



8620 Wolff Court, Suite 210 Westminster, CO 80031 303-650-8515 tel 303-650-8510 fax  
WWW.UGSOA.COM Toll Free 1-800-572-6103

## *Open Letter from the President*

### Inside this issue:

Finance	2
Legal Update	3
NRC Happenings	4
News from Washington DC	4
Organizing	5
Int'l Report and Fed News	6
International Training	6
CSO	7
From the East	7

*We are here to ensure that all Security Officers employed on Federal, State, and Local Government contracts and Domestic/Private accounts are equally and fairly represented for conditions of employment, health, safety and wages*

The UGSOA International Union has, for the past several years, tolerated an ongoing and incessant stream of defamatory remarks from the SPFPA about its business practices and employees. While the International has attempted to ignore and rise above these retaliatory tactics, it is now time for us to respond and set the record straight once and for all. The stories you have been hearing from the SPFPA are contrived and fictitious. For example, the SPFPA has, for the last 13 years, alleged that the UGSOA is financially insolvent. However, nothing could be further from the truth. The UGSOA has, like any other business, experienced highs and lows, but it has always maintained its solvency. Perhaps the better question to ask is; why in 1991 did SPFPA (then called UP-GWA) showed us a financial documents that stated they had \$7 million in their strike fund and several million dollars in its general fund? However, according to recently filed LM reports, that money is no long there. Presently, the SPFPA deducts 1 ½ hours wages per month in dues, and sometimes

2 ½ hour wages per month, for its dues portion. At the same time, the SPFPA's salaries for its officers is over \$85,000 and the key officers make over \$125,000, not including their \$750 per month car allowances. Moreover, the SPFPA proudly advertises that it has appropriated \$500,000 to put the UGSOA out of business. If I were a dues paying member of the SPFPA, walking a route or standing post in the cold, and knew that Mr. Hickey was flying first class and driving expensive cars, I would wonder where my union dollars were going. What kind of leaders are these? What kind of union is that? Is this what unionism is about?

Unlike the SPFPA, our LM reports are always on time. Why is it that the SPFPA never seems to have a correct, on time LM report to show? We understand that SPFPA's 2004 LM report was supposed to be available in April 2005. It is now February 2006 and Mr. Hickey states that the SPFPA has "an extension" for its LM report. I have never heard of a 10 month extension before. The last LM

report I saw from SPFPA stated 10,000 members, then 18,000 members, yet in their propaganda, they have 27,000 members. So, which is it? I wrote a letter to the Department of Labor requesting a copy of the most current LM report for SPFPA, which is a public document. This must have stricken a nerve with Mr. Hickey, because soon after I made the request, I started to receive nasty-grams and slandering letters from not only Mr. Hickey, but Mr. Massone and Mr. Johannsen. To add insult to injury, the SPFPA has recently stooped to new lows by involving the Right to Work Committee, a committee of lawyers paid to put unions out of business, against the UGSOA. Again I ask; is this what a union is supposed to be doing?

Mr. Hickey stated that UGSOA only has 3,000 paying members. We have that just in Washington DC alone. Out of 10,000 members, over 7,000 UGSOA members are currently paying dues. Ask Mr. Hickey how many DC locals he has and how many dues paying members he has. The

## Open Letter From the President (continued)

SPFPA tried to infiltrate our Local 80 in Washington DC only to have our Director, Ava Ramey, kick them out. They now have an office (or someone working out of their home) in DC trying to raid our local unions there. However, this will not take place and they are only wasting their member's money trying to make it happen.

UGSOA continues to grow and expand its membership. Unlike the SPFPA, the UGSOA is more concerned in advancing its members rights and using its resources, financial and otherwise, to that end, rather than wasting them on defamatory web sites and literature, all of which the SPFPA members pay for through their dues. The best way to measure which is the better union is to simply look at what they are doing to advance the rights of its members. Unlike the SPFPA, the UGSOA has spent its resources pursuing its member's rights and acting to protect them by initiating and maintaining litigation against several con-

tractors and federal agencies; and has won several of its suits and established important legal precedents for unionism. On the other hand, the SPFPA has done little, if anything, to further the cause of its member's rights and has spent little of its financial resources to protect its members via the legal system. Why is that? Why is it that rather than joining the cause of unionism and workers rights, the SPFPA invests its time and money fighting with the UGSOA? How does that advance the rights of its members?

