

THE CUTTING EDGE

Local 94

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Why Obama Must Pass EFCA



by **Kuba Brown**

If anything is likely to improve opportunities for working Americans in the near future, it is the Employee Free Choice Act (H.R. 1409/S.560). It's called the free choice act because it would allow men and women who want to be represented

by a union to make their choice known without employer intimidation. Let's look at a case that's very close to home — right in our own union, in fact.

Three men working at 99 Tenth Avenue as Engineers and Helpers wanted Union representation. They knew their employer, a company called CBRE Memphis, would not be supportive. They came to our own John Kramer, asking to become members of Local 94. What John and Local 94 went through to bring these men into the fold is documented on page 11, and it's not a pretty story. It's a story of corporate maneuvering, court filings, litigation, and appearances before the National Labor Relations

Board. It has a happy ending — the shop at 99 Tenth Avenue is now union. But getting there was difficult, and it didn't have to be.

EFCA allows workers who want Unionization to fill out cards and obtain union membership with or without a secret ballot election. Your card is your vote. Politicians who talk about losing the right to a secret ballot election conveniently miss this point and ignore another one: that the way things are now means that a Union that doesn't have the lawyers and persistence to fight a huge corporation can get tied up in knots and find itself without money and without the new members it hoped to win.

Companies that are targets of unionization drives know what the stakes are. Let's put them on the table: Workers associated with unions earn 28 percent more than unaffiliated workers. Union members are 52 percent more likely to have employer-provided health insurance, and 77 percent have defined-benefit pension plans through their jobs, compared with only 20 percent of other workers.

Once the men at 99 Tenth Avenue had filled out union

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The Greening of Rockefeller Center: Our Members Take the Lead in Solar Energy, Efficient Windows and Radiators in New York's Iconic Property. At Left: Rockefeller Center Chief Lupinacci stands in front of a solar panel. Hundreds are on the roof.

Union's Training A Hit with Industry Leaders. At right: BOMA President Angelo Grima at Local 94's June 12 Training Open House.



cards, the struggle began. And the company pulled out every trick in the book to stop them from achieving their goals. The most notable weapons in the company's arsenal are intimidation and firings, both of which were used. They did not accomplish what they had set out to do – prevent the union from organizing the shop. But they had months to play the game. If signed into law, the Employee Free Choice Act would respect the free choice to unionize. In addition to considering the signing of union cards tantamount to an election, EFCA would mandate the employer to negotiate an initial contract within 120 days of union certification, after which a federal arbitrator could be brought in to help resolve or even impose a contract. The legislation would also dramatically raise the penalties

for unfair labor practices by employers, such as intimidating workers or firing organizers.

The stakes are also high for our country. In the past, the expansion of labor unions had a lot to do with the growth of American prosperity. Our economic recovery must start with the strengthening and growing of the middle class and we cannot have a viable middle class without a strong labor movement. The bottom line is this, when workers are doing well and wages are up, they spend the money that drives our economy. Please call your representatives in Congress with this message: Vote for EFCA and respect workers' choices to join and form unions, and help to restore America's economy.

ASHRAE AT 94



ASHRAE At Local 94's Training Center. Among those on hand: (top left): Nick Lanzolatta, Kuba Brown, Joseph Carini, and Jerry Sileccia, (top right): Tom Costello with Al Weiss. (bottom left): ASHRAE President Bill Harrison is at left; at far right is Brian Mullen of Local 30. (bottom right): Bill Harrison, Frank Denicola, Tom Costello, Zach Stern, and Mike Bobker.

On Wednesday, April 29, 2009 Mr. William Harrison, the president of ASHRAE, paid a visit to our training center. The President of the local chapter, Mr. Al Weiss, members of the real-estate community and representatives from our brother unions were present. The American Society of Heating, Refrigeration and Air-conditioning Engineers (ASHRAE) has long been a guiding force in building systems engineering. It is the largest engineering society in the country, with membership traditionally based in the *design engineering and HVAC equipment manufacturing* communities. Its set of HVAC Handbooks and Standards provide guidance that is virtually the industry's Bible.

Over the past thirty years, ASHRAE has maintained a leadership role in defining key building operating parameters including energy conservation and energy efficiency. With the advent of LEED and increasing public attention to the environmental performance of buildings, ASHRAE has become a national partner with the US Green Buildings Council and with BOMA. Recent focus on building performance has led ASHRAE

leadership to understand that the *actual performance of buildings*, not just the modeled performance of a design, is what really matters.

