

### A Message from Anthony D. Liberatore Jr.

In recent years, there has been much discussion about the success of Local 860. We talk about it because it's important to recognize and understand the effort that goes into that success, as well as continued benefits that membership receives. The truth is that the most vital component to the success of Local 860 is the members. That's you, Sisters and Brothers. The work you perform. The high level of service you provide our community.

Another truth is that as successful as we are, as united as we are – there are growing threats to unions around every corner. As if our vocation isn't already without hazard. Seemingly more often threats to our standard of living grows as it continues to lurk in the shadows hidden behind organizations with false pretenses, such as "Right to Work" or "Freedom of Choice."

In the face of all this adversity, union support continues to grow, much more than in the past. Local 860 has been here for over 80 years because we're strong, we're united and we maintain a vigilance that's second to none.

So stay in the know, Sisters and Brothers, and do what you do best. Continue providing the top-notch skills and service to the community that you always have. Don't give anyone a reason to thwart all of the hard work you've put into this union. As always, read the blogs on your website. Our forward momentum shall not falter.

Take advantage of the upcoming training season, which provides every opportunity to train up. I encourage all construction members to take advantage of this benefit. This is what differentiates us amongst other workers: We are productive. We are skilled.

In the face of all of the adversity, we stand united. We have pride and success. Our collective benefits continue to thrive. Our work is plentiful, and our strength and commitment remain strong, all while maintaining safety consciousness.

Thank you, Sisters and Brothers. Be safe out there.

In Solidarity,

les alusters



FALL 2018 / VOLUME 14 • ISSUE 2

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**ABOUT THE** COVER West 25<sup>th</sup> Sewer

Construction Circa 1924

### Proud to Serve It is on your behalf that Local 860 continuously fights to achieve and maintain a safe workplace

It is on your behalf that Local 860 continuously fights to achieve and maintain a safe workplace with fair opportunity and the respectability members deserve.

For more than 80 years, it's been the commitment to our membership that sets us apart from the rest. Local 860 continues their fearless effort, even in the face of adversity, to take care of our current members and to work to organize new members. It is rarely easy, but we persist.

We go the extra mile by providing events for members and their families, constant representation, a generous benefits package, higher standard of living, free legal consultations, health clinics and, of course, Santa.

It is on your behalf that Local 860 continuously fights to achieve and maintain a safe workplace with fair opportunity and the respectability members deserve.

Individuals united are powerful, individuals alone are powerless. Stand tall, stand strong and stand united. Challenges will always be, fret not because Local 860 has your back. We have your voice.

Local 860 continues to make great strides in our effort to proudly serve our members. As the obstacles continue, so does 860, meeting the challenges head on and together with you.

Overall news, Local 860 attended an Advanced Negotiations Seminar along with leading State of Ohio negotiations experts, to better serve our members at the negotiating table. We're also proud to announce the addition of 92 New Members since our last Newsletter. Welcome to our new members!

#### » FISCAL

Local 860 representatives, Stewards and the Legal team worked tirelessly for the rights of a fellow Sister in the Fiscal Department. Management's unwillingness to recognize the misclassification of our member, led to 860's filing for Arbitration. We were able to avoid entering into Arbitration, as the diligent work of the 860 team presented accurate and convincing facts. Ultimately Local 860 was successful in achieving a reclassification and substantial retroactive back pay for our Sister.

#### >>> TREASURERS

Local 860 challenged management when a verbal reprimand was threatened as a result of an unintentional member oversight. Your Union stepped up and strongly suggested that verbal counseling would be more appropriate and indeed we succeeded and kept the incident out of her personnel file.

The first Labor- Management Training Workshop is scheduled for September. The workshop is intended to establish a better work environment and culture of respect between Labor and Management.

#### HEALTH AND HUMAN SERVICES

Finally and after 2 years, there is an agreement in place regarding Flextime. Local 860 worked with Management and achieved a fair and positive agreement regarding the use of Flextime in an effort to avoid AWOL issues.

Local 860 worked with County Labor Relations personnel to accommodate a Sister member in need of ADA accommodations. Reduced work hour schedules for her were agreed on and specialty ADA equipment was purchased for her to aid in her job duties.