At the end of the day, we all know that actions speak louder than words. In light of that, I ask you, which union is actually acting on behalf of its members, rather than just talking about it? Which union is actually using its resources to advance the cause of unionism and is fully committed to those ideals by using the courts and other legal proceedings to fight for them? Which union has remained above the fray and maintained its dignity and honor in spite of baseless and

defamatory allegations? The answer is of course, the UGSOA.

When I started this union several years ago, I did so with the objective of creating an organization that would stand up for its members rights and advance them, regardless of the cost. I remain committed to that ideal today, and will remain committed to that end. I invite you to join me in that endeavor, remembering that united we bargain, divided we beg.



President James A. Vissar

## News From Washington DC by Ava Ramey

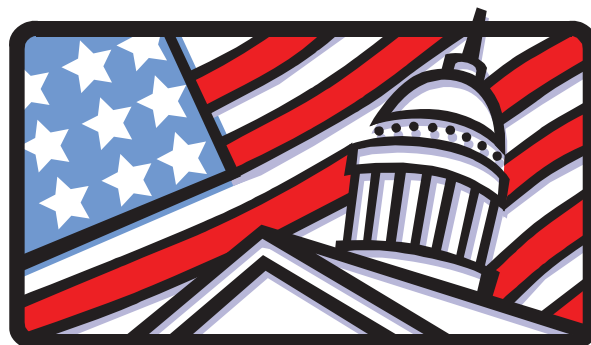
The issue of Jim Vissar's salary as the UGSOA International President is a smokescreen. The SPFPA's International President, David Hickey, received \$162,214 in total compensation in 2004 (the last year for which a report is on file with the Department of Labor). In addition, if SPFPA was doing such a good job for its members, why did SPFPA's total membership decrease from 18,000 to 13,452 members from 2003 to 2004 (as reported to the Department of Labor)? This may explain why the SPFPA is so anxious to raid Local 80, my Local in Washington DC. *(In 2005 SPFPA raided Local #80 in DC. UGSOA Local President and Regional Director, Ava Ramey, spearheaded a significant defensive battle to head off this raid and as a result of SPFPA's own efforts they not only lost that raid, but also the representation of members they had in DC prior to the raid. See NLRB Case No. 5-RC-15873, at [www.nlrb.gov](http://www.nlrb.gov), and [www.ugsoa.com](http://www.ugsoa.com) )*

On June 1, 2005 the Local 21/Hawk One Collective Bargaining Agreement was signed. The contract is effective June 1, 2005 thru May 30, 2008. It covers all Security Office and Security Police Officer employees of Hawk One at the DCPS and City Wide sites.

Since 1997 Local 21's successes have been a direct result of con-

tinuous challenges to Unfair Labor Practices and contract violations in Federal Court and before the National Labor Relations Board. This battle took three years and contempt of court citations from a Federal Judge before Hawk One finally realized UGSOA would not give up.

We stood by our members and today Local #21 stands by UGSOA as a strong voice for security in DC.



## Legal Update from John Tucker Chief Legal Council for UGSOA

Since our last update in December 2005 there has not been much activity in the CSO Medical Standards Suit and Class Action pending in the U.S. District Court for the District of Columbia. The reason for this is due to the assigned judges current docket demands, which includes, among several other large cases, a substantial lawsuit against several tobacco companies. This case presently is taking up much of the courts time and it appears that little will occur in our case until this case has been either resolved or adjudicated on the merits. Presently, the court has before it several pending motions in our case, including our request for class certification and the USMS's Motion for Summary Judgment. All of the briefing on these matters has been completed and submitted to the court for its review. However, we are uncertain as to when the court will rule on these pending matters for the reasons stated above.

