



NLRB hands big victory to ILWU and Pacific Beach Hotel workers

National Labor Relations Board orders HTH management to obey the law.



ILWU rank-and-file members from the Honolulu Star-Advertiser, ILWU Local Executive Board members and supporters from the 30th Western Regional Summer Institute for Union Women rallied on June 17, 2011 to call for HTH management to stop the delays and injustices to workers of the Pacific Beach Hotel.

The June 14, 2011, NLRB decision in favor of the union is a huge victory in the fight for justice for the workers of the Pacific Beach Hotel.

“We call on HTH and the management of the Pacific Beach Hotel to obey the law and negotiate a fair union contract with the ILWU for the workers of the hotel. The NLRB ruled in favor of nearly all of the union’s complaints and rejected HTH arguments and objections to the actions and decisions of the labor board,” said ILWU Oahu Division Director Dave Mori.

“The clear legal arguments and strongly worded decision of the three-member panel of the National Labor Relations Board leaves no doubt that any further appeal and delay by HTH Corporation would be futile and pointless. It would prolong the injustice suffered by the workers of the Pacific Beach Hotel, and it would be an irrational waste of money for HTH,” added Mori.

On Friday, June 17, 2011, from 2:15 pm to 3:15 pm the ILWU held a rally at the Pacific Beach Hotel to support justice for the workers and call on HTH management to obey the law.

Summary of NLRB decision

A three-member panel of the National Labor Relations Board in Washington D.C. rejected HTH Corporation’s objections and adopted most of the decisions of Administrative Law Judge James M. Kennedy

which found the hotel in violation of numerous provisions of federal labor law. Furthermore, the NLRB panel imposed new remedies based on the findings of the NLRB General Counsel which went beyond the recommendations made by Judge Kennedy.

The decision was issued on June 14, 2011, and gives HTH management 14 days to comply with the order. The Board is the highest policy making body of the federal agency charged with administering and enforcing the National Labor Relations Act which protects workers’ rights to organize into unions.

The NLRB panel agreed with Judge Kennedy and the General Counsel that the new 90-day probationary period imposed by management of the Pacific Beach Hotel in Waikiki was unlawful. Judge Kennedy did not specifically require the hotel to reinstate and make whole any employee who failed to pass this probationary period. However, the NLRB will order HTH to reinstate and make whole (pay any lost wages and benefits) any employee dismissed during the new probationary period, unless the dismissal was for just cause.

Judge Kennedy did not rule on the union’s complaint that HTH violated the law when it rehired a number of employees but assigned them to different jobs at lower wages. The NLRB agreed with the General Counsel that these employees should be reinstated to their former jobs and

made whole for any lost wages.

Judge Kennedy found that HTH violated the law when it closed the Hotel’s Shogun Restaurant and permanently laid off restaurant employees. The General Counsel did not seek a remedy for these employees and the NLRB ordered Judge Kennedy to review the issue and determine whether a make-whole remedy is appropriate for the affected employees.

The NLRB will order HTH to offer full reinstatement to the seven union supporters fired by the company. They are Keith Kapena Kanaiaupuni, Darryl Miyashiro, Todd Hatanaka, Rhandy Villanueva, Virginia Recaido, Ruben Bumanglag, and Virbina Revamonte. If their former jobs are no longer available, they shall be offered substantially equivalent positions, with the same seniority and other rights, and made whole for any loss of earnings and benefits as a result of the discrimination against them.

Backpay and other monetary damages will be paid with interest compounded on a daily basis. All records of their unlawful discharge will be removed from their employee records.

The NLRB also ordered the company to resume bargaining with the ILWU, to furnish all information requested by the union, and to reinstate all tentative agreements reached in prior negotiation sessions.

All employees not rehired on December 1, 2007, will be offered full reinstatement to their former jobs or

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equivalent positions with no loss of seniority or any other rights. The hotel will also make them whole for any loss of earnings and other benefits, with interest compounded daily.

The NLRB ordered the hotel to reimburse the union for all negotiating expenses from January 5, 2006, until December 1, 2007 and for a responsible corporate executive to read the NLRB’s order in a meeting of employees.

The panel rejected HTH’s claims that Judge Kennedy was prejudiced and biased against the company.

HTH Appeals

In the latest news, on July 13, 2011, HTH has petitioned the 9th Circuit Court of Appeals for a review of the NLRB decision.

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ADDRESS LABEL

Workers make gains through political action

The 2011 Session of Hawaii’s State Legislature was preoccupied with trimming \$1.2 billion from the cost of operating the state’s government, but a number of important laws were passed which will benefit workers.

Partial unemployment benefits

In response to concerns raised by members who were “attached” to a regular employer but their work hours were reduced or they were laid off due to temporary closure of their companies, the ILWU had a bill introduced, and passed, to address the issue of Partial Unemployment benefits. The new law, which took effect July 1, will: (1) remove the sunset on provisions for Partial Unemployment and make those provisions permanent;

(2) exempt work search and registration requirements for those receiving Partial Unemployment benefits; and (3) codify “good cause” reasons for any worker receiving benefits to quit a part-time job.

This means, for example, when a hotel shuts down for months due to major renovation of the property, employees who are still attached to the employer can apply for Partial Unemployment benefits and will not be required to look for work to qualify for benefits. However, if they

get a part-time job while laid off, the first \$150 of earnings every week is disregarded in the calculation of the worker’s benefit, which is paid in full. So they receive full Unemployment benefits and can keep \$150 of their wages each week.

status for the 60 days. Under the new law enacted this year, the State Department of Labor is specifically authorized to enforce the Dislocated Worker Law.