Contract negotiations have been challenging to put it mildly, as Local 860 refuses to cave to County Management. Credit to your fellow members on the negotiating team for their diligence, stamina and steadfast approach. The team, along with Chief Counsel for Local 860, finished up Fact Finding at the end of August to put the facts in front of a neutral professional in this field. A meeting to discuss and vote on the Fact-Finder's recommendations will be held at the end of September. Please look for meeting notices.

#### >> JUVENILE COURT

Local 860 is fighting hard against the unjust and unwarranted discipline the Court continues to mete out to our members. Local 860 has demanded arbitration on behalf of several members in the Detention Center. Local 860 just finished up arbitration. Because the Court has refused to arbitrate issues like unilateral changes in mileage reimbursement or intentionally delayed grievance answers, your Union sued the Court in Cuyahoga County Common Pleas (General Division) to protect your contractual rights. The parties are scheduled to have a meeting with the judge hearing the case in September. Finally, Local 860 is negotiating wages, terms and conditions of employment with the Court over a possible new position in the Detention bargaining unit. On courtside, Local 860 was successful in convincing the Court to cease assigning bargaining unit work to non-bargaining unit employees. Also, members are no longer required to "volunteer" to do non-union work.

#### >> PUBLIC WORKS

The parties have finally reached an agreement. In a nearly unanimous vote, members ratified the tentative agreement entitling members to a host of contractual improvements and an equity increase in 2019. Your Union recently filed a class action grievance over the distribution over overtime. Local 860 intends to file another ULP charge if matters are not resolved in a more expeditious manner. While Local 860 has been successful in winning grievances and obtaining more money for at least one member who was eventually reclassified, the County has intentionally delayed matters.

#### » ALL CUYAHOGA COUNTY EMPLOYEES LMC Meetings

Labor Management Committee Meetings continue to prove successful in making for a better workplace communication and workplace atmosphere.

#### **New Policy and Procedure Manual**

Local 860 has challenged the County's enforcement of the new Policies and Procedures Manual. The County has agreed it will not apply it to Local 860's members until new terms are agreed on by Local 860.

#### >>> CLEVELAND PUBLIC LIBRARY

Local 860 filed a grievance and demanded arbitration for a brother who was unjustly discharged. The arbitration hearing is scheduled for October. Local 860 was also successful in getting another member back to work on a last chance agreement.

#### >> CMSD

Local 860 and District continue to work on labormanagement issues.

#### >>> UNIVERSITY HEIGHTS

Local 860 was successful in negotiating a collective bargaining agreement, with several new improvements, including restrictions on the use of leased and part-time employees and subcontracting. Plus, members will now receive additional CDL and uniform stipends. Local 860 and the City conducted their first labor-management committee meeting to address many pending issues. Local 860 filed an ULP charge, filed a grievance and demanded arbitration after the City unjustly disciplined one of our members in retaliation for engaging in protected, concerted activity.

#### >>> BEACHWOOD

Local 860 was successful in negotiating two collective bargaining agreements. Street Department members saw an increased uniform allowance and new language improving bargaining unit members' rights. And Building Department members saw equity increases, rendering their wages far more competitive with comparable communities. Local 860 filed two class action grievances (one involving both units). Local 860 remains encouraged the grievances will be resolved satisfactorily. Local 860 conducted its first labor-management meeting. Another labor-management meeting is set for October.

#### >> CLEVELAND HEIGHTS

Local 860 is in the midst of negotiations with the Employer. The Employer has rejected nearly every proposal of the Union's. As a result, the Union requested a fact-finder. The parties have selected a fact-finder, and will select a date and time for the fact-finding hearing soon. Local 860 has attended several investigatory meetings. Local 860 encourages its members to strive for unity and solidarity in the wake of these very difficult negotiations.

#### » MAYFIELD HEIGHTS

Contract negotiations have again proved challenging. Mediation and fact finding was conducted in August. A meeting to discuss and vote on the Fact-Finder's recommendations will be held in September. Please look for meeting notices.

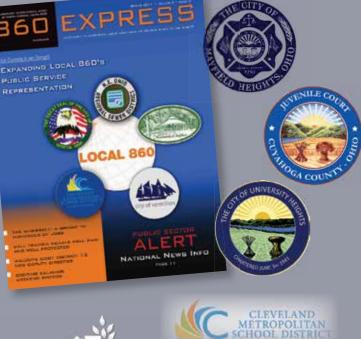
#### SENEVA, VERMILION AND HIGHLAND HEIGHTS

Local 860 has sent a Notice to Negotiate to SERB and City administrators to commence negotiations.A proposal meeting will be scheduled to discuss negotiation proposals in the coming weeks.