In the meantime, the UGSOA is actively involved in other pending CSO litigation. Recently, we filed an amicus brief on behalf of the UGSOA in the Third Circuit Court of Appeals in the case of *Wilson, et al., v. MVM, Inc., et al., Case No. 05-3204*, arguing that the trial court in that case committed reversible error when it granted summary judgment in favor of the USMS. Oral argument in that case will likely occur within the next 45 days. We are also participating in another

CSO medical standards case, *Leitch et al, v. MVM, Inc., et al., Case No., 03 CV 04344*, pending in the U.S. District Court for the Eastern District of Pennsylvania, and have submitted a brief in opposition to the Motion for Summary Judgment filed by the USMS in that case. The UGSOA is also preparing to intervene into another physical's related suit pending in the Second Circuit Court of Appeals.

Additionally, the UGSOA is preparing to file next week a multi-party lawsuit in Washington D.C., which names as defendants several federal agencies, including the DHS, DOJ, and USMS, as well as several contractors, including MVM and Akal. The purpose of this suit is to address the ongoing and continuing abrogation of the CBA's by the employers who claim that they are not obligated to comply with the CBAs due to governmental directives that contradict or undermine key provisions of the CBAs. The suit will address the ongoing problems presented by both Akal's and MVM's willful and blatant refusal to process grievances, their unilateral modifications of the terms and conditions of CBAs, refusal to negotiate in good faith and direct dealing with bargaining unit members, among several other claims. Moreover, there are presently scheduled or pending scheduling, approximately 25 arbitrations with Akal, Wackenhut and MVM regarding, among other issues, unpaid overtime

and various disciplinary actions.

As can be seen, the UGSOA remains committed to the advancement of its members contractual and legal rights. Indeed, the UGSOA is the only union presently actively involved, as either a named party or as an interested party, in the challenge to the CSO medical standards being advanced by the USMS and its contractors. The UGSOA has committed a significant portion of its resources to this and other matters in hopes that its members' rights will be protected. The UGSOA remains firmly committed to these matters and, with your continued patience and support, will see these them to the end.

Unlike many other unions, the UGSOA is more concerned in advancing its members' rights and using its resources, financial and otherwise, to that end rather than wasting them on defamatory web sites and literature. The best way to measure the value of a union is to simply look at what they are doing to advance the rights of its members. Unlike many other unions, the UGSOA has spent its resources pursuing its members' rights and acting to protect them by initiating and maintaining litigation against several contractors and federal agencies, including the USMS, DHS, and the DOJ and has won several of its suits through which important legal precedents for unionism and our members' rights have been

established.

At the end of the day, we all know that our actions speak louder than our words. In light of that, I ask you, which union is actually an advocate for its members, rather than just talking about it? Which union is actually using its resources to advance the cause of unionism and is fully committed to those ideals by using the courts and other legal proceedings to fight for them? Which union has remained above the fray and maintained its dignity and honor in spite of baseless and defamatory allegations? The answer is of course, the UGSOA.

When the UGSOA was started several years ago by Jim Vissar, he did so with the objective of creating an organization that would stand up for its members rights, and advance them, regardless of the cost. The UGSOA remains committed to that ideal today, and will remain committed to that end. However, it takes team work and dedication in order for a union to be successful. As such, we must all work together, remembering that divided we fall, but united we stand.



# NRC Happenings by Larry Ferris



- First and foremost is the addition of Pilgrim Nuclear, Local 25 and Ginna Nuclear, Local 27 to bring the number of NRC sites we represent to 16. We now represent over 1,800 Armed Security Officers throughout the Nuclear Industry. Negotiations are underway for both of the new locals.
- Negotiations have turned a bit sour at Callaway. After turning down a contract the Company has decided Officers are paid too much and want to hold their pay rate for the next two years and only give 2 percent in the 3<sup>rd</sup>. At the same time they also want to make significant increases in the portion paid by the officers for medical insurance. We are in a constant fight but hope to get back to the table and get these issues resolved. Charges have been filed with the NLRB and more information has been requested to oppose the company's regressive economic proposal.
- Completed Negotiations for a new 3-year contract at Vermont Yankee, Local 16, which provides good wage increases and continues health care coverage with no change in employee/employer payments. Completed Negotiations at Oyster Creek, Local 17, on a new 4-year contract which also provides significant wage increases, maintenance of Health Insurance Programs, and a number of smaller changes that area a real plus for the officers.
- Negotiations were also completed for Salem Hope Creek, Local 14, with very good gains for the member.
- Negotiations on a new 3-year agreement with Monticello Nuclear Plant, Local 28, are complete.
- We have completed two arbitrations and were successful in both. We presently have cases pending for Local 12, 17, 18, 19, 507, 823 and a number of others in review.
- A wage reopener for H & W payments was held for the Correction Officers at the ICE Facility, Local 823 in Florence, Arizona. They received a significant increase in payment used for their Insurance costs. We have completed negotiating a new benefit plan for 2006 and it was ratified by a large majority of the membership. Full contract negotiations will be this Fall.

