

## Court upholds OSHA's power to enforce workplace safety

**A** federal appeals court upheld the power of the Occupational Safety and Health Administration (OSHA) to determine and enforce workplace safety rules. It's being called a "major win for workers' safety."

The case involved a contractor in Houston who hired 11 immigrant workers to remove asbestos from a building but did not train them or provide them with respirators.

After a city inspector issued a stop-work order because of asbestos violations, the contractor directed the employees to work at night behind locked gates.

OSHA cited him for 22 violations — 11 for not training each worker and 11 for not providing a respirator for each worker.

However, the George W. Bush administration's Occupational Safety and Health Review Commission overturned the majority of the citations, saying the contractor could be



cited only once for not training workers and once for not providing respirators.

That meant he only had to pay two fines, not 22.

OSHA officials rewrote the rules to make it clear that an employer may be cited for failing to train and equip each worker.

The National Association of Home Builders sued, claiming OSHA does not have the authority to revise the rules.

In its ruling, the Court of Appeals for the District of Columbia Circuit said OSHA has such authority.

### Our next Quarterly Membership Meeting Wednesday, June 23, 2010

The meeting will start at 7 p.m. in the UFCW Local 1167 Auditorium,  
855 W. San Bernardino Ave., Bloomington

### PRESIDENT'S REPORT

## Job security: a benefit in today's economy

**A**mong the many benefits of belonging to a union, job security ranks way up there. Members of Local 1167 go to work each day knowing that their union has their back.

They know their union contract protects them from being fired without a good reason.

They know that as long as they follow the Collective Bargaining Agreement and reasonable company policies, they can't be victimized by managers who have personal prejudices against them.

They know they won't have their benefits or pay reduced on a whim.

They know they have a process in place in case they have a dispute with their employer.

This peace of mind is something that non-union workers wish they could have, but don't. And in today's world, stability is at a premium.

### Stock market plummets

We're reminded of this unfortunate fact all the time, most recently when the stock market plummeted and sent investors scrambling.

The 998-point drop in the Dow Jones Industrial Average in early May was the sharpest fall in more than a year. It was all the more shocking because it happened in a single day.

Some economists estimate that more than \$1 trillion was lost from the market in the "Flash Crash" and the erratic movement has prompted an investigation by the United States Securities and Exchange Commission.

Computer glitch or not, this disastrous development was the source of great anxiety during a time when millions of Americans are struggling with the after-effects of a devastating recession. With unemployment still close to 10 percent, no one is eager to go out on the job market.

There is no upside to a down economy, but it can help us appreciate what we have in our good union jobs.

In addition to the protections we have against arbitrary punishments and dismissals, we know we can get the health care we need for ourselves and our loved ones without being ruined by crushing medical bills.



By Bill Lathrop

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# MAP

## Membership Assistance Program

Eligible active or retired Food and Meat participants can call the toll-free MAP number at the Health Management

Center at any time,

DAY OR NIGHT, 24 HOURS A DAY,

SEVEN DAYS A WEEK.

Food Division, call

(800) 461-9179

Drug Division, call

(866) 268-2510

(All calls are confidential.)

## You are interesting!

### Tell us about yourself.

You are the most interesting thing about our union! If there's something unusual or newsworthy about your life, hobbies, abilities or talents, call us at the office and tell us about it so that we may consider doing a feature about you in the *Desert Edge*. Just ask for Kathleen Franks or your Union Rep.

**President Bill Lathrop**



## DESERT EDGE

**Bill Lathrop**

Editor

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855 West San Bernardino Ave.  
Bloomington, California  
(Open Monday-Friday, 8 a.m.- 4 p.m.)  
(Closed Sat., Sun. and holidays)  
P.O. Box 1167  
Bloomington, CA 92316

**Telephone Hours: 8:30 a.m.-4 p.m.**

**Business Telephone:**  
(909) 877-5000

**Toll-Free Telephone:**  
(800) 698-UFCW

**Food and Meat Division Insurance:**  
(909) 877-1110

**Drug & General Sales Division Insurance:**  
(909) 877-2331

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YOUR UNION

## What's Happening

by Maureen McCabe

## JUST RETIRED

We had several more retirements come through the office. **Carol Merchant** retired in March. Carol worked for Alpha Beta from 1978 until June 1990, and then it was Lucky Markets until February 2000, when Lucky was bought out by Albertsons. That's 33 years in the industry. ... **Patti Schiefelbein** retired after 29 years in the industry. She started with Safeway in 1981 until it was taken over by Vons in 1989. She remained there until leaving her last position in Big Bear in 2009. ... **John Arrieta** of Stater Bros. also retired in March. John worked for 43 years in the industry, starting with Smith's Food King in 1968. In 1977 he moved to Ralphs and worked there until 1982, when he moved to Stater Bros. He remained there for the next 30-plus years, retiring as meat manager in Moreno Valley. ... Finally, **Edward Scott Norfolk** retired at the beginning of May. Scott retired after 37 years, all with Vons. Congratulations to you all! We hope you enjoy your well-earned retirements!