Also passed and supported by the ILWU

Civil Unions. Despite opposition from anti-gay marriage and conservative religious groups, SB232 passed with little organized opposition and was the first bill signed into law this session. The failure of the opposition to unseat an openly gay legislator in last year’s elections and the election of a Governor strongly supportive of civil unions signaled the bill’s smooth passage and enactment.

The ILWU Local PAC voted to support civil unions as a civil rights issue. This bill adds a new chapter to the Hawaii Revised Statutes which provides for two individuals to enter into a civil union with the same rights, benefits, protections, and responsibilities as a married couple of the opposite sex.

Transgender equity. The law was amended to add gender identity and expression to the list of illegal discrimination under Hawaii’s civil rights law. Section 378-2 of Hawaii Revised Statutes now reads:

“It shall be an unlawful discriminatory practice: because of race, sex, including gender identity or expression, sexual orientation, age, religion, color, ancestry, disability, marital status, or arrest and court record...”

It shall be unlawful to discriminate against any individual for these reasons in employment, union membership, housing, public accommodations, or access to services receiving state financial assistance.

Relief from Mortgage Foreclosures. SB 651 provides for a temporary mortgage foreclosure dispute resolution program and authorizes conversion from non-judicial to judicial foreclosure. The ILWU testified in support of this bill.

No discrimination for sick leave use

After several years of trying, a law was finally passed this session to prohibit “barring,” “withholding pay,” or “demoting” an employee for use of sick leave. The law applies only to employers with 100 or more employees and a collective bargaining agreement in place. The bill had been introduced to address the growing practice among employers to unilaterally institute or to negotiate so-called “no-fault” attendance policies that would consider any absence, regardless of the reason, as an incident that could accumulate and lead to discipline.

Under these policies, an employee who is absent due to legitimate illnesses could be disciplined up to and including discharge. The ILWU testified that this practice is contrary to other sections of collective bargaining agreement that provide for sick leave. Furthermore, such no-fault policies encourage employees to come to work sick or face loss of income.

The bill passed and became law on July 1. However, administrative rules must be promulgated to clarify the law and will be subject to public hearing.

Enforcement of the Dislocated Worker Law

In 1987, Hawaii’s Dislocated Worker Law was enacted as result of the abrupt mass layoff of ILWU members at Airport Holiday Inn on New Year’s Eve. The Dislocated Worker Law now requires employers to give 60 days notice or the equivalent in pay for this period. However, when employers violate the law, workers themselves, or their union, had to file a lawsuit for relief. This is what the ILWU was told when one company proposed to place workers on “no work offered” (and no pay)

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Powell’s is an independent bookstore and has over one million titles, and sells both used and new books. Most book orders over \$50 qualify for free shipping.

If you like to read books, try buying union at Powell’s Books, the union alternative to other book sellers such as Amazon.com and Barnes & Noble.

Recommended reading by Ha-Joon Chang

23 Things They Don’t Tell You About Capitalism is a fun and easy to read book written by Ha-Joon Chang, an economist originally from South Korea who lives in England and teaches at the University of Cambridge. Chang has advised a number of United Nations organizations on the economics of development.

In this book, Chang exposes the fallacies and myths of capitalism and free trade. He explains how global capitalism and American society is dominated by the super rich and how they cause economic disasters such as the great recession of 2008. Reading this book will help you understand how Tea Party and Republican Party policies of no more taxes, blaming everything on public workers, and union busting serves the super rich and will destroy the living standards of middle-class Americans.

Chapter one explains how there is no such thing as a free market, free trade, or free competition. Wealthy people got rich by using the power of government and public tax dollars to subsidize their business and protect their industries from foreign competition. After their businesses become large and powerful enough to go global, the myth of free trade is used to open the markets of developing countries to be freely exploited by the global corporations of the wealthy.

Another recommended book by Chang (available through Powell’s) is *Bad Samaritans: The Myth of Free Trade and the Secret History of Capitalism*. You can learn more about Chang at his website: www.hajoonchang.net—and read some of his articles for free.

CORRECTION to the May/June 2011 issue of the VOICE of the ILWU: Hawaii Longshore Division Officers Henry Kreutz and Charles Kimo Brown were inadvertently omitted from the listing of Division Officers and Staff (see corrected listing below).

HAWAII LONGSHORE DIVISION

Honolulu Phone: (808) 949-4161 • E-mail: lynette.mau@ilwu.org
Honolulu Office: 451 Atkinson Drive, Honolulu, HI 96814

- Nate Lum Division Director
- William Haole IV Vice Division Director
- Henry Kreutz Vice Division Director
- Charles Kimo Brown Secretary-Treasurer
- Dennis Morton Business Agent
- Tyrone Tahara Business Agent
- Lynette Mau Executive Secretary

NLRB finds Pacific Beach Hotel discriminated against employees, bargained in bad faith Reinstatement, bargaining, and payment of union's bargaining expense ordered

The National Labor Relations Board, in a 3-0 decision issued on Tuesday June 14, 2011, found that the Pacific Beach Hotel (HTH Corp.), violated the National Labor Relations Act in numerous respects—the latest episode in a 10-year effort by the International Longshore and Warehouse Union (ILWU) to secure a collective bargaining agreement for approximately 500 employees at the prominent Waikiki lodging.

The case dates back to 2002, when Local 142 of the ILWU sought to organize about 565 hotel staff members. Results of the initial election, which the union lost, were set aside by the Board because of objection-

able conduct by the Hotel. The ILWU prevailed in a second election, held in 2004. However despite dozens of negotiating sessions, the two sides failed to reach agreement on a contract.