For those Locals who have called in asking about sending and receiving dues electronically, we have great news! We are working on setting up this option and hope it will be up and running in the near future. If your local would like to participate in the sending and receiving of dues electronically, please email Ronny Vance at [rvance@ugsoa.com](mailto:rvance@ugsoa.com) with either your bank account information (for receiving) or asking the International for its bank information (for sending).

For those locals who choose this option we would like to have an email address if possible, (but not mandatory) so we can send you the dues list via email. For those of you not choosing this option, we will be sending your dues checks thru our bank and if you have access to email we will be sending your dues list to the email address provided. All other lists will be mailed. With this option it will greatly reduce the amount of checks getting lost or misplaced, and you can get your dues sooner.

I would like to remind our members that when turning in changes regarding dues or personal information, **PLEASE - WE MUST HAVE IT IN WRITING**. You can call it in, but please follow up with it in writing (i.e. email, fax or regular mail) so we have it for our files. I have found Locals calling in saying things have not been corrected and cannot find anything in writing to show that we received the request for the corrections.

It is imperative that all locals turn in, on a monthly basis, an updated roster. We are still finding that our database does not always have the correct information. The dues list that you send in cannot be used as the roster and vice versa. These are two separate forms that contain separate information. We only ask for this form so we can keep our information as current and up-to-date as possible, and we can only do this with the help from the locals.

Local Officers - please send in current Officer information (name, office held, email address, phone, and physical address). We are trying to set up an email list so more information goes out via email (we would eventually like email ad-

## From the Finance Office

resses for all members). Members can also go to our website [www.ugsoa.com](http://www.ugsoa.com) under UGSOA Locals Toolbox and update their member information.



# Atlantic City Seminar Big Success

The International sponsored and provided three days of training for our members in early May. The seminar was attended by over 70 individuals who were all highly complementary about the content and presentations. We would like to thank all of those who attended and let everyone know that we are beginning to make plans for the next training session. If you have ideas and or thoughts about subjects, dates, or locations of where it should be held, please forward them to your Director or the International Office.

The International Staff can provide local training as required and can answer questions when issues arise so don't hesitate to call or email you Director. Again Thanks to all who attended and we look forward to providing more training opportunities in the near future.



## Organizing by Ben Couch

Here is what's happening in the UGSOA Organizing Department. First let me recap on the campaigns and elections that were covered in the previous newsletter.

I am happy to announce that the campaigns in Plymouth, Massachusetts and Cleveland, Ohio led to elections and UGSOA earned victories at both locations. We would like to welcome Plymouth Nuclear

Site Local #25 in MA. The vote there was UGSOA=73 SPFPA=3. The Guards that work for General Security Service Corporation in Cleveland are now Local #241. In May 2006 we won the election for Ginna Nuclear Site in Ontario, New York. They are now Local #27.

UGSOA won unanimously at the election in Memphis/Jackson, TN on October 7,

2005 against IGUA. They are Local # 408.

I have organizing campaigns going on in California, Arizona, Arkansas, Mississippi, Colorado, Pennsylvania, Texas, New Jersey and Nevada, as well as other areas around the country. I would like to take the time to thank those who have been or are currently helping with these campaigns.