#### >> LYNDHURST

Collective Bargaining Agreements for the Building, Service and Finance Departments were ratified at the beginning of the year.

### Then and Now Look how much we've grown since 2011!







CLEVELAND PUBLIC LIBRARY









Treasurer Fiscal Office Public Works Health & Human Services







## In This Together!

Thank you to all of the Local 860 members that have displayed yard signs and submitted pictures for Facebook of our Union Pride. Check out all the pictures on our Facebook page, "Laborers Local 860."

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WE GOT YOU

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## WAR ON WORKERS UPDATE States Fight Back

It seems that in the recent attacks on unions, including the Supreme Court decision in the Janus case, that lawmakers may have woken a sleeping giant. Meaning – unions are fighting back.

It's been a while since we fought back. Remember in 2011, when extreme lawmakers tried to take away the collective bargaining rights of Ohio workers with the notorious Senate Bill 5? We fought back. Over 17,000 Ohioans volunteered on the campaign and collected 1.3 million signatures to put a citizens' veto of SB5 on the ballot, and then we voted it gone.

While it seems that the current trend in government is for lawmakers to divide and conquer, states are left to fend for themselves and find their own way. States like Missouri.

Last year Missouri became the 28th state to enact anti-union legislation. State Republicans approved the Right-to-Work (RTW) bill in February 2017, essentially preventing unions from signing any collective bargaining agreements that require all workers to pay union dues.

Under Missouri law, new legislation can be put to a public referendum if 100,000 state residents sign a petition to overturn it. Well, Missouri managed to get 310,000 signatures. This temporarily nullified the approved law and a week later voters rejected the socalled RTW law. It is a major victory for labor groups and a huge setback for Republicans.

It's a reminder of the type of power and solidarity that we can create as members of a union. We have to stay informed and ready to come together to fight these anti-union officials that want to take away our rights.

#### **JANUS, EXPLAINED**

In the spring addition of the "860 Express", under the Federal section, there was an article about a pending Supreme Court case "Janus v. AFSCME Council 31" and its potential impact on the union movement. That case has now been decided in a 5 to for 4 ruling against AFSCME. It is now official. This is a blatant attack on the labor movement.

The word blatant above needs some explanation and in order to do that some discussion of legal concepts and the history of previous similar Supreme Court cases is necessary.

The central argument in "Janus" was the Constitutionality of agency or fair share fees.

#### WHAT ARE FAIR SHARE FEES?

It's a concept from a similar Supreme Court case in 1977 brought by Detroit school teacher D. Louis Abood who objected to becoming a member of or pay dues to a school teachers' union. Forcing him to pay dues to an organization whose political ideas he disagreed with was compelled speech, in his opinion, a violation of his free speech rights. The 1977 Supreme Court

"We must guard against being fooled by false slogans, such as 'right to work'. It provides no 'rights' and no 'work'. Its purpose is to destroy labor unions and the freedom of collective bargaining by which unions have improved wages and working conditions of everyone. Wherever these laws have been passed, wages are lower, job opportunities are fewer and there are not civil rights."

-Dr. Martin Luther King Jr.



unanimously rejected that argument, instead stating that while dues from non-members cannot be used for lobbying or political purposes, they could be forced to pay fair share fees for the cost of contract negotiations, administration or any other non-political purpose. For 40+ years this has been established law and therefore a basic free speech concept. Unions have had to calculate two sets of dues structures for members and nonmembers to comply with Abood.

#### WHAT IS STARE DECISIS?

It's a basic concept in U.S. law that means to stand by things "already decided". That means that even if justices believe a case was wrongly decided, they are compelled to view it as a precedence going forward.

In the Janus case, the majority decided that separating out political activities was not enough to respect the free speech of non-union members and since any activities representing public employees would entail negotiating with a political entity, there is nothing public employee unions do that isn't political speech, effectively tossing Stare Decisis and the Abood case.