In September 2009, following a 13-day hearing, a NLRB Administrative Law Judge ruled that the Hotel had committed numerous unfair labor practices against the Union over the intervening years. This prompted a request for an injunction in the United States District Court for Hawaii, which in March 2010 ordered the Hotel to recognize the Union, bargain in good faith for a contract, and reinstate five union activists

who had been fired. Additionally, the court ordered the parties to resume bargaining from the point where negotiations had broken off and to have Hotel managers read the court's order to all employees.

The federal court case has continued as the NLRB has alleged that the Hotel and its principal manager have failed to comply with the court's 2010 order.

Tuesday's order requires the Hotel to offer reinstatement to a number of employees, resume bargaining, and make employees whole for their losses. In addition, in a relatively rare move, the Board directed the Hotel to reimburse the Union for its

negotiating expenses and to have a responsible corporate official publicly read a remedial notice to employees.

Commenting on the Board's order, NLRB Hawaii Officer-in-Charge Tom Cestare said, "This order is the latest step in what has regrettably become a war of attrition against an employer that appears to be determined to thwart the employees' legitimate rights to bargain collectively through representatives of their own choosing. We remain steadfast in our resolve to see this case through to a just conclusion."

San Diego site of 2012 ILWU International Convention

The 26th ILWU International Convention is scheduled to run five days from June 4-8, 2012, at the Hotel Del Coronado in San Diego, California.

The ILWU International Convention is the highest policy making body of the union and is held every three years. Its location is rotated through seven regions of the ILWU—Southern California, Hawaii, Oregon/Columbia River, Northern California, Canada, and Washington/Puget Sound/Alaska. Alaska is a separate region but combines with Washington/Puget Sound to host the Convention.

The Convention sets policy for the International ILWU and nominates candidates running as titled officers or members of the International Union's executive board.

Local 142 Hawaii is the largest local within the ILWU and usually sends over 100 delegates to the International Convention. Local 142 is one of over 40 local unions in the United States, the Inlandboatmen's Union of the Pacific, and ILWU Canada which make up the International ILWU.

Local 142's Constitution provides that the local's three titled officers and five division directors are delegates to the International Convention. Another 20 delegates from the rank-and-file were elected in union-wide elections held last



November 2009. The Local pays all costs for these 20 delegates, such as airfare, lost wages, hotel and subsistence. Units may elect additional delegates but must pay all costs for these delegates. Units must have the approval of their membership or have a finance policy that allows for paying these costs. Units must also elect these delegates by secret ballot in a properly noticed unit election.

The 2015 International ILWU Convention will be held in Hawaii. In 2018, the Convention will be held in the Oregon/Columbia River area, followed by Northern California in 2021, then Canada in 2024.

Local 142 Convention

The ILWU Local 142 Convention—the highest decision-making body for Local 142, is scheduled to be held for four days on September 18-21, 2012, at the Hilton Hawaiian Village Beach Resort in Honolulu.



Unite HERE Local 5 Financial Secretary-Treasurer Eric Gill, ILWU Local 142 President Isaac Fiesta, Jr., ILWU Local 142 Secretary-Treasurer Guy Fujimura, and State Representative Tom Brower speak to members of the press about the labor dispute at the Hyatt Regency Waikiki. The Unite HERE Local 5 boycott includes the Hyatt Regency Waikiki on Oahu, but does not include the Hyatt Regency Maui or the Grand Hyatt Kauai, the Hyatt hotels organized by the ILWU 142.

**Need a copy of your union contract?
Contact your steward or unit officer.**

What are the ILWU's industrial groups?

In September 1952, four separate ILWU locals joined together to form Local 142. The four ILWU locals were longshore, sugar, pineapple, and general trades. At the time, sugar was the largest grouping with over 17,000 members; pineapple had 4,200 members, longshore had 1,800 members; and general trades had 500 members. Sugar, pineapple, and longshore organized companies in those industries. General trades included companies from all other

industries such as bakeries, automotive dealers, trucking, supermarkets, and manufacturing.

In 1961, the ILWU successfully organized 350 workers at four Inter-Island Resort hotels. The grouping grew rapidly and Tourism officially became the fifth industrial when the Local 142 Constitution was amended in 1967. Tourism is now the union's largest industrial group with over 8,000 members.

General Trades has also grown to

become the ILWU's second largest grouping with 5,500 members, adding credit unions, memorial parks, golf courses, hospitals, and other companies. Longshore has 1,000 members. Sugar, once the largest grouping, has declined to one company on Maui with about 600 members. Pineapple, once the second largest grouping, is down to three units on the islands of Maui and Oahu with a total of about 300 members.



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Editor: Mel Chang

Over 180 member-delegates from 84 ILWU units attended the first caucus of the union's General Trades Industrial Grouping on June 20 and 21, 2011. Delegates from the union's Sugar and Pineapple Groupings, and Longshore Grouping mechanics also attended the meeting. Included in the count of delegates are 38 full-time officers and staff of the union.

ILWU Local 142 President Isaac Fiesta Jr. opened the meeting by explaining that the caucus would focus on three issues: medical benefits, retirement benefits, and organizing. The goal is to improve our members' medical and retirement benefits, and organizing is the means to achieve these goals.

Isaac told the delegates, "We need to organize our members to stand united, and we need to organize non-union companies to bring them up to our standards, instead of having them threaten our standards by competing against our companies. If we organize our units and stand united, we can get it done. We have to look to the future and don't just look at what we can get today."

