



www.oilbargaining.org

Issue 19 • November 2013

From the Vice President's Desk

USW Builds Stronger Union Through Actions Taken on Safety

We had a very productive National Oil Bargaining Program (NOBP) conference in August and we can build from that a stronger organization. This was our educational conference and we had workshops about dealing with the National Labor Relations Board and bargaining health care benefits in light of the Affordable Care Act (Obamacare). Many of our members found those workshops to be useful, especially the information on the Affordable Care Act because there is so much misinformation and confusion surrounding this law.

It was a shame that a small fraction of Congress shut down the government over uninsured people getting health insurance. During the two weeks of the shutdown the US Chemical Safety Board (CSB), OSHA and other essential government agencies could not do their job. At our NOBP conference Kim Nibarger, USW health and safety specialist, said the CSB had plans to review American Petroleum Institute (API) Recommended Practice 755 this month. I am sure that will be pushed back because of the shutdown.

At the NOBP conference there were many questions about RP 755, the recommended practice on fatigue. Some employers are working with their locals to establish a reasonable policy that fits the particular location. Other refiners are playing games. If your local is having trouble negotiating a fair policy, please contact me at gbeEVERS@usw.org. I can-

not help you if I do not know there is a problem.

Many locations have negotiated successfully a union process safety management (PSM) representative position. I was pleased with the initial rollout of the 40-hour process safety training for the full-time PSM reps. We had a very energetic group who seemed to enjoy the program. Afterward, we identified places where we need to make minor adjustments in the training, but overall it was a good program for the first phase of this new position.

It's exciting to see this PSM job take shape as we try to get a hold of the process safety problems in our industry. It will take a long time to change the culture within the oil sector from one that is concerned primarily with production to one focused on process safety.

The State Building and Construction Trades Council of California was successful in getting passed California Senate Bill 54 that would, under some interpretations of the law, force all contractors doing construction and maintenance work at refineries and chemical plants to only hire building trades members.

The council said this needed to be done in the name of safety. Those supporting SB 54 labeled the existing contract workforce as being unskilled and untrained. We represent thousands of those contract workers and many of them have years of refinery-related

experience and safety training. SB 54 passed both houses and Governor Jerry Brown signed it into law Oct. 13. It takes effect Jan. 1, 2014.

This is the month that we give thanks for everything we have. I am thankful for my brothers and sisters in our oil sector. You have shown, time and again, your commitment to make life better for all workers and their families. Your solidarity strengthens our great union and makes positive change possible. I also am thankful for our great international union, its staff and the members who work in other industries. Your support made our victories in saving several thousand refinery jobs possible.

I wish everyone and their families a blessed Thanksgiving!

Gary Beevers
International Vice President
Chair, National Oil Bargaining
Program
gbeEVERS@usw.org

Check Out the Oil Website

Go to www.usw.org,
click on "Our Union,"
and scroll down to
"Oil Workers"

OR Go to
www.oilbargaining.org

Oil Workers will Review National Oil Bargaining Program

For the first time in almost 50 years our union and its members will be evaluating the National Oil Bargaining Program (NOBP). Changes within the industry are prompting this examination.

“We are on the cusp of an energy revolution and we have to make sure that includes our members,” International President Leo W. Gerard told 250 oil workers who attended the NOB conference in Pittsburgh last month.

“The big oil companies want to find oil and distribute it. They are squeezing refining,” he said.

Gerard said he talked with International Vice President Gary Beevers, who heads our union’s oil sector, and International Vice President Tom Conway about creating a task force composed of NOBP policy committee members, local union members and staff to discuss the oil bargaining process and see if it meets the needs of a changing oil sector.

“The task force may find what we are doing is fine or come up with suggestions,” Gerard said.

Conway said there is no one way to bargain in the USW. The negotiating process differs between the steel, paper and oil industries.

“Each one has its own culture and we recognize this,” he said.

Beevers said feedback from oil workers will be collected at regional meetings and then reviewed by the NOBP policy committee before or if any action is taken.

Members like Steve Garey from Local 12-591 recognize the industry is changing. Garey, who works at Tesoro and is a newly elected member of the NOBP policy committee, said: “I think one of the most important issues we will face in 2015 and in the contracts that follow will be to evaluate the fact that our employers are changing. They are no longer all fully integrated multinational oil companies.

“The multinationals have been selling refineries, and now many of our employers have different business models. That is something that is likely to continue in

the future. To understand those changes and to evaluate our strategy going forward allows us to continue to advance our members’ best interests,” Garey said.

