



FIRED UP

The Voice of

Tesoro Nationwide Council

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From Your NOBP Rep.

Rank-and-File Input Has Marked Our National Oil Bargaining Program for 49 Years

As your representative on the National Oil Bargaining Program (NOBP) policy committee, I have been asked to share some of what I know about it. This is timely as we prepare for the next round of national oil bargaining talks which will achieve a 2015 agreement that supports our members' best interests.

The NOB program, the policy committee, and the conferences that support them are an important gift that we have inherited from our fore bearers who created them 49 years ago. The program is a legacy that was passed down to us in 1969 when progressive rank and file unionism was in its heyday. This was a time when union members did not just pay dues. They went to meetings in great numbers. They debated issues and took their voting rights very seriously. They chose their leaders carefully, and most importantly, the rank and file meant to hold those officers accountable to them. They did this by writing into their controlling documents- their constitutions and bylaws- the rules that created and sustained rank and file participation and oversight in the unions affairs. The NOBP is a unique example of this progressive history.

While the NOBP as we know it was developed by one of our predecessors - the Oil, Chemical, Atomic Workers Union (OCAW) - rank and file control was achieved even earlier. In 1936 an earlier union, the Oil Workers International Union, revised their constitution to create an elected rank and file executive board with shared power and oversight over union officers.

OCAW was formed 19 years later when this early oil workers union merged with yet another organization in our industry, the Gas, Coke, and Chemical Workers Union. Most importantly, the rank and file control provisions in the early Oil Workers constitution survived the merger talks and became one of the most important characteristics of OCAW in its early years. During those years, the 40's and 50's, after the 1955 merger that created OCAW, a wage and policy committee of rank and file members assisted in contract bargaining.

As important as rank and file control was however there were also problems associated with it which made it difficult to negotiate common issues on a national basis. The earlier bargaining could not be coordinated nationally. National unity was difficult to achieve. Locals often cut their own deals. Some contracts had very good language and some were very poor.

The NOB program that we know today was created within OCAW in the mid-1960's in an effort to address those problems. It came about as a result of a strategic compromise between rank and file leaders and International Union officers in an effort to take the very best contract language and apply it to all contracts across the country.

In 1965, the newly elected president of OCAW, Al Grospiron, went to the policy committee and asked for something earlier presidents had not had, the exclusive right to call strikes on issues of national importance. The committee ultimately granted him that authority but retained the right of oversight as well as the right to have the final say on any agreement that might be reached.

Because the lead negotiator now had this power, the companies could no longer play one local off against another. They could no longer divide and conquer.

The first victory came quickly when a common contract expiration date was achieved on December 31, 1966. Shortly thereafter, this grand bargain which became NOBP was written into the constitution of the International Union. It has since survived two more mergers, first PACE and now USW, to remain the best strategy we have for negotiating with the most powerful industry in the world.

In summary, NOBP works by retaining the rank and files right to set policy at the conference, the right to chose their policy committee for oversight, and ultimately the policy committees final say on any agreement the lead officer can reach while giving that officer full strike authority on matters of the national policy as determined by conference. That is the power that the negotiator needs at the table when confronting this industry.

Combined, this power sharing has been an effective check and balance strategy that has served us well. Some of our most important gains have come about as a result of this strategy. Common expiration dates were first. Plant closure language, rate retention, pensions, health and safety, and sucesorship language are all other examples of our achievements.

This system is not perfect. No system is. We still win some and lose some, but I believe its effectiveness over the years is proven. It is a gift to us from the past. It is our responsibility to nurture this gift and use it as effectively as possible. Our best interests as rank and file union members depends upon it.

In solidarity,
Steve Garey
Region D NOBP policy committee rep.
President USW 12-591

ROUGH NEGOTIATIONS AHEAD

Tesoro Employees at the Vinvale and Colton Terminals organized by Teamsters Local 986 narrowly approved Tesoro's "Last, Best, and FINAL Offer". The contract establishes a "two tier" wage structure. New drivers will earn a starting wage of \$23.00/hour with an increase to \$26.00/hour over six years. Current drivers continue to earn \$30.00/hour with no wage increase over the life of the 3 year contract. The Company claimed a need to "remain competitive" as the reason for lowering the standard of living for this group of workers. A \$1000 lump sum signing bonus was thrown in to make the contract easier to swallow. If the Teamster Contract is what Tesoro meant when they implied that the up-coming round of negotiations would be "contentious" ... they were serious!

"Contentious"
1. likely to cause disagreement or argument

Now is the time to let management know we stand 100% behind our USW Negotiating Committees. **We want a good contract! NO RETROGRESSION!**

The essence of "Past Practice"

By Butch Cleve

Everyone is aware of the existence of written Articles of Agreement between the Union and the Company. The Articles describe the handling of pay, vacation, grievances and a wide variety of other subjects within the plant, but no written collective bargaining agreement could reasonably cover every issue that may arise in a facility. For these items, the parties must rely on the doctrine of "Past Practice", or in other words, the silent agreements over the ways things are done. Generally, conduct that meets the past practice criteria is held to be an agreement between the parties and is as enforceable as any written provision of the contract.

To qualify as a past practice, five standards must be met:

1. Longevity

To meet the longevity test, a practice must occur over a significant period of time, usually several years.

2. Repetition

The practice must be frequent and apply to more than a single person to be considered past practice.

3. Consistency

The practice must occur regularly in response to the same basic, underlying facts. While 100% consistency is preferred, it is not absolutely necessary.

4. Knowledge

Both upper-level management and union officials have to be aware of, and understand, the conduct before it qualifies as a past practice.

