



# Local 1277

# News

August, 2021

1744 North Main Street • Los Angeles, CA 90031 • (323) 222-1277

Website: [www.atu1277.com](http://www.atu1277.com)

## President's report



# No No! NO! on the recall!

## **Governor Newsom Has Greatly Earned Local 1277's and Labor's Strong Support!**

*By Art Aguilar - President, Local 1277*

It's come down to this, brothers and sisters: *An unholy alliance of in-state and national Republican fat cats, die-hard, anti-democracy Trump supporters, and anti-working interests have qualified a recall campaign against Democratic Governor Gavin Newsom, a proven friend of both our own Union and organized labor throughout California.*

This misguided, unnecessary, and very costly (more than **\$200 million**—money which certainly could be better spent on schools, roads, mass transit, healthcare, and any lingering effects of the Covid pandemic) exercise in sore-loser, anti-democracy politics is officially set for *Tuesday, September 14.*

**It is nothing less than an attempted power grab by right-wing fanatics who want to overturn the legitimate results of the 2018 gubernatorial election! Don't think otherwise!**

Let me be absolutely clear about this: *Governor Newsom has richly earned the support of every ATU Local 1277 brother, sister, and family! He has been there for us during the worst of the global pandemic. He has made our concerns, his concerns, and he has acted in our best interests! I urge you—in the strongest-possible way—to vote **No! No! NO!** on this pointless recall!*

There are good reasons to *support* Governor Newsom with a NO vote, and there are equally good reasons to oppose the recall—even without considering Newsom. Let's look at them.

## **Why We Support Newsom**

Back in 2018, when he first ran for governor, Newsom promised to support the agenda of working people and families. He vowed support for unions and their members, and expansion of mass transit throughout California, especially in the major population centers. *He has delivered on this!*

Think about this: As the world's worst health crisis unfolded in early 2020, Newsom set the state on a course of life-saving shutdown and distribution of facemasks, the very first line of defense against the virus. *Newsom secured the delivery of hundreds of thousands of N95 masks and made sure that mass-transit workers (our members) got them as early as possible.* Who can count how many lives his quick action may have saved, right off the bat?

And then, in an act of leadership and compassion for our dedicated front-line workers who continued to serve the mass-transit dependent public day in and day out throughout the pandemic, *Governor Newsom ordered that all mass-transit workers be jumped to the head of the line when the first Moderna and Pfizer vaccines were ready for statewide distribution.* Again, who can count how many lives his personal commitment and leadership may have saved?

There's *more*, brothers and sisters, even beyond what Newsom has done for ATU Local 1277 and all our sister unions across California. *Instead of a predicted \$54 billion state budget deficit, Governor Newsom unveiled a massive state budget in June with a surplus of more than \$100 billion.* He did it despite a worldwide economic crisis caused by the pandemic, one that very negatively affected California.

And what a budget it is! Newsom called it the "*California Comeback Plan*", a once-in-a-lifetime investment in the future of our state. And it is—a spending plan that embraces so much of organized labor's priorities: Billions of dollars for public education, housing, *public transit*, healthcare, combatting homelessness and climate change. All this while still keeping a "rainy day" emergency fund. *And, oh, yes, sending California's version of a stimulus check to millions of families!*

*This is why we must support Governor Newsom on September 14 by voting **NO** on the recall. He has delivered on his word—to support working people and families, and craft a state budget that addresses pressing humanitarian and society needs!*

*Continued to page 2...*

*Continued from page 1...*

## **Why the Recall is a Misguided Evil**

Where do I start? With the cost and timing, perhaps. This unneeded special election will cost the State of California an estimated \$215 million! Think about Newsom's proposed budget that addresses serious issues in our state, and then ask yourself how much more help this wasted money could be used for those pressing priorities. Then think about this: ***This recall is set for barely a year before the next regularly scheduled statewide election in November 2022! Is it really worth spending all that time, money and effort to try to unseat a popular, democratically elected governor just months before he would face the voters anyway? Of course not—this idiotic exercise is just the radical right wing and its fat cat money people trying to cause chaos and upset the democratic electoral process!***

Ask yourselves this, brothers and sisters: *Who is behind this dangerous recall effort? Who are the money people and the foot soldiers who collected signatures to get the recall on the ballot?*

Let the *Los Angeles Times* tell you: Hard-right wing Republican operatives and money people; supporters of the previous administration who *still* think their man won in 2020 and Joe Biden lost; the “Proud Boys”, instigators of the dreadful January 6 riot at our nation's capital; Q-Anon, the lunatic-fringe conspiracy group, the “Three Percenters”, a militia movement; the American Guard, a Neo-Nazi crowd!, and the anti-vaccine people who apparently believe that it is better to risk death-by-Covid than be protected. That's some gang of supporters, huh? This “team” of folks howling for a useless, costly, anti-democratic recall of a good governor certainly is inspiring, right?