Industry Changes

ConocoPhillips spun off its refining sector last year, and BP and Chevron sold some refinery assets. Fracking of shale formations has resulted in a surplus of crude oil for refiners and that has helped East Coast refineries in particular.

In the last two years several refineries closed down or were threatened with closure. Gerard and International Secretary Treasurer Stan Johnson noted our union’s success in helping to find buyers and working with politicians to keep open refineries in Pennsylvania and Hawaii.

“At Philadelphia Energy Solutions we never would have been able to make the deal if not for Gene Sperling. President Obama made sure Sperling was able to do what he had to do,” Gerard said. (Sperling is the President’s economic advisor.)

“In Hawaii, we had a direct discussion with the governor. When a buyer came forward the governor was not in the way,” Gerard added. (Hawaii’s governor was not actively supportive of keeping the Tesoro refinery operating.)

Johnson noted that our union also has successfully fought for jobs in paper, steel and other industries. “That came about because when you pay dues, we have leverage and the ability to find buyers. We are diversified enough to weather the storm and fight the fight.”

With the forces allied against labor, members need to do more than just pay dues and let someone else fight the fight, Johnson said.

“We’re on the edge of being taken out,” he warned. “Everyone needs to talk to their spouse about how the union movement is under siege. Talk to kids; we need the next generation. Let the kids know what a union does, what it means. Talk to your neighbors. Talk to everyone you see about what it means to be union. “People want to join unions. If we sit silently by, whose fault is it that they

don’t come into the union? We have to do this. I ask all of you to fight back, engage and have conversations with your family, members, community and have them do the same.”

Strong Impression Made

“I liked the speeches by USW President Leo Gerard and Secretary Treasurer Stan Johnson,” Local 13-1647 President John Warner said. “Leo touched on the high points of what he’s been doing and what he’s up against—the multinational companies—and how we were able to pull the union together to save four refineries. It was very enlightening as far as the information I could take back to the membership.

“I liked Brother Stan’s speech as well. He talked about us not being an island, but being a community. Stan said it takes all of us to make things happen. I have a problem keeping people here (Citgo Corpus Christi, TX refinery) organized. They think they can handle things on their own. I think I’m going to use part of Leo’s and Stan’s speeches to motivate people,” Warner said.

Local 624 President Mike Edelbrock liked that Gerard told members to look at how a politician votes and whether or not they stand with labor.

“I told the members the only voice out there that is fighting the 1 percent is the union; no other organization seems to be as strong in going after companies that are taking away our jobs.

“I tell my people to look at the candidates’ voting records, what they stand for, what bills they support. The people who uphold workers’ interests are the ones you should vote for. It doesn’t matter if the candidate is a Republican or a Democrat. Whoever is going for the working people are the ones we should vote for;” Edelbrock said.

Members Raise Issues at Oil Bargaining Conference

You can't keep oil workers away from a microphone at a National Oil Bargaining Program (NOBP) conference. In true democratic fashion, delegates approached the mike at this latest conference to offer motions on various issues.

"It's good to belong to a democratic organization where you have the ability to go to the mike and make a motion, even if the chair rules it out of order or even if your motion isn't carried by the delegates," Local 7-517 President Mike Hendry said.

Local 624 President Mike Edelbrock thanked the delegates for their support and money during his local's four-and-a-half month unfair labor practice strike last year against Husky Lima Refining in Lima, Ohio.

"We really appreciated that," he said.

He also made a motion that several oil companies sit down at the national bargaining table for the National Oil Bargaining Program (NOBP).

Antitrust Concerns

International Vice President Gary Beevers denied the motion and explained that the oil industry does not let other oil companies sit at the table with the lead company because of antitrust concerns. Having two or more oil companies at the bargaining table would bring up charges of collusion from the federal government. This stems from the early 1900s when

John D. Rockefeller's Standard Oil trust controlled the oil market and Congress stepped in with the Sherman Antitrust Act to break up Rockefeller's oil monopoly.

Edelbrock made a second motion that the USW strike and defense fund be increased \$200 per member after each three-month period of a strike. Beevers said this was a constitutional issue and would have to be dealt with at a USW international convention. The next convention is August 11-14, 2014.

Some members planned to leave early Saturday morning before the proceedings ended and did not want to miss a discussion on the American Petroleum Institute's (API) Recommended Practice (RP) 755 on fatigue. One of them made a motion to have the discussion on Friday afternoon and to push back the start of the council meetings by one hour. The motion passed.

Another person then made a motion to have a discussion on NOBP and its future after the RP 755 discussion was held. The motion failed.

Local 912 Vice President Justin Donley, who works at the PBF refinery in Toledo, Ohio, said he expected people to go to the mike and that had this not been his first time at a NOBP conference, he would have been there.