NYC building engineers have an opportunity to upgrade their credentials and accrue a new level of professional recognition. As our city seeks aggressive greenhouse gas reductions (Mayor's PlaNYC2030), building engineers will increasingly be on the front-line of teams that are aiming to achieve and document new levels of performance. Engagement with professionals on such teams will be not only critical to success but also can be personally rewarding. We here at local 94 have the opportunity to set a national model. The Training Fund is hoping ASHRAE President Harrison's visit can stimulate our discussion of this challenge and that we will pick-up the gauntlet of industry improvement.

Local 94 Testifies on Environmental Rules: **City Should Modify Green Building Legislation; Set Qualifications for Energy Audit Work**



A packed City Council chamber on June 26th saw representatives from labor as well as building owners put forward their views in sworn testimony on pending legislation that would mandate energy audits, retrofits, and other new regulations to require energy conservation and monitoring in large New York City buildings. Councilman James Generro (above, with Kuba Brown), chaired the hearing, which also heard testimony from Rohit Aggarwala, the Mayor's point man on sustainability and reducing greenhouse emissions.

Aggarwala said that the City's 950,000 buildings account for "nearly 80% of the City's carbon footprint," and that it would have to be reduced. Scientists have pointed to carbon dioxide, which is produced when fuels burn, as the driving force behind global warming, and are forecasting a rise in sea levels of between 1 and 2 meters by the end of this century — and much more if the Greenland ice sheet and parts of Antarctica were

to melt. This would put much of New York City real estate in jeopardy.

The key question for Local 94 is insuring that qualified engineers have the responsibility for performing the building energy audits, and Aggarwala, answering questions after his testimony, stated that the City may require an Operating Engineer license for this work — welcome news to our Union.

In his testimony, Kuba Brown underscored the necessity of energy efficiency, pointed to the Union's training programs as a model, and asked for tax credits and other incentives to be extended to building owners to help them cope with any new conservation and retrofit mandates. He insisted that the legislation include "meaningful labor standards" to insure that workers in charge of energy systems were qualified to assist building owners as they upgrade their plants.





By Thomas Costello

On Thursday May 21, 2009 I toured the Hearst Tower with chief engineer Vincent Iacovelli. Located at 300 West 57th Street near Columbus Circle it's the world headquarters of the Hearst Corporation. Completed in 2006, the 46-story building was constructed on top of the original Art Deco six-floor structure. The original cast stone facade has been preserved in the new design as a designated Landmark site.

The Hearst Tower is New York's first 'green' building built to the Gold LEED (Leader-ship in Energy and Environmental Design) standard of the U.S. Green Buildings Council.

Many environmental considerations had been added in the planning including energy and water conservation systems. The floor of the atrium is paved with heat conductive limestone. Polyethylene tubing is embedded under the floor and filled



with circulating water for cooling in the summer and heating in the winter.

Rain collected on the roof is stored in a tank in the basement for use in the cooling system, to irrigate plants and for the "ICE FALLS" water feature in the main lobby. The structure has been designed to use 26% less energy than the minimum requirements for New York City.

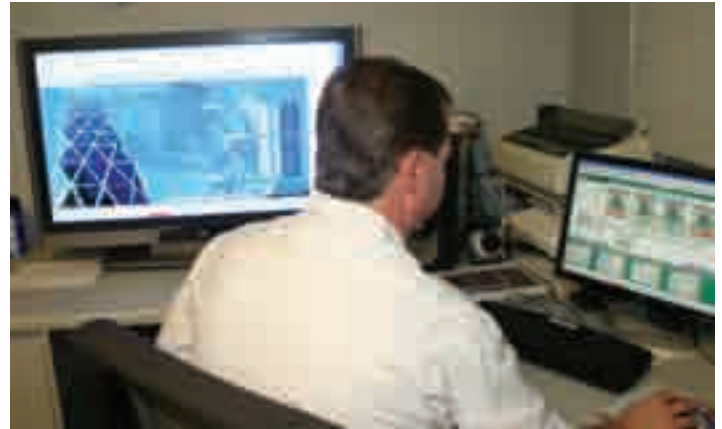
The Hearst facility is the first office tower in North America to use a diagrid design construction rather than vertical steel beams. This configuration reduces the total steel required by around 20%, contributing to the sustainability credentials. The building was constructed using



80% recycled steel. About 85% of the original 6-story structure was re-used or recycled. The building received the 2006 Emporis Skyscraper Award, citing it as the best skyscraper in the world completed that year.

