

# ENGINEERS NEWS REPORT

INTERNATIONAL UNION OF OPERATING ENGINEERS - LOCAL UNION NO. 428

6601 N. Black Canyon Hwy, Phoenix AZ 85015-1027

(USPS 833-340)

Volume 74, Issue 1



January - February, 2012

## REPORT FROM THE BUSINESS MANAGER

**Raul Garcia, Jr.**  
Business Manager

Brothers and Sisters:

On December 18, 2011 the membership met at the Washington High School Auditorium for a special called meeting. At that meeting I read the changes that were proposed and answered all the questions regarding those changes. We also discussed the Four and a half (4 1/2) year old problem of the "Independent" (Wheeler/C-70) agreement and its 2007 wage and benefit package. Markham, Construction 70, Tiffany Construction, and Nesbitt Contracting had been on a month to month extension since May of 2008. Wheeler and Iron Horse were also on extension for a while, but eventually went out of business, and at 2007 rates I might add. The membership present voted to ratify the AGC proposal by a substantial majority. Thereafter, I took that contract to Tiffany, C-70, Markham and Nesbitt. Tiffany and C-70 have signed the memorandum of agreement (M.O.U) with the stipulation that each has one project extension for not more than ninety (90) days and all other projects are at 2008 benefits and wages. I am still working with Nesbitt Contracting, and I am hopeful we can come to an agreement.

Markham Contracting on the other hand, stated that if the contract that was passed by the membership was a.... "Take it or leave it" offer, then he would leave it, and the meeting was ended. As of January 1, 2012, there is no contract with Markham Contractors and the Operating Engineers Local 428. The employees of Markham Contracting were notified; on the job, by telephone, and by mail, that as of January 1st, they would be working for a non-union contractor and their health care benefits would be suspended after January 31, 2012. Over 2/3rds of the members did the right thing and walked off the job, the other 1/3rd chose to stay and work non-union. They gave up premium free insurance that includes dental, vision, and prescription programs that covers the entire family, not just the employee. They also gave up \$3.55 per hour that goes into their pension. It is my opinion that they made a poor choice. However, I am hopeful that we can still bring them back someday.

In closing, please work safely, watch out for one another, and try to make meeting attendance a priority for 2012.

### NOTICE:

### EFFECTIVE IMMEDIATELY

Please be advised that if your dues are Sixty (60) days in arrears you will be suspended Unless payment arrangements have been made.

### CLOSED HOLIDAY'S

Please note that the Phoenix and Tucson office's will be closed on Monday, February 20th, 2012 in observance of "Presidents Day"

## REPORT FROM THE VICE PRESIDENT/BUSINESS REPRESENTATIVE

**Mike Mathis**  
Vice President and  
Business Representative

Brothers and Sisters:

Another year has passed. As we recap the past year, many battles have been won; and many hours have been spent on various contract negotiations with positive results. Every grievance I have filed with the NLRB has been won with positive results. Cemex has decided to settle our grievance regarding vacations, and I am happy to report that all members working at Cemex will be paid up for all vacation time that has been due to them. I would like to thank everyone for your patience and loyalty, and also for remaining strong.

Now is the time, more so than in previous years, for everyone to continue to stand together. We will prevail. We have had many victories over the past year. A few to mention are: A failed attempt to decertify by those in the Bullhead area, bringing Staker Parsons back to Tucson, and Collecting money and benefits owed to members who have been wronged by an employer. I credit the loyalty and unity of our members that has helped achieve these victories.

After many, many months of extended negotiations, we have attained a contract. One single contract for our outside construction industry. This will make us stronger, and will unite our industry again. This is something we have not seen for many years, and will certainly benefit us all.

On behalf of myself and the membership, I want to take this time to congratulate and thank Brother Donn Badman and Brother Ed Yarco for their loyalty and many years of service to Local 428 and the membership. Brother Badman served as District 2 Executive Board Member in Tucson, and Brother Ed Yarco served as Executive Board member at Large. These Brothers will be retiring and will be replaced by Brother Fred Lucero (District 2 Executive Board Member), and Brother Mike Pepera (Executive Board Member at Large). Congratulations and thank you to all of these brothers for your service to Local 428 and the membership.

### REMINDER

IN ACCORDANCE WITH THE OPERATING ENGINEERS LOCAL 428 BY-LAWS Please make sure to PROMPTLY inform the Union Hall and the Health & Welfare office if your address or phone number has recently changed.