It is also not sufficient when overturning a 41-year precedence to simply say a law burdens free speech. The Supreme Court has traditionally frowned on compelled speech unless there is a "compelling" reason not to do so, like creating a situation of free-riding and eliminating a unions ability to be compensated for the work it does. This is especially egregious when considering the National Labor Relations Act.

### WHAT IS THE NATIONAL LABOR RELATIONS ACT?

It states a union must fairly and equally represent all members of a bargaining unit in spite of their member or non-member status.

With Janus, the Supremes have basically tossed the above concept as well, and in doing so made slaves

of the unions maintaining the duty to represent all workers, but allowing bargaining unit members to decide whether to pay for that representation or not. Justice Alito stated in his summation that the free-riding situation was not compelling or of consequence to the court.

The above is a very short and abbreviated version of the agenda of the majority of justices in the Janus case and illustrates that the justices have also abandoned their time-honored tradition of neutrality, but what's the point, just to discuss another instance of the attacks on unions? No, Laborers Local 860 did not get where they are today by wasting time wringing their hands over the actions of their enemies. Many times Business Manager Anthony Liberatore has said, "Obstacles are just challenges and an opportunity to overcome them".

This is a reminder that the attacks on labor are and always have been relentless. From the Taft/Hartley act of the 1930s designed to stop organizing by the unions when more than 1/3 of all workers in the U.S. were members, to the firing of the Patco air traffic controllers which established the concept of permanent replacements for strikers, and countless others there has rarely been a time when unions have not been under attack.

In spite of all this Local 860 has not just survived but thrived, enjoying a market share unprecedented in all of labor. This did not happen by chance but by the efforts of the members and leadership of the past as well as the continuing efforts of members and leadership today.

Let this serve as a reminder of the absolute necessity to support all the efforts of your union and its leadership, your fellow union Sisters and Brothers and maybe most importantly pass on this duty and sense of history to the younger members. Be confident that Laborers Local 860 will continue to fight for the rights of their members so that we can thrive well into the future.



## THE VALLEY VIEW BRIDGE PROJECT

Local 860 members work 200 feet off the ground and 200 feet in the air. The Interstate 480 Bridge in Valley View is the busiest bridge in the state of Ohio. Construction has already begun on this project, and it will take six years and cost more than \$227M. And for Local 860, it means continued roadwork.

The project includes raising the height of the fences for safety reasons and building a new four-lane bridge between the existing two bridges. Crews began in early December to raise the old bridges' fences three feet higher. In mid-January, they began to drive test piles near Canal Road way down below for what will eventually be a four-lane bridge smack in between the old four-lane bridges on Interstate 480.

#### And that's just half of the job.

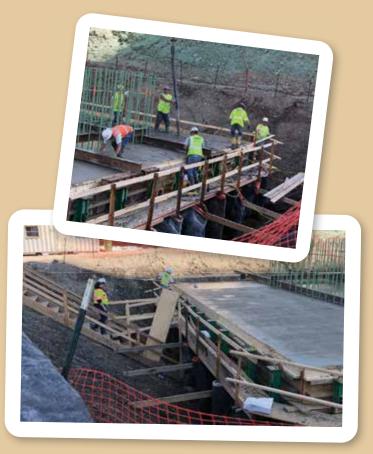
Once the new bridge opens, crews will replace the original decks on the old bridges, which opened in 1977.

Walsh Construction of Cleveland won the designbuild contract last October for \$227.8 million. It's no small matter to replace and supplement bridges 4,155 feet long and about 213 feet high, carrying up to 180,000 vehicles per day across the Cuyahoga River and the Ohio & Erie Canal between Valley View and Independence.

The whole project should last through summer of 2024. The test piles are underway, the eastbound fence work is done, and crews are wrapped up the westbound work in early March. Currently, crews are constructing 19 concrete supports for the new bridge.

In the spring of 2019, crews will start topping the supports with steel girders. On each old bridge, drivers will be diverted rightward to make room for construction equipment. In spring 2021, eastbound vehicles will start to use the new bridge, while crews start to replace the old eastbound bridge's deck. In spring 2022, the new bridge will start to carry westbound traffic instead, while crews replace the original westbound deck. In fall 2022, the new bridge will start its long-term job of carrying two lanes of traffic in each direction. The westbound lanes will bypass the interchange with Interstate 77. Eastbound lanes will bypass the Transportation Blvd. interchange. And then through the summer of 2024, crews will paint the bridges through the summer.