In my discussion with Vincent Iacovelli he pointed out that the Tower has many outstanding design features including the

latest automated HVAC system. HVAC controls are maintained through a Honeywell BMS. Each floor has up to 26 points of control. The facility has three chillers: one 400 tons and two 1200 tons. Dual temperature radiant heating and cooling help to control the lobby temperature along with dual temperature fan coil units. The lobby air handlers



also utilize return air from the Tower portion of the building for better cooling efficiency. Motion and automatic dimming ambient lighting is throughout the building and the

mum daylight into the facility while keeping the sun's heat out. Rain water from the roof travels down the storm riser 600 feet to the basement where it is collected in a 14,000 gal-

captured rain will produce about half of the building needs while also serving to humidify and chill the tower's ten-story atrium as necessary. The water temperature can be regulated in the icefall in the lobby and atrium, which helps to control the temperature and humidity.

94 the building systems work efficiently and effectively every day.

Hearst Tower Engineering staff:

Vincent Iacovelli, Chief Engineer, Joe Giambrone-Assistant Chief Engineer, Brian Curran-Engineer, John Hatton-Engineer, James Kingston-Engineer, Mike Scallo-Engineer, Ray Reres-Engineer, John McGinley-Engineer, John Brown-Engineer.



E-glass provides maximum light throughout the building. Base to ceiling glass on every floor provides light and reduces the energy usage. White noise is pumped through to stabilize sound and reduce noise. Recycled and organic material is used throughout the facility for furniture, flooring, ceiling tiles, work stations and even paint.

The most important part of the glass curtain wall is its ability to allow maxi-

lon concrete tank. When the container is full the rain water drains into the city storm water system through an overflow pipe on the opposite side of the tank. Rain water is used to replace water lost to evaporation in the office air-conditioning system and feeds into a special pump to irrigate plants and trees inside and outside of the building. It also provides make-up water to the "ICE FALLS" water feature. It is expected that the





Cutting Costs at the Rock

by Thomas Hart

Rockefeller Center is a complex of twelve Art Deco Buildings in Midtown Manhattan. The Center was built in 1928 by John D. Rockefeller as a speculative commercial property. The Center remains as one of our city's most visited tourist sites each year.

Tishman Speyer took over the ownership and management of the center in July of 1996. Since taking over the 22 acre, 6.5 million square foot complex, the management team, along with the Local 94 engineers, has made many changes at the center.

The Engineers of Local 94 are responsible for the day to day operation and efficiency of the center. Housed at the center are some very notable sites, such as Radio City Music Hall, NBC Studios, The Top of the Rock, as well as the New York City Fire Zone Museum. Each year the Museum hosts an annual Fire Prevention week for the school aged children of our city.

Our Engineers play a vital role in the annual lighting of the Rockefeller Center Christmas Tree, as well as the operation of the world famous Ice Skating rink at the center.

The management team at Rockefeller center has taken a leadership role in the "greening" of this landmark facility. The challenges have been unique as compared to what other buildings have had to face since our community has accepted the responsibility of lowering our carbon imprint. Together with the Operating Engineers of Local 94, the team at the center has embarked upon some very interesting capital improvement projects to achieve their goal.

Solar Panels were first installed at Rockefeller Center in October of 2007 by a team of Local 3 Electricians and Local 94 Operating Engineers working together. This was the first step at the center to use alternative energy sources. This resulted in the lighting of the LED Christmas lights on the Christmas tree at no cost. A new and innovative way to insure that we



Tom Hart with Chief Engineer Joe Lupinacci and Dante Abbate at the ice storage plant; New energy-efficient radiators give tenants greater control.

continue one of New York's treasured traditions in an energy efficient manner.

In November of 2008 this innovative group embarked upon the installation of an ice storage plant at the center. In partnership with the Trane Corporation's Engineers and the in-house Local 94 engineering staff, led by Chief

Engineer Bill Witson, Joe Lupinacci, and Brian Flaherty, another successful project has been accomplished. The projected energy savings, as a result of the installation of the plant, for the first calendar year, has been reached in approximately 7 months of operation.

Presently, this ef-



New windows (above) are replacing the old ones (middle) without changing the building's classic look.

fective and innovative team at the center is addressing the outdated technology of the building envelope. Having been designed in 1928 and gaining landmark status, the facility presents a host of problems for any changes. Careful measures have been taken by this group to insure that the landmark status of the property remains intact, while they begin to work with

the Carpenters of District Council 7 of the New York City Carpenters Union in replacing approximately 10,000 Thermo efficient windows. The windows being replaced are over 75 years old and have serviced the center beyond their years.

