

INTERNATIONAL BROTHERHOOD OF TEAMSTERS

JUNE/JULY 2011

TEAMSTER

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TAKING TO THE STREETS

TEAMSTERS LEAD FIGHT TO
STOP THE WAR ON WORKERS



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Stop Corporate Freeloaders

A MESSAGE FROM GENERAL PRESIDENT JAMES P. HOFFA

Some of the biggest U.S. corporations pay no taxes at all though they drive the roads, fly from the airports, call the police when there's trouble, summon the Coast Guard to clean up their oil spills, use the Trade Representatives to negotiate their trade deals, take billions from the Federal Treasury when they're about to collapse and rely on the U.S. military to protect their overseas factories, offices and oil fields.

Last year, Citigroup made more than \$4 billion in profit and paid no federal income taxes even though it got a huge government bailout.

General Electric made \$5.1 billion in the U.S. last year and didn't pay a cent in federal taxes.

Chevron made \$10 billion last year, paid no taxes and got a \$19 million rebate from the IRS.

Nobody likes taxes, but most Americans understand that prosperity depends on educated and healthy workers. Most Americans understand that a decent and self-interested society teaches its children, cares for its sick, feeds its hungry, helps its poor and finds dignified work for everyone who needs a job.

But corporations aren't people and they have no loyalty to America. As their power grows, they give less and less to support our society. Corporate taxes contributed 6.6 percent of federal taxes in 2009, down from 30 percent in the mid-1950s.

Last November, corporations brought a new breed of political stooge to Congress and to statehouses across the country. These "corporate-ticians" don't even pretend to care about American workers. Corporations want more, so they give it to them. Corporations want workers to have

less, so they take it away from them.

No one questions that we have budget problems. And it's clear that America is in serious trouble. But until we tackle the real problem, we're going to stay stuck in reverse.

The real problem is that corporations got too rich and too powerful over the past 30 years. President Reagan gave American corporations the green light to throw American workers overboard. Now we're living with the consequences. We suffer from enormous inequality, an unbalanced economy that isn't creating good jobs and governments starved of resources.

Most Americans are poorer now than they were in 1983. The Economic Policy Institute reports median household wealth fell 14 percent between 1983 and 2009, from \$71,900 to \$62,200.

One in three American families is flat broke or close to it, according to EPI. Thirty-seven percent of U.S. households have less than \$12,000 in net worth.

An economic "recovery" started 18 months ago. But never in our history have so many Americans been unable to feed their families. Today there are 42.4 million Americans on food stamps. That's more than the entire population of Argentina.

We still have one way to reverse America's decline. We can vote. The corporations may have the money and the power, but there are more of us than there are of them. The ballot box may be the only place left where we can force corporate freeloaders to start sharing the sacrifice to solve our country's problems.

James P. Hoffa





Teamsters Fight The War On Workers

Fronts Include State Legislatures, Federal Lawmakers

Teamsters have celebrated some victories and mourned some losses as the legislative season wound down in state capitols. In Michigan, for example, a threatened right-to-work bill to destroy unions did not pass. Right-to-work appeared stalled in Maine and Missouri legislatures as well.

In Wisconsin, Gov. Scott Walker's bill to strip government workers of their collective bargaining rights passed the Legislature. It had not taken effect at press time, however, because of a lawsuit charging lawmakers with violating Wisconsin's open meetings laws. And Walker is feeling the backlash.

Even in states run by reasonable officeholders, Teamsters fought steep budget cuts resulting from sharp drops in tax revenue. Tactics to fight against the war on workers ranged from protests to lobby days, from letter-writing cam-

paigns to personal meetings with key state officials. In Florida, Teamsters hand delivered thousands of postcards to protest the privatization of prisons. In Wisconsin, Teamsters collected signatures to recall state senators who voted to strip government workers of collective bargaining rights. In Ohio, Teamsters were active circulating petitions to repeal SB 5, an anti-union bill even worse than Wisconsin's.

The International Union trained more than 2,500 principal officers and shop stewards in running field and political campaigns. To mobilize members, the union made more than a half-million robo-calls, thousands of text messages, more than 40 "Take Action" e-activist emails, and tens of thousands of patch-through calls for members to tell lawmakers they oppose anti-worker bills.

Another front was opened in the war on workers when the Department of Transportation



proposed another pilot program to open the border to Mexican trucks. The DOT first had to publish the proposal in the Federal Register so the public could comment on it. In April, Teamsters began writing hundreds of letters to oppose the program.

Teamster lobbyists are also working the halls of Congress to build opposition to the border opening. Many lawmakers are against the program for the

same reasons: Mexico can't guarantee the safety of its trucks or its drivers, U.S. taxpayers should not have to pay for electronic on-board recorders for Mexican trucks, the rising violence in Mexico endangers border security, and Mexican trucking companies should not be taking U.S. trucking and warehouse jobs at a time of high unemployment.

For more information, visit stophthewarworkers.com.

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The Big Three

UPS Aircraft Mechanics Overwhelmingly Ratify New Contract

For the first time in their history as Teamsters, UPS aircraft mechanics ratified—overwhelmingly—a new contract on the first vote.

The contract maintains the workers' existing health care, secures wage-percent-age increases going forward and awards retroactive pay to November 2006, when the previous contract became amendable.

The road to the contract was arduous and involved federal mediation. Although it took more than four years to negotiate the contract, Randy Kvasic, a 21-year UPS mechanic and member of Local 2727 in Louisville, Ky., said it was worth the wait.

"Sometimes it's worth holding out for the best contract and I think we got the best deal possible," Kvasic said. "This contract has what I consider to be the big three: health insurance, full retroactive pay and pay increases. Those are items

the whole group wanted."

Local 2727 President Bob Combine said negotiations weren't easy, but he is proud of the perseverance members showed during the process.

"This has been a difficult and long battle with UPS, but we didn't back down and our resolve paid off. This is a big victory for UPS aircraft mechanics," Combine said. "This contract and the vote behind it prove that even in a tough economy, the Teamsters have the clout it takes to get the job done."

Ballots were mailed to 1,271 eligible members and 89 percent of the membership voted. The contract runs through November 1, 2013.

"The fact that the membership voted by 70 percent in favor of this contract shows the strength and the power of the Teamsters," said Jim Hoffa, Teamsters General President. "This is an industry-leading



contract that secures for our members the economics and benefits they deserve."





OKLAHOMA OVERTIME

Local 886 Teamsters Meeting Japan's Needs During Crisis

When help is needed, Teamsters are always willing to do their share. Such is the case with Local 886 Teamsters at Lopez Foods, a food processing plant in Oklahoma City.

Lopez Foods recently stepped up production to supply food to McDonald's stores in Japan. The 350 Teamsters there are working six days a week straight because a Japanese plant is currently unable to produce teriyaki burgers.

"This plant is the only other facility capable of making those," said Ron Cobb, Secretary-Treasurer of Local 886 in Oklahoma City.

When the devastating earthquake and tsunami struck Japan on March 11, Teamsters at Lopez were making 10 percent of the teriyaki burgers sold at McDonald's in Japan. After the earthquake and tsunami, production had to be shifted to Oklahoma City, where they now make 25 percent of the popular sandwich, a staple similar to the Quarter Pounder in the U.S.

The ramped-up production means Teamsters at Lopez are getting plenty of overtime. And because the company doesn't want to profit from the tragedy in Japan, their recent orders are being sold at cost, according to Lopez Foods.

"Local 886 is always there when we need them," said Clifford Harris, a machine operator who has worked at Lopez Foods for 13 years.

Hooray At Harrah's!

300 Casino Workers Join Local 331 In Atlantic City

Local 331 in Atlantic City, N.J. welcomed 300 new members that work at Harrah's Resort in the first organizing victory under a neutrality card-check agreement with the casino.

The Teamsters Union reached the card-check agreement in January 2010 that covers specific job classifications at four Atlantic City properties; Harrah's, Showboat, Caesar's and Bally's.

"Even in these bad economic times, there is a high demand for representation in the casino industry," said Marcus King, President of Local 331. "Our union has been very successful in this industry because of the strong representation we bring to the table."

Local 331 submitted cards for 84 percent of the group, which includes all transportation-related job classifications at the casino. Harrah's valets, dispatchers, limo chauffeurs and bus drivers are all now proud members of the Teamsters.

"One of my main concerns was job security," said Argelis Taveras, a valet who has worked at Harrah's for three-and-a-half years. "I've seen people fired for no reason whatsoever and it just isn't fair."

Once the campaign started, it quickly gained momentum throughout the unit. Magdalena Sweizak, a valet cashier at Harrah's, had only been with the casino for nine months, but she was immediately swept up into the movement to organize with the Teamsters.

"I am relatively new here, but I saw that everyone here really wanted to join," Sweizak said. "I supported the effort and said 'O.K., let's do it!'"

This is the first victory in what Local 331 hopes will be several more at the casinos included in the card-check agreement. The local will soon tackle similar organizing campaigns at Showboat, Bally's and Caesar's Palace.

"We are looking forward to sitting down to negotiate a strong first contract for our new members at Harrah's and building upon the momentum of this success with our campaigns at the other properties," King said.



Chicago School Bus Company Fails To Squash Organizing Campaign

Latino Express Drivers Organize For Dignity, Respect

April 4, 2011 is a day Carlos Garcia will never forget.

After enduring a brutal company-led anti-union campaign, Garcia and 94 of his co-workers at Latino Express, a Chicago-based school bus company, voted overwhelmingly to become Teamsters. The victory was historic. Latino Express is the first school bus company based in Chicago to be fully unionized—a feat that was not easy to achieve.

Garcia and his co-workers, now members of Local 777 in Chicago, faced months of outlandish intimidation used by the company. Two of the



company's most pro-union supporters were fired and the company's owner and lawyer broke election rules by walking on the premises while workers were voting.

Despite that behavior, workers stuck together and proved that there really is power in numbers.

"The company was very intimidating, but these workers were able to stand strong and vote yes," said Local 777 organizer Elizabeth Gonzalez. "The men and women of Latino Express take very seriously their responsibility to safely transport Chicago children to and from school, and they deserve

the utmost respect for their service," said James T. Glimco, Local 777 President.

Now that the workers are Teamsters, they are looking forward to being treated with dignity and respect. Garcia and his co-workers organized to end favoritism and receive pay and benefits that reflected their work.

"I deserve more and I know I'm worth more," Garcia said. "When I came here, there was no union. I know that when I leave, the next person is going to have an opportunity and a chance to make better wages," he said.

Tom Morello: Union Made

THE NIGHTWATCHMAN FIGHTS FOR UNION RIGHTS

Musician and activist Tom Morello, known as The Nightwatchman, has advocated for workers' rights throughout his professional career. To help further support the fight against the war on workers, Morello released a new album, titled "Union Town," which includes three original songs and five classic union songs. All proceeds from the album will help fight the war on workers.

What inspired you to record your most recent album, "Union Town"?

During the height of the mēlée in Madison, I performed there and was very inspired by what I saw. I came back from Madison and wrote a song called "Union Town" about my experiences there. I've been to hundreds of rallies and a lot of times, the songs that are sung there are 50 years old. It's time for a few more of those songs.

We understand a portion of the proceeds from this album will be going to stop the war on workers. Can you

tell us more about this?

One hundred percent of the proceeds are going to the cause. The first single [came] out on May Day and the album will first be available online.

You choose to fight through your words and your music. Explain why music is such a powerful tool when it comes to raising awareness and promoting solidarity.

There's something in music that speaks the truth in a different way. It really puts a lot of wind in the sails of struggle. The challenge is to not let this incredible energy and fire for justice get watered down. I think we have to stop these bad laws, but we also have to harness this push for working people.

Can you tell us about your personal experience growing up in a union home and how union membership has influenced your life?

It's something I took for granted. I didn't realize there was another way, aside



from the union way. The politics in my home growing up were pretty far to the left and they were strongly pro-union. When I started getting into music, I realized the connection and the long, rich history of class-oriented music. I want to help bring this tradition of union solidarity and music to a younger generation.

For more information, visit Nightwatchmanmusic.com. For the complete interview, visit TeamsterMagazine.com.



Building The Future

James R. Hoffa Memorial Scholarship Fund Raises \$1.8 Million For Teamster Kids

Lawrence Tran, a sophomore at Northwestern University, is not only the son of a Local 743 member, he is also a winner of the James R. Hoffa Memorial Scholarship. Tran recently had the opportunity to stand beside Teamsters General President Jim Hoffa in Chicago at the James R. Hoffa Memorial Scholarship Fund dinner, held in conjunction with a special celebration in honor of Joint Council 25's 100th anniversary. Tran told the 1,200 attendees how much the scholarship means to him and his family.

"As an honored recipient of the Hoffa scholarship, I know that without your support, I would not have the opportunities to achieve the things I've done," Tran said. "For over 20 years Teamsters have taken care of my family and now they are taking care of me."