"I would have been disappointed if people had not spoken up," he said.

Fatigue Discussion

Members were not shy about speaking up during the discussion on RP 755. Many had questions and learned they needed to share with Beevers any problems they were having in negotiating it. Beevers told how RP 755 came about in national talks and how the union helped develop it in response to the U.S. Chemical Safety Board's (CSB) recommendation for a fatigue standard after the BP Texas City explosion in 2005.

Local 12-591 and NOBP policy committee member Steve Garey said he learned a lot about RP 755 and how its implementation is being bargained in different locations.

"It's a difficult issue for our members as the implications can cut both ways. We know that limiting fatigue and attaining safe staffing levels will lead to improved health and safety, but that view is not always shared or understood," he said.

Local 13-1647 President John Warner said the discussion helped him understand RP 755.

"I've been bringing back information to my membership so we can negotiate this," he said. "I understand where the company and union are at now. I feel better about being able to negotiate it."



Connect Online For Latest Oil News

Like "USW Oil Bargaining" on Facebook at: www.facebook.com/OilBargaining

Follow us on Twitter by looking up @USWOilWorkers or visiting www.Twitter.com/USWOilWorkers

Go to www.usw.org, click on "Our Union," and scroll down to "Oil Workers" OR go to www.oilbargaining.org

From Affordable Care Act to Triangle of Prevention, Delegates Learn Useful Information for Oil Locals

When you are negotiating with some of the largest corporations on the planet, it helps to be prepared and knowledgeable about the issues impacting your employer. That is why the National Oil Bargaining Program (NOBP) conference focuses on educational workshops and presentations the year in-between bargaining sessions.

Delegates attended workshops on “Bargaining Health Care Benefits and the Affordable Care Act” and “Dealing with the National Labor Relations Board (NLRB).”

“The workshop on Bargaining Health Care Benefits and the Affordable Care Act” was handy because a week after the conference I had to talk with management about benefits,” Local 912 Vice President Justin Donley said. “The workshop helped prepare me for the meeting.”

Members learned about the Affordable Care Act and how it will affect them.

“In general, I enjoyed the breakout sessions,” Local 13-1 member Vassey Lartson said. “I learned a lot about ‘Obamacare’ that I did not know before.”

Local 13-227 member Kent “Bear” Farr said that before the health care benefits workshop he did not think he was going to be affected by the Affordable Care Act, but he is concerned with some provisions that might affect him.

Farr said he found the NLRB workshop to be especially insightful. “Filing a board charge simultaneously with a grievance should be done more often,” he noted.

Members heard presentations during the general session from Dr. Keith Romig of the USW Corporate Research department, USW Emergency Response Team Director Al McDougal, USW Health & Safety Specialist Kim Nibarger, Tom McQuiston of the Tony Mazzocchi Center, and Roy Houseman of the USW legislative office.

Deciphering the Oil Industry

Dr. Romig did a PowerPoint presentation on the state of the oil industry using many graphs, charts and figures. He started with a history of the sector, then discussed oil supply, pricing, the natural

gas and oil shale boom, refining utilization rate and refinery margins. He said US refineries were showing comfortable profit margins, and expected them to continue that way next year when we go into bargaining.

In response to one member’s question concerning peak oil, Dr. Romig said most of the easily obtainable oil is gone and that a real peak oil experience occurs when demand expands more than supply. He said that situation probably will not happen until mid-century, but it also depends upon energy efficiency. The availability of shale oil moved the peak oil date farther into the future.

Donley said Dr. Romig’s presentation on the economics of the oil industry was more in-depth than what he would have found out on his own.

A Heartfelt Job

USW’s Emergency Response Team (ERT) always works with a local whenever there is a serious injury or death on the job. ERT Director Al McDougal said 38 people who are trained and have jobs in the U.S. and Canada are part of the team.

He cited a survey that revealed there are more cases of post-traumatic stress in the workplace than among the military, police and firefighters.

“In manufacturing you get constantly reminded of a health and safety incident; whereas, police and firefighters are always on the move and in different places,” McDougal said.

He told a story of a father and son who were the only ones trained on the same machine at a paper company. The company was going to have the father operate this machine three days after his son was killed on it. McDougal stepped in, raised hell and made the company train someone else on the machine in those three days.

Local 7-517 President Mike Hendry said he liked McDougal’s presentation. “You could tell it was a heartfelt job for him.”

Take Control of Safety

USW Health & Safety Specialist Kim

Nibarger asked the delegates to take time in their council meetings to discuss what health and safety language they want in the 2015 National Oil Bargaining proposal. He spoke of the need to have comprehensive health and safety language in a contract.