ILWU Health & Welfare Trust

Paul Tom, the ILWU's consultant on medical plans, explained how the union's Health and Welfare Trust Fund has been a huge success. The ILWU started the Health and Welfare Trust Fund five years ago in the tourism industry. The Tourism Health and Welfare Fund has kept medical costs under control, has responded quickly to fix problems raised by members, and in some cases saved hundreds of dollars a month for both members and their employers.

The Tourism Health and Welfare Trust Fund is able to achieve these benefits because it eliminates the fees and profits paid to a middle-man (such as HMSA); is directly controlled by trustees appointed by the union and employer who can act quickly to fix problems; and is self-funded where the Trust Fund pays the bills and saves money in a reserve fund to pay for expensive medical procedures. By being self-funded, the Trust Fund can better control costs and negotiate better deals with health care providers.

A similar Health and Welfare Trust Fund for general trades and other industries was started in 2008



ILWU Local 142 President Isaac Fiest Jr. laid out the three major goals of the General Trades Caucus: improve medical benefits, improve retirement benefits, and organize new members into the ILWU.

and is beginning to deliver the same success by lowering co-payments for members and lowering medical costs for employers. However, the fund needs to grow a little larger and add more participants in order to get the full benefits of self-funding like the tourism fund.

Providing medical benefits for ILWU retirees

A long term goal of the union is to provide medical benefits to retirees. Paul cautioned that it needs to be done in small steps over time. One way this can be done is where the union negotiates a benefit where an employee can retire at age 62 but is treated like an active employee and the company continues to pay for their medical benefits until age 65, when they qualify for Medicare coverage. The advantage to the employer is that these medical costs appear as current expenses and does not have to be carried on their books as a future liability.

Paul explained how the Future Re-

tirees Plan, also known as the VEBA plan, was an effort by the union to begin to provide some retiree medical benefits. The Local originally wanted to pay for the benefit from the union's general fund, but the union's finances took a hit during the recession following the 9/11 attack and the Gulf War. The plan was completely changed and contributions were lowered to \$3.00 a month per member which would be paid out of the unit's fund. This would only provide the member with a modest benefit of \$360 plus interest after ten years.

Units and individual members can increase their contribution to the fund, which would give members a larger benefit when they retire.

If a unit votes to leave the fund, however, they would forfeit all the money they contributed earlier and their members would get nothing. Units should continue to support and participate in the Future Retirees Plan.

Pension plans take care of your future

Charles Furuike, the union's expert on pension plans, explained why union members need to understand the importance of negotiating substantial improvements to their pension plans. Too often, our members are short-sighted and place a higher priority on getting a wage increase instead of negotiating higher pension contributions to take care of their needs when they retire. This can be a big mistake and many members nearing retirement age discover they face a big loss of income and an uncertain future because Social Security and their pension benefits will not provide enough money to support their current standard of living.

Members need to understand that a good retirement is like a three-legged stool. Social Security is one leg; a company pension is the second

2011 State General Trades Caucus is first for

Caucus members focus on improving and organizing



Maui members Trent Minor from Troon Golf, Lanai, Dane Kaneshina from Maui Lani Golf Course made the report from the "miscellaneous" district golf course, and memorial park units.

leg; and personal savings is the third leg. The stool is only strong and stable with all three legs. Take away any one leg, and the stool will fall over.

Most union negotiated pension plans are defined-benefit plans. Nearly all union pension plans lost 20-40 percent of their value during the 2009 financial crisis. This will require the union to negotiate a much higher employer contribution to the plan in order to provide adequate retirement benefits.

Defined benefit plans are better

Many members don't understand the advantages and benefits of a defined-benefit pension. It is very different from a defined-contribution plan, which is more like a 401k or savings plan. Employers want to eliminate defined-benefit pensions in order to limit their liability and put the risk onto the workers. Some workers mistakenly believe they are better off with a 401k plan instead of a defined-benefit pension. Personal savings is important, but this would leave only two legs of the three-legged stool. 401k plans also lost a lot of their value during the 2009 financial crisis.

Involving members to reach our goals

How do we get unit members to support the Health and Welfare Trust Fund and support the goal of negotiating higher contributions to their company defined-benefit pen-



(L-r) Hawaii Division Business Agent Corinna Salmo, Diane Galban (ML Macadamia Orchards LP), Jovena Moses (Punalu'u Bake Shop), and Kim Vilorio (Foodland Super Market, Ltd. Waimea).

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ook to future with a
medical, pensions,
new members



Kapalua, Garrett Hera from Castle & Cooke Course, Francis Kamakaokalani from Ameron discussion group, which included construction,

sion plans?

Local 142 Secretary-Treasurer Guy Fujimura answered this question in his presentation on the ILWU's unit structure. Guy explained that the purpose of the unit structure was to get results—to involve members in the union, to activate members and their families, and to meet the needs of members on a day-to-day basis. When the unit structure first evolved in the sugar industry, units were large, with hundreds of members, and workers lived in plantation housing. The ILWU would organize the entire community—the jobsites and the plantation camps. The union extended into the family and social lives of members. The union had a membership services program which showed movies for the kids, organized activities for families, ran a number of team sports, and provided other social services to members.

Guy said, “the Unit was the most effective way to organize our power collectively to achieve our aims. It was the way to organize and best use our discipline and resources to get results.” The unit structure was how the union had contact with every member and how every member had contact with their union.

Social Services Coordinator Joanne Kealoha told the delegates we need to invigorate and involve members. We need to change our culture where we tend to rely on one person like our unit officer or business agent. Joanne urged delegates to energize their unit members—develop lead-



Kauai caucus participants included (l-r) Charlie Rodrigues (Mid-Pac Auto), Herbert Kekuawela and Jon Garcia (Kauai Commercial), and Jayelle Bray and Doreen Kua (Wilcox Memorial Hospital).

ership; spread responsibility and work; and work to have members feel invested in their union. Involving members builds union power, explained Joanne.