This year, the James R. Hoffa Memorial Scholarship Fund raised \$1.8 million in scholarships for the children and grandchildren of Teamsters. The first scholarships were awarded in 2001, and since then, \$3,833,000 in award money has been given to 1,223 students to further their education.

James R. Hoffa, former General President of the Teamsters, believed in the power and value of education and said, "Education must be a birthright of every child, not just the children of privilege." To honor his memory and ensure his legacy, the James R. Hoffa Memorial Scholarship Fund was established in 1999. All of the money raised over the past decade has gone to deserving youth across the country.

Expressing Gratitude

Tran and two other 2010-2011 scholarship recipients from the Chicago area joined Hoffa and John T. Coli, International Vice President and President of Joint Council 25, on stage to address the Teamsters' commitment to making college more affordable for working families. They took a few



moments to say thanks for the opportunities the scholarship has afforded them.

"It really means a lot to have the Hoffa scholarship to not only help fund my further education, but for what it symbolizes. The Teamsters work together and stick together and are helping the next generation," said Richard Reasons, the son of a Local 710 member and a computer science major at Purdue University.

Michael Atwater, a freshman at Hope College in Holland, Mich., and the son of a UPS feeder driver and member of Local 710 in Mokena, Ill., has long-term plans to attend medical school.

"Thank you for your support and for this remarkable \$10,000 scholarship. What a graduation gift it was!" Atwater said. "The financial support of this scholarship will help me realize my dreams."

100th Anniversary

Joint Council 25's centennial celebration was held in conjunction with the scholarship dinner in downtown Chicago.

"This event was 100 years in the making," Coli said. "The opportunity to celebrate our outstanding and powerful history together with the Teamsters' successful scholarship program was a special honor."

Everyone in attendance received a commemorative anniversary pin and pictorial history book, which chronicles the Teamsters' impact on Chicago labor, from the Montgomery Ward strike of 1905 to the organizing of more than 3,300 Cook County correctional officers in 2009. Attendees also watched the trailer for a 40-minute documentary film produced by Joint Council 25, highlighting the union's century of strength through historical images and interviews with current representatives and Teamster retirees.

Since 1911, Joint Council 25 has represented millions of hardworking men and women across Illinois and Indiana. Today, more than 100,000 members with 20 local affiliates carry on the Joint Council's enduring legacy.

Historic VICTORY

TEAMSTERS



Sanitation Workers Join Local 667

On April 8, 43 years and four days after Dr. Martin Luther King Jr. was assassinated supporting sanitation workers in Memphis, workers who are currently fighting for respect on the job voted 50-20 to join Local 667. There are 79 workers—drivers and helpers—in the bargaining unit at Advanced Disposal in Olive Branch, Miss.

“It’s overwhelmingly great—it’s historic for this area when you think back to 1968 and the struggle those sanitation workers went through,” said Illya Hamilton, a recycle-truck driver at Advanced Disposal, which handles some of the same routes as the striking workers did in 1968.

Local 667 Business Agent James Sproles started work on the campaign and worked with President Norman Wayne Pairmore and Secretary-Treasurer Ronnie Parkinson. Their hard work on the campaign got the momentum rolling and then Chuck Stiles and John Mahoney of the Waste and Recycling Division assisted the local union with house calls and campaign strategy.

“These workers have had to endure years of getting no respect and they’ve worked under horrible conditions,” Pairmore said. “They remained united in their fight for a better life at work and we will work hard to negotiate a first contract that delivers for them.”

“The election was about getting the respect they deserve,” Stiles said. “One helper was fired for eating a snack in the break room while the driver was preparing

his truck for the day,” Stiles said. “Another helper who was hit by a car and rushed to the intensive care unit was fired while in the hospital. Workers also suffer from heat exhaustion and the company does not provide bottled water on the trucks.”

Echoes of 1968

Alvin Turner, a leader in the Memphis sanitation workers’ strike of 1968, assisted in the campaign and talked with workers.

“I’m a union man,” Turner said. “Any way I can help I will. I had a whole lot of people helping me when I needed help in 1968.”

Turner said 1968 was a challenging time, and workers are facing another great challenge with the war on workers.

“It’s time now for all of us to come together again,” Turner said. “Unless we fight hard, we have a chance of losing what we have fought so hard to achieve.”

“I’m really excited about this victory,” said Robert Cole, another recycle-truck driver, who was fired March 3. The company claims Cole solicited support for the union on company property while on work time, but Cole said he was off the premises and off work. “They fired me because I was the main organizer.”

Cole said he and two other co-workers who were fired hope to win their jobs back at a future labor board hearing.

THOUSANDS MARCH TO STOP THE WAR ON WORKERS

In the morning of Saturday, March 26, the silence of the cool spring air in Los Angeles was shattered by the rhythmic beats of the Wilson High School drum line. In perfect time, drummers banged out a cadence that could be heard for miles around—a cadence that spoke to the working class.

Their taps, clicks and paradiddles echoed off of the pavement and between skyscrapers, filling the streets with excitement and energy. This was the sound of solidarity. Of Democracy. Of a movement.

This was the sound of 15,000 Teamsters standing shoulder to shoulder with union supporters, community activists, politicians and musicians. Together, 30,000 people showed their support for public-sector employees in an effort to stop the war on workers.

This, the largest rally outside of the Midwest since the war on workers began, was designed to send a message to fat cats on Wall Street and corporate-backed politicians that enough is enough.

And the Teamsters spoke loud and clear.

“We’re here today to tell Wall Street, (Wisconsin Gov.) Scott Walker, (Florida Gov.) Rick Scott, (Ohio Gov.) John Kasich and every other corporate-backed political puppet that workers in this country didn’t cause our economic woes and we sure as hell aren’t going to take the blame for them,” Teamsters General President Jim Hoffa said to a crowd of cheering Teamsters. “When working people are under attack, Teamsters fight back. And this fight has only just begun.”







Teamsters Fight Wall Street Cronies

Gov. Scott Walker unleashed the fury of the middle class in February when he proposed a budget plan that would strip public-sector employees of their rights to bargain collectively.

Wisconsin became the epicenter of resistance as states across the country—from Missouri to Florida and Maine to Ohio—introduced anti-worker legislation. The goal of this recent onslaught of legislation is to cripple unions.

The attacks were not random and coincidental, but an orchestrated assault funded, in part, by right-wing billionaires and CEOs who want to destroy unions.

Corporations were able to secretly donate millions of dollars to political campaigns thanks to the Citizens United Supreme Court ruling of 2010. Americans for Prosperity, the Tea Party group funded by the Koch brothers, spent \$40 million on the November 2010 elections alone. Charles and David Koch are conservative billionaires who have come to represent the face of corporate America in the war against workers. They have poured millions of dollars into the coffers of right-to-work groups that have declared war on our country's middle class.

The result has been sweeping attacks on working people that threaten the middle class.

“People like the Koch brothers want to turn the America that we know and love into a third-world country by doing away with the middle class and widening the gap between rich and poor,” said Ben Speight, Organizing Director of Local 728

in Atlanta. “We can’t let that happen. Everything working people have achieved we’ve fought hard for and this is no different. We’re here today because we have to fight for our rights to bargain collectively and earn a living wage.”

Speight joined other Teamsters in leading protestors on a mile-long march through the streets of L.A. Along the way, thousands of red and blue “Stop the War on Workers” signs painted the sky, as voices rose collectively in chants of solidarity and pride.

What’s disgusting? Union busting!

What does Democracy look like?

This is what Democracy looks like!

Union workers under attack. What do we do? Stand up, Fight back!

Teamsters Take to the Streets

“This march demonstrates that regardless of the miles and the industries that separate us, we belong to the same class of people and we’re all in this together,” Speight said. “As working-class Americans, we are the balance of power in this country.”

Those sentiments were echoed by Ricardo Picina, a member of Local 542 in San Diego, Calif., who rode more than two hours on a bus to attend the rally. Picina said when war was declared on workers in Wisconsin, a fire was ignited within every working American.

“We’re fed up with what local governments are trying to do to working people,” Picina said. “I think we need to show these politicians that we’re strong and united. The fire that was lit is not going out anytime soon.”



It was clear that the flames of passion burned in the hearts of ralliers as they called for an end to injustice, greed and unchecked corporate power.

“It’s time to take a stand. These greedy corporations are trying to destroy the middle class,” said John Espinoza, a member of 495 in Covina, Calif. “History has shown that without unions, workers only get paid pennies. But with union representation, workers are able to make a decent living and support their families.”

Loomis, Don’t Doom Us

Among those to take a personal stand for fairness was Steve Rodriguez, a member of Local 396, also in Covina, Calif.

Rodriguez is a driver for Loomis Armored, a cash-handling and transportation service used by Chase Bank. More than 270 Loomis drivers, guards and custodians are Teamsters. The Teamsters Union has had contracts with Loomis for nearly 50 years. Now, Loomis is attempting to break that relationship by withdrawing its recognition of the union in California and refusing to negotiate new collective bargaining agreements once current ones expire.

“I put on my uniform every day for Loomis and it’s dangerous. But Loomis doesn’t want to recognize us as the valuable employees that we are,” Rodriguez said to ralliers in front of Chase Bank in downtown L.A. “I have one message for Loomis: Stop the war on workers!”

Like other Loomis employees, Rodriguez and his family face a difficult future. The company has instituted new health, dental and vision plans that will in-

crease employees’ premiums by \$519 per month. Loomis also plans to end its employee’s defined benefit retirement plans and replace with them a 401(k).

“We want JPMorgan Chase to stop ripping apart the American Dream,” said Mary Kay Henry, President of SEIU. Henry joined in the fight against Loomis and JPMorgan Chase Bank, where she gave a shout out to Teamster members and called for the companies to end their anti-union practices.

“JPMorgan Chase has plenty of money that we helped create,” Henry said. “In addition to taking \$200 million of our money in a tax bailout, JPMorgan Chase also made \$200 million in profits in the past quarter. That money should be used to get Los Angeles back to work.”

“We have to be united and we have to stick together, not just for ourselves, but for future union members,” Rodriguez said.

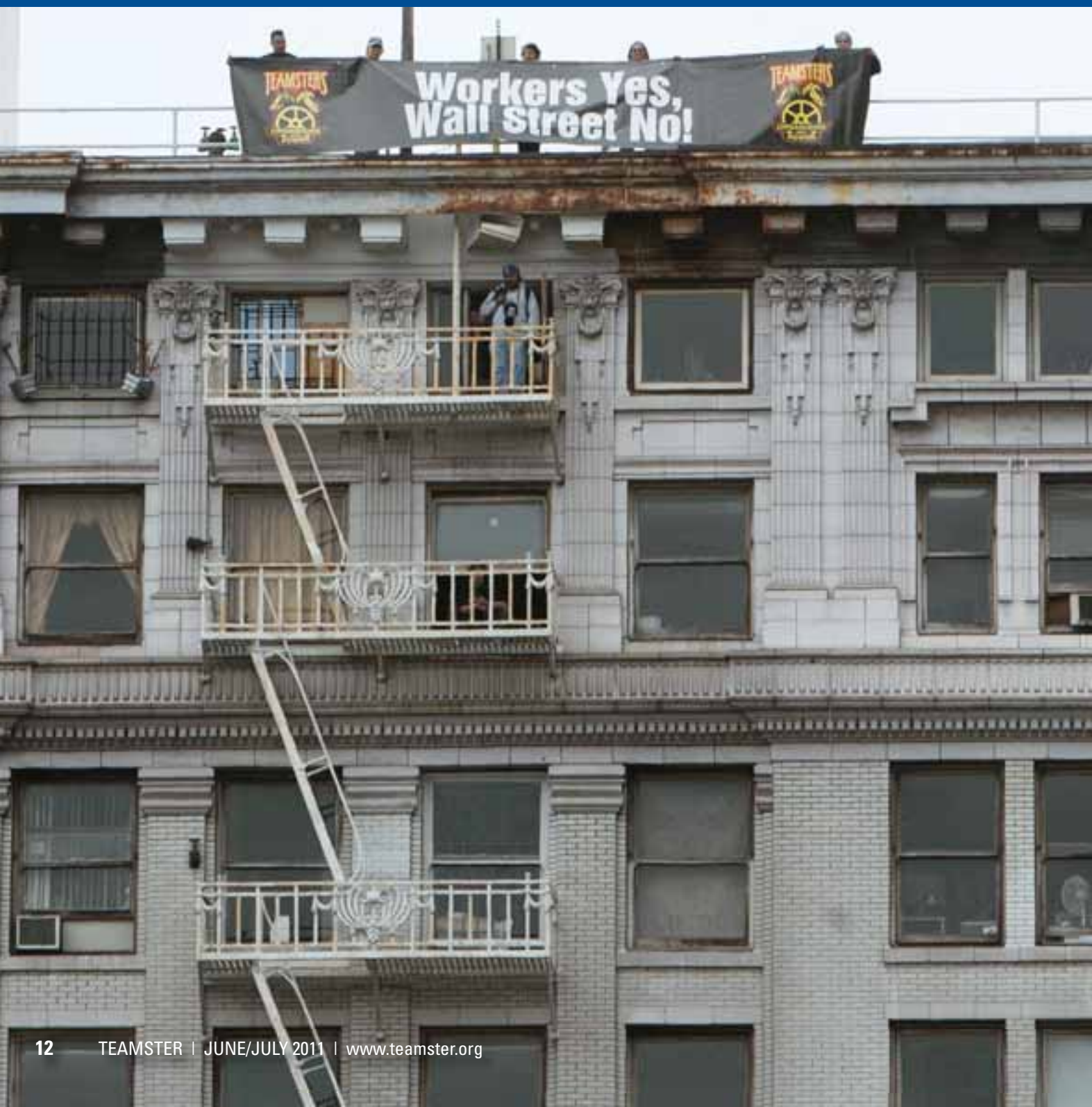
Rally For Jobs, Community

That spirit of solidarity flowed through every waving flag, every stomping foot and in every Teamster voice as marchers converged on Pershing Square in the heart of L.A. It was here that ralliers were joined by activists, environmentalists and musicians for a day-long, Teamster-dominated rally.