## JUST MARRIED

**Andrea Cotharn** of Rite-Aid married David Miller on Nov. 28 at the First Baptist Church of Hesperia. They honeymooned in Las Vegas. ... **Christina Ortega** of Albertsons married Raymond King on April 3 at the Wilson Creek Winery in Temecula and they honeymooned on the Mexican Riviera. ... **Eduvijen Alvarez Perez** married José Candelario Herrer Jr. on April 24 at Aladdin's Chapel in Indio. Congratulations to the newlyweds!

## Your dues are now payable!

If you are one of the few members of the local who are not yet signed up for dues checkoff: **JUNE DUES ARE NOW DUE AND PAYABLE. IF YOUR DUES ARE NOT PAID ON OR BEFORE AUG. 1, 2010, YOU WILL AUTOMATICALLY SUSPEND YOURSELF.**

With dues checkoff, all future dues can be deducted automatically from your pay check. If you do not have an authorization form, call the local and one will be sent to you immediately.

Non-payment or payment of the incorrect amount will automatically suspend you — a costly and inconvenient mistake. Although not required, the local, as a courtesy, normally sends billing notices by first-class mail to those not on dues checkoff. It is the member's obligation to pay dues in a timely manner. Not receiving a notice is not an excuse for failure to pay dues on time.

*Avoid suspension.*

*Authorize dues checkoff today!*

## JUST BORN

**Valerie Aparicio** of Stater Bros. and Steven Rojas, also from Stater Bros., have a new son. Anthony Rojas was born on March 5, weighing 6 lbs. 10 oz., and the happy parents say, "Welcome Anthony! We love you!" ... **Vanessa Portillo** of Stater Bros. has a new son. Gilbert Adrian Burrola arrived on March 19, weighing 6 lbs. 9 oz. ... **Carlos Esquivel** of Lucky has a new daughter, Daira Carolina Esquivel, who weighed 2 lbs. 5.7 oz. when she was born on March 25. ... **Maria Juarez** of Drs. Bartlett and Kascius Optometry has a new son. Benjamin DeVille Vitela was born on March 27, weighing 8 lbs. 7 oz. ... **Enrique Quezada** of Vons tells us of his son, Andres J., who was born on March 28, weighing 4 lbs. 10 oz. ... **Jorge Gama** of Stater Bros. gave birth to a daughter on March 31. Olivia Marie Gama weighed in at 6 lbs. 4 oz. ... **Crystal Valdez** of Ralphs also has a new daughter. Faith Amari Zapata was born on April 12, weighing 8 lbs. 9 oz. ... **Kharla V. Meza** of Food 4 Less gave birth to a son on April 23. Kharla and new dad Steve P. Taroma welcomed Stephen Andrew Taroma, who weighed 9 lbs. 12 oz. ... On May 1, **Fadi Muwanes** of Rite Aid gave birth to 6 lb. Daniel Muwanes. Congratulations to all of the families and their new children!

## Carmen Paz joins E-Board



At Local 1167's Executive Board meeting on April 27 President Bill Lathrop administered the oath of office to Union Representative Carmen Paz, the newest member of the board.

## IN MEMORIAM

**Bradley Boies**, a retired meat cutter formerly employed by Alpha Beta and Ralphs, died April 18, 2010, at the age of 56. He had been a member since August 1980.

**Carol Campbell**, an affiliated member formerly employed by Hughes and Ralphs, died Jan. 16, 2005 at the age of 63. She had been a member since December 1990.

**Phyllis Gamboa**, a retired drug clerk formerly employed by Thrifty Drug, died April 9, 2010, at the age of 87. She had been a continuous member since August 1953.

**Esmeralda Hernandez**, an affiliated member formerly employed by Stater Bros. Markets, died April 27, 2010, at the age of 22. She had been a member since February 2006.

