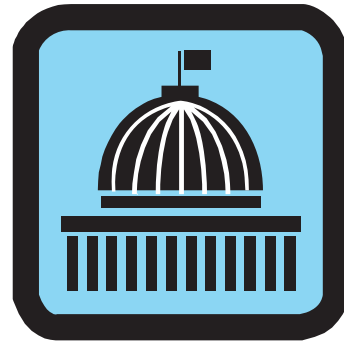
WELCOME ABOARD!

On behalf of UGSOA International Union and its affiliated Local Unions, we would like to welcome the following new Locals to our Union:

<u>Local #</u>	<u>Type of Officers</u>	<u>Location</u>	<u>No. of Members</u>
19	NRC	Connecticut	129 (Former SPFPA)
164	CSO	Idaho	5 (Former SPFPA)
165	CSO	Florida	11
166	CSO	Florida	24
167	CSO	Arkansas	48
200	FAA	Florida	34
404	DOD	Florida	82
405	Detention Officers	Texas	180
504/505	Various	Pennsylvania	532 (Former SPFPA)
823	Detention Officers	Arizona	240 (Former SPFPA)

FED Division NEWS

by **James D. Carney**
Senior VP



Interesting and exciting things are happening in the FED Division of UGSOA. At the International Executive Board meeting in October 2003, we made training of Local Executive Boards a priority for our

staff. Every travel (negotiation, arbitration, and organizing drive) that we go on we are fitting Local Union Executive Board Training classes into the schedule to teach Locals how to operate professionally and still effectively represent members, administer the CBA and the Local Union's treasury. We are dispatching Directors and International Representatives in the field to conduct more training. I have also developed classes at these training seminars to teach Shop Stewards how to represent our members at the job site, and a second class on how to properly file, process, and appeal grievances under our CBAs. These classes and the material I teach with are on a CD-Rom (disc) for Local leaders. These classes are very important to the Stewards of Local Unions and we are seeing the fruit of the training by winning quality grievances that are now being filed. We will be putting on a National Seminar for E-Boards and Local Reps (including chief-Stewards, usually your Local VP) on a variety of Union management issues. Notices will be coming out in the coming months for this seminar to Local Union Executive Boards.

Other important news – I met with Department of Homeland Security officials in DC on August 27th. We discussed a variety of issues that have become vital to our members interests: Terminations directly by government employees, physical standards, appeals when the government makes a decision on employment (some due process), and the comments we registered in the interim rule-making process in December last year. DHS is still just getting off the ground as likely the largest Department ever created by the Federal Government. The last birth of a Federal Agency and creation of a Cabinet position this important would be the Department of Energy,

Important to the officials I met with were the integration of all the different cultures of the Departments mission for security contracts (i.e., physical security-protecting the federal government, law, procurement, etc.). I firmly suggested that they integrate the culture of labor and labor issues at the ground floor as well. This is consistent with National Labor Policy on collective bargaining. They agree to continue this dialogue with us. More to come as I continue to meet with DHS. They encouraged more commenting on their final rulemaking processes, which allows for public input into the DHS setup of procurement (government contracting) systems. This will be coming out in the next year. I encourage UGSOA membership participation in this process.

The most discouraging thing to a member of our Union is when the government, by and through lower level federal manager, middle manager, or Federal employee, requests the removal of a security officer from the government contract. This is equally as difficult for the Union because our CBAs are with the Company. Only one company that I am aware of in the past 4 years has formally taken up an appeal for their employee in this instance. In that case, they began to appeal the unfair removal of the employee under the FARs (Federal Acquisitions Regulations) but stopped short in advancing it to the Board of Contract Appeals in DC because they valued their contract with the government more than their employee. They would have won that case. There are 20 or so cases where our members have been unfairly removed by government personnel.

I have been able to get into our Union Agreements language for the Local Unions to have that right of an appeal to a government decision to remove employees, thru our Agreement with the company, to their contract with the government. I am winning this language for these appeals at the bargaining table for UGSOA Locals and three different contractors so far. I am directing other International negotiators to do the same until we find a more direct solution with the government.



News from the International Vice President

The International Union is growing everyday and it keeps us very busy. I have spent a lot of time traveling and meeting our new Members. I continue to be amazed at the Service Contract Act violations found in each new Unit. The Service Contract Act was enacted for numerous reasons. They include pay rates and benefits “close” to that of Federal Employees so all the Federal jobs would not be replaced by contractors. It was also meant to “level” the playing field for contractors when they bid for the Government Contracts.