Participants listened intently as special guests pleaded for justice, but no one garnered more attention than Hoffa. The crowd, which stretched for blocks, went wild when the General President took to the stage and called for action.

“The Scott Walkers of the world think they can have their way with working people but there’s one thing Scott Walker







didn't realize: When Teamsters fight, Teamsters win," Hoffa said to a cheering crowd. "We won't give up at any cost. We will never be divided because we know an injury to one is an injury to all. That is our motto and that is the code we live by.

"This is going to be a long fight, but we're ready. We need to take our energy, our activism and our numbers to the polls and we need to vote these sons of bitches out of office!"

Hoffa was joined on stage by L.A. port drivers. Misclassified as contractors, 10,000

port drivers in Los Angeles are unable to bargain collectively and often work 16 to 18 hours per day for poverty-level wages. The Teamsters are fighting for dignity and respect for port drivers alongside the Sierra Club, BlueGreen Alliance, Center for Environmental Health, Leadership Conference on Civil and Human Rights, National Employment Law Project, New Jersey Environmental Federation, Church Council of Greater Seattle and LAANE.

"At this moment, we don't have job security. We don't have rights as workers because

the trucking industry takes advantage of us," said Jimmy Martinez, a driver for the Port of Los Angeles. "I'm here today fighting for my rights, the rights of my co-workers and for my family. I stand with all working people when I say we deserve better."

Also on stage was musician and activist Tom Morello, known as The Nightwatchman. Morello, best known for his time with bands Rage Against the Machine and Audioslave, grew up in a union home and has advocated for workers' rights throughout his professional career.

Whitewashing History

Maine Governor Removes Labor Mural, Infuriates Workers

Republican Paul LePage won Maine's gubernatorial election with only 38 percent of the vote, but that didn't stop him from bullying workers from the moment he took office. He supports gutting the state's child labor laws. He proposed that all government workers contribute more to their pensions—well, all except one worker. He exempted himself.

What really angered workers, though, was his removal of a 36-foot mural depicting Maine's labor history from the lobby of the Department of Labor. Rooms named after prominent labor leaders were renamed.

LePage removed and then hid the mural because he said it was too biased in favor of labor and didn't fit with his pro-corporate agenda.

The mural was erected in 2008 and features 11 panels depicting important moments in labor history,

including the state's 1937 shoe mill strike in Auburn and Lewiston, the 1986 paper mill workers' strike in Jay and "Rosie the Riveter."

Judy Taylor, the artist who created the mural, said, "There was never any intention to be pro-labor or anti-labor. It was a pure depiction of the facts."

Unions and artists have protested LePage's removal of the mural. The controversy has brought national attention and ridicule to LePage, who hasn't been able to make it go away. Critics say he may have violated the state's contract with the artist. He's been sued in federal court.

And since the mural was paid for with federal money, the U.S. Labor Department told LePage he'll have to put it back or repay the money. Perhaps worst of all for LePage, eight Republican senators denounced him for picking fights that didn't need fighting.





Morello led the crowd in singing “This Land is Your Land,” putting special emphasis on the song’s last verse, which describes the struggle for middle-class equality.

“The future of working peoples’ rights in this country is going to be decided on the streets of Wisconsin, on the streets of Ohio, on the streets of Indiana, on the streets of Florida and on the streets of Los Angeles,” Morello said. “You’re making history and the whole world is watching.”

While the Los Angeles rally was one of the largest since the wave of protests began sweeping the country, it was by no means the only one since the last issue of Teamster magazine. On March 31, thousands of protesters, including many Teamsters, demonstrated against an anti-union measure in New Hampshire. On April 8, more than 11,000 people rallied in Olympia, Wash. On April 9, 10,000 protested in Chicago, and 11,000 showed up for protests in Columbus, Ohio and New York City. Thousands more showed up in Lansing, Mich.

Organizing For Power

As public-sector workers in Wisconsin, Ohio, Indiana, Florida, Maine and elsewhere fight to keep their rights to bargain collectively, the Teamsters are working



hard to strengthen that right for public and private-sector workers in all 50 states, Canada and Puerto Rico by focusing efforts on organizing.

Other unions have declining membership, but the Teamsters are growing. In the last three years, the Teamsters have organized more than 105,000 new members into the union—a figure that was applauded at the seventh annual organizing conference, also held in L.A.

“Every day we are changing lives,” said Jeff Farmer, Director of Organizing. “Unions have always been the great equalizer in this country. By organizing members and securing contracts, we can ensure that everyday Americans receive the pay and benefits they deserve.”

More than 220 Teamster organizers from around the country gathered at the conference to network, share information and attend educational seminars. The conference focused on how and why organizing is essential in stopping the war on workers.

“We are under one of the most severe anti-worker attacks this country has ever seen. The best way to fight back is to get our members involved and bring new members into our union,” Hoffa said. “Unions made the middle class and we are responsible for maintaining it.”

As the largest transportation union in North America, the Teamsters have set a strong precedent when it comes to building the middle class. In recent years, Teamsters have organized 30,000 school bus workers, 14,000 Coalition of University Employees with the University of California, and 12,600 UPS Freight workers. The Teamsters Airline Division alone has added 18,000 new members to its ranks.

By building density in these industries, Teamsters have the power to raise standards for workers.

For Linda Stalling, a California University employee and member of Local 2010, raising standards for the middle class is about more than just securing decent wages and benefits. It is about building well-rounded families whose members are able to contribute to society.

“Without fair wages, how are we able to give back to our communities? Without fair wages, how are we able to be decent citizens and take care of our children,” Stalling said. “We need to have control over our own destiny. Organizing and union membership allows that to happen.”

Ruben Enriquez is a volunteer organizer from Local 63 who came to the conference to hone his skills and share his own story about why organizing is so important. Enriquez has been a volunteer

organizer for more than three years and has been both empowered and humbled by the experience.

Enriquez didn't fully understand the importance of organizing until he made a house call to a nonunion worker employed in the same industry. The home he visited was dilapidated and the worker was afraid to speak up on the job site. The experience, Enriquez said, opened his eyes to the value and importance of union membership.

“It was humbling to see how that person was living compared to how I was living. It just wasn't right,” Enriquez said. “I realized then and there that instead of sitting back to watch, I needed to get involved and help out.”

Building Hope, Finding Strength

Membership participation is key to both maintaining a strong union and building its ranks. At the conference, organizers were called on to engage and educate nonunion workers and future generations about the benefits of union representation.

Building solidarity with all workers is a way to build hope and find strength in times of despair.

“It bewilders me that people still don't understand the power we all have—not just as Teamsters, but as people as a whole, as workers as a whole and as the middle





class as a whole,” said Tania Martinez, a volunteer organizer with Joint Council 42. “We can achieve anything, but we must do it collectively. Solidarity is key.”

Solidarity is the glue that holds Teamsters together. Since February, the Teamsters have organized or engaged in thousands of demonstrations and rallies across the United States. Teamster locals have been instrumental in recall efforts

now taking place in Wisconsin.

At the center of the Teamsters’ offense is a culture rich in organizing—a culture Randy Monroe believes is essential to building a strong middle class.

Monroe is a business agent from Local 200 in Milwaukee who traveled more than 2,000 miles to attend the Teamsters organizing conference. Monroe believes the future of America—and the union—

lies in organizing.

“This is an assault on every working American, whether they realize it or not,” Monroe said. “Organizing is more important than ever before because organizing educates and empowers people. It gives them a voice and a reason to band together. If there was ever a time when working people need to come together, it’s now.”

4/4 ACTIVITIES

Thousands of Teamsters Turn Out Nationwide for April 4 Rallies

All across the country, thousands of Teamsters turned out on Monday, April 4, for rallies commemorating the death of Dr. Martin Luther King Jr. The anniversary was also used to remember the efforts Dr. King made for workers’ rights and civil rights.

In Atlanta, Teamsters gathered for a “We Are One” rally at the King Center. Martin Luther King III led a march of 1,000 people at an event organized by the Atlanta-North Georgia Labor Council and Local 728 in support of workers’ rights. The march went through downtown to the steps of the Georgia Capitol.

There were rallies all over Ohio, including a solidarity rally at Local 957 in Dayton and at the Greater Abyssinian Baptist Church in Cleveland, co-sponsored by Local 507. The nasty weather couldn’t keep Teamsters from showing their solidarity, though.

“The weather was awful, but we still marched and had a great rally,” said Fred Crow, a member of Local 436 in Valley View, Ohio.

Boston Teamsters from Local 25 joined other

unions to rally in front of the state Republican Party headquarters to “Stand in solidarity with workers in Wisconsin, Ohio, Indiana, New Hampshire and other states fighting corporate politicians seeking to destroy collective bargaining.”

Teamsters also turned out in force in Oklahoma City. Local 776 members showed up at Harrisburg, and other Teamsters rallied in Philadelphia.

Teamster members of Local 364 marched from the South Bend Civil Rights Heritage Center in Indiana to a “Respect Our Rights” rally later that day. Teamsters from Local 630 in Los Angeles joined an IBEW Solidarity rally—one of 20 solidarity rallies held in California.

On the East Coast, Longshoremens at the ports of Charleston, Savannah, Ft. Lauderdale, Mobile, Philadelphia, and Bayonne flew the Wisconsin flag.

In Syracuse, N.Y., people stood at 40 intersections to talk to people in their cars about the war on workers. In Raleigh, N.C., a 15-minute silent protest was held across from the Statehouse.

WHAT YOU CAN DO

The war on workers is in full swing and it's important that every union member and concerned citizen is engaged. The future of our country depends on it. Here's what you can do to help fight the war on workers:

1. Contact your representatives:

Tell your local and state lawmakers about the importance of a strong middle class and encourage them to vote against anti-worker legislation. Give your backing to politicians who have strong track records of supporting pro-labor legislation.

2. Attend union meetings:

Knowledge is power and the more informed you are, the more you are able to understand the issues as they arise.