On top of all that, consider this: *Some of the so-called “leaders” of this recall effort are calling for crippling changes in public pensions. They want to limit or cut current and future public-pension allotments—the foundation for a secure retirement and future for tens of millions of working people! The last time we tried (and succeeded) in recalling a Democratic Governor (in 2003), we got Republican Arnold Schwarzenegger, the “terminator”, who quickly backed anti-labor ballot propositions which would have gutted the state pension system!*

## **The Bottom Line**

Here's what it comes down to, brothers and sisters: This costly, pointless recall effort against pro-working people Governor Newsom is nothing less than ***an out-and-out attempt at a power grab in California by angry, delusional, anti-democracy Republican fat cats and their lunatic-fringe allies, both in state and around the country!***

These sorry excuses for American citizens simply cannot accept the plain fact that Newsom (in 2018) and President Biden (in 2020) were convincingly elected in fair, closely monitored elections which clearly reflected the will of the voting public. This unholy gang cannot and will not accept reality; it refuses to believe in the outcome of an election, the proven voice of the people, or even the democratic process itself.

*These people cannot be allowed to win! They cannot be allowed to negate the voice tens of millions of voters! They cannot be allowed to destroy our democracy and system of governing because they are sore losers with a totally warped view of politics and society!*

*It is vitally important, brothers and sisters, that we unite to fight this danger! Please be sure you are registered to vote in the September 14 recall election! And, above all, be very sure to vote AGAINST the recall! It is our duty as working people and as citizens in our democracy to support a friend of our Union!*

***Governor Gavin Newsom stood with our Union and all ATU members across California when we really needed his support. He was there for us during the darkest days. We owe him nothing less than our complete support on Tuesday, September 14, or earlier, if you vote by mail.***

# **PLEASE VOTE**

# **No! No! NO!**

# **on the recall.**

# **Thank You.**

## Protected Sick Leave

By Jeff Shaffer - Financial-Recording Secretary

Lately, I have received several calls asking if management can request documentation from a family member's doctor concerning medical conditions of a patient before approval of LC 233 protected sick leave use.

***Let me be very clear here: Management is not entitled to have an employee submit family members medical history (under federal HIPAA Laws).***

Please note the following language from the State of California website. Under Labor Code 233, if an employee requests the use of LC 233 to care for a family member, the employer shall provide said sick leave (see section 246.5 below).

### Labor Code 233

During any calendar year, the employee's accrued and available sick leave entitlement, is an amount not less than the sick leave that would be accrued during six months at the employee's then current rate of entitlement.

***The designation of sick leave taken for these reasons shall be made at the sole discretion of the employee.*** This section does not extend the maximum period of leave to which an employee is entitled under various sections of state and federal codes and acts.

(1) "Employer" means any person employing another under any appointment or contract of hire, and includes the state, political subdivisions of the state, and municipalities.

(2) "Family member" has the same meaning as defined in Section 245.5 (Spouse, child, grandparent).

(3-a) "Sick leave" means accrued increments of compensated leave provided by an employer to an employee as a benefit of the employment for use by the employee during an absence from the employment for any of the reasons specified in subdivision (a) of Section 246.5.

(3-b) "Sick leave" does *not* include any benefit provided under an employee welfare benefit plan subject to the federal Employee Retirement Income Security Act of 1974 (Public Law 93-406, as amended) and does *not* include any insurance benefit, workers' compensation benefit, unemployment compensation disability benefit, or benefit not payable from the employer's general assets.

***(3-c) An employer shall not deny an employee the right to use sick leave or discharge, threaten to discharge, demote, suspend, or in any manner discriminate against an employee for using, or attempting to exercise the right to use, sick leave to attend to an illness or the preventive care of a family member, or for any other reason specified in subdivision (a) of Section 246.5.***

(3-d) *Any employee aggrieved by a violation of this section shall be entitled to reinstatement and actual damages or one day's pay, whichever is greater, and to appropriate equitable relief.*

(3-e) Upon the filing of a complaint by an employee, the Labor Commissioner shall enforce this section. Alternatively, an employee may bring a civil action for the remedies provided by this section in a court of competent jurisdiction. If the employee prevails, the court may award reasonable attorney's fees.