Along with overseeing the window project the Local 94 engineers are also replacing the perimeter heating system. The radiators on the perimeter system have been replaced with much smaller and energy efficient state of the art equipment.

This has resulted in a scaling down of the old system. The steam supply lines have been reduced from 1 1/4" to 3/4" lines. While the engineers are doing this work they are also insuring that the tenants will have greater control of the space temperature.

All of the thermostats and steam traps are also being replaced. When completed, the combination of a tighter, more energy efficient building envelope; coupled with state of the art controls promises to help the team at Rockefeller Center reduce their carbon imprint even further.

These are just a few of the retro commissioning projects that the folks at Tishman Speyer have en-



Joseph Lupinacci and John Kantakevicius at the electrical inverter, which takes energy collected by the solar cells atop 45 Rock and converts it into clean electrical energy.

gaged in to offer a more energy efficient environment for their tenants to work in. The management team, led by Joe Szabo, has recognized the importance of having the engineers of Local 94 involved in these projects from the beginning.

Not only have the suggestions from the Local 94 engineers resulted in some practical solutions to complex problems, but they have used their skills and ability to insure that much of the

retrofitting work is done correctly while working side-by-side with the other skilled trades of our city.

The engineers of Local 94 not only operate some of the most complex and energy efficient buildings in the world, they are also responsible for some world class design recommendations. Behind every successful retro commissioning project, you will find a very dedicated and successful Local 94 crew.



by Howard Styles,
Co-Director of Training

On June 12th 2009 local 94 held its first Training Open House. Our intent was to share our history of training and acquisition of knowledge with building managers, and the top people in the industry responded by attending. This collaboration with city officials and the real estate community has our training program serving a much larger audience than our membership alone.

The leading experts in the industry, such as Mr. James Berg. (President, Realty Advisory Board [RAB]), Mr. Angelo Grima, (President, Building Owners & Management Association [BOMA]), and Ms. Marolyn Davenport, (Senior Vice President Management Services/Government Affairs, REBNY), explained how important training is to the industry and the value of the partnership the real estate community has with Local 94's training program.

Local 94 has a history of commitment to making sure that our members receive the necessary training to do their jobs. When confronted with technological challenges, our response is to train



to meet them. For over twenty years, we have been involved in establishing, operating and administering a wide range of training programs and projects. Our training has evolved and management needs to know



Jim Berg, RAB

what we have available. Through training, our members have achieved both craft and regulatory compliance objectives. The increased complexity of the equipment our members operate has made training more vital now than ever before.

In addition to remaining on the cutting edge in training, Local 94 is busy helping to shape new legislation put forward by the City of New York concerning new energy efficiency codes for buildings. Present at our Open House were City officials, political leaders and real estate people



Kuba Brown, Local 94



Angelo Grima, BOMA

who are involved in this legislation.

Our experienced and professional class instructors explained how our program will help managers cut costs, raise skill levels and put their equipment in good hands. Our certified safety professionals told the audience how our program can improve safety in facilities. Representatives from CUNY explained how our program helps build careers and provides management with skilled, educated employees. The Open House served to communicate our program as the 21st century vehicle of moving the industry to the next level.

Union Hosts In Showcases Tra



Co-Director of Training Bobb... of dignitaries (below) about...



In the front row: Local 94 B... Brown, City Councilman and David Weprin, REBNY's Mar... Angelo Grima, and Jim Berg...



Angelo Silecchia outlines L...

Industry Leaders; Training Courses



Bobby Fantine,
Co-Director of Training



Bobby Fantine tells the audience
about Local 94's training program.



Business Manager Kuba
and candidate for Comptroller
Polyn Davenport, BOMA's
CEO, RAB CEO.



Local 94's energy course.

Time Well Spent:

How Going to College Helps You, Local 94, and the Next Generation

Lennox Edwards, Chief Engineer at Covenant House in NYC, describes himself as a "typical union member:" "I am union! I believe in the union, but the union is only as useful as you make it. The more you use the resources of the union, the better it is for the union. The union is us, the rank and file. The more educated we become, the better it is for the union and the industry."

Lennox has taken all the courses the union has to offer, so college was his logical next step. When the Murphy Institute of CUNY worked with Local 94 and the New York City College of Technology ("City Tech") to give Local 94 members who completed their union training 15 credits toward either an Associate in Environmental Control Technology or a Bachelor's in Facilities Management, it "shifted everything" for Lennox. He is now in his 4th semester. Though it is not easy, he finds that the end of each semester brings him a real sense of accomplishment. He describes the teachers at City Tech as "wonderful and supportive. They want you to succeed." Lennox, who balances three courses a semester with full-time work and family, says, "I would tell anyone, it is time well spent."