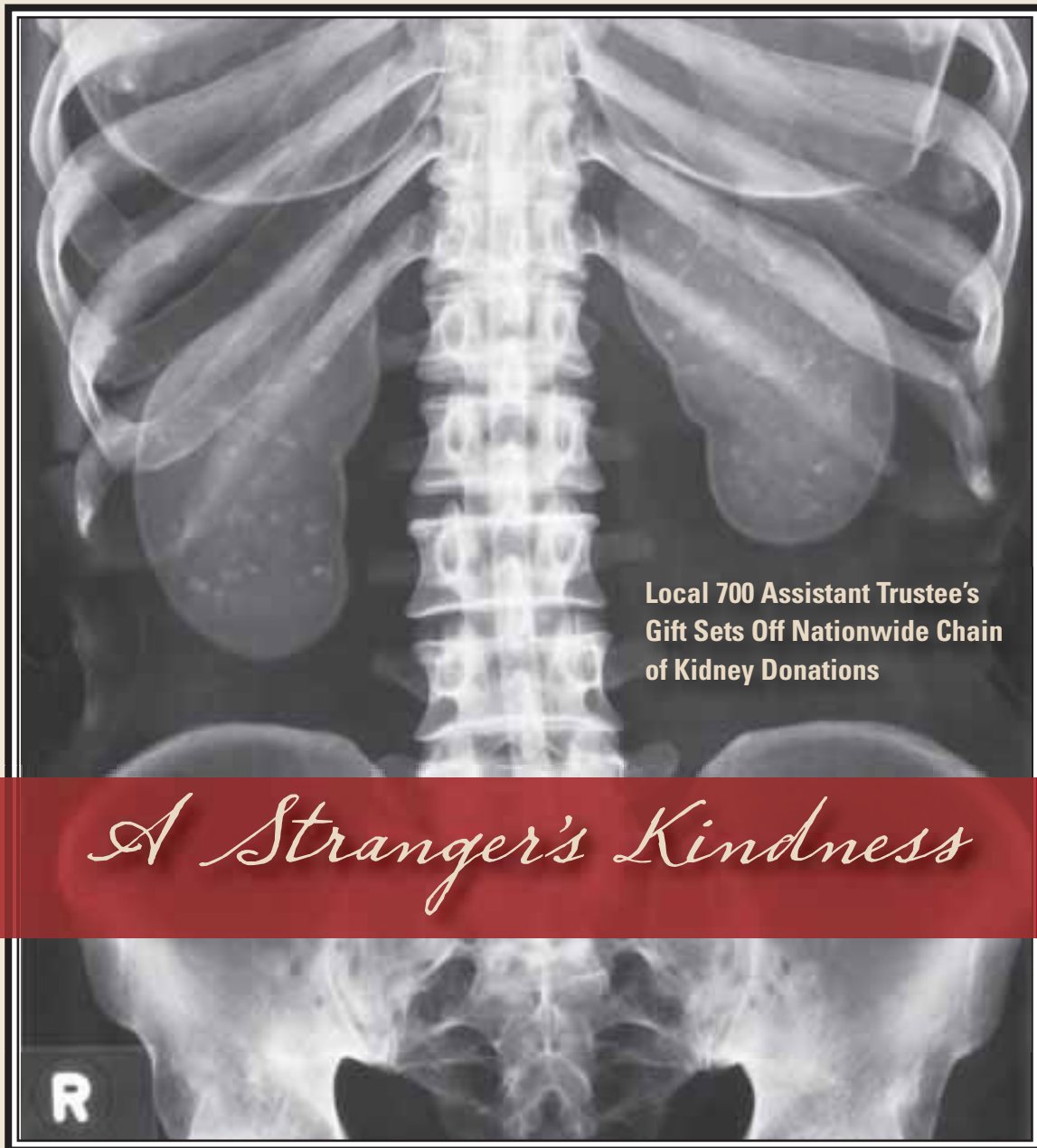
3. Get involved:

Solidarity is key. Show your support and passion by attending local rallies in your area. Can't make a rally because of other commitments? Volunteer to leaflet or knock on doors in your community.

4. Discuss the issues:

Inform your family, friends and neighbors about your Teamster membership and the important role unions have played in our country's history.





Local 700 Assistant Trustee's Gift Sets Off Nationwide Chain of Kidney Donations

A Stranger's Kindness

What kind of person donates a kidney to a total stranger? A person like Becky Strzechowski.

"I don't think it's that big of a deal," said Strzechowski, Local 700 Assistant Trustee. "It's a relatively easy thing to do to help someone."

Through the National Kidney Registry and Loyola University Hospital's Pay It Forward program, Strzechowski became an altruistic kidney donor—a title few people currently hold but one that those involved hope will become common as more people learn about the program.

'Not Enough Beckys'

Strzechowski isn't exactly sure where she heard about Loyola's Pay It Forward kidney donation program, but it intrigued her enough to attend a monthly town hall meeting in July to become more educated on the sub-

ject matter. There, she met transplant surgeon Dr. John Milner, Director of Living Donations at Loyola and National Kidney Registry (NKR) board member, who explained the program and answered her questions.

"I am someone who believed you could only donate to family members, but when I found out I could donate to a stranger, it really triggered something in me," Strzechowski said. "When I left the meeting, I thought, 'I'm in a good situation. If I'm healthy enough, I should do it.'"

"Besides," Strzechowski said, "you really don't need your second kidney."

She soon began the process to find out if she was, in fact, healthy enough to donate. After undergoing medical and psychological tests over several months, Strzechowski, 40, was deemed fit to be an altruistic donor, and her information was fed

into the National Kidney Registry's innovative computer program to find a match.

"Out of 300 million people in this country, there are maybe 100 Beckys every year—that's it," Milner said. "If there were more Beckys, more donor chains could be created, there would be no waiting list and nobody would die waiting for a kidney."

There are more than 72,000 active candidates on the kidney transplant waiting list in the United States.

"It's amazing that so many people have the opportunity to save a life and don't even know it," said John T. Coli, International Vice President and Joint Council 25 President. "Becky realized this opportunity and took hold of it in a way that should inspire all of us."

Inspiration in Desperation

The founding idea for the National Kidney Registry came about in 2007 when New York businessman Gareth Hil's daughter was diagnosed with kidney failure at age 10.

Hil wanted to donate a kidney to his daughter, but he was not a match. After a difficult and extensive donor search, his daughter received a kidney in July 2007. The process inspired Hil to find a way to organize living donor transplants to help save thousands of lives.

"Gareth Hil deserves a huge thank you for what he's doing," Milner said. "He's got his heart in it for the right reasons, and it's working. It's the best system that's available in 2011."

Strzechowski said Hil's story only fueled her desire to become a donor.

"He saw a problem and found a solution. He's a regular guy who is just trying to help other people. That's what I thought was great," Strzechowski said. "My donation is what gets the attention, but there are so many people who deserve recognition: the developers who made the software, the doctors who gave me excellent care, and on down the line."

The NKR's program has facilitated 221 transplants since February 2008. Milner said Strzechowski's donation set off a chain resulting in 10 people receiving new kidneys.

Donor chains take advantage of healthy and willing but incompatible donors, and are initiated by an altruistic donor who does not have a designated recipient. One



donor chain could potentially result in 36 transplants. The NKR attempts to start donor chains with all of its altruistic donors to maximize their impact.

"Becky is the altruistic donor. She's giving her kidney because she's a good person and wants to help others. Becky gets nothing in return; she only wants to help everyone else—and that makes her special," Milner said.

Pay It Forward

When Milner came to Loyola in 2006, the idea of sharing living donor organs between hospitals was unheard of. There were a few organizations that had been trying for years to find a way to facilitate transplants between centers, but the NKR was the only one that had devised a truly successful model.

"I started researching the registry and visited other centers that were already involved," Milner said. "When I returned to Loyola, almost like divine intuition, we had four altruistic donors walk in the door."

And thus, Loyola's Pay It Forward program was born. In 2010, it produced eight altruistic kidney donors—more than any other hospital in the country.

"The phrase 'pay it forward' represents a string of events that creates something bigger than the sum of its parts, and we knew that message would resonate with the public," Milner said.

Loyola, Rush and the University of Chicago are the only three Illinois medical centers that currently are NKR participants, but as knowledge and understanding of the program becomes more

widespread, that number should continue to grow.

"It haunts me to know that people don't know about the registry and might be dying on dialysis with a potential donor out there," Milner said. "They need to know about this option."

Part of the Solution

Strzechowski underwent laparoscopic surgery at 4 a.m. on Jan 6, 2011, to have her left kidney removed. About eight hours later, the kidney was transplanted into the awaiting recipient at Hackensack University Medical Center in New Jersey. From there, the chain continued to St. Barnabas Hospital in Bronx, N.Y.; Baystate Hospital in Springfield, Mass.; Yale-New Haven Hospital in Connecticut; and Cornell University Hospital in Ithaca, N.Y.

Two days after her surgery, Strzechowski was back at home. Two weeks later, she returned to work at Local 700.

"I'm shocked at how well the recovery has gone," she said. "When I was learning about the process, they prepared me that it could take up to six weeks to recover. Every individual is different, but for me, it's been much quicker. Besides that first night, when I had some pretty horrible nausea, it's really been relatively smooth and pain-free."

Milner said it's important to understand the risks involved with donating a kidney, and he makes every effort to educate potential donors before they make a commitment.

"These are very strong-willed individuals who understand there is some risk, but they still want to be part of the solution," Milner said. "It's because of people like Becky that I look forward to coming to work every day. People like Becky show you the goodness of humanity; they lift everyone around them. It's been a great honor to know Becky and work with her."

But Strzechowski insists her decision to donate was "no big deal."

"I don't think this is something heroic that I did. I think the program is really neat, the way they're moving the medicine forward and trying to solve the problem by reaching out to living donors," Strzechowski said. "I feel fortunate to be on this side of the donation because in a couple weeks my life just goes back to normal. But really, what I did is not anything amazing."



Stock Clerks Join Teamsters

Victory At ExpressJet

For Harry Klug, an ExpressJet stock clerk, seeking Teamster representation for himself and 90 of his co-workers was a no brainer. The son of a Teamster and a former Teamster himself, Klug could attest to the power of union representation and the job protection the Teamsters have been able to secure for thousands in the airline industry.

"Teamster contracts are the strongest and I think it's important that all work groups have union representation," Klug said. "I wanted to help this group form a union so we could get the respect and benefits we deserve."

Klug and his co-workers are on their way to negotiating their first contract as Teamsters since their recent 55-7 vote to join the union.

"I'm looking forward to having strong representation again," Klug said. "I was so happy when we won the election because I know that means we're going to have someone standing with us, supporting our rights."

The victory comes less than three months after two other work groups at Atlantic Southeast Airlines voted to join the Teamsters. ExpressJet stock clerks were looking for representation, in part, because of a merger between ExpressJet Airlines and SkyWest Corporation whose wholly owned subsidiary is Atlantic Southeast Airlines.

Mechanics at ExpressJet are already Teamsters—something stock clerks took note of during the campaign.

"We saw the kind of representation mechanics at ExpressJet have and we wanted that same kind of protection," Klug said. "Representation is especially important now, given the merger we face in the future."

"More and more aviation workers are seeking union representation because the airline industry is volatile," said Capt. David Bourne, Director of the Airline Division. "I applaud these workers for coming together and forming a union. Their actions show courage and strength during a time of uncertainty and turbulence."

For Gordon Black, an ExpressJet materials specialist, Teamster representation means a chance at a better, more stable future for him and his family.

"Prior to Teamster representation, the work force had no leverage when dealing with management. One employee's voice amounted to very little," Black said. "Now our collective voice is strong. We will be heard and we will have the opportunity to make ExpressJet a better company."

Land-Air Express

Workers at Land-Air Express of New England have chosen to become members of Local 375 in Buffalo. After a hard-fought organizing campaign, a majority of the 33 drivers at the Tonawanda, N.Y., terminal voted to have their voices heard in their workplace. The new bargaining unit includes city pickup and delivery drivers, line-haul road drivers and dock workers.

The workers joined the Teamsters following changes to their health insurance plan, as well as concerns over safety issues, work rule violations and lack of seniority.

“We now look forward to negotiating benefits for this brave and resilient group that can only be achieved through a Teamster contract,” said Kevin Drysdale, Local 375 Secretary-Treasurer and business agent.

Land-Air Express has 14 terminals in New York and throughout the New England area.

LOCAL 727

Carol Stream Paratransit

Paratransit drivers at MV Transportation in Carol Stream voted overwhelmingly to join Local 727 in Chicago.

The 39 new members join the more than 100 paratransit, bus drivers and mechanics at MV Transportation in Niles and Batavia who are already represented by Local 727.

“We proudly welcome these hardworking men and women to the Teamster family,” said

John T. Coli, President of Joint Council 25. “They chose to take action to secure a brighter future for themselves and their families. We will take action to ensure they are treated with the dignity and respect they deserve.”

The MV Carol Stream workers’ final vote tally was 21-5 in favor of Teamster representation. Union representatives are gathering member input and demands to negotiate with management on a first contract for the MV Carol Stream paratransit drivers. Last year, the union secured a strong first contract for 39 members at MV Batavia.

LOCAL 727

Brookfield Zoo

Nine patrol officers at Brookfield Zoo have joined hundreds of their groundskeeper and zookeeper co-workers as Teamsters Local 727 members.

Chicago-based Local 727 requested voluntary recognition from zoo management to include the patrol officers in the bargaining unit. The union received a letter of recognition from Brookfield Zoo management and the officers voted to join Local 727.

The officers are now protected under the current contract for other zoo workers, and they will immediately begin enjoying contracted benefits like job security, a grievance procedure and the Legal and Educational Assistance. The union will bargain with management on job-specific provisions during contract negotiations at the end of the year. The current contract expires Dec. 31, 2011.

“Just like that, these patrol

officers have gone from having zero work protections to having the backing of a healthy contract that has existed for more than 30 years,” said John Coli Jr., Local 727 President. “They’re already seeing the tangible and intangible benefits of being Teamsters.”

LOCAL 667

Advanced Disposal

Recently, 79 drivers and helpers with Advanced Disposal in Olive Branch, Miss., voted 50-20 to join Local 667 in Memphis.

“These workers have had to endure years of getting no respect and they’ve worked under horrible conditions,” said Norman Wayne Pairmore, Local 667 President. “They remained united in their fight for a better life at work and we will work hard to negotiate a first contract that delivers for them.”

“It’s overwhelmingly great—it’s historic for this area when you think back to 1968 and the struggle those sanitation workers went through,” said Illya Hamilton, a recycle-truck driver at Advanced Disposal.