Ben Couch, International Organizing Director

### 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>
25	NRC	Massachusetts	90
27	NRC	New York	85
241	GSA	Ohio	66
256	GSA	Texas	44
408	GSA	Tennessee	60

## INTERNATIONAL REPORT & FED Division NEWS

by James Carney, Sr. VP



Our last Convention (May 2005) met with 19 changes to our Constitution. Delegates from UGSOA Locals around the United States came to Denver to convene the 3<sup>rd</sup>

International Union Convention of UGSOA. If you would like a copy of our Constitution please contact us at our offices.

In the Fed Division the best victories we are gaining for our members still are found during bargaining. I have negotiated several labor agreements this past year where compensation, safety, and seniority bidding processes have been at the forefront of most of my negotiations. Yet, I am finding the evasive Company is increasingly becoming more common, and emboldened by stall and delay.

Other wins include settlements at, or prior to, Arbitration. Even after Arbitration UGSOA is winning jobs back from wrongful terminations; and Decisions / Awards correcting workplace injustices. However, settlement is the cornerstone to collective bargaining and if we can

continue to find settlements over CBAs and Grievances, we need to keep that dialogue open with the Employers. The Federal Courts have been useful as a means where we are gaining significant victories for members. Please visit our website for a list of significant wins for our members ([ugsoa.com](http://ugsoa.com)). Although the Courts are a good avenue for justice, Congress and Executive Agencies of Government are like walking into closed doors, with no help at all. I actually met with several Congressmen this past year. Believe me when I tell you that there is zero action there right now. Some of our Locals are having hit-and-miss luck writing their Congressman in their own states.

However, we are in an election year and this is an important time to remember the vote that is friendly to Labor's concerns. And there are many concerns in our security industry that still go without attention: Improvements in Training and reoccurring training for security officers, Increased Standards = Increased Compensation, Health and Retirement benefits for the career Security Professional, improved whistleblower protections and processes, fundamental due

process in revoking credentials. These are common to all of us in the security industry and without a sensitive ear in the legislative branch you will not get attention to change these very important issues.

Lastly, I wanted to give you an update in a case I recently argued at a Substantial Wage Variance Hearing in San Diego. Two years ago we negotiated a CBA in San Diego with a Federal Contractor and soon thereafter the wages fell well behind the wage determination. Although we negotiated a significant 5 year CBA, the wages were immediately behind the new locality adjustments. In 2005, I filed for a Hearing on the Wages and in February of this year we presented our case for Local #52 (DHS – San Diego). The wages were adjusted from \$18.50 per hour to \$21.54 per hour in March by the Judge's Order! By comparison, I presented a case and lost a similar Wage Variance hearing in Denver, Colorado, where the DHS contracted Security Officers are making \$14.56 per hour, and only \$11.95 per hour in Colorado Springs.

**“If a man tells you he loves America, yet hates labor, he is a liar!”**

**President Abraham Lincoln**

## International Training

In 2003, the UGSOA International Executive Board stressed the need to better equip our Locals with Training. So, in 2004, 2005, and in 2006 we have run International Union training seminars for Locals throughout the United States. I cannot impress upon you the importance for Local leaders and Stewards to attend these national training classes. The feedback we have received is tremendous. Stewards and Local Presidents are telling us that they leave the seminars with confidence in their roles. Our Seminars have taught Local Presidents how to better run their Local's meetings, Local Union business, and Local Executive Board meetings. Treasurers are attending the training and finding just how problem-free they can manage their Local Treasury, file their proper reports, manage Local Union bank accounts, and give reports to the members with confidence at their Local meetings. Most impor-

tantly, Shop Stewards and Local Executive Boards (Local VPs) are learning the role of union stewardship and what their rights are in representing members with grievances and contract enforcement through their CBAs and the Law. Our last Seminar in Atlantic City, New Jersey (in May 2006), was the best turnout in three years. We had 70+ Local Representatives from 25+ UGSOA Local Unions attending our classes to learn the tools and skills necessary to represent you. A sample list of the courses we've taught are: *Steward Rights & Responsibilities, Grievance Processing, Union's Right to Information, Duty to Fair Representation, International and Local Union Administration, Contract Negotiations.* I want to thank Caleb Gray-Burris, and our friends at NASPSO for attending and helping teach Union Organizing classes at the May 2006 UGSOA Seminar. NASPSO and UGSOA have formed an alliance for reaching

and coordinating union principles between our respective Unions which began in 2004 and 2005. We are finding that true Union solidarity does exist across union lines.