5. Acceptance

Both parties must accept the conduct, although an explicit endorsement is not necessary. Merely tolerating the practice, allowing it to continue without consistent objection, is usually considered to be acceptance by a party.

Past practices are sometimes overlooked; they are not as immediately recognizable as typed contract provisions, and determining whether or not conduct is a past practice involves some subjectivity. Yet the principles of past practice are very real and since they, potentially, apply to *everything* not in the written contract, they cannot be ignored.

For further reading, see "*How to Win Past Practice Grievances*" by Robert M. Schwartz.

(Butch Cleve is an Operator at our Anacortes Refinery and Executive board member for Local 12-591)

Company Asset or Not?

A Common Sense Paper About You

By Chris Lynch

Considering that the Tesoro Refinery requires extensive pre-employment aptitude and drug testing of potential employees and that for each employee hired there are a significant number of applicants, it seems reasonable to assume that the employees hired are the best people each community has to offer for these jobs. Considering that these employees are selected from a very large pool of applicants, it seems reasonable to consider them as a select group. We are valuable assets.

For fun, each member of a ten person operations team took an IQ test. The results ranged between 120 and 142—the 89th to the 99th percentile on the Stanford-Binet IQ scale—the top 10%. Assuming this represents the refinery hourly work force, it is a group with very high potential. Most supervisory personnel came from the operations work force. Considering the effort put forth by the company toward identifying and selecting these individuals for their aptitudes and skill sets, it is very clear that this group—these select, best people—are carefully chosen because they can be an asset to the company.

The refinery is the sum of its assets. The products that we sell and from which our profit is derived, are produced by the assets, the equipment and the personnel that make up the company. From the piping to the pumps, exchangers, tanks, analyzers and the vast array of equipment, a refinery is considered to be one of the most complex systems in our modern society.

The complexity of those assets makes the care and maintenance of them complicated and important. The interconnectedness of the systems makes the many component parts very interdependent and a great many individual parts and pieces are often critical to the operation of the refinery as a whole. These complex systems require operation and maintenance. The equipment cannot be run or maintained without trained, experienced, competent, personnel. One asset depends on the other. Neither is a parasite. Both are crucial parts of the company.

A critical factor in identifying the value of operations and maintenance employees in our refinery, is that our best work is in the things we do so that incidents are mitigated or do not occur. From maintaining the equipment to insure reliability to dealing with an operations crisis so that it becomes a non-event, what we do best is to make things not happen.

This is not a factory where production is based on our work. Throughput is a factor of hydraulics and design. What we do, the best people the community has to offer, is respond with intelligence and pride and make potentially measurable situations, invisible.

It is incumbent on the management of this company to understand that relationship. That critical link in the relationship of the company and the employees, can't sensibly be broken down to numbers. The operation and maintenance of the one asset is the function of the other. Both are critical. Management is an equally important asset. Shouldn't one critical function of management be to insure that the other components of the company are cared for and managed wisely and well? Management cannot function without the rest of the components.

Giving the carefully tested, selected and highly trained employees incentive to do their jobs, to the highest standards of which they are capable, should be the first principle applied to every business decision in this industry. Providing the employees reasons to have pride and a sense of ownership in the company is extremely sound business management. Without engaged, valued, capable operations and maintenance personnel, the rest is expensive and ugly, yard art.

Automation cannot run a refinery for long.

There will always more people willing to take these jobs. They will not be more capable or stay more engaged. They will not make themselves feel valued, and they will not be more willing to give than we are. They would be, after all, the same people we are. The best the community has to offer.

The company has gone to extensive lengths to test, select and hire the best people they can get. We have received extensive, and expensive, training and we have accumulated very valuable experience. That experience, at times, makes or saves the company huge sums of money.

When describing Chesley Sullenburgers performance with flight 1549, the "Miracle on the Hudson" one NTSB investigator said "You can usually get by without experience, but when you need it, there is no substitute."

Understanding refinery units and the nuances and dynamics of managing the physics of processing the one million pounds an hour of material moving through the refinery or the hundreds of millions of BTU's added and recovered, have no real analogies to life outside the fence.

We are trained to do our jobs and run our units. We are dedicated to running a safe, reliable refining process. We are essential to the company in order to maintain a safe, reliable and profitable refining process.

When, it is apparent that the company, and the senior management, recognizes us as an asset, when it's clear to us, that it's clear to you, that we count too, we are willing to give hugely. Not only are we willing, we welcome it. When we are allowed to have pride in who we are, when our teams are recognized, staffed and functioning well, we love what we do. When we feel marginalized, discounted, overworked and unsupported, we become disgruntled and unhappy.

Having our retirement and our compensation affected negatively and significantly, by our company, who we believed had a long term commitment to us, is disappointing and demoralizing. It *might* be industry standard, it is definitely defeating.

Being told, with an undertone of condescension, there are other people who want our jobs undermines our sense of ownership. The obvious statement is "If we won't do it, there are others who really want the job and will be willing to go the extra mile." We get that. We want our jobs.

We *are* willing to go the extra mile in every way except a compromise to safety. The simple truth is, the company isn't going to do any better than us. They may get a different person, eager at first and maybe willing to stay silent when ignoring risk, but then ultimately disappointed, or hurt.

We are simply the best. We deserve to be that. The company deserves to have that.

We can be part, of your team. You can be part of ours. If we all approach every negotiation with this in mind, if we seek the win, win, we *can* all win. If we approach each other with contention, in some measure, we all lose. Let us have a sense of commitment and ownership. Let us work hard for you as part of your team. Be part of ours. It doesn't have to be us and them. You can be, one of us. (Chris is a Board Operator and Worker's Committee Member for The Anacortes Refinery)