Alvin Turner, a leader in the Memphis sanitation workers’ strike of 1968, assisted in the campaign and talked with workers.

“I’m a union man,” Turner said. “Any way I can help I will. I had a whole lot of people helping me when I needed help in 1968.”

LOCALS 728 AND 120

O’Reilly Auto Parts

Drivers for O’Reilly Auto Parts in Minnesota and Georgia have voted to join the Teamsters. Local 120 in

Blaine, Minn. became the first local to win an organizing victory at this company when they organized 30 drivers. That victory was soon followed by one by Local 728 in Atlanta, which organized 42 drivers.

Local 120 Business Agent Tom Erickson and Ben Speight, Director of Organizing at Local 728, joined forces for the second victory.

“Two of the drivers at the Brooklyn Park, Minn. location spent about an hour on a conference call with drivers from Georgia just before their vote, and that really helped the drivers who were on the fence,” Erickson said.

The drivers rallied around having Teamster representation so they could begin negotiating fair, annual raises, safety improvements to the workplace and job security. The drivers prevailed despite facing an aggressive anti-union campaign led by a notorious union-busting law firm hired by the company.

“While the route drivers were in the midst of their organizing campaign, their co-workers in the warehouse showed solidarity by actively encouraging them to vote for the union,” Speight said.

“Having a Teamster contract will be the best thing for drivers and our families,” said Tony Perry, a route driver at the Forest Park, Ga. location. “Being respected by O’Reilly and having a safe work environment is important to all of us.”

Road to **VICTORY**



More Than 300 Durham Drivers and Aides Join Teamsters



Durham Driver Honored at White House

Pina Beck has battled tremendous odds to become a leader in the drive for Durham School Services bus workers to join the Teamsters. For her determination and courage, Beck was recognized at a recent White House event held on the 100th anniversary of the Triangle Shirtwaist fire tragedy, which took the lives of 146 workers, mostly women.

“It’s important to come out to let people know there is hope on your darkest days and the union is our hope,” said Beck, who is among the 320 Durham school bus workers who recently voted overwhelmingly to join Local 952 in

Santa Ana, Irvine and Laguna Beach, Calif.

The White House forum commemorating the anniversary of the fire tragedy was organized by Labor Secretary Hilda Solis and Valerie Jarrett, Senior Advisor to the President and Chair of the White House Council on Women and Girls. The forum highlighted women from 10 labor unions who told about their personal journeys and commitment to the labor movement.

“It was an awesome experience to talk about the issues we face. Since working for Durham, I have lost my apartment, moved into and lost a mobile home and now I live in the

Hundreds of people gathered to hear the news. The drivers and aides with Durham School Services in Santa Ana, Irvine and Laguna Beach, Calif. had just voted in their Teamster election and eagerly awaited the word that they were officially Teamsters.

“We were out there in the middle of the yard just screaming and horns were blowing. There was so much excitement,” said Stacy Daly, a 10-year driver from Santa Ana. “It was just amazing to see so many of us there, and we enjoyed every minute of it.”

The drivers and aides recently voted an overwhelming 221-54 in favor of representation by Local 952 in Orange. It took unity, of hard work and persistence, but these workers are now Teamsters.

“This was a great joint effort of our union and a big win for school bus workers in California,” said Randy Cammack, President of Joint Council 42.

“We look forward to negotiating a strong first contract, including work preservation guarantees and improved health care coverage for the workers and their families,” said Patrick D. Kelly, Secretary-Treasurer of Local 952.

Better Life

The 308 drivers and aides joined the Teamsters seeking affordable and decent health insurance, and fairness on the job.

“I was a Teamster member for 32 years. The Teamsters helped ensure that I had the means to provide for my family,” said Lee Pflug, a driver from Laguna Beach. “It feels great to know the Teamsters are there for me again, and with that much of a vote margin, we should be in a strong position entering contract negotiations.”

“We need the union to help us negotiate to improve our standard of living. I’ve benefited from being a Teamster for many years and support us joining the Teamsters now,” said Dee Rainwaters, an aide at the Irvine location, who was also previously a Teamster.

“I’ve worked here six years and I haven’t seen any changes for the better. They offer a health care plan, but no one can afford it, so most people go without health insurance. If you have it, it’s your entire paycheck,” said Toni Battle, a driver in Santa Ana.

back of an office. I am one of the working poor,” Beck said. “But now as part of the Teamsters Union, we can work toward a contract so that we can be paid a fair wage with health benefits.”

Beck knew about the benefits of joining the Teamsters through her family. Her father was a Teamster and her brother is a Teamster, which Beck said is what enables him to provide a good life for his family. Beck advises others to stand their ground and organize for a better life.

“Speak up for yourself and don’t be fearful,” Beck said. “Make sure you stick up for your rights.”

R-E-S-P-E-C-T

While the workers want to see their basic economic needs met, they also want to feel appreciated for the work they do, and part of that is fair treatment and respect on the job.

“I always thought we needed a voice as far as being able to speak up. When we say things, I want us to be heard,” said Janette Ackerman, a five-year Santa Ana driver.

The workers formed an organizing committee and united around their shared goal of improving their workplace by becoming Teamsters. Since about 50 percent of the workers speak Spanish, get-out-the-vote materials were produced in English and Spanish, and bilingual Teamster organizers assisted in the campaign.

The workers stood united in the face of company resistance to their organizing efforts, including an attempt by Durham management to keep the election for the three bus yards separate. The workers won the case, which was brought by the company to a hearing before the local National Labor Relations office, as well as an appeal to the National Labor Relations Board (NLRB) in Washington, D.C. The workers voted as one group.

The hearing brought the workers even closer together in their efforts to organize. At the hearing, while Durham’s human resources manager was being asked whether there were certain hiring requirements at the company, Durham’s attorney interrupted, “You mean, other than being a breathing human being?”

“It was so insulting,” said Guf Pannarale, a Santa Ana driver. “We go through licensing, training, testing, background and medical checks. We’re patient and work with kids who are epileptic and have special needs. We do important work and have big responsibilities.”

At the vote, as air horns went off and people hugged, Daly felt excited not only about the vote she and her co-workers were celebrating, but about what it meant.

“We are really going to see a change. I know because my husband is a warehouse worker and he’s a member of Local 952. This process has brought all of us together and we found out we all want the same things,” Daly said. “You find out you have so many friends you didn’t know you had.”



REPORT TO ALL MEMBERS OF THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS

FROM: Independent Review Board
Benjamin R. Civiletti
Joseph E. diGenova
William H. Webster

DATED: April 20, 2011

I. INTRODUCTION

This is the Independent Review Board's ("IRB") Report Number 3 for 2011 to you on its activities conducted pursuant to the Consent Order. In this Report we will discuss matters that are currently before us, and the progress of existing charges about which you were previously informed.

II. PROGRESS OF EXISTING CHARGES

A. LOCAL 82, SOUTH BOSTON, MASSACHUSETTS

We have previously informed you in report No. 5 in the Nov/Dec 2010 issue of the *Teamster* magazine of the several IRB findings dealing with Local 82 members' work in the show and moving industries. General President Hoffa determined it was appropriate to impose a Trusteeship on an emergency basis pursuant to Article VI, Section 5 of the IBT Constitution.

In a letter dated October 13, 2010 to Bradley T. Raymond, IBT General Counsel, the IRB requested that the IBT General Counsel's Office provide the IRB every 90 days with a status report on Trusteeships imposed pursuant to an IRB recommendation.

In a reply dated January 14, 2011 from Bradley T. Raymond, the IRB was provided with a status report on the Local 82 Trusteeship. The report states that the Trustee took charge of the affairs of Local 82, and removed the officers. The report lists several other actions including the following:

- Records are now being kept by each contractor with respect to who is hired.
- An ex-felon identified as referring workers to employers, despite being statutorily barred because of his criminal record from serving in a Union representational capacity, has not been authorized to perform this function.
- A written document will be developed that lays out how the referral process works.
- The "speculation hall" is currently under new supervision. This concerns additional applicants who have communicated their availability for work.
- The Trustee removed all Chief Stewards at various contractors, and has conducted elections among the

seniority list of members at active contractors.

- The Trustee has been and continues to be in charge of the Local's financial condition.
 - Agreements allocating certain costs to the Local's benefit funds have been completed, executed, and implemented.
- A panel hearing was held on December 7, 2010 to determine whether to continue with the Trusteeship. Although the hearing panel has not made its recommendations concerning continuation, no members spoke in opposition to the Trusteeship, and several members spoke in favor of it.

IBT will soon be issuing a report on the status of this trusteeship.

B. MICHAEL DOE, LOCAL 82, SOUTH BOSTON, MASSACHUSETTS

We have previously informed you that Local 82 member Michael E. Doe allegedly brought reproach upon the IBT by failing to appear for his scheduled IRB sworn examination on April 9, 2010. The Executive Board of Local 82 filed the charge and held a hearing on July 7, 2010. Mr. Doe failed to appear for that hearing.

An unsigned decision was sent to the IRB dated July 22, 2010. This decision states that, "The entire Executive Board at a meeting held on July 20, 2010 has concluded that Michael E. Doe should be permanently barred from membership in the Local immediately."

In a letter dated September 16, 2010 the IRB informed the Executive Board of Local 82 that their decision of July 22, 2010 was inadequate because the decision was unsigned and the sanction imposed appears inadequate because the decision solely barred Mr. Doe from membership in Local 82, not from the IBT. In addition the decision did not bar Mr. Doe from any position, employment, consulting or other work with any IBT-affiliated entity, including any IBT-affiliated benefit fund; nor did it prevent IBT-affiliated entities from making contributions on behalf of Mr. Doe to any IBT-affiliated benefit fund.

On September 27, 2010, Local 82 was placed in Trusteeship by IBT General President Hoffa and he appointed Mr. Denis J. Taylor, as Trustee. In a letter from the IRB to Mr. Taylor dated October 13, 2010, he was informed that the revised decision improperly claimed that the IRB issued a "directive" to Local 82 as the sanction to be imposed and was inadequate. Since the Local 82 Executive Board is not currently in office, the IRB scheduled a *de novo* hearing. Mr. Doe was served with an IRB Notice of Hearing on the charges and evidence to be presented against him to commence on November 10, 2010 at the offices of the IRB in Washington, D.C.

Mr. Doe did not appear for the hearing held on November 10, 2010. A Post Hearing Memorandum was submitted by IRB's Chief Investigator on this matter and the time permit-

ted for Mr. Doe to respond has expired.

On February 15, the IRB issued its opinion and decision that included the following: Mr. Doe will be permanently barred from holding membership in or any position with the IBT or any IBT-affiliated entity any salary, severance payment, allowance, fee, payment for unused vacation, or compensation of any kind except fully vested pension compensation and fully vested welfare benefits; and permanently barred from the date of expulsion from having any contributions made on his behalf by any IBT entity to any pension, health and welfare, severance, or other benefit fund.

On February 15, 2011 the IRB submitted Application 146 on this matter to Chief Judge Preska for review.

C. LAWRENCE MAGUIRE – LOCAL 82, SOUTH BOSTON, MASSACHUSETTS

On November 10, 2010 the IRB issued an Investigative Report to General President Hoffa recommending that Mr. Maguire be charged as follows:

While a member of Local 82 of the IBT on December 11, 2007 you conducted yourself in a manner to bring reproach upon the IBT in violation of Article II, Section 2 (a) and Article XIX, section 7 (b) (1) and (2) of the IBT Constitution, to wit:

While an IBT member, on December 11, 2007, you intimidated a witness and assaulted a police officer. Your convictions for these crimes on November 21, 2008 established the facts as outlined in the above report.

On November 17, 2010 General President James P. Hoffa advised the IRB that a hearing would be held on December 14, for charges filed by IRB against Mr. Maguire. The hearing was held on February 15, 2011. IBT General President James P. Hoffa, informed the IRB by letter dated March 24, 2011 of his decision on the charges against Mr. Maguire. This matter is under consideration by the IRB.

D. JOHN PERRY AND PATRICK GEARY, JOSEPH BURHOE, JAMES DEAMICIS, THOMAS FLAHERTY, AND JAMES YOUNG - LOCAL 82, SOUTH BOSTON, MASSACHUSETTS

We have previously informed you in some detail in reports Number 1 of the Jan/Feb 2011 and in report Number 2 of the March/April issues of the *Teamster* magazine of several charges placed against two officers of Local 82, Mr. Perry and Mr. Geary and four members of Local 82, Mr. Burhoe, Mr. Deamicis, Mr. Flaherty, and Mr. Young.

These charges include:

- Selectively enforcing contract provisions and abandoning the Local's contractual obligations to refer workers through a lawful referral system.
- Interfering with the union's obligation to comply with federal law because a barred member was acting as a

representative of the union.