**Glen Stapleton**, a retired meat wrapper formerly employed by Safeway, Stater Bros. Markets and Inland Empire Meats, died April 21, 2010, at the age of 85. He had been a continuous member since November 1980.

**Dale Thomas**, a retired meat cutter formerly employed by Safeway, died May 15, 2010, at the age of 81. He had been a continuous member since August 1971.

*We express our condolences to the families of these deceased members.*

PRESIDENT'S REPORT

## Job security key is a key benefit in today's economy

Continued from front page

We work in safe environments, knowing that — as long as we take reasonable precautions — we can work without having to worry about injury or worse.

Nothing in life is guaranteed, including the security we sometimes take for granted. We all must deal with surprises, both good and bad. But it's good to have a union contract that can shield you from some of the worst that life can throw at you.

It's also good to know that UFCW Local 1167 has a solid, dedicated and hardworking team of leaders, Union Representatives and stewards to protect you and enforce your contract, no matter what happens.

## Walmart to pay up to \$86 million to settle suit alleging wage violations

**W**almart has agreed to pay up to \$86 million to settle charges in a class-action lawsuit alleging it failed to pay vacation, overtime and other wages to thousands of former workers in California.

The settlement includes up to \$12 million in vacation pay and up to \$74 million in unpaid wages to some 232,000 former workers.

Walmart will pay a minimum of \$43 million and as much as \$86 mil-

lion, plus the costs associated with a third party that will calculate wages due to the workers.

In agreeing to settle, the company did not admit that any wages were unpaid.

The settlement, which requires court approval, is separate from Walmart's 2008 agreement to pay as much as \$640 million to settle 63 federal and state class-action lawsuits alleging it deprived workers of wages.

## Walmart to pay \$27.6 million in fines for dumping hazardous waste

**W**almart has agreed to pay \$27.6 million in fines to settle charges that it violated California's environmental laws.

Atty. Gen. Jerry Brown and San Diego County's district attorney's office filed a civil lawsuit against Walmart in April. They alleged that all 236 of Walmart's facilities in the state had been improperly storing and dumping hazardous materials, including pesticides, chemicals,

paint, acid and motor oil.

The case began in San Diego's North County five years ago, when Maryam Sedghi, an off-duty environmental inspector, spotted a Walmart employee dumping bleach down a drain.

In the settlement, Walmart agreed to pay \$1.6 million in costs for the investigation, \$3 million to a fund for other environmental investigations, and \$3 million toward keeping stores in compliance.

UNION REPRESENTATIVE'S REPORT

A special message to Food 4 Less members hired prior to October 2004:

## Schedule and take all personal, birthday or anniversary days — you've earned them!

**O**ur members deserve a break from the hard work they perform every day on the job.

For this reason, the collective bargaining agreement (CBA) between Local 1167 and Food 4 Less entitles members hired prior to October 2004 to take off their birthday or anniversary, as well as a personal day every year.

However, many Food 4 Less members forget to schedule these days. If you work for Food 4 Less, be sure to take your days off, both for your own health and relaxation and to affirm the importance of this benefit that your union and fellow members, past and present, have fought hard to maintain.

### Contract details

The CBA with Food 4 Less provides the details for members hired prior to October 2004:

"Each qualifying employee shall give the Employer notice of his birthday and/or anniversary date at least two (2) weeks prior to the week in which the birthday and/or anniversary date occurs. Such birthday and/or anniversary date shall be enjoyed by the employee on the actual day of such holiday or on another day mutually agreeable to the employee and the Employer. If the employee's birthday and/or anniversary date falls on a day, which is otherwise considered as a holiday, he shall receive an additional day off for the birthday and/or anniversary date in addition to the holiday on which it falls."

Personal holidays follow similar guidelines and must be scheduled at least two weeks in advance with your employer.

If you want to enjoy this



By Bill Collard

time off on the dates that are most convenient for you, the time to start preparing is now. Mark your calendar and talk to your employer early to ensure that all necessary arrangements are made.

As the CBA states:

"The Company agrees that no employee will be denied a birthday, anniversary or personal holiday to which he would otherwise be entitled as a result of the employee's failure to request such a holiday in advance. Rather employees who fail to request the birthday, anniversary, or personal holiday in advance shall be entitled to another mutually agreeable day off with pay within thirty (30) days of the request."

### Use your benefit

Take advantage of this benefit. Your union-negotiated time off allows you to travel, spend time with family or simply relax.