If your Local has not yet attended a UGSOA Leadership Seminar, please make plans to attend the next one. It is no longer an enhancement. We are finding (from the feedback) that it is a must to equip all Local Presidents, Treasurers, VPs, Secretaries, Sgt. at Arms, and Shop Stewards.





## Greetings from the CSO Division! By Donna Huff, Director CSO Division

Again I would like to thank all of you for your kind thoughts and support over the last couple of years.

The loss of my husband has been a difficult journey, but one that has made me stronger in many ways. I am thankful to be back at work and what a busy year it has been so far.

As you are all aware, negotiations are in full swing. I am currently negotiating with two of the USMS Contractors for forty-four UGSOA CSO Locals. I will not go into the details of the negotiations in this newsletter, but those of you involved should be getting updates from your Local negotiating representatives. I have e-mailed or faxed updates from each negotiating session. If you are not getting that information please contact me via e-mail or fax. USCSO Association has mailed organizing material to all of our UGSOA Locals. This organization was

started by Tom Massone, who has since dropped out of sight and is now being headed by President Danny Hauschild (excuse me if the spelling is not correct). I met Danny at an Akal Conference in New Mexico, along with Dave Hickey of SPFPA. The USCSO group was with SPFPA at the time. Akal's contract manager for the Second Circuit stood up at the conference and said, "I like Danny, he doesn't file grievances." I was embarrassed for him; after all, his job was supposed to be representing his members. I give Tom Massone credit for one thing he did right when he took his group to SPFPA; he only signed a one year agreement and as soon as that was up he got his group out of SPFPA. USCSO Association is like a large Local; once you join you cannot get out unless you have a majority of the entire group. Brooklyn, NY has been trying to get out and has had to file charges against the USCSO executive board to get the representation they deserve. The latest little bit of news

on Danny is that Akal is hiring his personal business to do payroll for part of, if not all of the Second Circuit. Now do you really want the President of your Association being employed by the Company he's supposed to be protecting his members from?

In their mailing they (USCSO) talk about getting all of the CSOs together in one group. UGSOA already has the largest group of organized CSOs and has done more for the CSO program than any other Union or Association. Akal is pushing for this Association because this Association doesn't have the money or the experience to stand up against the injustices put upon CSOs by the Contractors and the USMS. They (USCSO) also state that only someone who has been a CSO should represent the CSOs. I know that comes directly from Tom Massone and his feelings that because I have not ever been a CSO I could not properly represent you. I beg to differ. I have and I continue to put my heart and soul into my work. I have learned much about the CSO program over the past seven years and continue to learn daily. If I don't know the answer to something I will tell you I don't know, and then I will strive to find the answer for you. I am not a "BS" artist; I tell it like it is. I believe in the CSO Program and I will do what ever is in my power to keep it going and to improve on it.

This year before we began negotiations, twenty-eight UGSOA Locals met in Las Vegas and work on the proposals for negotiations. These Locals contributed greatly to the proposals and are standing by their demands. These CSOs have shown that they can and will stick together for the good of ALL.

### *Fed Division News continued...*

AmGard, the contractor, presented an aggressive case that Local #50 members are comparable to King Soopers (a local grocery chain) type security officers, even though we must test at Federal level qualifications, training, and standards. The Judge ruled against us, so I appealed that case and it is pending in Washington, DC. It's amazing that a Federal contractor would resist the employees chances to improve their wages when DHS didn't even show up to resist the Union's attempt to gain a wage increase. In Washington DC, Local #34 filed for a variance hearing and the Department of Agriculture settled prior to hearing by re-classifying the security officers (were at Guard II) to an immediate adjustment to Special Police Officer. UGSOA continues to make gains for our members, and we are standing up for you to improve your jobs, compensation, and professionalism wherever we can.



