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UNITED STEELWORKERS



United Steel, Paper and
Forestry, Rubber,
Manufacturing, Energy, Allied
Industrial and Service Workers
International Union

UNITY AND STRENGTH FOR WORKERS DISTRICT 13 - LOCAL 12

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JULY 2007

ITEMS OF INTEREST

A special Severance Program offered to SLT employees: The Union and the company bargained a severance package to address the surplus situation resulting in the relocation of EMPR from Baton Rouge to Clinton, New Jersey. The General Council accepted the proposal. Since the initial announcement the Chemical Plant Technology Lab has also announced closure of the Baton Rouge facilities. Separation Packages have been delivered to eligible employees. A clarification on the package will be distributed on July 11, 2007 to all SLTS.

Overall the Union cannot celebrate a separation package that results in the loss of **approximately 70 jobs (all crafts.)** However, the alternative was a layoff of SLTS. Perhaps it is time for the company to change the motto on their tanks of "Growing Together" in Baton Rouge. It is time for all members to recognize that the company is still planning to continue the reduction of wage employees in Baton Rouge. The union faces a difficult conflict whenever we complain to management about doing away with our jobs. Top management continues to tell the union that wage earners will not be replaced whenever someone retires or separates from the company. This site has gone beyond running "lean" and is now into dangerous situations of inadequate staffing.

Payroll Corrections: In January the company announced that payroll corrections would be distributed in the next pay cycle (next paycheck). Our research found a Louisiana payroll statute that requires the company to distribute pay before the next cycle. We are working with Jack Holmes in Human Resources to facilitate

these payments in a timely manner.

Company appeals Loading Rack decision: Judge Tyson has ruled in favor of the Union in the case regarding the arbitrability of contracting the loading racks in the Chemical Plant. The company has appealed this decision to the Fifth Circuit Court of Appeals. Judge Tyson also ruled that the Intermediates Post Reduction case is not susceptible to arbitration. The Union has appealed the decision to the 5th Circuit. Our contract required the court hearing and now that the decision is in, the company once again refuses to honor the decision. The contracting out of the Safety Valve Shops in arbitration is contingent on a positive decision in the Loading Rack case so the company has again tied up another case by not allowing a fair and unbiased arbitration.

Arbitrator reinstates Ms. Jonette Buhler: In the interim, Ms. Buhler has accepted a financial settlement, offered by the company, in lieu of the arbitrator's award.

The Employee Free Choice Bill: The bill has passed both houses of congress. President Bush is expected to exercise his veto rights.

Election Results: Election results and the roster of new officers can be found at www.pacelocal4-12.com. The web site for our local is in the process of being changed to uswlocal13-12.com.

For cause drug test of Fire truck passenger: After exhausting the grievance process the Grievance committee (executive committee) will vote to consider
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BAG OF DIRTY TRICKS

BY: Randy J. Frederic

For those of us that do not work in the labs, we are missing out on the epitome of mismanagement at our site. I feel it is my job to keep you informed of how you, an EM Employee, can be turned into a true third class citizen in your own workplace. Despite numerous unilateral changes in working conditions over the years, the quest to save money, "looking for efficiencies" as they call it now has been taken to new low levels. If you remember in previous articles, Mr. Joe Schepper, Dept. Manager over the labs made these major changes, Unilateral Changes in Vacation Selection, Unilateral Changes in Vacation Relief Schedules, all to add flexibility and increase profitability at the employee's expense. Well, Mr. Schepper is no longer the manager and has moved on to Beaumont to "look for efficiencies" no doubt.

Now let's give Mr. Tim Dean the notoriety he so deserves. Mr. Dean is the Dept. Manager now and he has his own bag of dirty tricks to use in his quest to look for efficiencies. They include, De-manning a Post and distributing the work among the other employees in the Analytical section, and when a contractor working the Fuels Bench got sick early in the shift and was sent home, they decided not to call someone, but distribute the work to the remaining employees. Now that's flexibility and efficiency. They say they not only have the right to do this, but the knowledge to know when it is appropriate. It doesn't take a bright bulb to figure out that you can screw the working men and women; after all, the lab is open day and night. By the way, the creative way to give the contractor's the overtime

ahead of EM Employees on the overtime volunteer list is to build two extra work days into their regular schedule every pay period, and this allows Mr. Dean to be able to look his employees in the eye as if it is O.K., see, "It's built in", "It's all about Efficiency...", says Mr. Downing, the departed back to England Technical Manager, in the third level grievance.

Here are a few honorable mentions, Mr. Dean is trying to keep the job consolidations moving along, and he also allows the old favoritism practices to continue. This is good for some because it includes frequent seventh days and flexible work schedules to a degree. He isn't looking for efficiencies in the same places that Mr. Schepper also never looked, as in the management ranks. I ask why do we need Section Supervisors in QAL and CPL? Why are all these so called Specialist doing nothing special except waiting on retirement? Nothing personal of course, I'm just looking for efficiencies without having a college degree.