Lennox is in his fifties, and also points out that it is good to explore opportunities as you get older. He believes that promoting union members into management is to everyone's benefit: "If a manager has a relationship to the rank and file, it is better for us when we go to negotiations, because management will know our worth, and not just crunch numbers or see the bottom line."

Local 94 members have nothing to lose and everything to gain by going to school. Asked if it is difficult to give up overtime to go to school, Lennox replies: "There is more to a job than a paycheck. Members should encourage their children to join the union and go to school. The best way is to go to school yourself. What are you going to buy with over-

LOCAL 94 PROFILE: LENNOX EDWARDS



time money that your children will remember? They will not remember the swimming pool or the iPod. They will remember: My dad went to school at 50. When we go to school, we solidify who we are and what we give our children."

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Editor: Tom Costello. Associate Editors: Neal Tepel and Alan Saly



Co-Op City Prepares to Go Off the Grid with Co-Generation

by John Kramer

Most of us are used to buying power from Con Ed, not selling power back to the utility. That's about to change for the 55,000 residents of Co-Op City in the Bronx, which will soon have a 40-megawatt power plant on line that also captures energy from waste heat, vastly expanding energy efficiency over older designs.

Co-Op City is the largest such development in the United States. It includes 15,372 apartment units, 35 high-rises, three shopping centers, 8 townhouses, and 8 parking garages.

The plant – installed by Fresh Meadows Mechanical Corp. -- makes its own power with massive twin gas turbines that make electricity. But the turbines also produce huge amounts of waste heat, which are used to drive steam turbines, generating even more electricity. There's still more savings: The waste steam which Con Ed would have condensed is now being used to drive the system's chillers in the summer and heat exchangers in the winter. This makes the plant more than "co-gen": engineers are calling it a "tri-gen" facility.

Explains site supervisor Brian Reardon: "The standard co-generation plant is considered 56% efficient. Our additional use of waste steam raises that to 72 to 74% efficient. So, only 26% of the fuel energy is wasted."



The Local 94 Crew at Co-Op City takes a break for a photo. They're responsible for insuring that this huge facility operates within specs. Below (clockwise from top left): Co-Op City's cooling tower takes waste heat from gas turbines; a massive generator makes electricity from heat; George Grulon and Kevin Ledwith cut pipe; in the pump room, Kramer and Tom Hart talk to Local 94 member Paul Farrell.





(r-l): Thomas Southand, Paul Farrell, and Pat Trainor on the job. Steam is routed to produce electricity.

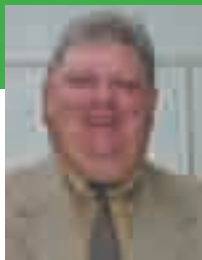
Once the plant starts operating, Co-Op City will become self-sufficient electrically, and will save a ton of money. “The total cost of fuel

and electricity in 2008 was \$42 million,” Reardon says. “With co-generation, we expect to spend between \$26 and \$28 million for gas, and to no longer have

to buy electricity from Con Ed.” That’s about \$1.5 million each month, for a total yearly savings of approximately \$18 million.

The new plant will be cleaner and greener, because all of the electrical power will come from natural gas, not Con Ed’s mixture of fuel sources, which includes coal.

Local 94 members maintain all of Co-Op City’s heating and cooling systems, and will also maintain all of the co-generation equipment. It’s a strong shop with many long-time employees who are loyal to both the company and the union. They went out on strike in October of 2007 to protest management’s use of outside, non-union workers. That issue was resolved with the negotiation of an excellent contract that protects pay and benefits.



Petrides Powers Up

by Jack Redden
and Ray Macco

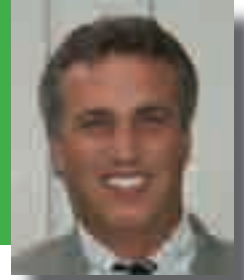
The Michael J. Petrides Educational Complex R080 sits on 44 acres and consists of nine buildings. The former site of the College of Staten Island, it is the largest Department of Education Facility on Staten Island. The Boiler Plant generates high pressure, high temperature hot water. We operate the boilers at 200 PSI and send out hot water at 305 degrees F, which is pumped through underground piping to the nine buildings. Chilled water is produced by over 800 tons of reciprocating and absorption machines. The

chilled water also travels through underground piping to the nine buildings. N.Y.C. Stationary Engineers Licenses and N.Y.C. Refrigeration Engineers Licenses, plus many other certifications, are needed to operate this plant. Our members work under the supervision of Custodian Engineer Vincent Sisto and Chief Engineer Gerard Streicher. Our Refrigeration Engineers are Louis Granato, Thomas Bickerton and our Firemen are Anthony Magliocco, Eric Sanft and Vincent Viola. Together, they maintain and operate this unique plant.