Organizing new members

Wesley Furtado, International Vice President Hawaii, explained why the union needs to organize new members into the union. The union needs to have the numbers and the majority of an industry organized in order to set the standard for wages and benefits in the industry instead of having non-union companies drag us down.

International Representative Tracy Takano explained how the union decides which company and workers to organize. We evaluate if the company is making money; if we can get a contract; if it is a competitor; if it is expansion of existing workforce; if it makes sense for us; and if we can benefit the workers. Most of our organizing will lead to an election among the workers which is supervised by a federal government agency—the National Labor Relations Board, or by the Hawaii Labor Relations Board.

Organizer Ron Cough shared his experiences in talking to workers. Ron is a full-time organizer and found that workers will listen more to another worker. “They look at me as a full-time union staffer and think I’m just saying what I have to say. Workers talking to workers is the most effective.”

Guy Fujimura added that union political action helped pass laws which helped the ILWU organize workers into the union. One of the key accomplishments was prepaid health (it took 8 years of effort before the law was passed), the little Wagner Act which created the Hawaii Labor Relations Board, and the card check bill that passed the legislature.

Contract pitfalls

Contract Administrator Michael Murata listed and reviewed those sections of the union contract where members need to be watchful and to get officers involved if there are any management proposals to change

those sections.

Why Union Political Action?

Joanne Kealoha, who also does legislative work for the ILWU, listed the results of this year’s Legislative Session. She explained that ILWU units need to get involved in the ILWU political action program. She urged unit leaders to “get your members involved. Talk to them, get them registered to vote and inform them about the union recommendations.”

Jose Miramontes, from Hawaii Logistics, recounted his experiences in helping the union’s endorsed candidates in the 2010 elections. “I didn’t really want to get involved but got involved to learn something new.” Jose said. “We helped with the Colleen Hanabusa for Congress campaign. She looks out for the workers, came from Waianae and knows about poverty and working hard. She was up against Republican Charles Djou. I helped with phone banking — whoa, that’s rough. We went with Kam, Dillon, and George from Hawaii Logistics. We walked the hills of Pacific Palisades. In the first election, people voted for Charles Djou, but person to person contact made a difference and Hanabusa won the

second election. It took time away from my family but one day a week for three months won’t hurt. It gets you involved. You know what’s happening on election day—you know what it means because you helped this guy win.”

Caucus second day: mobilizing and organizing

On the second day of the caucus, delegates divided into five groups to talk about how they would mobilize their units and organize non-union companies into the ILWU. These are some highlights from the reports they gave to the full caucus.

Agriculture Industry Report

Kelly Ruidias, from Hawaiian Commercial & Sugar Co. Maui talked about the challenges they face organizing in agriculture, where the big monster is Monsanto. This company held lots of meetings and one-on-one to brainwash people. “Why should workers organize?” asked Ruidias, “Because employees know the union will back them up and back them up with a union contract. They will know their legal rights. We need to find the core group or ‘pushers’ inside the company. These people know other people. There are ‘drivers’ who push, ‘thinkers’ who get too philosophical, and ‘socializers’ who talk to each other. Be active in community service as you can network with the same people who are in politics. This Huffington Post survey found that 32 percent of workers consider leaving their jobs in 2010, compared to 25 percent in 2005. That is a lot of dissatisfaction.”

Juanita Pedra, from ML Macadamia Orchards Kau, said “We need to look at targets that compete with us, like Macfarms, Honokaa Macnut, and Olsen Farms. We need to look for leaders in the company we are organizing and in the community who can talk to workers.”

Health Care Industry Report

David Gravatt from Kapiolani Hospital said, “There are a lot of departments in Hawaii Pacific Health (HPH) that are non-bargain-

—continued on page 6



Oahu Division healthcare industry members Joni Eubanks (Hawaii Pacific Health) and David Gravatt (Kapiolani Medical Center for Women & Children) reported some great ideas on using social networking to organize non-union sectors of the health care industry.

2011 Bouslog Labor Scholarship winners

Nine fortunate and deserving high school seniors from ILWU families are the 2011 winners of the Harriet Bouslog Labor Scholarship. The scholarships will pay part of the tuition for a full-time student for up to eight semesters at any of the University of Hawaii campuses. The scholarships range from \$2,000 per semester while attending the UH Manoa, \$1,000 per semester while attending UH Hilo or UH West Oahu, and \$750 per semester for any of the UH community colleges.

The late Harriet Bouslog created the scholarship fund in 1989 to support the education of ILWU children and to promote awareness and understanding of the ILWU's history. Bouslog served as an attorney with the labor law firm which represented the ILWU in some of the unions most difficult times from 1946 to 1978.

1. Nainoa Akiona (Waiakea High School) is attending Hawaii Community College. He is the grandson of Artemio Sensano of Hilo Coast Processing Company.

2. Ashlee Burbano (Honokaa High School) is attending UH-Hilo. Her

grandmother, Elena Burbano, retired from the Mauna Lani Bay Hotel—where her father Agustin Burbano and mother Precy Burbano now work.

3. Eunice Taylor (Honokaa High School) is attending Hawaii Community College. Her father, Steven Taylor, worked at the former Hamakua Sugar Company and currently works at the Mauna Kea Beach Hotel.