Local 860 will continue to provide our skilled members for the duration of this project. Be safe out there and don't forget that safety is a two-way street.



#### LOCAL 860 HISTORY CARRIES ON: I-480 VALLEY VIEW BRIDGE

Our sister Sara Lewis is a part of the team replacing the 72" sewer line on the I-480 bridge project. Her grandfather Claire Lewis was on the original project with Horitz Construction back in 1971. Family and Local 860 family history carries on.

A photo of the original 1971 job site from Sara's family album.

FALL 2018 LOCAL 860 EXPRESS

## **Infrastructure** Update

We've been reporting the progress, or lack thereof, of President Trump's proposed infrastructure plan. Needless to say, it seems the big infrastructure plan to rebuild the nation's economy was an empty promise.

It's truly disappointing because experts say a \$1.5 trillion infrastructure plan over five years would create 34.5 million jobs. That's 6.9 million jobs each year and 575,000 jobs each month. It would reach far beyond jobs in construction trades like Local 860, but in supply, materials, design and engineering industries. This would represent the single greatest period of job growth in American history.

We know infrastructure is important for future growth and public safety. It is at the core of what made America great. President Abraham Lincoln called infrastructure "land improvements." Canals, ports and railroads opened the American frontier to economic prosperity. The transcontinental railroad connected America's coasts and forever transformed our economy. Now, more than ever, the need for infrastructure investment shows through America's 54,000 structurally deficient bridges, thousands of broken and pot holed roads, and hundreds of congested airports, land ports and seaports. It is also in the infrastructure we don't see like the old, broken sewer and lead based water systems threatening our drinking water and environment.

Sadly, the nation's economy has underperformed for two decades. Infrastructure represents a winning strategy for good jobs and strong economic growth. But the good news is that there is a stirring in the American spirit today. Voters want to rebuild and lift the nation, and offer a better way of life for all Americans.

As a Local 860 member, we encourage you to stay in the know with up-to-date news. We won't give up the hope that there will be a positive outcome to America's crumbling infrastructure in the near future. LANSING DRIVE, NORTH OLMSTED SPECIALIZED CONSTRUCTION: Mike McGlynn

### AROUND TOWN

TOWPATH TRAIL/HARVARD GREAT LAKES CONSTRUCTION: Chris Wilson, Brandon Markham, Chris Davis

> LANSING DRIVE, NORTH OLMSTED SPECIALIZED CONSTRUCTION: Jacqueline Kacsmarik, Kamal Benford

LANSING DRIVE, NORTH OLMSTED SPECIALIZED CONSTRUCTION: Mike Gutglueck, Jay Ramunni, Kamal Benford, Greg Kacsmarik

## AROUND TOWN

DUGWAY STORAGE TUNNEL SALINI IMPREGILO HEALY J.V.: Lou Sicurezza, Jr. NORTHSTAR: Daniel Saucy, Justin Betteys, Francis Calarco, Tom Canitia

WALNUT AVE., PAINESVILLE FABRIZI TRUCKING: Phil Crawford, Greg Karp

FARNSLEIGH STATION RECONSTRUCTION COOK PAVING: Lartanna Remmer, Brad New, Patrick Parker, Chuck Barcik, Joseph Wadowick



#### MEADOWBROOK, LYNDHURST TC CONSTRUCTION: John Pavlica, Mike Oriani, Alberto Ramirez-Soto, Mark Mohar, Carmine Pollice, Geraldo Hernandez, Chris Moneypenny, Raffaele Colecchia, David Ferrante

KINGSBURY BAFFLE DROP STRUCTURE ENGINEERED CONCRETE STRUCTURES "ECS": James Jones (Top), Daniel Marchetti, Don Dietz, Michael Kelly, Jeremy Elersic **AROUND TOWN** 

E. 55<sup>TH</sup> & MARGINAL CPP UTLITLITY PROJECT COOK PAVING: Mike Corrao, Adrienne McQueen, Chester Peters

SCRANTON ROAD CONCRETE REPLACEMENT FABRIZI TRUCKING: Alberto Pietri, Frank Tomazic, Richard Stollings

WESTERLY STORAGE TUNNEL JAY DEE-OBAYASHI JV: Salvatore Croce, John Grapo, Raven Frye, Dontay Cooper, Michael Taylor, Chad Wright