The old place that some call home "Q-Hell" is alive and well. For those of us that don't have to show up there regularly, I thought I would let you know. Be aware that even though the lab management folks are ahead of the game, the Mechanical Division is trying to catch-up fast by violating the Mechanical Overtime Guidelines, because you know how our company loves contractors, even though they are costing them through the nose now a days. I will save that story for later. Thanks for reading and work safe.

United We Stand, Randy J. Frederic

ITEMS OF INTEREST (continued from page 2)

arbitration at the July meeting. Mr. Vanderleeuw's answer at the 4th level stated in conclusion that the grievant showed "poor judgment" by not controlling the situation from his passenger's seat. These decisions are being made without any regard for the consequences and harm to union members and are executed with "poor judgment".

New Aftercare Agreement - Weingarten Unfair Labor Practice charge: The Union and the company have reached a settlement in regards to this dispute. The company is to provide a notice to an employee leaving aftercare inpatient status and moving to outpatient status of their right to and the availability of union

representation at their aftercare meeting. The company will provide a notice drafted by the union and the company counsel. This notice informs these employees of their ability to have union representation present and to inform the union of this request. Assuming that the employee meets these requirements, the company will allow the union to be present. The company will implement this procedure immediately, and the union withdrew the ULP charge as a result of the settlement. Please protect yourself and take advantage of this right. Remember don't ask, "Do I need a Representative?" but tell the company "I want a Representative from the union."

OSHA Voluntary Protection Program

Attached are:

1. Union communication bulletin distributed to wage employees at the Baton Rouge Refinery and Chemical Plant on 6/28/07 & 6/29/07 via gate handout.
2. Timeline of events leading up to termination of OSHA VPP.
3. Letter from Site managers on 7/5/07 addressed to Local 13-12 President, with dissection and comments from Bob Landry.

OSHA VPP Certification Effort Ends

BY: Bob Landry

Bulletin handed out at ExxonMobil Baton Rouge site on 06/28 and 06/29

At a VPP Steering Committee (the site managers and Union leaders) meeting in late spring of '06, two OSHA special government employees explained to the committee that the relationship between the Management and the Wage personnel at the Baton Rouge site was bad and they would wait until we worked out a solution to this problem before they would come back to do a pre-certification assessment for OSHA VPP Status. The Union leadership has brought this issue up over the last year with the ExxonMobil Labor Relations manager and the site managers. The plant manager told me that the USW could not guarantee the company any benefit to the company as a result of a better labor/management relationship. The managers do not care whether we are a VPP Site or not! Management has not found a use for "U-Two", Union Total Work Observation. The wage earners did the work but management did not address the results of our observations. When your "partner" does not want to "dance" what do you do? We have tried to dance now for 7 years. This site has broken all records for time spent applying for OSHA VPP certification. The normal time for beginning of application to achieving Star or Merit status is generally 1-2 years, large facilities like our own 3-4 yrs.

Now, do I think management is not committed to safety? Indeed not! I do not think there is one employee at the Baton Rouge site who does not want a safe worksite, especially managers. The problem is manager's pockets are no longer "deep". Money is stretched to run safety programs, maintain equipment, hire an adequate workforce, etc. Why is this when ExxonMobil is the most profitable company in the world? If the heavy investment in Asia/Pacific and Middle eastern ventures in up-stream and production facilities causes these issues in the U.S.,

it shows that where the monies go, so go the jobs. "Manage the risks" and find "efficiencies" (job consolidations) is now the operating strategy for the U.S. and our site. Risk assessing away jobs is not safety.

At a Steering Committee meeting in the fall of last year ('06), the Union leadership offered to jointly withdraw from the VPP certification process. The company refused, not willing to receive criticism from the workforce. At the JHSC meeting yesterday, I gave notice that USW Local 13-12 would withdraw from the VPP process. If someone has to get a "black eye", I am willing to take it. Safety committees will continue. Assignments to committees, meeting schedules, time given to meet, observation process, and attendance at safety conventions will be determined by the company. Health and Safety issues that are not easily addressed by local committees will be handled by a hopefully revised JHSC or by the Local's elected Safety Chairperson, Kenn Duke. Why no vote of the membership? VPP was set up with each of the three Unions Presidents' signature in control of the application. As USW President, USW has formally withdrawn and notice has been sent to OSHA.

The Site Managers for the complex were informed prior to yesterday's meeting and management gave their commitment to continue funding the departmental committees and to work safety according to VPP "principles." The decision to withdraw from VPP was made over a long period of time and mostly based on the realization that the company, OSHA, and the Union are not in a partnership, thus, there is no VPP process at this site.