4. Tatiana Espanto (Kamehameha Schools at Kapalama) is attending UH-Manoa. Her father Rolando Espanto, Sr. works for Hawaii Logistics.

5. Colin Naito (Aiea High School) is attending UH-Manoa. Her grandmother, Jane Williams, is an ILWU member at Young Brothers.

6. Matthew Shinsato (Roosevelt High School) is attending UH-Manoa. His father, Michael Shinsato, works for Horizon Lines.

7. Joy Espeleta (King Kekaulike High School) will be attending Maui Community College. Her father, Teddy Espeleta, worked for Maui Pineapple and is currently a Maui Division Business Agent.

8. Royalene "Mele" Fernandez (Lanai High & Elementary). Her mother Linda Fernandez works at the Four Seasons Resort and father Noland Fernandez works for Young Brothers. Mele is attending Kapiolani Commu-

nity College.

9. Jenna Shibano (Baldwin High School) is attending UH-Manoa. Her grandfather, the late Jiro Yoshida, retired from Pioneer Mill Sugar on Maui.

Prepare now for 2012 scholarships

If you have a child or grandchild who is a high school senior this year and plans to attend any of the University of Hawaii campuses, including community colleges, you should advise them to apply for the 2012 scholarships.

Applications are due May 1, 2012, and up to 10 scholarships are awarded every year.

All applicants are required to videotape an interview with their ILWU parent or grandparent and write an essay about what they learned from the interview and what the role of the ILWU and other unions should be for them and others. If the ILWU family member is not available to be interviewed, any ILWU member may be interviewed.

Scholarship awards per semester are: \$2,000 for UH-Manoa, \$1,000 for UH-Hilo or UH-West Oahu, and \$750 for UH community colleges. Awardees are eligible for up to eight semesters of tuition assistance. With the cost of education at UH going up, the scholarship is a good way to support a college education.

Brochures and application forms are available at any ILWU office or on the ILWU website (www.ilwulocal142.org). For more information, contact Joanne Kealoha at (808) 949-4161.

2011 Statewide General Trades Caucus is first for ILWU—continued from page 5

ing, like long term care and assisted living at Pali Momi. We can talk to imaging techs when they go to conferences or training. We can talk to people in different departments. We can talk to people who are training to become techs. HPH is good at matching pay but falls behind in other non-pay items like working conditions, schedules, and seniority. We could make cheat sheets about the union which would make it easier for us when we talk to unorganized workers. We can look into organizing our own health care conference or use social media like Facebook. We can promote the union within the community. I worry about how people in the community see us as a union."

Joni Eubank from Hawaii Pacific Health commented, "We have a lot of clinics which are spread out all over the state. We need to get information out to our younger members. We need to use other means or reaching these people besides the union's newspaper, The Voice of the ILWU. The ILWU website has good infor-

mation but needs to be updated. We need to continue to educate our own and younger members."

Retail & Manufacturing Industry Report

According to Kaponu Keliikoa from Foodland, "Some people complain about the union taking dues from them. A year's worth of union dues comes out to maybe \$700. Then we added up a year's worth of union benefits under the contract, which comes out to \$7,000. This exercise in addition opened my eyes. The union gives us better benefits. I came to this caucus and see we are all family—we all help each other out."

Barrett Hayashi from Loves Bakery added, "The key is education. Organizing comes from within ourselves."

Auto, Trucking, & Maintenance Report

Jessie Vaughn from Servco Kauai observed, "Mobilizing is different from organizing. Organizing is bring-

ing in new members from outside. Mobilizing is with the members in your unit. Mobilizing is the key to make your bargaining unit more effective, to get a good contract, and to enforce your contract. Do things with your members outside of work. Become a family—develop more teamwork. We fight against going to a flat-rate payment system at work, because it would create divisiveness among our members."

According to Eddie Sekigawa from Island Movers Oahu, "If you mobilize your unit you can get into organizing more easily. Build up your shop stewards. Have them ask members what's happening because they won't just tell you—you got to ask them. We have six divisions—two on the docks, in Mapunapuna, etc. We need to know what is happening with all our members."

General & Miscellaneous Group Report

A general and miscellaneous group was made up of units related to construction, golf courses, and memorial parks.

Garrett Hera from Castle & Cooke Resorts Lanai said, "I gained a lot of information here at caucus and I need to go back and get that information out to unit members. We have about 150 members, who are not mobilized but 'scatterized.' Only a few people show up to a meeting to ratify our contract. We need to find leaders in all departments and ask people what's happening. When there's unity you can accomplish many things. A unit is like your body, which needs a brain, arms, and legs to do anything."

Dane Kaneshina from Maui Lani Golf Course observed of his own unit, "Only 10 out of 50 people who work on the golf course are in the union. We need to build up the health and

welfare fund to get leverage and improve prescription drugs and other benefits."

Francis Kamakaokalani from Ameron Maui said, "Pension benefits are important to start when you're young. Now we have three funds and one will pay \$5 per compensable hour."

Added Trent Minor from Troon Golf, Kapalua Maui, "We need to communicate one-on-one with the members in our units."

ILWU International President Robert McEllrath to caucus

ILWU International President Robert McEllrath told the caucus "It is an honor and privilege to serve as your president. I am the sixth person to serve as ILWU president. Having this caucus is so important. You've got to worry about two things—health and welfare, and pension. What's most important is medical benefits for your retirees—one hospital visit can wipe out your pension income for a whole year.

"Politicians are talking about raising the retirement age for Social Security to 69 years old. We took retirees to Washington DC to lobby, not for themselves, but for you. We can't do it ourselves. Only you can do it with the rank-and-file. We need you in this room. It is so crucial for you to unite yourselves and to figure out how to take care of your health and welfare, pension, and retirees. You get that and the rest falls into place. You can find the answers."