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WESTERLY STORAGE TUNNEL NICHOLSON CONSTR. CO.: Slyvester Walton

*<b>ПICHOLSON* 

## AROUND TOWN

PROSPECT RD. RESURFACING KARVO COMPANIES: Curtis Tate



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I-77 BRIDGE JD WILLIAMSON: Angelo Sullo, Ed Schill, Chris Hermann

www.laborers860.com

THE REAL PROPERTY OF



I-422 GUARDRAIL PROJECT PARKMAN, OH LAKE ERIE CONSTRUCTION: Dakota Hanlon, Kevin Weimer EMERALD HIGHWAY TUNNEL PROJECT TURNKEY TUNNELING: Derreck Giachetti

SOLON WASTEWATER TREATMENT PLANT DN TANKS: Robert Haas, Jose Bruno

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# Training

We continue to have successful training year-afteryear! We keep growing and we keep training up. That means that Local 860 is consistently putting highly skilled laborers into the field. As a member of Local 860, you have more opportunities available because you are constantly diversifying your skill set. It means success. It means safety.

In 2018-19, Local 860 will offer a full schedule of available classes for members to take advantage of again. Check www.laborers860.com later this fall for an updated schedule.

#### Well-trained members mean safe members

Don't forget that STP and Traffic Control Supervisor cards have to be updated every five years. Field rigging is mandatory. Contact John Perri for more information at (216) 432-1022 ext. 115. Attention Traffic Controller Supervisors

New Worksite Traffic Supervisor (WTS prequalification process and requirements as of this summer. Currently there are approximately 200 Local 860 members that are Traffic Controller Supervisors. Any ODOT job that let out by July 2018, traffic control supervisors must have a certification. You will not need to supervisors must have already started. For more information, see "WTS Training and For qualification Testing FAQs" on the ODOT website for more information.











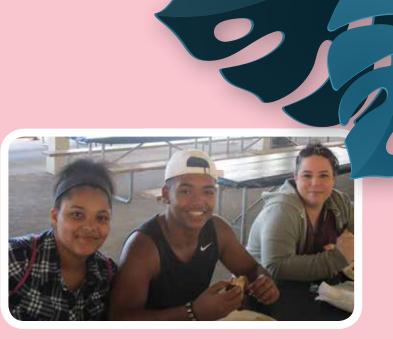




























## KEEP YOUR UNION DUES

It is imperative that you keep your monthly union dues up to date to avoid suspension. If you get suspended, a readmission fee must be paid to be reinstated. In other words, it saves you money if you pay your dues on time.

#### **UNION MEETINGS**

First Thursday of Every Month at 7 p.m. (No December Meeting)

## CHANGE OF ADDRESS & CONTACT INFORMATION

It is extremely important that Local 860 and the Ohio Laborers' Fringe Benefit Program are informed of any changes concerning your address and/or contact information, including email addresses. Please

notify Local 860 so we can better communicate with you. In addition, change of address forms and beneficiary forms are available at Local 860 for your convenience.

### **NEW FEATURE: LOCAL 860 ON-SITE DROP BOX**

Now located on the east-front corner of the training center.

- Place your payment (check/money order) in an envelope with your 860 card
- Make sure your last name & last four digits of SS# are included
- Payments will be processed the following business day

### **UPCOMING EVENTS**

HOLIDAY GIVEAWAY: November 17-18 (9 am to 3 pm)

KALAHARI: January 25-27, 2019

### **Contact Us**

#### **LABORERS' LOCAL 860**

3334 Prospect Ave. Cleveland, OH 44115-2616

216.432.1022 www.laborers860.com

> Business Manager / Secretary-Treasurer **Anthony D. Liberatore, Jr.** (ext. 110)

Training & Apprenticeship Coordinator, Recording Secretary **John Perri** (ext. 115)

Field Representative **Lenny Rizzo** (ext. 107)

Field Representative Mallory Jackson (ext. 105)

Field Representative Karl Welms (ext. 106)

Organizer **Joe James** (ext. 118)



Business Representative **Mike Piccirillo** (ext. 117)

Secretaries (ext. 0)





LABORERS' INTERNATIONAL UNION OF NORTH AMERICA, LOCAL 860

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