Using this time wisely is key to staying healthy and maintaining focus while you are away and when you are back on the job.

## It PAYS to be UNION!

	<u>MAY 2010</u>	<u>2010 TOTAL</u>
Back pay and benefits restored to members	\$5,380.60	\$42,594.70
Members reinstated	34	123
Grievances settled	85	509

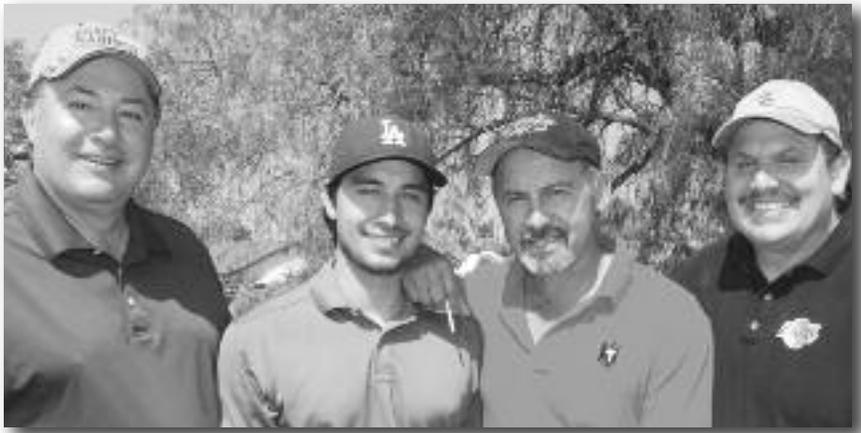
# Annual Joe F. Barragan Golf for Leukemia and Lymphom



Thank you,  
tournament  
participants!



# Tournament raises money for a Society and scholarships



# Members at work



# Please patronize these Preferred Providers!

**T**hese service providers have contracts with Local 1167. These providers generally accept Trust Fund payments as payment in full for approved and covered treatments. They will bill the Trust Fund directly. However, members should check with the provider before receiving any services to confirm the Trust Fund payment will be accepted as payment in full and that they will bill the Trust Fund directly.



**Alessandro Family Dentistry**  
Stephen S. Yang, D.D.S.  
25030 Alessandro Blvd., Suite D  
Moreno Valley, CA 92553  
(951) 924-0993

**Bear Valley Dental Center**  
Amy Hao, D.D.S.  
14895 Bear Valley Road, Suite C  
Hesperia, CA 92345  
(760) 244-5600

\* **Corey K. Houmand, D.D.S.**  
P.O. Box 400  
251 N. State Hwy. 173  
Lake Arrowhead, CA 92352  
(909) 337-6227

\* **Corey K. Houmand, D.D.S.**  
Plaza De Majorca  
12220 Pigeon Pass Road, Suite G  
Moreno Valley, CA 92553  
(951) 247-1986

**Creating Smiles**  
U.S. Highway 79 South, Suite C-2  
Temecula, CA 92592  
(951) 302-9800

\* **Golden Triangle Dentistry**  
Ford F. Mudgett, D.D.S. & William L. Neff, D.D.S.  
Jack Battles, D.D.S., Orthodontist  
25460 Medical Center Dr., Suite 202  
Murrieta, CA 92562  
(951) 677-1054

\* **Great Smiles**  
George Bradley, D.D.S.  
650 W. San Bernardino Rd.  
Covina, CA 91722-3796  
(626) 967-6427

\* **Indian Wells Dental Office**  
George Altuzarra, D.D.S.  
74-965 Highway 111  
Indian Wells, CA 92210  
(760) 568-6369

**Johnny Liu, D.D.S.**  
7168 Archibald, Suite 200  
Alta Loma, CA 91701  
(909) 944-3120

**Plaza Family Dentistry**  
Jeff Barlow, D.D.S.  
12240 Hesperia Road, Suite C  
Victorville, CA 92392  
(760) 241-6460

\* **Ponderosa Dental Group**  
Philip Sales, D.D.S.  
8463 Haven Ave.  
Rancho Cucamonga, CA 91730  
(909) 481-0025

**Rialto Family Dental Center**  
Patricia A. Pompa, D.D.S.  
1723 N. Riverside Ave.  
Rialto, CA 92376  
(909) 874-3210

**San Jacinto Dental Center**  
Jason Lee, D.D.S. & Kenvis Ngow, D.D.S.  
166 E. Main St., Suite 6  
San Jacinto, CA 92583  
(951) 654-8005