- Injuring members by creating and arbitrarily enforcing unauthorized rules concerning members' voting eligibility on proposed collective bargaining agreements.
- Injuring members by engaging in a scheme to collude with a non-union employer to provide workers less pay than they would have been paid under Local 82 collective bargaining agreements.
- Failing to comply with Local Bylaws and the IBT Constitution because a member, while under continuing suspension, continued to exercise all rights of membership.

In a letter dated October 4, 2010 to the IRB from IBT President Hoffa, Mr. Hoffa determined to adopt and file the charges referred to him by the IRB and that a panel would be appointed to hear the proposed charges. An IBT hearing was held on February 15, 2011 regarding all the charged parties except for Mr. John Perry.

On February 8, 2011, several days before the February 15 hearing was held, General President Hoffa submitted to the IRB an Agreement signed by Mr. John Perry. The IRB approved the Agreement on February 10, 2011.

The IRB issued two Investigative Reports to IBT General President Hoffa recommending charges against Mr. Perry for bringing reproach related to several matters. It was agreed by IRB that the Agreement as briefly discussed in this Section D. also applies to Mr. Perry as one of the parties that brought reproach as discussed in the immediately following discussion in Section E.

The Agreement stipulates several conditions which includes the following:

Effective February 10, 2011, Mr. Perry has agreed to permanently retire from the IBT and Local 82. From February 7, 2011 forward, he has further agreed not to:

- (1) Hold membership in the IBT or hold any position with Local 82, or any employment, office, position or consulting or similar relationship, whether paid or unpaid, with Local 82, or any IBT entities;
- (2) Participate in any manner in any of the activities or affairs of Local 82, or any other IBT entities.
- (3) Accept any pay, salary, allowance, fee or compensation of any kind, except that he may receive any fully vested pension benefits; accept any contributions on his behalf to any pension, health and welfare, severance or other benefit fund;
- (4) Receive any gratuities, severance payments or gifts of any kind whatsoever from Local 82, or IBT entities; and,
- (5) Further associate for a period of five years with any member officer or employee of Local 82, the IBT or any affiliate of the IBT.

The IRB found the Agreement serves to resolve the

matter in a fair and equitable manner and Application 147 dated February 15, 2011 respectfully requests that the Court execute the Agreement.

IBT General President Hoffa informed the IRB by letter dated March 24, 2011 of his decisions on the charges against Messrs. Geary, Burhoe, Deamicis, Flaherty, and Young. This matter is under consideration by the IRB.

E. JOHN PERRY, PATRICK GEARY, LEIF THORNTON, CHERYL MILISI, FRANCIS DIZOGGIO, JOHN LOGAN, AND NICHOLAS MURPHY - LOCAL 82, SOUTH BOSTON, MASSACHUSETTS

We previously informed you in reports No. 1 in the Jan/Feb 2011 and report Number 2 of the March/April issues of the Teamster magazine of two recommended charges against the officers of Local 82.

These charges include:

- Violation of the IBT Constitution and Bylaws of Local 82 by causing or allowing Local 82 to make substantial non-routine expenditures without membership approval which is required by the Local's Bylaws for such purchases; and
- Failing to perform IBT Constitutionally mandated duties as Trustees which included, among other things, verifying the Local's bank balances.

In a letter to the IRB dated October 18, 2010 from IBT General President Hoffa, Mr. Hoffa determined to adopt and file the charges referred to him by the IRB and that a panel would be appointed to hear the proposed charges. On February 15, 2011 IBT held a hearing on this matter.

As discussed in the previous Section D. the terms of the agreement entered into with Mr. John Perry on February 8, 2011 also applies to these charges and is included in Application 147 submitted to Chief Judge Preska on February 15, 2011.

IRB General President James P. Hoffa informed the IRB by letter dated March 24, 2011 of his decisions on the charges against Patrick Geary, Leif Thornton, Cheryl Milisi, Francis Dizoglio, John Logan, and Nicholas Murphy. This matter is under consideration by the IRB.

F. ROBERT PERRY, LOCAL 82, SOUTH BOSTON, MASSACHUSETTS

On November 10, 2010, the IRB issued an Investigative Report to General President Hoffa recommending that Mr. Perry be charged as follows:

While a member of Local 82, you embezzled and converted Local 82 funds to your own use, and brought reproach upon the IBT in violation of Article II, Section 2 (a) and Article XIX, Section 7 (b) (1), (2) and (3) of the IBT Constitution and Section 15 (F) of the Local's Bylaws to wit:

Between approximately January 1, 2005 and December 2008, while a member of Local 82 you embezzled approxi-

mately \$2,485 from Local 82, as described above.

On November 18, 2010, President Hoffa advised the IRB that a hearing would be held on the charges filed by IRB against Mr. Perry. The hearing was held on February 15.

IBT General President James P. Hoffa informed the IRB by letter dated March 24, 2011 of his decisions on the charges against Mr. Perry. This matter is under consideration by the IRB.

G. PISCOPO, LOCAL 82, SOUTH BOSTON, MASSACHUSETTS

On October 13, 2010 IRB issued an Investigative Report to IBT General President Hoffa recommending that Mr. Piscopo be charged with conducting himself in a manner to bring reproach upon the IBT in violation of the IBT Constitution by committing the felony of manslaughter while an IBT member, as detailed in the IRB report.

In a letter to the IRB dated October 15, 2010 from IBT General President Hoffa, Mr. Hoffa determined to adopt and file the charges referred to him by IRB against Mr. Piscopo and that a panel would be appointed to hear the proposed charges. In a subsequent letter to the IRB dated October 29, 2010, Mr. Hoffa decided to refer Mr. Piscopo's charges back to the IRB for adjudication on the basis that Mr. Piscopo was incarcerated and could not attend an IBT hearing.

The IRB sent a Notice of Hearing to Mr. Piscopo on December 15, 2010 that a hearing was scheduled for the charges against him on January 6, 2011 in the offices of the IRB in Washington, D.C.

On January 5, 2011, the day before the scheduled hearing, IRB's Chief Investigator's Office received a letter from Mr. Piscopo dated December 26, 2010, requesting an adjournment of the hearing until the appeal of his conviction could be heard; or, until he is released from incarceration.

In a letter to the IRB dated February 28, 2011, Mr. Piscopo requested a 60 day continuance. His request was approved by the IRB on March 16, 2011.

H. LOCAL 107 TRUSTEESHIP

We have previously informed you in report No. 2 in the May/June 2010 issue of the Teamster magazine, that the IRB recommended in its report to James P. Hoffa, IBT General President, that the IBT place Local 107 into Trusteeship.

On July 22, 2010 General Counsel Bradley T. Raymond submitted IBT's interim report. The report discusses IBT's decision to impose a Partial Trusteeship on Local 107 limiting it to two affected industries: the Motion Picture/Television Industry and the Convention Industry.

The report discusses the action taken to transfer Motion Picture/Television jurisdiction in Local 107 to Local 817, in Lake Success, New York. The report concludes that the concerns about nepotism or favoritism toward the officers of Local 107 should be considered resolved.

A second interim report was received by the IRB from Bradley Raymond, IBT General Counsel dated December 14, 2010. This report deals with a wide range of Convention Industry improvements which were made under the Partial Trusteeship of Local 107 located in Philadelphia.

Several benefits obtained from a newly established referral system cited in the report include: the unification of an employment system throughout, and sets forth uniform rules and procedures; confirmation of flexibility indicated by employers as necessary to grow the industry and create additional employment opportunities; and the transparency it provides in requiring that hiring be documented, so that it can be confirmed that employees with seniority with a particular employer be given preference; and, that ranked industry experience was used or that written requests for specific individuals were properly communicated.

The new rules went into effect December 10, 2010. It is expected that this Partial Trusteeship will continue for at least six months so that implementation of the new system can be monitored.

A status report on this matter will be submitted to the IRB for its consideration in the near future.

I. JOHN CASTELLE, LOCAL 282, LAKE SUCCESS, NEW YORK

We previously informed you that while a member of Local 282 Mr. Castelle brought reproach upon the IBT by violating his oath of membership in violation of the IBT Constitution and of the March 14, 1989 Consent Order by being a member of, and knowingly associating with members of the Luchese La Cosa Nostra Crime Family. This includes Steve Crea whom the FBI identified as being the head of the Luchese LCN family.

Mr. Castelle also brought reproach upon the IBT and violated his oath of membership in violation of the IBT Constitution by unreasonably failing to cooperate with the IRB while an IBT member. Mr. Castelle willfully failed to appear for a sworn examination on February 12, 2010 as required, pursuant to the Rules and Procedures for Operation of the Independent Review Board; and, as detailed in the report.

In a letter dated October 15, 2010 to the IRB from Mr. Hoffa, the IBT adopted and filed the charges referred to against Mr. Castelle. In accordance with past practice, these charges were referred back to the IRB for adjudication. In a letter dated October 20, 2010 the IRB served a Notice of Hearing to Mr. Castelle that a hearing to present the evidence regarding charges against him was scheduled for November 10, 2010 at the IRB offices in Washington D.C.

Mr. Castelle did not appear for the hearing. A Post Hearing Memorandum submitted by IRB's Chief Investigative Officer to the IRB recommended that the IRB find that Mr. Castelle while an IBT member was a member of the Luchese LCN family and unreasonably failed to cooperate with the IRB.

This recommendation was accepted by the IRB and on March 16, 2011, IRB's opinion and decision was issued and included the following:

Mr. Castelle is permanently barred from holding membership in or holding any position with the IBT or any IBT-affiliated entity. Mr. Castelle is permanently barred from seeking or accepting from the IBT or any IBT-affiliated entity any salary, severance payment, allowance, fee, payment for unused vacation, or compensation of any kind except fully vested pension compensation and fully vested welfare benefits; and permanently barred from the date of expulsion from having any contributions made on his behalf by any IBT entity any pension, health and welfare, severance, or other benefit fund.

The opinion and decision was submitted to Chief Judge Preska on March 16, 2011 for her review in Application 148.

J. GERMAN VAZQUEZ, LOCAL 901, SAN JUAN, PUERTO RICO

We have previously informed you that German Vazquez allegedly brought reproach upon the IBT, breached his fiduciary duty and embezzled union funds from Local 901 as a result of four unauthorized pay raises while an IBT member and Secretary-Treasurer of Local 901.

On March 5, 2010 Mr. Hoffa issued his decision that Mr. Vazquez be fined \$72,302, removed from office, prohibited from holding any office or employment with Local 901, the IBT or any IBT affiliates until the current term of office for Local 901 officers expires or until he has fully satisfied the fine; and that Mr. Vazquez be suspended from membership in Local 901 and the IBT for one year, or until he has fully satisfied the fine, whichever occurs later.

After the IRB notified Mr. Hoffa that his decision was not inadequate, counsel for Vazquez notified the IRB that Vazquez wanted to have the decision modified regarding the monetary penalty. To obtain the District Court's review of the case, the IRB submitted Application 141 to Chief Judge Preska and on July 28, 2010, also submitted a Supplement to Application 141 to provide the Court additional material received by the IRB on this matter.

Chief Judge Preska's Order of March 11, 2011, affirming the IRB's determination, is printed in this issue of the *Teamster* magazine.

K. MICHAEL PRELLI, LOCAL 1901, LONG ISLAND CITY, NEW YORK

On November 11, 2010, the IRB issued an Investigative Report to General President Hoffa recommending that Mr. Prelli be charged as follows:

While a member of the IBT, you brought reproach upon the IBT and violated your oath of membership in violation of Article II, Section 2 (a) and Article XIX, Section 7(b) (1), (2) and (9) of the IBT Constitution and Paragraph E (10) of the March 14, 1989 Consent Order in United States v. IBT,

88 Civ. 4486 (S.D.N.Y.), to wit:

While a member of the IBT as described above, you were an associate of the Luchese La Cosa Nostra Family and knowingly associated with members of the Luchese La Cosa Nostra Family.

On November 17, 2010 Mr. Hoffa determined to adopt and file the charges referred by IRB and in accordance with past practice referred the charges back to the IRB for adjudication.

On December 15, 2010 the IRB issued a Notice of Hearing to Mr. Prelli scheduled for January 6, 2011 at the IRB offices in Washington, D.C. In a letter dated January 4, 2011 the IRB informed Mr. Prelli that it was necessary to cancel the January 6, 2011 hearing and that he would be notified as soon as arrangements were made for rescheduling his hearing.

In a letter dated January 6, 2011, Mr. Prelli was advised that a new hearing was scheduled for February 10, 2011 at the IRB offices in Washington, D.C. The hearing was held as scheduled. Mr. Prelli failed to appear at that hearing. This matter is under the IRB's review.

III. TOLL-FREE HOTLINE

Since our last report to you, the hotline has received approximately 90 calls reporting alleged improprieties. As in the past, all calls appearing to fall within IRB jurisdiction were referred for investigation.

Activities which should be reported for investigation include, but are not limited to, association with organized crime, corruption, racketeering, embezzlement, extortion, assault, or failure to investigate any of these.