(3-f) The rights and remedies specified in this section are cumulative and non-exclusive and are in addition to any other rights or remedies afforded by contract or under other law.

### Labor Code 246.5

*(a) Upon the oral or written request of an employee, an employer shall provide paid sick days for the following purposes:*

(1) Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member.

(2) For an employee who is a victim of domestic violence, sexual assault, or stalking.

*(b) An employer shall not require as a condition of using paid sick days that the employee search for or find a replacement worker to cover the days during which the employee uses paid sick days.*

(1) An employer shall *not* deny an employee the right to use accrued sick days, discharge, threaten to discharge, demote, suspend, or in any manner discriminate against an employee for using accrued sick days, attempting to exercise the right to use accrued sick days, filing a complaint with the department or alleging a violation of this article, cooperating in an investigation or prosecution of an alleged violation of this article, or opposing any policy or practice or act that is prohibited by this article.

(2) There shall be a rebuttable presumption of unlawful retaliation if an employer denies an employee the right to use accrued sick days, discharges, threatens to discharge, demotes, suspends, or in any manner discriminates against an employee within 30 days of any of the following:

(a) The filing of a complaint by the employee with the Labor Commissioner or alleging a violation of this article.

(b) The cooperation of an employee with an investigation or prosecution of an alleged violation of this article.

(c) Opposition by the employee to a policy, practice, or act that is prohibited by this article.

***There is nothing more important than the health and welfare of your families, brothers and sisters. Protected and paid sick leave is one of the most important benefits (and rights!) that your Union has ever negotiated, and it is one you should treasure and use whenever the need arises. Hopefully, you will never (or, not often) have to use this benefit, but always know that it is there when and if you need it.***

# Inland Empire's Future Looks Bright

By Mauro Varela - Treasurer, Local 1277

Brothers and sisters, I recently had the great privilege of being part of a Q&A session in Riverside, the heart of California's Inland Empire (IE) region. Joining me on the panel were United States Secretary of Labor Marty Walsh and area Congressman, Democrat Mark Takano. This truly was a big deal. It was the first time that a secretary of any federal department visited the Inland Empire. Even more significant, was the reason for these two distinguished guests to come to our area.

First, let me tell you that the Q&A session was full of details and policies, all progressive and aimed at helping working people and families. It provided an enjoyable and educational exchange of views and ideas. Here are some of the key points that are important to remember:

- **Education** is an important commitment for this administration
- **Organized Labor** is an important contributor this administration
- **Mass transit** is a top spending and policy priority for this administration

In case you did not know this, the Inland Empire Central Labor Council (CLC) has been working on a project to help financially struggling working families throughout the area. For the past three years, the IE CLC has worked hard to establish the "**IE Trade Tech**", in partnership with the Riverside Community College. This bold and necessary idea is the vision of the newest leadership at the IE CLC, and it drew the interest of not only the local Congressman, Takano, but also the federal Department of Labor, as witnessed by Secretary Walsh's appearance.

Why is this important? Because this partnership and panel shined a long-overdue spotlight on the Inland Empire. And, believe me, this area sorely needs and deserves this attention. *The Inland Empire is one of the fastest-growing areas of California, and working families make up the majority of that population.*

Yet, though it is unfair and hard to understand, organized labor has little influence and "clout". *This is because most of the work in the IE is provided by anti-union companies.* This is why it is so important that a project like the IE Trade Tech gets off the ground! Getting pro-labor instructors to train future union leaders will help us turn around the anti-union, anti-working family frame of mind that seems to be deeply rooted in this community.

As with all good things, over time, the IE Trade Tech will expand to all fields of labor. For now, however, only a handful of trades and classes will be offered. Nonetheless, it's a giant step forward in the right direction. What's even more important, this effort has garnered support from the federal government, in the person of Secretary Walsh.

Remember, brothers and sisters, Secretary Walsh is a former head of the Boston Building Trades Council and a pro-union, pro-working people man down to his bones. As is the President who appointed him, Joe Biden, who may well be the most pro-union man ever to occupy the White House!

Brothers and sisters, please keep these names and achievements in mind as we get closer to the 2022 mid-term Congressional elections. I am especially appealing to those of you who live or work out in the Inland Empire. A lot of progress has been made towards helping shape the future of labor in the IE, most importantly the backing from the federal level. We cannot afford to lose sight of this fact, or which political party and administration is there for us, when we vote! If we do, we could lose everything.

# inland. empire