To sum up the caucus, President Fiesta, Jr. said he will look hard at holding another caucus. "Take home what you learned and take action," said Fiest. "You guys are very important to us. Be active, communicate and share your information with the members in your unit."



International President Robert McEllrath told the caucus, "It is so crucial for you to unite yourselves and to figure out how to take care of your health and welfare, pension, and retirees. You get that and the rest falls into place. You can find the answers."

30th Western Regional Summer Institute for Union Women

Building stronger unions through education

HONOLULU—The 30th Annual Western Regional Summer Institute for Union Women (SIUW) was held June 16-20, 2011 at the Ala Moana Hotel, whose workers are members of UNITE HERE Local 5. Over 80 union activists from more than 20 Locals in Hawaii, California, Oregon, Washington, and Alaska participated in the Institute.

The Western Regional SIUW is held yearly and its location is rotated between participating states. The institute is coordinated through the area's labor education center, and this year's was headed by the University of Hawaii's Center for Labor Education and Research (CLEAR) faculty member Adrienne Valdez. In addition to serving on the CLEAR staff, Valdez is also the President of the University of Hawaii Professional Assembly (UHPA), the union that represents UH faculty members.

"I think it's important to offer a place for union women to come together, compare notes, learn new things, and bond with other union members from different locations, unions, and work situations," said Valdez. "The summer institute does that, and provides an environment where participants are immersed in the educational experience. It allows union activists to take time out to really focus on learning."

The SIUW offered participants a choice of core classes on Leadership for New Leaders, Grievance Handling, Organizing and Mobilizing, or Defending Unions and Government. The core classes were intensive, and held every day from 8:30 a.m. to 12:00 noon. Two afternoon workshops were also offered, and topics included: Talking to Management, Discrimination Law, Dealing with Difficult People, Organizing Actions, Using Labor Law, Union Newsletters, and Building Community Coalitions.

SIUW action provide great learning experience

Every SIUW takes time out from classes to hold a "street action" on behalf of workers in the community. This year, participants spent Friday afternoon rallying and standing in unity with two groups of local workers—ILWU members at the Pacific Beach Hotel, and UNITE HERE Local 5 members at the Hyatt Regency Waikiki.

In preparation for the Pacific Beach rally, SIUW participants signed a four-foot tall letter to the hotel's owner and management asking them to respect the National Labor Relations Board ruling issued on June 14, stop violating federal labor law, and move forward with the workers and their union to build a better Pacific Beach Hotel.

Halfway through the rally, a delegation made up of two volunteers from each core class and two instructors—Helen Moss from the University of Oregon Labor Educa-

tion and Research Center and Amal Rana of the Public Service Alliance of Canada—entered the hotel lobby to deliver the letter to HTH Corp. Regional Vice President Robert Minicola. Hotel staff told the delegation that Minicola was off property, but delegation representative Reidun Inman of AFSCME/WFSE Tacoma was able to speak with him over the phone. Although Minicola was rude to Reidun at times, she was able to speak with him for several minutes and explained that union members from Hawaii and other states supported the workers of Pacific Beach.

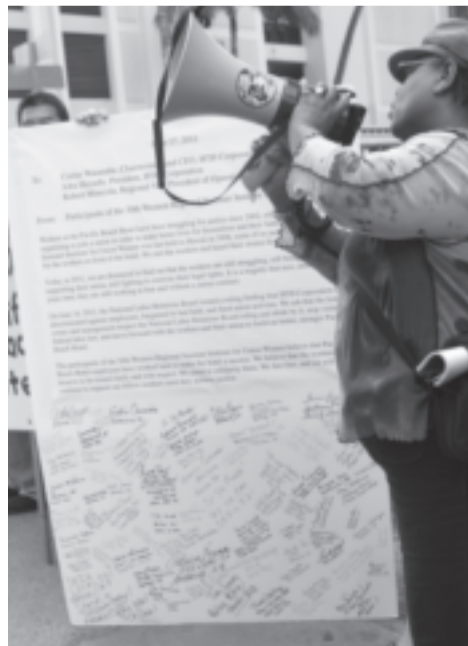
After the one-hour Pacific Beach Hotel rally, SIUW participants walked a block ewa to the Hyatt Regency Waikiki to join the UNITE HERE Local 5 rally announcing a boycott of the hotel.

SIUW participants, Local 5 members, and community supporters chanted and sang for 20 minutes in the Hyatt's second floor lobby until the police requested that they leave and continue the rally outside.

Several SIUW participants who had never participated in an action before said that while they were a little nervous at first, they were glad to be given a chance to stand up for fellow union workers in such a public way.

"I think that having institutes like this is very important. There are a lot of changes happening every day, and a lot of things union workers need to learn," said ILWU member Helene "Lei" Kaiahua-Sado. "Especially for new people, who are beginning to get involved in the union, a proper education program is very important. This institute was awesome, and I learned a lot of things that I can take back to my unit and share with co-workers."

"This institute was half the size of the last one held in Hawaii in 2006," noted organizer Valdez. "But this year, the instructors and I felt proud of the participants and satisfied that we sent home a group of women who were both energized and ready to take on the difficult issues facing workers in today's workplaces."