To assure that all calls are treated confidentially, the system recording hotline calls is located in a cipher-locked IRB

room on a dedicated line and accessed by IRB staff only. It is not manned by an investigator; however, the recorded information, if complete and within IRB jurisdiction, is forwarded directly to the Investigations Office. Please continue to use the toll-free hotline to report improprieties which fall within IRB jurisdiction by calling 1-800-CALL-IRB (1-800-225-5472). If you are calling from within Washington, DC, dial 202-434-8085.

IV. CONCLUSION

As always, our task is to ensure that the goals of the Consent Order are fulfilled. In doing so, it is our desire to keep the IBT membership fully informed about our activities through these reports and also through use of the website at www.irbcases.org. The website also makes available a copy of the Consent Decree.

If you have any information concerning allegations of wrongdoing or corruption, you may call the toll-free hotline number noted above, use the IRB facsimile number 202-434-8084, or write to either the IRB Chief Investigator or the IRB office:

Charles M. Carberry, Chief Investigator
17 Battery Place, Suite 331
New York, NY 10004

Independent Review Board
444 North Capitol Street, N.W.
Suite 528
Washington, DC 20001

COURT ORDER**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
88 Civ. 4486 (LAP)****MEMORANDUM AND ORDER****UNITED STATES OF AMERICA,****Plaintiff,****v.****INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, et al.,****Defendants.****APPLICATION NO. 141****Re: German Vazquez****LORETTA A. PRESKA,****Chief United States District Judge:**

Before the Court is Application 141 of the Independent Review Board ("IRB" or the "Board"), dated April 5, 2010, as supplemented by the Supplement to Application 141 of the IRB, dated July 28, 2010. Application 141 seeks an order affirming the IRB's finding that the International Brotherhood of Teamsters' (the "IBT's") disciplinary action against German Vazquez ("Vazquez") was "not inadequate." Vázquez was Secretary-Treasurer and principal officer of IBT Local 901 in San Juan, Puerto Rico. The IBT charged him, upon the recommendation of the IRB, with bringing reproach upon the IBT and breaching his fiduciary duty by accepting four unapproved salary increases between 2005 and 2009. After an IBT panel conducted a hearing on the matter, the IBT sustained the charges and imposed a penalty including a fine in the amount of \$72,302, plus interest. Pursuant to the consent decree governing this action (the "Consent Decree"), the IRB examined the IBT's disciplinary resolution and, on March 22, 2010, found the resolution to be "not inadequate."

Vazquez objected to Application 141 by letter dated June 2, 2010. Specifically, Vazquez argued that the IBT should have imposed a fine of \$48,810, instead of \$72,302, because half of one of the four raises in controversy had allegedly been approved. In response to Vazquez's objection, the IRB informed the Court that Vazquez had never presented the IRB with this argument, or any other, regarding the fine. The IRB thus requested that the Court remand Application 141 for the IRB to review Vazquez's argument in the first instance. The Court or-

dered such a remand on June 11, 2010.

On remand, the IRB reviewed a submission from the IBT regarding the amount of the fine, along with a response from Vazquez setting forth his argument. On July 14, 2010, the IRB found substantial evidence supporting the original \$72,302 fine. The IRB therefore reaffirmed its "not inadequate" finding. By letter dated July 21, 2010, Vazquez summarily informed the Court that he continues to object to Application 141.

For the reasons set forth herein, Application 141 is granted, and the IRB's finding that the IBT's resolution of the charges against Vazquez was "not inadequate" is upheld.

BACKGROUND**A. Proceedings Against Vazquez**

On June 19, 2009, the IRB referred to the IBT its charges that Vazquez breached his fiduciary duties and embezzled union funds in violation of Article II, Section 2(a), and Article XIX, Section 7(b)(1)-(3) of the IBT Constitution by granting himself four unauthorized pay raises between 2005 and 2009. See Application 141, Ex. A. The IRB's proposed charge explained that, although only the Executive Board of Local 901 had the authority to increase Vazquez's salary as Secretary-Treasurer, Vazquez unilaterally increased his salary on four occasions. See *id.*, Proposed Charge, at 5-22. Specifically, in January 2005, Vazquez took a salary increase of \$2 per hour, contrary to the Executive Board's authorization of only \$1 per hour increase, see *id.* at 7-9; in October 2005, Vazquez took a salary increase of \$200 per week, where no increase was authorized (this increase being the subject of the present dispute), see *id.* at 9-10; in March 2007, Vazquez took a salary increase of \$100 per week, where only a \$50 per week increase had been authorized, see *id.* at 11-12; and, in January 2009, Vazquez took an additional \$200 per week increase, where only a \$100 per week increase had been authorized, see *id.* at 12-13.

On June 26, 2009, IBT General President James P. Hoffa filed the IRB-recommended charges and, pursuant to the IBT Constitution, appointed a hearing panel of three IBT members to hear the charges against Vazquez. See Application 141, Ex. B. The appointed IBT hearing panel conducted hearings on December 7, 2009, and January 29, 2010, at which Vazquez was represented by counsel. See Application 141, Ex. D ("Hearing Trans."). Vazquez presented witness testimony and introduced several exhibits as evidence. See *id.*

The hearing panel issued a Report and Recommendation, dated March 5, 2010, unanimously finding that Vazquez had "violated the fiduciary standards that governed his actions as Local 901's principal officer." See Application 141, Ex. E, Report and Recommendation, at 6; see also *id.* at 8,10. The hearing panel recommended that, among other things, Vazquez be removed from office and fined \$72,302, plus interest. See *id.* at 9-11. The panel explained that the sum of \$72,302 represented the panel's calculation of "the total amount of unapproved salary that Brother Vazquez has received through February 27, 2010." By a letter to Vazquez dated March 5, 2010, IBT Presi-

dent Hoffa adopted the Report and Recommendation of the hearing panel as the decision of the IBT (the “IBT Decision”). See Application 141, Ex. E. Pursuant to the provisions of the Consent Decree and the IRB Rules, the IBT sent its decision to the IRB. See *id.*; see also Consent Decree ¶ G(f); IRB Rules ¶ I(7). Although served with a notice of the IBT Decision, Vazquez failed to submit any objections to the IRB.

By letter dated March 22, 2010, the IRB found that the IBT Decision was “not inadequate” as a resolution of the IRB-recommended charges against Vazquez. See Application 141, Ex. F.

B. Application 141

On April 5, 2010, the IRB submitted Application 141 to this Court. The Consent Decree provides that the IRB shall monitor disciplinary actions taken by any IBT entity on IRB-recommended charges to determine whether the charges were “pursued and decided” by that IBT entity “in a lawful, responsible, or timely manner” and to determine whether the resolution of those charges was “inadequate under the circumstances.” Consent Decree ¶ G(f); see also IRB Rules ¶ I(7). Although the Consent Decree contains no express procedure by which a union member disciplined by an IBT entity on IRB recommended charges may appeal such a “not inadequate” determination to this Court, the IRB has followed a practice of facilitating judicial review of its “not inadequate” determinations when a charged party demonstrates his intention to seek review of a “not inadequate” finding. See *United States v. IBT (“Hahs”)*, 652 F. Supp. 2d 447,451 (S.D.N.Y. 2009) (citing precedents). Following that practice, the IRB submitted Application 141, requesting that the Court adopt the IRB’s determination that the IBT’s handling of the charge against Vazquez was “not inadequate.”

Vazquez objected to Application 141 by letter dated June 2, 2010, arguing that the IBT should have imposed a fine of \$48,810, instead of \$72,302. According to Vazquez, the lesser fine was appropriate because the hearing panel had assumed that no salary increase had been authorized for Vazquez in October 2005, whereas Vazquez contended that, in fact, a \$100 increase (i.e., half of the increase he granted himself) had been authorized. See letter dated June 2, 2010, at 1-3. Vazquez had failed to present the IRB with any such argument prior to the IRB’s issuance of its “not inadequate” finding. Accordingly, on June 11, 2010, upon the request of the IRB, this Court remanded Application 141 for the IRB to review Vazquez’s argument in the first instance.

The IRB conducted an additional review on remand. By letter dated June 15, 2010, the IRB requested briefing from both the IBT and Vazquez. See Supplement to Application 141, Ex. I. The IBT explained that Vazquez never presented the IBT hearing panel with evidence to support his contention that half of the \$200 per week salary increase he gave himself in October 2005 had been approved by the Local 901 Executive Board. See Supplement to Application 141, Ex. J, at 2-3. The IBT acknowl-

edged that, during ultimately unavailing settlement negotiations regarding the disciplinary action against Vazquez, the IBT had agreed to calculate a fine based on \$100 per week unauthorized salary increase from October 2005, rather than the \$200 per week increase charged; but the IBT reiterated that after those settlement negotiations stalled, Vazquez failed to produce evidence to the IBT hearing panel proving that the Executive Board of Local 901 had approved any increase in salary in October 2005. *Id.* at 2-3. Indeed, the hearing panel decision expressly noted that “[d]espite having argued in connection with earlier efforts to settle the charges against him that the Executive Board had considered and approved a \$100 per week increase for business agents in October of 2005, surprisingly Vazquez’s advocates presented no evidence on this point at the panel hearing.” Report and Recommendation, at 3-4 (emphasis in original).

By letter dated July 6, 2010, Vazquez replied to the IBT’s submission. Vazquez stated that his counsel had provided the IBT hearing panel with an exhibit that allegedly represented a transcript of a tape recording of an October 2005 meeting of the Local 901 Executive Board. See Supplement to Application 141, Ex. K, at 2-3. The purported minutes showed that Local 901 business agents, including Vazquez, were to receive a \$100 per week salary increase. *Id.* Vazquez’s letter did not cite any testimony introduced to the hearing panel regarding the transcript’s authenticity or accuracy and conceded that the minutes were not even created until after the IBT filed the IRB-recommended charges. *Id.*

On July 14, 2010, the IRB reaffirmed its “not inadequate” finding. See Supplement to Application 141, Ex. L. The IRB found that substantial evidence in the IBT hearing record supported “the IBT’s finding that Mr. Vazquez’s challenged raise was not authorized” and that nothing in the hearing record supported “Mr. Vazquez’s contention that \$100 of the raise was authorized in October 2005.” *Id.* The IRB noted that, “Vazquez, despite ample opportunity, never introduced into the record the tape of the Executive Board meeting at which he contended \$100 of the raise was authorized” “[n]or did he offer testimony to establish the approval in his own testimony or in that of any witness.” *Id.* Indeed, although “[h]e was alerted to [the] absence of the evidence at the hearing,” he never introduced any evidence. *Id.*

DISCUSSION

I. Standard of Review

The standards governing review of IRB disciplinary decisions are well established. This Court reviews determinations made by the IRB under an “extremely deferential standard of review.” *United States v. IBT (“Carey & Hamilton”)*, 247 F.3d 370,379 (2d Cir.2001); *Hahs*, 652 F. Supp. 2d at 451. The IRB Rules, which were approved by this Court and the Court of Appeals, provide for review of decisions of the IRB under “the same standard of review applicable to review of final federal agency action under the Administrative Procedure Act.” IRB

Rules ¶ O; see *United States v. IBT* (“*IRB Rules*”), 803 F. Supp. 761, 805-06(S.D.N.Y. 1992), *aff’d as modified*, 998 F. 2d 1101 (2d Cir. 1993). Under this extremely deferential standard, an IRB decision may be set aside only if it is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” *Carey & Hamilton*, 247 F. 3d at 380 (quoting 5U.S.C. § 706(2)(A)); *Hahs*, 652 F. Supp. 2d at 451.

In accordance with that standard, this Court reviews “the IRB’s findings of fact for ‘substantial evidence’ on the whole record.” *United States v. IBT* (“*Giacumbo*”), 170F. 3d 136, 143 (2d Cir. 1999). “The substantial evidence test is deferential.” *Id.* “Substantial evidence is ‘something less than the weight of the evidence,” *United States v. IBT* (“*Simpson*”), 120 F. 3d 341, 346(2d Cir. 1997), “but something ‘more than a mere scintilla,” *id.* (quoting *United States v. IBT* (“*Cimino*”), 964 F. 2d 1308, 1311-12(2d Cir. 1992)). “Substantial evidence includes such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *Id.* (internal quotations omitted). Moreover, the mere possibility of drawing two inconsistent conclusions from the evidence does not prevent the IRB’s findings from being supported by substantial evidence. *Carey & Hamilton*, 247 F.3d at 380(citations omitted). “The IRB’s findings cannot be overturned merely by identifying alternative findings that could potentially be supported by the evidence. Rather, the Court must find that the evidence not only supports [a contrary] conclusion, but compels it.” *Hahs*, 652 F. Supp.2d at 451-52 (internal citations and quotation marks omitted).