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## DIRECTORY

### OFFICERS

Business Manager

Recording-Corresponding Secretary ..... Raul Garcia, Jr.  
President ..... Nick Darrt  
Vice-President ..... Mike Mathis  
Financial Secretary ..... Jay Stevens  
Treasurer ..... Leon Sierra  
Guard ..... Wayne Moorhouse  
Conductor ..... John Janka  
Auditor ..... Guy DeMarco  
Auditor ..... Jay Johnson  
Auditor ..... Maggie Brooks  
Trustee ..... Jason A. Schwalbert

### EXECUTIVE BOARD

RAUL GARCIA, JR. NICK DARRT  
JAY STEVENS LEON SIERRA MIKE MATHIS

Executive Board Member at Large ..... Steve Nichols  
Executive Board Member at Large ..... Mike Pepera  
District 1 Executive Board Member ..... Douglas Dillman  
District 2 Executive Board Member ..... Fred Lucero  
District 3 Executive Board Member ..... Santiago Velazquez  
District 4 Executive Board Member ..... Robert D. Marston

### ADVISORY BOARD MEMBERS

District No. 1: Mike Lee, Thomas McKnight, Aaron Mullins  
District No. 2: Pete Moran, Frank Estrella, Lorrain Tritschler  
District No. 3:  
District No. 4: Carl Boyd

### OFFICES

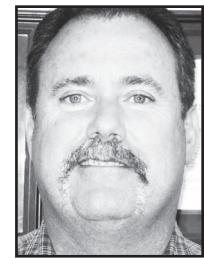
PHOENIX: 6601 N. Black Canyon Hwy  
(Headquarters) Phoenix AZ 85015-1027  
Phone: (602) 254-5266  
AZ Toll Free: (800) 542-5753

TUCSON: 1949 East Eastland  
(Meetings only) Tucson AZ 85719  
Phone: (520) 624-1785  
AZ Toll Free: (800) 542-5753

### **\*NEW STEWARD\***

Sister Patricia VanZanen has recently been appointed as job steward to represent our local union at HOFFMAN STRUCTURES, at INTEL-FAB 42 in Chandler, Arizona. Sister VanZanen is qualified in the operation of Forklift operator. Sister VanZanen has been a member of the Operating Engineers Local 428 since 1997. Sister VanZanen was born in Phoenix, Arizona and has four children; Patrick, Skeeter, James, and Steven. Patricia enjoys spending time with her family, cooking, fishing, golfing, and sports.

## REPORT FROM THE BUSINESS REPRESENTATIVE



### MIKE LEE

Business Representative

Greetings Brothers and Sisters:

I would like to start by thanking all of you who continue to show Union solidarity and who support our Business Manager Raul Garcia Jr. and our Local. By continuing to do this we can overcome any obstacles faced in the present and in our future. As we move into the New Year I would encourage all our members to get involved. Go to your monthly, semi-annual and special called meetings, be informed and don't follow gossip. While out in the field I hear many reasons why one of our Operators "who is working" is not current with his or her dues. Whatever the reason, I explain that the solidarity and the financial stability of our local Union suffer when he or she does not do their part and our local's future is not theirs alone, but ours together, and together we can make things happen. Furthermore, I would like all of us to give support and thanks to our brothers and sisters who recently decided not to work for non-union contractors and who believe in our Union. Remember, "United We Stand Divided We Fall".

With that being said, I will move onto our Union projects around the state. Pulice Construction is working on the 303 Freeway in Phoenix and on the Prince Road project in Tucson. Kiewit is working at Sky Harbor Airport and at the Deer Valley Water Treatment Plant in Phoenix and a project in Yuma. Ames is still working on the 260 project up north (weather permitting) as well as a project in the east valley. Our Crane Rental companies are projected to stay steady with work around the state. The first phase of the Intel project is winding down with only talks of the second phase. This will mean some layoffs in the near future for our forklift Operators and some of our survey people on that project. Contractors such as Nesbit, Combs, and J Baniki are still working on pavement preservation projects state wide. Klondyke continues to work state wide as well as at the power substations.

Thank you for your efforts and support, And remember..... WORK UNION, LIVE BETTER, BE PROUD

### **NOTICE**

**NO District Membership meetings will be held in the month of MARCH 2012**  
**Due to the MARCH 25, 2012 Semi-Annual Membership Meeting that will be held at the Operating Engineers Local 428 Apprenticeship Training Center at: 10797 W. Randolph Road, Casa Grande, AZ at 10:00 am.**

### Retiring? What you need to know

As a member of local 428 you have options upon retirement you can either maintain your membership or take an honorable withdrawal. Pensioner dues are \$12.00 monthly and can provide your beneficiary with a death benefit. Also, you are welcome to attend meetings, vote on current issues and upcoming elections. Your name can be retained on the out of work list for part time employment opportunities. Your membership continues to get recognition for your years of service as an Operating Engineer.