Thanks to all of you who have worked hard on the Union's committees and I hope that all of you will continue to contribute to the safety for everyone in the work place.

Timeline of events leading up to withdrawal from OSHA VPP

January 2006: Refinery managers at Beaumont and Baton Rouge communicate to Corporate that they do not agree with implementing “Cardinal Safety Rules” at their respective sites.

April 2006: Refinery manager replaced at Baton Rouge, Beaumont manager replaced at later date.

May 2006: “Personal Safety Plan” rolled out at Baton Rouge. Union does not endorse. Allegedly it is voluntary, but is not communicated by Management in that manner.

June 2006: OSHA communicates to Steering Committee that the relationship between wage and management is less than acceptable for certification. Site management does not accept this evaluation.

July 2006: “Safety Accountability” is rolled out at Baton Rouge Site with one day notice to Unions. Union does not endorse and considered it a “sugar coated” version of “Cardinal Safety Rules”. USW Local 13-12 General Council votes to send an ultimatum to the site managers that this program is unacceptable in its then present form. Union and company agree to changes to “Safety Accountability” that enables the union to continue with VPP. Union proceeds with a ULP and later a grievance on this matter which is still ongoing.

August 2006: Union leadership meets with HR labor administrator and site manager. Union asks to work on relationship to no avail.

October 2006: Union offers to mutually withdraw application for “star” certification so neither side will receive “black eye”. Offer rejected.

January to June 2007: Union legal counsel reiterates the legal responsibility that a joint partnership brings. After Exposure concerns at Waste Water, Coker, And Wet Gas Scrubber are slow to gain company’s attention, a decision to withdraw is contemplated. The Refinery shuts down major units because of equipment failure. Union is concerned that these shutdowns, caused by a lack of preventative maintenance, puts the wage earner at an increased risk of health problems and injury. President decides that it is not in the best interest of the Local to continue on the certification path. President gives notice to site managers and receives commitment from both plants to continue supporting committee and observation effort. Formal notice is given at June 26th JHSC meeting with Formal letter to company and OSHA same day. June 27th and June 28th bulletins are handed out at gate entry points to the membership explaining the Unions position and actions.

Letter from site managers to USW President dated July 5, 2007

“Dear Bob:

We have received your letter of June 27 notifying us that the USW is withdrawing from VPP and U-TWO.

We, the two other impacted unions at the complex, the recently VPP certified EMPR organization, as well as significant numbers of your membership are very disappointed with this decision, and are struggling to understand the reasons behind it.”

Ok, since when do the site managers speak for IBEW and IIGA? I wonder if the two leaders of those unions gave permission to the site managers to speak on their behalf. I think not.

Seems the site managers have a hard time saying OSHA, because that’s who certified EMPR. It is OSHA VPP not VPP and not ExxonMobil VPP! Try saying it... oo-sha, there that’s not so hard is it? The recently certified and soon to be departed EMPR got it right for OSHA VPP and now? Can we celebrate OSHA VPP in EMPR? Certainly there is not anything to celebrate, the loss of 70 jobs!

The significant numbers of our membership who work “safety programs” solely for safety’s sake will continue to do so. Those who do it for the perks need to understand that union work is one of **service** not **gratuity**! The vast majority of our membership works safely and recognizes hazards and tries to eliminate them because they believe it is part of their regular job. They do it out a sense of duty not seeking recognition.

The struggle to understand comes from the inability to listen! The inability of the ExxonMobil management to listen to the union and OSHA for over a year is the issue! OSHA has commented to us verbally that all they got from site managers (with the exception of EMPR) was **egos and arrogance**! The VPP program is a three-way joint partnership and the company cannot partner!

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Letter from site managers to USW President dated July 5, 2007 (continued on page 4)

"We ask that you reconsider this position, and we would like to have the opportunity to meet with you to listen to your concerns, to discuss ways that we could address whatever issues you have with continuing to participate in these important programs, and to reinstate USW support in as graceful a way as possible"

Now this is sick! This paragraph sounds like the pleadings of a "wife beater" after the spouse has fled the state with the kids and he is asking her to come back for the sake of the children and he will graciously forgive her – till he beats the crap out of her again!

Now they want to listen to our issues – isn't that special! As stated above, management did not listen to our issues and continued for over a year to follow their own path. After the plant managers met with the USW Union Council, there was never any feedback to the USW after discussing issues. Once again, the Union tried to convey the concerns but no reply was forthcoming. Whenever the Union wanted to address the safety issues related to job cuts, the company wanted to risk assess away the hazards and jeopardy of working without adequate staffing. The Union could not and will not be a silent partner to job consolidations and inadequate staffing caused by management just to "get along." USW is not concerned about being graceful but REAL safety for our members.