Moreover, “[i]t is well settled that,” where, like here, “a district court reviews penalties imposed by the IBT in accordance with the Consent Decree,” it applies an ‘arbitrary and capricious standard.’” *Hahs*, 652 F. Supp.2d at 461 (quotation marks omitted). In reviewing sanctions, “this Court asks only whether the sanction imposed represents an allowable judgment in the choice of remedy.” *Id.* This Court should not overturn the “choice of sanction unless it finds the penalty unwarranted in law or without justification in fact.” *Id.* Ultimately, the IBT decision is not the subject of the Court’s review; “[r]ather, it is the IRB’s finding that the IBT decision was ‘not inadequate’ that is subject to review, as noted above, under an ‘extremely deferential standard of review.’” *United States v. IBT* (“*Jackson*”), 2008 WL 536686, at *2 (S.D.N.Y. Feb. 25, 2008).

II. The IRB’s Determination Is Affirmed

Vazquez challenges the IRB’s finding only to the extent that the IRB found that the IBT’s imposition of a \$72,302 fine was “not inadequate.” In particular, Vazquez contends that the fine should be reduced because, according to Vazquez, half of his October 2005 salary increase was authorized, and the IBT

calculated the fine on the allegedly false assumption that it was wholly unauthorized. Specifically, Vazquez claims that, although the Local 901 Executive Board concededly never authorized the \$200 per week salary increase Vazquez gave himself in October 2005, the Board did authorize a \$100 per week salary increase at that time. See Letter of June 2, 2010. Vazquez’s argument is unavailing, however, for several reasons.

First, the IRB acted within its broad discretion in reviewing the IBT Decision because Vazquez failed to introduce any evidence to the IBT hearing panel that the Local 901 Executive Board had authorized a \$100 per week salary increase in October 2005. The record before the IBT hearing panel included the IRB’s charge that no salary increase had been authorized in October 2005—*i.e.*, neither the \$200 Vazquez granted himself nor the \$100 per week he now argues was appropriately authorized. See Hearing Trans. At 7:8-8:1 (moving IRB exhibits and IRB charge into evidence); *id.* at 10:8-10 (noting that IRB exhibits had been received into evidence); see also *id.* at 12:3-9 (arguing that, “[e]ffective October 29, 2005, Mr. Vazquez gave himself a \$200 weekly salary increase,” which the “Executive Board did not approve”); see also Application 141, Ex. A, at 9-10. The IRB exhibits included all of the Local 901 Executive Board minutes, and none of those minutes reflected any authorized salary increases. See Application 141, Ex. A, Exhibits to the Report Concerning German Vazquez (listing Ex. 54 (“Minutes from all Local 901 Executive Board meetings from January 13, 2003 through February 26, 2009”), including Ex. 54(c) (“Minutes from all 2005 Local 901 Executive Board meetings”). This evidence before the IBT hearing panel supported the panel’s conclusion that Vazquez’s October 2005 raise was wholly unauthorized.

Vazquez failed to present the hearing panel with any contrary evidence. According to Vazquez, prior to his hearing, he discovered an audio tape of an October 2005 Local 901 Executive Board meeting which purportedly demonstrated that the board had approved a \$100 per week raise for him. See Letter dated June 2, 2010, Ex. B (Letter dated Aug. 14, 2009), at 6. Vazquez claims he had an unsworn transcript of this purported meeting prepared for him (the “Unsworn Transcript”). See Letter dated June 2, 2010, Ex. C. Yet, despite Vazquez’s involvement in the creation of, and his access to, this purported evidence at the time of his hearing, Vazquez chose not to introduce the Unsworn Transcript.¹ Nor did Vazquez introduce any other evidence that the Local Executive Board partially authorized his October 2005 raise. In particular, Vazquez, assisted by counsel, presented his own testimony and that of supporting witnesses to the IBT hearing panel, but neither he nor any witnesses offered any testimony regarding the purported October 2005 partial authorization. Thus, none of the evidence on the IBT

¹ Vazquez erroneously argues that the Unsworn Transcript was introduced as a part of an August 2009 letter that Vazquez purportedly presented to the hearing panel. See Letter of June 2, 2010 at 2 (citing Hearing Trans. At 45-46). Vazquez explains that this letter was sent from his counsel to the IBT. *Id.* Vazquez never submitted any such letter, however, to the IBT hearing panel. As the record reveals, the only letter Vazquez ever introduced was a letter from the IBT to the IRB, see hearing Trans. At 42:4, 45:15-47:8, and that letter was sent in September 2009, not August 2009, see Supplement to Application 141, Ex. L at 2.

hearing panel record supports Vazquez's current argument that the October 2005 raise he took was authorized in any way.

The absence of any evidence contradicting the panel's conclusion is dispositive, as the IRB found. See Supplement to Application 141, Ex. L ("[T]here is substantial evidence in the hearing record to support the IBT's finding that Mr. Vazquez's challenged raise was not authorized, and no evidentiary support for Mr. Vazquez's contention that \$100...was authorized."). Thus, as an initial matter, the IBT Decision the IRB reviewed was consistent with the only evidence presented to the IBT hearing panel.

Second, and relatedly, Vazquez not only failed to present evidence to the hearing panel supporting his claim but failed even to argue to the hearing panel that \$100 of his October 2005 raise had been authorized. Rather, Vazquez, represented by counsel, chose a different strategy. In particular, at the IBT hearing, Vazquez premised his defense solely on his claims that the increases were supported by a proper union purpose, see *id.* at 47, 51, that the Executive Board retroactively approved Vazquez's unilateral raises, see *id.* at 52-53, 58-59, that Vazquez's raises were well known to members of the Local, see *id.* at 56-59, and that Vazquez deserved the raises because of the benefits he provided to the Local, see *id.* at 57-58. Despite making all of these defenses, Vazquez never argued that the October 2005 increase had been authorized in part.² Thus, as Vazquez did not even articulate his current argument to the IBT hearing panel, the IRB did not abuse its discretion in declining to adopt those arguments when Vazquez belatedly raised them. Cf. *United States ex rel. Kirk v Schindler Elevator Corp.*, 601 F.3d 94, 111 n.10(2nd Cir. 2010)(noting a court has discretion to decline to consider arguments not raised below).

Third, Vazquez's evidence cannot "compel" the conclusion that half of the 2005 raise was authorized. *Hahs*, 632 F. Supp. 2d at 451-52(noting IRB decisions cannot be overturned unless evidence compels a contrary conclusion). Vazquez's only evidence is the Unsworn Transcript, which is attached as Exhibit C of an August 14, 2009 letter, which is itself attached as Exhibit B to Vazquez's June 2, 2010 letter to the Court. The Unsworn Transcript is of scant probative value. According to an unauthenticated cover letter, the transcript was transcribed by one of Vazquez's colleagues, another employee of Local 901, who never swore, under oath, to the accuracy of the transcription. See Unsworn Transcript, cover page. Vazquez never provided the original recording from which the transcript was allegedly prepared or a copy of that recording. These evidentiary defects would have precluded Vazquez from introducing his evidence in any federal proceeding. See, e.g., Fed. R. Evid. 603; Fed. R. Evid. 802 ("Hearsay is not admissi-

ble"); Fed. R. Evid. 801 ("Hearsay' is a statement, other than one made by the declarant while testifying ...offered in evidence to prove the truth of the matter asserted."); Fed. R. Evid. 1002 ("To prove the content of a ... recording[,]... the original ... recording ... is required"). Even though "rigid adherence to technical evidentiary rules" is unnecessary in "administrative hearings," "the evidence introduced [must still be] reliable." *United States v IBT* ("*Senese & Talerico*"), 941 F.2d 1292, 1298(2d Cir. 1991). Here, these defects seriously undermine the evidentiary value of the Unsworn Transcript.

These evidentiary defects are compounded by the fact that the Unsworn Transcript did not exist until after the IRB referred its charge to the IBT and, even then, was created, purportedly, by one of Vazquez's colleagues, a potentially biased transcriber. The "late production of the document ... casts significant doubt on its authenticity," *Schneider v Green*, 88 Civ. 293 (MJL), 1990 WL 151142, at *5(S.D.N.Y. Oct. 1,1990), and "[t]he objectivity of the transcriber of a tape obviously bears on the decision whether or not to admit a transcript into evidence," *United States v Font-Ramirez*, 944 F.2d, 48(1st Cir. 1991). In light of the above, the Unsworn Transcript could in no way compel the conclusion that Local 901 authorized a \$100 raise for Vazquez in 2005. Accordingly, even if Vazquez had presented the Unsworn Transcript to the IBT hearing panel and argued his current position, the IRB would have acted well within its discretion in discounting the weight of that evidence and declining to set aside the IBT Decision.

For all these reasons, Vazquez failed to substantiate the authorization of \$100 per week of his \$200 per week self-awarded salary increase in October 2005, and the IBT's imposition of a fine based on the forfeiture of the full \$200 was neither arbitrary nor capricious. Cf. *Hahs*, 652 F. Supp. 2d at 462("Because Hahs was unable to substantiate Janice Hahs' role or contribution to the BLET at the events and functions to which she traveled, the IBT's imposition of a fine for these amounts was not arbitrary or capricious.") The IRB therefore acted well within its discretion in finding that the IBT's resolution was "not inadequate."

CONCLUSION

For the foregoing reasons, Application 141 is granted, and the IRB's determination affirmed.

SO ORDERED:

Dated: March 11, 2011

LORETTA A. PRESKA, CHIEF U.S.D.J.

² Vazquez argues that the IBT hearing panel should have taken "judicial notice" of the Unsworn Transcript. Letter of June 2,2010, at 2. Yet, even assuming that judicial notice is an aspect of IBT hearing panel procedures, such notice is typically required only where "requested by a party," Fed. R. Evid. 201 (d), and where the fact in question is either "generally known" or "capable of accurate and ready determination by resort to sources whose accuracy, cannot reasonably be questioned," Fed. R. Evid.(b). Judicial notice is thus an inapplicable concept because Vazquez never asked the IBT hearing panel to take such notice of the Unsworn Transcript – indeed, as noted, he never even mentioned it – and because the contents of that transcript do not provide the "high degree of indisputability" that is the "essential prerequisite" of judicial notice." Fed. R. Evid. 201, 1972 Advisory Comm. Note.

ELECTION SUPERVISOR'S REPORT NO. 7

THE CONVENTION

DELEGATE RESPONSIBILITY – Your elected delegates will convene as what the IBT Constitution declares is “the supreme governing authority of the International Union” at the end of June. They will vote on the nomination of candidates for International Union office.

Although elected separately from each local union, system federation and general committee of adjustment, the delegates consider and vote on matters affecting the entire International Union. Delegates “are not bound to follow instructions of their particular Local Unions,” as the IBT Constitution emphasizes, and they are entitled to vote based upon facts and considerations presented to them at the convention. Local union voting instructions to delegates on matters that come before the convention “shall be advisory only.”

Discuss the candidates for International office and other issues of concern with your delegates so that they have your views when they must exercise judgment as your convention representatives.

THE NOMINATION PROCESS – To be nominated for International office, a candidate must first be nominated and seconded (by someone other than the candidate), and the candidate must accept the nomination on the convention floor or in writing. The delegates then vote on the floor nominees. Floor nominations are made in the Convention’s morning session; the delegates vote in the afternoon after the daily adjournment.

The delegates vote each day by secret ballot on the candidates that were floor-nominated that day. Votes are cast in an area controlled by the Election Supervisor. Candidates cannot be observers in the voting area. Each delegate receives a paper ballot, marks it in a private voting booth and deposits it in a locked ballot box. The ballots are machine-scanned and tabulated. The Election Supervisor’s staff are the only personnel (apart from the individual voter) who handle printed blank ballots and voted ballots. No one will know how any individual delegate voted. No delegate can be compelled to state how he or she voted.

Candidates who receive at least 5% of the delegate votes cast from the relevant set of credentialed delegates will be nominated by the Convention. International offices that have more than one nominee after the delegate secret ballot will be put to a union-wide secret ballot in the fall.

Here is the breakdown, by region and electing group, of the total number of Convention delegates. The 5% nomination threshold (assuming all delegates vote) is in parentheses after the total for each region and the whole union.

28th International Convention – Delegate Strength by Region and Units					
Region	IBT	GCC	BMWED	BLET	Total
Central	430	31	16	10	487 (25)
Eastern	434	26	6	12	478 (24)
Southern	110	8	15	18	151 (8)
Western	393	14	7	5	419 (21)
Canada	114	5	3	12	134 (7)
Total	1,481	84	47	57	1,669 (84)

My next report will announce the outcome of the Convention nominations. For contested International officer positions, I will explain in detail the secret mail ballot rank and file voting procedure and where to get information about the election as it unfolds.

Election Protests – The rate of protest filing decreased as the delegate election cycle came to its end. IBT members filed more than 260 protests through the end of April 2011 and OES has issued 240 decisions. You can read, print and copy any decision by going to www.IBTVote.org.

The election process gives every member a voice and a vote in selecting the leadership of the union that negotiates your job contracts. Get involved in your union and express your views on union leadership.

Richard W. Mark
Election Supervisor

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