ILWU members who attended the SIUW participated with enthusiasm and worked hard to learn how to be better leaders, handle grievances competently, organize, and build solidarity within the union. (Front row) Susan Lake (Foodland Super Market Ltd.), Elizabeth Visitacion (Honolulu Airport Hotel), Angela Talic (ILWU Canada, Local 500), Kammy Kalili (McCabe, Hamilton & Renny Co.). (Middle row) Maria Murillo (Servco Pacific Inc.), Merlina Valdez (Grand Wailea Resort), Zenaida Andaya (HC&S), Theresa Cabulizan (Mauna Lani Bay Hotel & Bungalows), Perlita Manlansing (Grand Wailea Resort), Candace Ariaga (Four Seasons Resort Lanai). (Back row) Ann Kaopua (Horizon Lines, LLC HSI), Angela Raphael (The Ritz Carlton Kapalua), Mia Pauletto (The St. Regis Princeville) Michaela "Kai" Lee (McCabe, Hamilton & Renny Co.), Helene "Lei" Kaiahua-Sado (Grand Wailea Resort). Not pictured: Kaiini Febo-Santiago (Big Island FCU), Esther Manibog (HC&S), Linda Fernandez (Four Seasons Resort Lanai), Bonnie Chun (Horizon Lines, LLC HSI).



ILWU members Esther Manibog, Bonnie Chun, and Mia Pauletto discuss the quote "Because I am a woman, I must make unusual efforts to succeed. If I fail, no one will say 'she doesn't have what it takes.' They will say, 'women don't have what it takes.'" They felt that the sentiment in the quote was something to which they could relate.

Abregano fills LEB position

Mary Ann Abregano, acting Chairperson and editor from Unit 4405 - Oahu Foodland Supermarket Ltd., was appointed by the Titled Officers and confirmed by the Oahu Division Executive Board to fill the seat on the Local Executive Board (LEB) vacated by Dillon Hullinger.

The Local Executive Board is the second highest policy making body of the ILWU and meets every three months. The Local Convention is the highest policy making body of ILWU Local 142.

Hullinger resigned from the LEB to comply with Section 7.02.3 of the

Local 142 Constitution, which does not permit a full-time officer of the union to continue to hold a position on the LEB as an Industrial Grouping Board member, a Division Trustee, or Division Board member.

Hullinger, who is also a Foodland member and unit officer, was elected as the Oahu Division Representative to the LEB in 2009.

In early 2011, Dillon was appointed to serve out the remaining term of Oahu Business Agent Larry Ruiz. The term of office runs until January 1, 2013.

Hawaii's Department of Labor returns to serving workers

The Oahu Division Executive Board (DEB) meeting on April 29, 2011 featured State of Hawaii Department of Labor and Industrial Relations Director Dwight Takamine.

Under Republican Governor Linda Lingle, private profit and private business came first. The Department of Labor and Industrial Relations lost 61 positions, programs were underfunded, and enforcement was lax. Pro-business people were put in charge of key programs and workers rights became secondary.

Hawaii once had one of the best workplace safety and health programs in the nation, but budget cuts and the layoffs of workers under Governor Lingle crippled the program. States may run their own job safety programs but must meet minimum federal standards. At one point it was so bad that the Federal Government was about to step in to take over the safety program.

Dwight Takamine is working to rebuild the safety program. He has restored 12 positions and brought back some of the more experienced administrators to manage key departments.

There are about 560 employees in the Department of Labor who operate 12 programs that serve some of the needs of working people in Hawaii. About 200 employees handle the unemployment insurance division; 100 employees do workforce retraining. Other programs include workers' compensation when workers are injured on the job; the Hawaii Civil Rights Commission which

protects workers from illegal discrimination on the job; and the Hawaii Institute for Occupational Safety and Health.

Changing laws and administrative rules to help workers

Some improvements can be made by changing the law or reworking administrative rules. Dwight worked closely with the ILWU to remove an unfair provision of the law that applied to partial unemployment benefits.

Many hotels upgrade their properties and temporarily close during the renovation work. Sugar companies shutdown every year to do major maintenance work on their mills. Their workers may be laid off for several weeks or months, and they are entitled to collect partial unemployment during this period. Because they are still attached to their employer, they are not required to seek other employment every week. They are allowed to work part-time, but their unemployment benefits may be offset by their earnings from their part-time job.

In one case on Kauai, an ILWU member was collecting partial unemployment because her hotel was closed for renovation. She got part-time work at another hotel and her unemployment benefits were reduced



by her part-time earnings. The second hotel wanted to change the member's work location, so she decided to quit the job. Unfortunately, the unemployment office ruled that this disqualified the member from receiving any further unemployment benefits. The ILWU appealed the case, but lost because of the wording of the law where workers may be denied benefits if they quit or decline

a job offer.

The union worked closely with Senator Clayton Hee, Dwight Takamine and labor department administrators to pass a law which makes it clear that partial unemployment benefits from a primary employer would not be affected if a worker, for good cause, quits or is fired by a secondary employer.

Hawaii Longshore Division officers attend classes

Hawaii longshore division officers attended two days of training on economics and labor law on June 23 and 24 taught by William Puette and William Boyd from the Center for Labor Education and Research (CLEAR), University of Hawaii at West Oahu.



(Left) Hawaii Longshore Division Director Nate Lum of McCabe, Hamilton & Renny and Kevin Pupuhi of Young Brothers Ltd. with instructor Dr. William Boyd. (Center) Participants Dennis Inouye (Matson Terminals Maintenance), Ronald Honda (Matson Terminals CFS/CY), Wayne Alonzo (Young Brothers Ltd. Kauai), Chris Ancheta (Matson Terminals Maintenance), and Nelson Rita (Nawiliwili Stevedores). (Right) CLEAR Director Dr. William J. Puette gives examples of employer violations of the National Labor Relations Act, the law.

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