To take a withdrawal your dues need to be current through that month. The cost is \$5.00 and a form needs to be completed for your membership to be sustained. If you decide to return to the industry the card can be deposited after a period of 13 months.

Please take the time to consider these options and any further questions can be answered by calling the office @ (602) 254-5266 during business hours. From the staff and officers of Local 428 we thank you for your years of support and dedication.



Our sincere sympathies go to the bereaved families as we share with them the loss of their loved ones and our fellow members of Local 428.

**GARY C. KISH.** - Passed away on November 6, 2011 at the age of 69 at the Carl T. Hayden VA Medical Center in Phoenix, Arizona. Brother Kish was a heavy equipment operator, and was initiated into the Operating Engineers Local 428 in 1970, and was a loyal member for 41 years. Brother Kish is survived by his wife Judy Kish.

**BAILEY F. SANNER** - Passed away on November 17, 2011 at the age of 92 at his home in Glendale, Arizona. Brother Sanner was the owner of Sanner Construction which was a union company. Brother Sanner was initiated as a member of the Operating Engineers Local 428 in 1958, and was a loyal member for 53 years. Brother Sanner is survived by his wife Darlene La Vay Sanner.

#### CONGRATULATIONS AND WELCOME TO OUR NEWLY INITIATED 428 MEMBERS

##### NOVEMBER 2011

Jacob Burris – Victor Candelaria – Sharon Darrell – Jeffrey Gibbs –  
Emilio Medina Jr – Samantha Olmstead

##### DECEMBER 2011

Kenneth Ferro – Richard Hicks Jr – Daniel Serritella

#### NOTICE

##### \*OSHA 10 CLASSES\*

OSHA 10 classes are tentatively scheduled for March 17-18, 2012, and will be held at the Phoenix Union Hall. Anyone interested in attending these classes should contact the Operating Engineers Local 428 Apprenticeship Training Center as soon as possible at (602) 252-1844.

#### OFFICE HOURS

The regular hours of business for the Phoenix office are:

**7:00 a.m. - 4:00 p.m. Monday through Friday  
and**

**Closed Between  
\*12:00 p.m. to 1:00 p.m. for lunch\***

##### **\*Tucson office**

The Tucson office will remain closed except for the purpose of holding the monthly District 2. Membership Meeting, and Advisory Board meetings there.

#### NOTICE

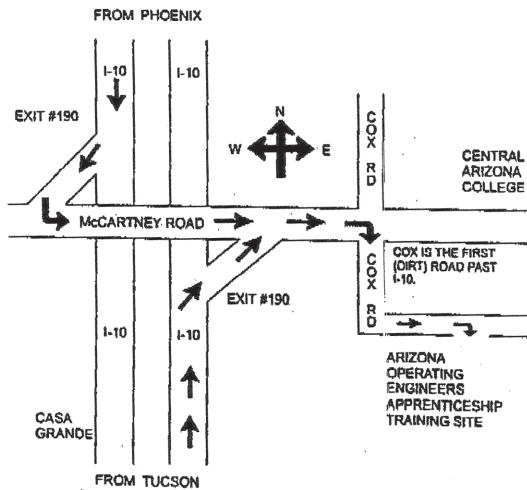
The 2012 MARCH SEMI-ANNUAL  
MEMBERSHIP MEETING WILL BE HELD ON  
SUNDAY, MARCH 25, 2012

TIME: 10:00 A.M.

PLACE: Arizona Operating Engineers Local  
428 Apprenticeship & Training Center  
10797 W. Randolph Road  
Casa Grande, AZ

\*\*Note: The membership meeting will be followed by a festive picnic for the members and their families.