### *From The East*

Last month we added a new local in Cleveland, Ohio. This is a local of 73 Officers under GSSC out of Minnesota. We also have a local in Toledo with the same Company (Local 231). Local 231's President, Dan Woods, will be working closely with Louis Jordan, the appointed Steward, to help build solidarity and guide them through the "start up steps." I have planed a General Meeting for June 3<sup>rd</sup> in Cleveland to ratify bylaws and nominate Officers. Contract negotiations are set for mid June for both locals.

The officers in Locals 40 and 226 in Virginia have a new contract calling for pay raises of

\$1.00/hr/yr of the three-year deal plus a raise in the H&W payments of \$.30/yr for each year. My next venture down there is to get Local 40's President, Mike Palmer out on the road with me, doing a little organizing. If I can get him away from the Chinese Buffet I think we can get something done in the South.

Speaking of the South – Local 401 in Alabama opens contract negotiations at the end of May. We had a boat load of pending grievances there when I took over a few months back. They are mostly resolved now (the ones that aren't are very close). My guess is either I looked like a pussy cat after Ron Smith chewed on them OR they were afraid I would give up and Ron would be back at their throats. Bad Cop/Good Cop??

***Duke Woolley joined the International staff in July 2004.***

Pennsylvania continues to blossom. We have split the State into three locals under one contract: Local 301 (Eastern) with Don Keiter, at Delaware Valley Vets Center, as its President; Local 302 (Central), Sharon Daniels is the President. This is not the first time Sharon has been a local President so knows her way around every H/R office in Harrisburg. In the West we have Chuck Harlan at New Castle YDC as President of Local 303. Chuck was with me during the organizing drive out there and has been mentored by the famous Bennie J. Tomei.

Now is the period where contacts are negotiated so I spend a lot of time on the road. If you need me I am available on my cell at 303-817-3562.

## GRIEVANCES AND LOCAL PROCESSING

Please make sure your last step grievances are complete. (Some CBAs have 3 steps, some 2, some 5 or 6 step grievance procedures).

The only way for the International Union to give the very best review of your grievance prior to Arbitration is to have a complete grievance with all exchanges with the Company, notes from the meetings, other witness statements and evidence, and Company replies to the various steps. Please include the delivery method for each step as you advanced the grievance at the Local (Hand Delivery, Certified Mail, Fax with fax confirmation report).

Your grievance packet must contain all information necessary to tell the entire story when it is finally advanced to the International Union for review. We still get grievances into our office a piece at a time, or with just a grievance form and no evidence or additional information. The Local needs to assemble the entire packet prior to a request for pre-Arbitration settlement meetings with the Company and/or Arbitration.

This does not mean we are not available to give advice at various steps of the grievance procedure if you are having trouble wording the next step advancement and how to present the next step, and so on. But the final and best grievance packet needs to come in with as much information, organized, and put together to tell the whole story.

## INTERNATIONAL UNION VICTORIES

**If you haven't checked out the UGSOA web-site recently you're missing the best of UGSOA's Wins for our Members! Below is a sampling of the titles of some recent cases we have won. Each title will link (direct) you to the Article about the win, or to the Decision in the case. Many times you can use these wins to help your Local with a similar case happening to your Local's members.**

UGSOA and Local #52 Win at Variance Hearing—Wages Ordered Up to \$21.54/Hour

*UGSOA Charges Result in Monetary Settlement for Local #204 Members*

UGSOA Wins Member his Job Back with Back Pay in Local #21

*Local #11's Negotiation gets Media Coverage*

*AmGard Admits to Violations of the NLRA, Signs Formal Stipulation*

UGSOA Once Again Prevails Against Wackenhut

*UGSOA Director Ava Ramey Files Charges at the NLRB and Wins Local #21 Representative's Job Back with Hawk-One*

Local #21 Wins First Time CBA with Hawk-One

*Appeal Designed to Undermine UGSOA Local 80 NLRB Win, Fails*

UGSOA Wins Big Payouts for Local 243

*UGSOA Leaders Sign Resolution in Washington DC*

UGSOA Represents Local #50 Member at Hearing, Wins Full Benefits on Appeal

*Hawk-One Fined \$20,000 for Contempt, DC Regional Director Ava Ramey Pursuing Contract*