At the Plaza, Big Energy Savings



by Kelly Drummond and Mike Gadaletta

Known for its gracious service, the Plaza Hotel on Fifth Avenue overlooks Central Park. Guests are welcomed into a marble lobby with exquisitely arranged fresh flowers, graceful archways and museum-caliber artwork. Elad Properties bought the Plaza for \$675 million in 2004 and spent \$100 million to turn it into a hybrid condominium and hotel.

Local 94 Engineers employed at the Plaza include Chief Engineer John Barberi, and Francisco Jones, Janusz Czech, Anwar Hussain, Mohammad Latheef, and Alvaro Silva.

The building has a state-of-the-art Frame Heat Exchange System. Instead

of running chillers, outside air is used in the building's heating and central air conditioning system. Heat pumps are used within the Frame Exchange System to bring hot or cold water throughout the facility's general areas, with apartment owners responsible for their own air conditioning.



Real Clout — For Only \$4 a Month

Our efforts to be recognized by the New York City Comptroller in our fight for pay parity has been a direct result of our newly formed Political Action Fund. However, I am sad to report that the School Division enrollment in the Political Action Fund is dismal. The Political Action Fund is an important part of achieving our goals for pay parity in the public sector as well as comparable titles in the private sector.

We need people involved in the PAC fund. We need volunteers for phone banks, campaigns, as well as financial support through your contributions. I urge you to support the P.A.C. Fund to help further our agenda in our fight for fair pay. At roughly \$4 per month it is hard to find a better way to promote our goals and get

the attention of the city council and legislators.

Please contact the Union office and ask for a P.A.C. Fund form. Once you sign the authorization card your employer is obligated to withdraw the money at the same time as your quarterly dues. The contributions will be used to further our political agenda for the future.

Please make a note that there was a misprint in the previous newsletter regarding the PAC Fund contribution. The newsletter indicated \$4 per quarter instead of \$4 per month.

— Ray Macco, I.U.O.E. Local 94.

The Fight to Organize 99 Tenth Avenue

Local 94 brings a lot to the table: Our members have substantial job security, good health and pension benefits, and are backed up by the best training programs in the City. But employers don't always see it that way.

Take the case of 99 Tenth Avenue, a property on the corner of 17th Street and Tenth in Manhattan, almost touching the new High Line elevated park in the neighborhood of Chelsea. The building is home to government agencies, including the General Services Administration. At 99 Tenth, three men employed as stationary engineers and helpers approached Local 94 early in 2008 with the goal of joining the union. The building's management, CB Richard Ellis, strongly objected.

CB Richard Ellis, or CBRE, is a Fortune 500 Real Estate firm with 30,000 employees worldwide. It brought its considerable legal and financial resources to block the unionization of 99 Tenth.

Conducting a union organizing drive is harder in the USA than in most other industrial democracies. Here, a majority of members in a shop who wish to join a union must indicate their preference and then petition the National Labor Relations Board for an election. The election is by secret ballot and is supposed to be free of employer interference, but that's rarely the case. Employers fight most unionization drives with their traditional weapons of firings and intimidation, as well as anti-union propaganda.

At 99 Tenth, early in 2008, the three staff members who maintain the building's HVAC systems signed union cards, and Local 94 Business Rep John Kramer presented the cards to management. CBRE objected, saying



Union Drive is Successful: Business Rep John Kramer talks with Stationary Engineer Rashik Barber outside the property where he works.

that Rashik Barber, the senior man, was in fact a supervisor and should be considered management, not staff. Kramer filed an Unfair Labor Practice charge against CBRE in May of 2008, and our attorneys argued the case against CBRE's counsel before the NLRB.

We won the case on July 15, and the NLRB ordered an election the following month, on August 1. That election brought Local 94 onto the property and should have ended the struggle. It did not. CBRE wrote up the men on bogus disciplinary charges, and they moved to reduce the pay of the senior man by \$1 an hour. Kramer filed additional unfair labor practices seeking reversal of the actions.