He said it was time for a change. “We need to take control of safety. We need to educate members on their rights—contract language and regulatory rights including OSHA and EPA.”

Members need to participate in health and safety matters and educate themselves on the Process Safety Management (PSM) standard, he added.

Triangle of Safety

“One person is killed on the job at a USW-represented site every week,” said Dr. Tom McQuiston, who heads the union’s Triangle of Prevention (TOP) program. “Many are seriously injured each week, never to work again, and many are made ill from workplace exposures.”

The USW-developed and-led TOP program involves union members directly in preventing workplace deaths, injuries and illnesses by having them learn from incidents and take action to make changes.

“With TOP we provide rank-and-file union leadership on safety,” McQuiston said.

Workers investigate incidents and near misses by analyzing them using logic tree diagramming to get at the root cause of problems, and looking at underlying issues that may have contributed to those problems.

They use systems of safety to find and fix workplace hazards. Results are tracked comprehensively and progress is measured.

TOP focuses on sharing lessons learned from the investigations of incidents and near misses.

“Oil refineries are pretty good at not learning some lessons,” McQuiston said. “If lessons had been learned these incidents wouldn’t keep happening.”

In the TOP program, workers train
(continued on page 5)

From Affordable Care Act to Triangle of Prevention, Delegates Learn Useful Information for Oil Locals

(continued from page 4)

workers and workers train managers.

"This is normal and routine in TOP sites and speaks to the quality of the program," McQuiston said. "We have cooperation with tension, with the union pushing where management doesn't want to go."

Lobbying Washington

Roy Houseman, a legislative representative in the USW's Washington, D.C. office, lobbies on behalf of our union's oil workers. He gave a legislative update on the renewable fuel standard and other

legislation affecting USW workers.

The Environmental Protection Agency (EPA) is setting a renewable fuel standard to determine how much biofuel is mixed with gasoline. EPA has the ability to be flexible in lowering cellulosic fuel amounts to correspond with gasoline usage. Houseman said he is working with congressional staff to ensure the renewable fuel standard does not hurt our membership. Refiners said the proposed standard was set too high and that it exceeded an ethanol "blend wall"—the maximum concentration of ethanol that can be blended in gasoline and used by

conventional gasoline-powered motor vehicles.

"These refineries will not survive if we don't fix this thing," said Local 10-1 President Jim Savage.

Savage thanked Houseman and the legislative department for their work in helping to save his Philadelphia Energy Solutions refinery.

Mike Hendry, Local 7-517 president, said he enjoyed Houseman's PowerPoint presentation.

"It was very spirited and energetic. I think he'll have a lot to contribute to our union."

Delegates Elect National Oil Bargaining Policy Committee

Every three years delegates to the National Oil Bargaining (NOB) conference elect rank-and-file oil workers from five geographic regions to be members or alternates to the NOB policy committee.

This committee takes the bargaining proposals from the union's oil councils and works with International Vice President Gary Beavers to draft the USW's official national oil bargaining proposal that is given to the lead company.

During national bargaining, the policy committee discusses the lead company's offers with Beavers and votes on whether or not to accept the lead company's last, best and final offer. Before voting, the policy committee members contact the local unions in their region to get a sense of where they stand on the final offer.

Mike Maloney, who represented Region C (District 11), and Don Houtchens, who represented Region D (District 12), announced their retirement from the policy committee at the NOB conference in Pittsburgh Aug. 1-3. They were the elder statesmen, having been on the policy committee since the mid-1990s when the union was the Oil, Chemical & Atomic Workers union.

Maloney thanked the delegates for their support and solidarity, and said the purpose of the conference is to build

bonds with one another and talk with others who have the same problems.

Houtchens said he appreciated the support he received the last 18 years.

Region B committee member Jim Savage said of the two men: "They are smart, courageous and fun guys."

Beavers said both workers served the membership well and thanked them for their service.

Representation on the committee is divided into regions A (Districts 1, 2, and 7); B (Districts 4, 8, 9 and 10); C (District 11); D (District 12) and E (District 13).

Delegates from each region met during the conference to elect their representative and an alternate for the policy committee.

The following members were elected to the oil policy committee: (Region A)—Larry Sinclair, Local 7-1; (Region B)—Jim Savage, Local 10-1; (Region C)—Mike McFadden, Local 558; (Region D)—Steve Garey, Local 12-591; (Region E)—Larry Burchfield, Local 13-1.