UGSOA Files Charge for Local #200 President—NLRB Moves for Judgment

*10th Circuit Court of Appeals Enforces Violations vs. AmGard for Local #50*

CSO Lawsuit Update—Akai Counterclaims Against CSOs Dismissed

NLRB Motion for Summary Judgment Against AmGard 10th Circuit Court of Appeals

*UGSOA Wins Case for Local #240 Member, Back to Work with Back Pay*

NLRB Files in Federal Court for Enforcement of 10 Local 243 vs. DCT Cases

Our website is updated on a regular basis. Please log on to see what's happening with your fellow UGSOA Brother and Sisters.

Go To: [WWW.UGSOA.COM](http://WWW.UGSOA.COM)



## *Just Cause by Larry Ferris*

Just cause is one of the things that must be on every CBA. It puts burden of proof on management and sets the standard for discipline or discharge. Just cause is a concept well established in labor law. The following are the seven (7) steps of just cause:

1—Notice: This means that the employer must have clear rules of conduct at the workplace that are either written or oral, including the consequences for violating such rules. Some cases, however, may not warrant such a requirement because they are so egregious or commonly understood, such as: drinking on the job, abuse, theft, or insubordination.

2—Reasonable Rule of Order: The employer's rule must not be arbitrary, capricious or discriminatory and must be related to the employer's stated goals and objectives.

3—Investigation: The employer must investigate before imposing any discipline. The burden is on the employer to gather all of the facts, documents and witnesses. However, the employer may suspend an employee with pay, pending investigation.

4—Fair Investigation: The employer must conduct a fair and timely investigation. It must respect the employee's rights to due process and to union representation. The investigation must be made objectively and without a rush to judgment.

5—Proof: The investigation should produce substantial proof of a violation. The conclusions of guilt must be supported by evidence.

6—Equal Treatment: The rules must be applied consistently to all of the employees. The application cannot be discriminatory or selective. If other employees who commit the same offense are treated differently there may be evidence of discrimination or what is referred to as "disparate treatment." Also, if enforcement of a rules has been lax in the past, management cannot suddenly reverse course without first warning employees of tighter enforcement of the rule.

7—Appropriate Discipline / Penalty: The degree of discipline must be related to the seriousness of the violation. For instance, an employee generally cannot be terminated for an isolated instance of tardiness. Mitigating circumstances must also be taken into account as well as the employee's past record. The concept of "progressive discipline" is recognized as an integral part of just cause. This means that the employer issues increasingly serious penalties for repeated violations (such as—verbal warning, written warning, suspension, termination). However, some serious violations in fact may require harsher discipline from the outset.

## *Welcome Aboard!*

Ryszard Zurek (*pronounced Richard*) has joined the staff and will be working in the Finance Office. He will be responsible to make sure the dues are received and distributed correctly for all our locals. Ryszard brings a great deal of business experience to the International and we are happy to have him here. If you have questions about Local finances or dues please give Ryszard a call or if he happens to answer the phone when you call in please introduce yourself and say hello.

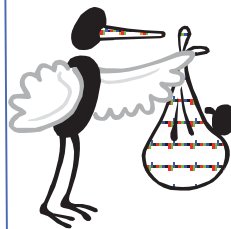


Union Brothers and Sisters,

I have been affiliated with UGSOA for approximately 5 years as the President of Local #50. My background is in business. I worked for 20 years as Regional Manager of Nations Way truck line. This was the biggest LTL truck line in the United States. When the company went under in 1999 I found myself looking for another position.

I connected with Am-Gard, Inc. in 2000 as a Security Officer. During this time I went back to school and am a certified Para-Legal and Mediator. I have mediated cases for Jeffco County in Colorado for the last 2 years. I believe this experience will give me the opportunity to present a well rounded service to those Locals that need our attention.

With the last month I have been involved in negotiations and arbitrations and hope that this will give me the experience I need to help you.



# *Congratulations!*

**A baby girl, Breckin Rae, was born to Tracey Keating (UGSOA International Administrative Assistant) and her husband Greg, on Friday, February 3.**