#### **THIS IS THE WAY'**



#### PENSIONS AWARDED

##### ANNUITY ONLY IN DECEMBER 2011

John T. Lalan – Robert M. Peters – Rex A. Plemons – Eloy Lucero Jr. – Randy A. Chacon – Alexander C. Bellavia – Ray D. Slade – Larry A. Butler – Mark C. Conner – Lawrence M. Durgin – Charles M. Flinn – Dennis R. Hall – Rodney G. Lantz

##### IN JANUARY 2012

Terrance R. Johnson – William R. Kriese – Orval D. Alexander – Manuel J. Carlos – Isaac Diaz – Ronald Snyder

#### DEFINED BENEFIT AND ANNUITY PLAN IN DECEMBER 2011

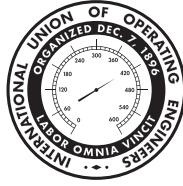
Harold E. Compton – Daniel A. Croy – George W. Cyrus – Raymond Horn – Terrence R. Johsnon – William R. Kriese – Donald E. Robertson

##### IN JANUARY 2012

Donn L. Badman – Harry J. Camptell Jr. – Mark C. Conner – Taylor J. Edwards – Edward M. Harper Jr. – Eric M. Lemnitzer – Robert M. Mitchener Jr. – Charles L. Price Jr. – John W. Ramage

**\*Congratulations to our new retirees!\***

Operating Engineers Local 428  
6601 N Black Canyon Hwy  
Phoenix AZ 85015-1027



ADDRESS SERVICE REQUESTED

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PHOENIX AZ

## Carry your dues card

Business Manager, Recording-Corresponding Secretary Raul Garcia, Jr. wishes to remind all members to carry their paid Local 428 card. When attending a Semi-Annual, District or special called meeting of the Union, your paid up dues card is proof of your good standing status as a member of IUOE Local 428 and your right to vote in such meetings and/or participate in the business of the union.

### NOTICE

Please note the changes in the dues amounts as listed in the schedule. Effective July 1, 2012 the International Union of Operating Engineers has put through a \$.50 per month increase in their per capita tax thus increasing quarterly dues by \$1.50

### MEETING CALENDAR

#### Membership

District No. 1  
First Thursday of each month at 6:00 PM,  
6601 N Black Canyon Hwy, Phoenix

District No. 2  
Third Tuesday of each month at 5:00 PM,  
1949 East Eastland, Tucson

District No. 3  
Second Thursday of each month at 5:00 PM,  
QUALITY INN AIRPORT, 711 E. 32ND  
ST, Yuma

District No. 4  
Fourth Tuesday of each month at 4:00 PM,  
Camp Verde Comfort Inn  
340 N. Goswick Way, Camp Verde Take  
the AZ-260 exit, Exit 287, toward AZ-89A/  
Cottonwood/Payson. Turn Right Onto  
AZ-260, turn Right onto North Goswick  
Way

#### Advisory Board

District No 1.  
Thursday, FEBRUARY 2, 2012 at 5:00 PM  
6601 N. Black Canyon Hwy, Phoenix

District No. 2 – On Call

District No. 3 – On Call

#### Executive Board

Friday, JANUARY 27, 2012 at 6:00 P.M.  
Friday, FEBRUARY 24, 2012 AT 6:00 P.M.  
Friday, MARCH 23, 2012 AT 6:00 P.M.  
6601 N Black Canyon Hwy., Phoenix, AZ

### DUES SCHEDULE

**NOTE:** There are changes in the Dues Schedule for out of work members. Please call the financing department for more information. In order to be in good standing, dues must be paid through the 1st Qtr 2012. Dues more than 30 days in arrears – **NO DEATH BENEFITS!**

	1stQtr Dues 1/1/12	2ndQtr Dues 4/1/12	3rdQtr Dues 7/1/12	4thQtr Dues 10/1/12
Charter				
428	<b>\$168.21</b>	\$168.21	\$169.71	\$169.71
428A	<b>\$168.21</b>	\$168.21	\$169.71	\$169.71
428B	<b>\$168.21</b>	\$168.21	\$169.71	\$169.71
428C*	<b>\$146.85</b>	\$146.85	\$148.35	\$148.35
428D*	<b>\$127.47</b>	\$127.47	\$128.97	\$128.97

#### 428R APPRENTICESHIP DUES AS FOLLOWS:

428-R (Registered Apprentices)  
1st year periods 1 & 2 = 1/3 Journeyman Group 2 Wage Rate Plus Per Capita -\$75.57 – 3rd & 4th Qtr - \$77.07

2nd year periods 3 & 4 = Journeyman Group 2 Wage Rate Plus Per Capita - \$121.89 – 3rd & 4th Qtr - \$123.39

3rd year periods 5 & 6 = Journeyman Group 2 Wage Rate Plus Per Capita - \$168.21 – 3rd & 4th Qtr - \$169.71

**\*Stationary industry dues may be different than those above.**

**A \$5.00 administration fee will be assessed on all payments received more than 30 days after due.**

**\* We accept Visa, MasterCard & Discover credit cards**