\* **Sunshine Dental**  
Phillip Chien, D.D.S.  
31493 Rancho Pueblo Rd., Suite 102  
Temecula, CA 92592  
(951) 302-6797

**Towne Dental**  
Jeffery R. Inspektor, D.D.S.  
800 Magnolia Ave., Suite 103  
Corona, CA 92879  
(951) 736-1822

**University Village Dentistry**  
Amy Hao, D.D.S.  
1201 University Ave., Suite 211  
Riverside, CA 92507  
(951) 786-9141



## Optometrists

**Dr. Ronald Kascius**  
965 South "E" St.  
San Bernardino, CA 92408  
(909) 889-5669

## Chiropractors

**Cadman Chiropractic**  
Scott L. Cadman, D.C.  
9019 Sierra Ave.,  
Suite B  
Fontana, CA  
92335  
(909) 822-2225



## Barber Shops



**Hair Connexion**  
2558 Highland Ave  
San Bernardino, CA 92346  
(909) 562-3522

**Hair Loom**  
1600 E Citrus Ave  
Redlands, CA 92374  
(909) 389-9977

**Slim Cassidy's Barber Shop**  
118 W. Main St  
Barstow, CA 92311  
(760) 256-8815

Employees of providers are members of UFCW Union Local 1167. Members enrolled in prepaid dental plans do not have coverage through the providers on this list. Retirees do not have dental coverage provided by the Trust Fund but reduced rates are available on request from the dentist's office.

\* A co-payment may be required.

## STEWARD FEATURE

# Curiosity leads to role as a steward

**D**avid Sanchez, a Produce Clerk and Steward at Stater Bros. 182 in East Highland, has always been curious about the intricacies of the union contract.

"I have had a few issues over the years regarding hours and my full-time status," Sanchez said. "I called my Union Representative and she solved them. That led me to want to learn more about our rights and benefits."

"When Dave Simmering became my Union Rep, I would frequently call him with questions, both my own and my coworkers'. Because I showed a lot of interest, Dave asked me to become a steward."

Sanchez has been a steward for five years.

"Even though Stater Bros. is a great place to work, we still have



**David Sanchez**

our problems," he said.

"Some of my colleagues are hesitant to call the union. My job as a steward is to explain to them that the union is on our side. Also, you cannot be disciplined or

harassed because you exercised your right to contact your steward or union representative."

Sanchez has been at Stater Bros. for 21 years. He began as a Courtesy Clerk at the South Rialto store and has been at his current store for three years.

## Health and retirement

Sanchez is aware that the upcoming negotiations for a new Master Food Agreement will be difficult.

"Health care and our retirement plan will be big issues," Sanchez said. "Both of them are important to me and to all of our members."

"I'm not that far away from thinking about retirement. And after two open-heart surgeries, I appreciate our union-negotiated health benefits."

Sanchez said that both of his

surgeries were completely covered by his benefits.

"I could never have afforded that kind of care without them," he said.

Sanchez's wife, Kimberly, a loan processor, was laid off twice during the past year.

"That's another reason to value working at a union job," Sanchez said. "When there are layoffs, an employer has to take seniority into account. The years of service you put in must be respected because of our union contract."

When he is not at work, he enjoys playing poker with friends and family, following the Dodgers and going to as many Ontario Reign hockey games as he can.

"It's a great family experience," he said. "My wife and kids [Carson, 13, and Kimberly, 10] really love hockey."

## Members participate in April 20 Meeting in Victorville



## Ruling on class-action lawsuit deals blow to Walmart

**A** federal court's ruling clears the way for a huge class-action sex-discrimination lawsuit to proceed against Walmart. The decision deals the company a legal blow and exposes it to billions of dollars in potential damages.

More than a million women currently and previously employed by Walmart could be included in the lawsuit, the Ninth Circuit Court of Appeals ruled on April 26.

"Today's ruling holds the nation's largest private employer accountable to a class-action claim that could cost the company billions of dollars in lost wages and benefits owed to female employees who have lost opportunities as a result of Walmart's discriminatory actions," UFCW Local 1167 President Bill Lathrop said.

"Walmart argued against the class-action status by claiming the class was too big. But as the banks were too big to fail, Walmart's employment practices are too influential to let them remain unexamined and unchallenged in court."

"We congratulate the brave women who initiated this complaint."