In January of 2009, after dragging out negotiations, 99 Tenth finally told Local 94 that they would be represented by the Realty Advisory Board in negotiations. But the talks moved along slowly through the winter and early spring of this year, and CBRE laid off one of the helpers, saying he was not needed.

A settlement came in March, and the men were given their union pay rates as of April 1, 2009. Rashik Barber had his \$1 per hour pay cut restored back to the same date. Local 94 found another job for the laid-off helper and obtained a lump sum

payment for him as a settlement for the unjustified firing.

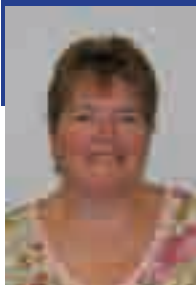
The fight to unionize 99 Tenth took a year and a half, and consumed considerable legal and financial resources on both sides. Says John Kramer: "They tortured us. They played the game. But they came around. They know they can't do this any longer."

Struggles to unionize shops will be much easier if Congress passes the Employee Free Choice Act, which is currently being debated on capitol hill and is the subject of fierce anti-union campaigns on behalf of many of America's largest companies. They consider their legal expenses to ward off unions just part of the cost of doing business. In the process, they trample on the rights of workers to unionize and stop thousands from doing so.

EFCA would have allowed Local 94 to unionize 99 Tenth at the first step – right after a majority of employees signed union cards.

As it was, the fight took a lot of time and money and subjected the men, says Kramer, to needless anxiety, as they had to withstand intimidation and anti-union speeches from their bosses. "They were told that they'd be better off without a union, but they did not give in," he says.

Health Benefits



Important Changes to Prescription Benefits

By Kathy Fisler

We are pleased to inform you about an important change to your prescription benefit plan. Starting **July 1, 2009**, you may now fill your long-term medications in a 90-day supply at a **CVS/pharmacy** retail store. This option, in addition to **CVS Caremark Mail Service Pharmacy**, may provide you with significant savings.

Your prescription benefit plan will allow two 30-day fills at a network retail pharmacy. After these two fills, you will need to have 90-day supply prescriptions filled by a local CVS/pharmacy or by CVS Caremark Mail Service Pharmacy.

Choose what is more convenient for you. The copay is the same either way. See the chart below.

If you wish to change how you receive your long-term medications by switching to a CVS/pharmacy retail store, we'll take care of it for you. We will contact you after your last allowable fill and contact your doctor to get a 90-day prescription filled based on your choice of pharmacy.

Visit www.caremark.com to:

- Learn more about your prescription benefit plan
- Investigate other cost savings opportunities
- Access medication and health information

If you have questions, please call Customer Care toll-free at **1-888-769-9054**. We are ready to provide new cost-saving options and make filling long-term medications convenient for you.

Procedures – Participating Providers versus Non-Participating Providers

Whether you are having a simple procedure, test or surgery performed in a doctor's office, or a simple procedure, test or surgery performed in a hospital, please remember to ask if the provider you are utilizing participates in the Empire Blue Cross Blue Shield PPO network. If you have services rendered by a

non-participating provider you are responsible for the balance after the claim has been paid. Your balance can be substantial if your provider does not participate with the Empire Blue Cross Blue Shield PPO. If you do choose to have the services rendered by a non-participating provider, please remember to discuss what the provider will be charging you prior to the procedures being performed. The Fund has contracted with Empire Blue Cross Blue Shield in order to reduce the Fund's cost and your out-of-pocket expenses.

The reimbursement for the procedure is the same whether you use a participating provider or a non-participating provider. The difference is what you will pay out of pocket. If the Provider is participating you are responsible for the co-pay, co-insurance and any deductible applied. **If the provider is non participating you are responsible for the co-pay, co-insurance, any deductible applied as well as the remainder of the balance. The provider can bill you the balance.**

You have the right to appeal the claim; however it is not going to change the allowance that has been paid. Your claim will be reviewed to ensure it has been paid correctly but the allowance will not change if all codes have been processed correctly. Ultimately you are responsible for all balances if you utilize a non-participating provider and you will need to discuss your balance with the provider.

For the most up to date list of participating providers please log onto Empire Blue Cross Blue Shield's website at www.empireblue.com. Additionally, there is a link on the Local 94 website at www.local94.com.

Please remember that the Fund office is available on a daily basis for any questions or issues concerning your benefits. Simply call (212) 331-1800 or stop by and speak to a representative at the Fund Office.

At a CVS Pharmacy You May:

- Pick up your long-term medication directly from the pharmacy at a time that is convenient for you.
- Enjoy same-day prescription availability.
- Talk face-to-face with a pharmacist.