If all Contractors have to pay the same minimum benefits and wages, then the Companies would have to keep their “management cost” to a minimum in order to win the Contract. This would mean a “Mom & Pop” operation would have the same opportunities that a large Company would have.

Problems occur when the Company does not abide by the Service Contract and the Employees don’t know any better. The Company’s that don’t abide by the law have an advantage over respectable and responsible Company’s. This is creating the problems we have across the country with good respectable Companies losing their bids and being replaced with questionable Companies.

We urge all Service Contract Employees to learn all they can about the Service Contract Act. The Department of Labor website explains a lot, but the law evolves everyday. There have been very few Service Contract complaints made in the past. This leaves the average Investigator with very little experience in handling them.

The Department of Labor, Wage & Hour division is responsible for the enforcing the Service Contract Act. When you have an Investigator that is not very familiar with the Service Contract Act, they will refer back to normally regulations. Example: When you receive training required by the Government Contract, the Service Contract Act requires you be paid the wage determination rate or current CBA rate. The normal regulations for non-Service Contract Act is to be paid at least minimum wage.

UGSOA Welcomes New Employee

The International would like to Welcome Mr. E. L. “Duke” Woolley to the staff. Duke was in the US Navy from 1962-1967 where he was an Aviation Specialist. He became a Police Officer/Criminal Investigator for almost 30 years in California before becoming an Organizer for different organizations from 1996 to the present. Duke joined the staff at UGSOA International in July of this year and has since been helping with negotiations in Washington DC, Pennsylvania, and California, along with organizing new locals around the country. Welcome to the staff Duke!

While the support from our Locals is of top most importance to us, we also receive support from other Unions! UGSOA International Union, and specifically the CSO Division, received a check for \$1000 from another CSO Union, located in Nebraska, in support of the CSO Physicals Lawsuit.

INTERNATIONAL CONVENTION

The UGSOA International Union third 5-Year Convention is going to be held here in Denver, Colorado, May 19-22, 2005. Please keep an eye on the website and future newsletters for more information. We’re looking forward to next May!!

Hi All! We're working on updating our website – the new site should be up by the end of October. It will be much easier to navigate and nicer to look at too! Make sure you check it out!

Thank you to all of the locals that are sending in rosters with their monthly dues. It makes my job so much easier! For those of you who aren't sending the rosters in monthly, Please, Please do so. I need to have the information to give credit to those paying dues. It will make a big difference come election time!! If you have any questions, feel free to call or email me (tkeating@ugsoa.com).

One more thing – if you have a change of address or telephone number, please either use the update information link on our website (www.ugsoa.com) or email me with the change.



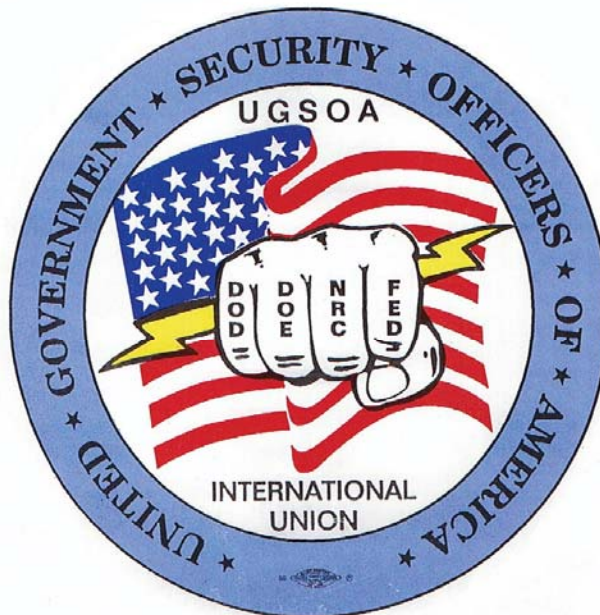
Thanks!

Tracey

The International Executive Board met in Blackhawk, Colorado in mid-September. Among topics discussed were the Constitution and the upcoming convention.



New to the International Executive Board, Rusty Marine from UGSOA Local 16 (below) is sworn in by International President, James Vissar.



***United We
Bargain, Divided
We BEG!***

7230 Meade Street
Westminster, CO 80030

Phone: 303-650-8515
Toll Free: 800-572-6103
Fax: 303-650-8510
www.ugsoa.com