"Bob, much good is coming from these activities in terms of helping to improve the fundamental safety and wellbeing of the front line workforce at our site. Surely this must be evident to you and the rest of the USW leadership. Many wage employees tell us that they consider VPP and U- TWO to be the best programs ever rolled out in the complex."

The signing of the Occupational Safety and Health Act in 1970 by President Richard Nixon turned around the staggering increase in industrial deaths and injuries. Its mission statement is "it is the responsibility of the employer to provide a workplace free of hazards that may cause illness, injury or death to the employee". There have been many safety programs here since that time. The recipe for a good safety program is empowering the employee to address **all** safety concerns and to give him/her the tools, training, financial and technical support to complete the task, not controlling the outcome. That is it, it does not matter what you call it. Do I think OSHA VPP is a good program? Yes, but I will always remember what the instructor (An ExxonMobile site manager) of the OSHA VPP initial application class said... **"There has to be a good relationship between labor and management for the program to work"**. The last two paragraphs in this letter give the opposite message.

"As you know, we plan to continue with these activities as effectively as possible even without the support of the USW, but we want to make clear to you that we far prefer to have the USW leadership as our full partner. Safety should be the one area where all parties share a mutual interest and common goal. If we cannot partner in such a critical area, we are concerned that we will not be able to improve labor relations or effectively address broader issues."

We ask that you give this letter, the voices of your partners and constituents, and all of the implications for the future your most considered attention."

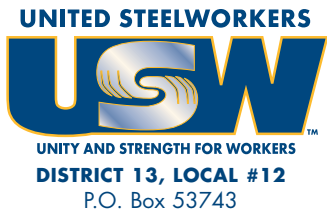
Signed with sincerity by the two site managers

Come back into the game, and then we will work on the relationship. "No thanks" said the fly to the spider.

The USW Union leadership has attempted to improve a relationship with the aid of third parties before. Previously, the Union tried to work with the company through the use of impartial mediators appointed by the Federal Mediation and Conciliation Service. After two years, the Federal mediator felt that the union was doing its part but only saw talking by the company and no action on the priority items identified by both sides. Guess what? The mediator is gone. Now OSHA also sees no "relationship" between the parties. Sound familiar? The USW members have worked hard but they can't force management to commitment.

In conclusion I have been called "crazy" by a night superintendent (Chemical Plant) and an ex-union officer (who shall remain unnamed). There are some who want me removed from office, if they can figure out how. If taking an "oath of office" seriously, believing in honesty, believing that the unions created the "middle class", believing in fighting for union members rights, believing that only the unions united can hold on to the "middle class", believing that this company hired me to do the best job that I am capable of, not to "kiss their ass", believing that a partnership means all sides are respected and treated as equals, believing that you don't attack your union brother or sister, believing that I would have to make hard decisions is **"crazy"**, then yeah, I'm crazier than a bed bug. But when I get up in the morning and look past the wrinkles, receding hairline and bags under my eyes, I like what I see.

Yeah, I can live with "Crazy"
Bob Landry



Baton Rouge, Louisiana 70892-3743

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IMAGINE NOT HAVING A UNION

The word “imagine”, as derived from Funk and Wagnall’s Dictionary, means “to form a mental picture or idea of. To suppose, guess.” Well, **imagine** what it would be like to not have a Union.

1. Your wages would **not** be what they are, among the highest in any industry.
2. Your benefits would **not** be what they are; thrift, vacation, and paid holidays.
3. You would **not** make double time if you worked seven days in a row.
4. You would **not** make time and one half if you worked after 8 hours.
5. You would **not** have sick pay if one got sick.
6. You would **not** have funeral leave pay if there was a death in family.
7. You would **not** have three paid days for birth or adoption of a child.
8. You would **not** have any medical plan.
9. You **could** be sent home if there is a so-called “rain out”.
10. You would **not** be paid for jury duty.

11. Your pay would **not** be kept whole for military service.
12. There would be **no** shift differential.
13. There would be no Seniority.
14. You could be fired for any reason without any grievance or arbitration.

I can go on with other things, but everybody should get the picture. What we do have is a Union that is there to help the “working people”. The only thing that is asked in return.., appreciate your Union, don’t abuse it. Don’t be in a position to say “I would do anything to get it back” when it is no longer there. Therefore, appreciate your Union by appreciating your Jobs. **Show** this company that we are hard working, caring, and conscientious **Union** Employees. We take pride and ownership in what is ours. “Ours” is what I call Union jobs. I ask whether you are old or new employees, to band together, work together to make the **Union** even stronger than what it is already. To sum up, “I didn’t know I had it so good till my Union was **no longer** there!” **Imagine that!**
“Hondo”