With CVS Caremark Mail Service You May:

- Enjoy convenient home delivery
- Receive medication in confidential, tamper-resistant and (when necessary) temperature-controlled packaging.
- Talk to a pharmacist by phone.

Finances



Our 2007 and 2008 Financial Reports

INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL UNION 94, 94A, 94B - 2008 & 2007 FINANCIAL REPORTS

Our independent auditors, Schultheis & Panettieri, LLP, prepared the following financial statements. The first statement outlines the assets held by the Local Union, and the second statement presents the income and expense as they were incurred during the years 2008 and 2007.

Submitted By: John W. Kramer, Treasurer

INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL UNION 94, 94A, 94B STATEMENTS OF ASSETS, LIABILITIES AND NET ASSETS - MODIFIED CASH BASIS DECEMBER 31, 2008 AND 2007

INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL UNION 94, 94A, 94B STATEMENTS OF SUPPORT, REVENUE AND EXPENSES - CASH BASIS YEARS ENDED DECEMBER 31, 2008 AND 2007

ASSETS		
	2008	2007
Current assets		
Cash	\$ 254,980	\$ 236,323
Investments, at fair value	2,682,175	2,708,779
Receivables		
Related organizations	-	514
Total current assets	<u>2,937,155</u>	<u>2,945,616</u>
Property and equipment - net	90,498	68,485
Other assets	<u>24,095</u>	<u>15,342</u>
Total assets	<u>\$ 3,051,748</u>	<u>\$ 3,029,443</u>
LIABILITIES AND NET ASSETS		
Current liabilities		
Related Organizations	45,344	-
Deposits from applicants	3,300	4,700
Other current liabilities	<u>-</u>	<u>300</u>
Total liabilities	<u>48,644</u>	<u>5,000</u>
Net assets		
Unrestricted	2,984,691	3,010,594
Temporarily restricted	18,413	13,849
Total net assets	<u>3,003,104</u>	<u>3,024,443</u>
Total liabilities and net assets	<u>\$ 3,051,748</u>	<u>\$ 3,029,443</u>

	2008		2007
	Unrestricted	Temporarily Restricted	Total
Revenue and support			
Members dues and assessments	\$ 4,177,882	\$ -	\$ 4,177,882
Political action contributions	-	106,434	106,434
Interest	102,703	-	102,703
Dividends	7,646	-	7,646
Net appreciation (depreciation)			-
in fair value of investments	(52,016)	-	(52,016)
Net assets released from restrictions:			
Satisfaction of program restrictions	101,870	(101,870)	-
Total revenue and support	<u>4,338,085</u>	<u>4,564</u>	<u>4,342,649</u>
Expenses			
Program services	3,593,370	-	3,593,370
Management and general	770,618	-	770,618
Total expenses	<u>4,363,988</u>	<u>-</u>	<u>4,363,988</u>
Change in net assets	(25,903)	4,564	(21,339)
Net assets			
Beginning of year	3,010,594	13,849	3,024,443
End of year	<u>\$ 2,984,691</u>	<u>\$ 18,413</u>	<u>\$ 3,003,104</u>

A Dues Reminder

- **If at least one hour is reported for the month on any job within the I.U.O.E. Local 94 bargaining unit you will owe full dues for that month.**
- **Anyone working two jobs in Local 94's jurisdiction will pay the maximum dues in the month where two jobs are reporting hours.**
- **The maximum dues for 2009 are \$71.00.**
- **It is very important to hold onto your pay stubs in case a dispute arises regarding your pay or any deduction taken from your pay.**

Upcoming



Events

LABOR DAY PARADE/BARBEQUE —
Saturday, September 12th. Meet at 44th Street
Between 6th and 7th Avenues at 10:30 AM.



911 Memorial Mass — Friday, September 11,
2009. 10 AM Mass at St. Malachy's
West 49th Street between 7th and 8th Avenues



BAND PRACTICES EVERY THURSDAY NIGHT 4:30 – 7:30
FREE LESSONS GIVEN
CALL JACK REDDEN AT 212 245 7935



Local 94 Pipes and Drums is running a fundraiser. Members of the band will be taking orders for Christmas Wreaths. Please support the band and purchase your Christmas Wreath from us. Details to follow.

Watch for the Local 94 Toy and Coat Drive at the December 9 General Membership Meeting.

IUOE Local 94, 94A, 94B
International Union of Operating Engineers
331-337 West 44th Street
New York, NY 10036