Alternates elected to the oil policy committee were (Region A)—Michael Reymann, Local 346; (Region B)—Ken Gomeringer, Local 4-898; (Region C)—Keith Crookston, Local 443; (Region D)—Joel Neal, Local 931; (Region E)—Darrell Kyle, Local 13-243.



Connect Online For Latest Oil News

Like "USW Oil Bargaining" on Facebook at:
www.facebook.com/OilBargaining

Follow us on Twitter by looking up @USWOilWorkers or visiting
www.Twitter.com/USWOilWorkers

Go to www.usw.org, click on "Our Union," and scroll down to "Oil Workers" OR go to
www.oilbargaining.org

Members Look Ahead to 2015 Bargaining

U.S. oil refineries are showing comfortable profit margins now and it should continue that way when the USW goes into bargaining, Dr. Keith Romig told delegates at the National Oil Bargaining Program (NOBP) conference in Pittsburgh Aug. 1-3.

While pay will be an obvious concern in the 2015 round of oil bargaining, members say they want the wages to compensate for the rising cost of health care.

Kent "Bear" Farr from Local 13-227 said he would like to preserve medical and retirement benefits and "stop the insidious creep by out-of-pocket expenses on our 'bring home pay.'" He said the union needs to be on the offensive when discussing the medical plan and retirement.

"I think we need to address some health care issues, pensions, wages,

long-term disability, and retiree health care and benefits," Local 13-1647 President John Warner said.

"I would really like to see us pushing a harder line on safety."

International President Leo W. Gerard also thinks the USW needs to make better progress toward making refineries safer places to work. In his speech to the delegates at the NOBP conference, Gerard said that in 2011 there was, on average, a refinery fire once a week.

"Way too many people were injured, killed or maimed," he said. "We have to do more. We need to elect legislators who will make these (safety) changes."

The USW is making it clear to employers that if they want to work

with the USW, the union will be a constructive ally. If not, they are in for a fight.

"How you mobilize your membership is important," Gerard said. "We can only win through our solidarity. We won't let anyone undermine it."

At next year's NOBP conference, oil workers will meet in their company councils to determine bargaining proposals for 2015 negotiations. The NOBP policy committee will review these proposals with International Vice President Gary Beevers and together they will devise the union's official proposal.

In the meantime, local unions can start preparing now for National Oil Bargaining by putting together their Communications Action Teams or other networks for getting information out to everyone in the local.



Your Article Could Be HERE!

Submit one today to
The Oil Worker
editor, **Lynne Hancock**, at
lhancock@usw.org

USW
UNION AND STRENGTH FOR WORKERS
OIL WORKERS

THE OIL WORKER
Issue 7 • March
www.oilbargaining.org

the Vice President's Desk
National Oil Bargaining 2008-09

While there it looked like the two locals at Marcus Hook, Pa., and Philadelphia might be forced out on a... the company was determined to... cuts among the union workforce... used to accept the National Oil... ing pattern agreement because of... language.
language prohibits involuntary lay... ing the life of the agreement... for decreases in the level of oper... used by a sale of operating units... complete or partial plant closure, a merger... or joint venture resulting in a change of... managerial control, or an act of God. It... was signed Jan. 31, 2002.
Getting this letter of agreement on job... security under the no retrogression lan... guage was a significant achievement in... this last round of National Oil Bargaining... importance was exemplified by the sit... and our abil...

the March 23, 2005 explosion and fire at Texas City.
The Sunoco spokesman kept telling the media that the company's proposed staffing levels were found in refineries across the country operating safely every day. Yet during negotiations Sunoco could not provide the union with the names of any of these refineries.
It was to our members' credit that they were able to beat this back. I'm impressed with how the locals sprang to action upon first hearing of the company's proposed Local 10-1 immediately secured a billboard that was directly across from the refinery. Every day management saw the billboard message—"Don't Let This Happen Here. Demand Safe Refinery Staffing Levels at Sunoco"—against the backdrop of a photo depicting a refinery fire.
The local also put out a radio ad and did a full-page ad in a local newspaper. Members went around to homes in the surrounding community to get signatures demanding safe staffing lev... in a big rally at... Local 10-

in a rally.
As always, get *The Oil Work* the shops and units. If your loca issue or issues with the compa *Worker* editor, Lynne Baker, k Write up a short piece like Lc on Equistar and its unfair tre laid-off brothers and sisters. to Lynne at lhaker@usw.org be contacted at (o) 615-831 615-828-6169.
Also, keep looking at website—www.oilbargai updates on local union r **Gary Beevers**
International Vice Pr
Chair, National Oil B

How to g
Worker
If you are
are not r
Worker ne
to get