
Committee Meeting

of

ASSEMBLY LABOR COMMITTEE

“Testimony concerning unfair labor practices in New Jersey”

LOCATION: Committee Room 9
State House Annex
Trenton, New Jersey

DATE: June 19, 2003
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Assemblywoman Arline M. Friscia, Chairwoman
Assemblyman Joseph V. Egan, Vice-Chair
Assemblyman Gary L. Guear Sr.
Assemblyman Robert J. Smith II
Assemblyman Guy R. Gregg



ALSO PRESENT:

Gregory L. Williams
*Office of Legislative Services
Committee Aide*

Beth Schroeder
*Assembly Majority
Committee Aide*

Victoria R. Brogan
*Assembly Republican
Committee Aide*

Meeting Recorded and Transcribed by
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Daniel W. Clare

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ASSEMBLYWOMAN ARLINE M. FRISCIA (Chairwoman):

The meeting will come to order.

Roll call, please, Gregg.

MR. WILLIAMS (Committee Aide): Assemblyman Gregg.

ASSEMBLYMAN GREGG: Here.

MR. WILLIAMS: Assemblyman Smith.

ASSEMBLYMAN SMITH: Here.

MR. WILLIAMS: Assemblyman Guear.

Assemblyman Cohen.

Vice-Chairman Egan.

ASSEMBLYMAN EGAN: Here.

MR. WILLIAMS: And Chairwoman Friscia.

ASSEMBLYWOMAN FRISCIA: Here.

I'd like to welcome our guests today as we discuss a serious situation that is affecting the working men and women of this state. Despite lengthy contract negotiations between labor and management, we have been seeing a serious rise in claims that seem to challenge these very contracts and threaten the quality of life here in New Jersey.

So I thought, today, we needed to hear from the parties directly involved in what's happening here in New Jersey, in the workplace, so we can determine whether or not we need to draft new legislation that will protect the rights of both labor and management.

I feel that suspensions and litigations should not be the first recourse. We need to investigate whether new legislation is necessary in order

to protect and foster a cooperative spirit here in New Jersey between labor and management.

On that note, I would like to begin with our testimony. I welcome all of you today and thank you for coming. I think this is a very important issue. You work in the private sector, primarily. The public sector in New Jersey has an expeditious procedure for resolving these issues. But, unfortunately, the private sector does not have that same access to the Public Employment Relations Commission. And that's the reason I wanted to give people the opportunity to come here today to air what the problems are, with the hope of finding some way to resolve these disputes in a more amicable way, without it being costly, and lengthy, and creating a lot of problems where it's totally unnecessary.

So with that, I'm going to call-- I'll take it in order of the way I received these. We'll start with Chubby Wardell, from System Council 3 of the IBEW.

Chubby.

CHUBBY WARDELL: Good morning.

ASSEMBLYWOMAN FRISCIA: Welcome to the Committee, Chubby.

MR. WARDELL: Thank you.

You have-- First of all, I'd like to thank you for having this meeting and inviting us here.

ASSEMBLYMAN EGAN: Push the button. (referring to PA microphone)

MR. WARDELL: It's a red button now.

ASSEMBLYMAN EGAN: Yes.

ASSEMBLYWOMAN FRISCIA: We're backwards here, red's on.

MR. WARDELL: Okay, that sounds good.

I appreciate having the opportunity to talk about some of the problems that we have going on at Jersey Central Power & Light, which is a FirstEnergy-owned company, from FirstEnergy of Ohio.

I have been involved with the union as the President of System Council Business Managers since 1987. Prior to that, I was president of a local union, representing people in the Jersey Shore area of Local 1309 at Jersey Central Power & Light, at the time. I started there in '73. I originally was a lineman for Jersey Central. I started working there in November of 1962. So all my experience, in all the years I have -- about 41 years -- has been spent with that company. And I have negotiated every contract, or been on a negotiating team, since 1973.

Through the years, naturally, with any company and union, there's always difficulties and problems, because that's the nature of our business. And we've been able to resolve them either through general discussion, arbitration, grievance procedures.

In 2000, we were made known that Jersey Central -- or at that time, it was called GPU -- had been up for sale, and is being bought by FirstEnergy of Ohio. It ranks itself as the fifth-largest privately owned utility in the country.

We were-- When they started the merger proceedings, we were asked to come on board as a union to assist them in getting the merger approved through the State, and the FCC, and the government, because we had the nuclear plant at the time. And we agreed, and entered into an agreement that

would extend our contract for two years. It was supposed to be up in 2001 -- and extend it to 2004. And we would have a no-layoff clause during that time span, and the company agreed to honor the contract, and all the provisions of the contract, or any other provisions that we may have, jointly.

When they took over in the winter of -- January of 2001, they came in rather strong, but they did say they wanted to meet with us, and they told us some of their philosophies, and how things would be. And then, probably, a month later, I received a letter from them saying that they were no longer going to live up to a policy that we shared with the former Jersey Central Power & Light, which was a progressive disciplinary action on accidents that were involved with failure to follow instructions or rules.

We had a procedure in place that if you did something wrong, the discipline would follow a process. And some of the things, like failure to wear your rubber gloves, was a stronger discipline than not wearing side shields on your glasses.

So they informed me of that. I told them it was an agreement; they didn't care. I sent a letter saying we disagreed, and they started, at that point in time, disciplining people for having accidents, whether or not the accident was one that were caused by your own behavior of horseplay, or not wearing the proper equipment, or doing a wrong procedure.

Their policy at the time, and still is to this day, if you have an accident, no matter how small, it's because you were inattentive, and it's your responsibility, and you're disciplined. Now, since I've worked here, we've had a form to fill out. If you get injured, but you're not -- it's not a major injury, you just hurt your finger, or you felt a pull, or a small cut on your hand, or

whatever it may have been, they have a minor accident report slip that you're supposed to fill out. Now, this is described to you when you become an employee there -- that you must do that. It's for your benefit, because if you do get a serious injury down the road because of that, it may help you in a comp case or asking for a claim.

Well, we've done that for years, and there's never been a problem, because if you had this minor accident report, we would use that document to help train people. "I did something wrong here. Be careful you don't do this." That's all it was. Well, now, even the minor accident report-- If you fill out a minor accident report and say, "I slipped on the ice and felt a pull in my leg" -- it doesn't require doctors looking at it, it doesn't require medication, you just said that this happened -- you are met with and disciplined -- suspensions, written reprimands. And this is an ongoing policy with this company and has been for well over two years.

We find that disgraceful. We have a-- At the present time, OSHA is looking into that, because it's, sort of, like, chilling. It's causing people that have injuries not to report them. They don't want to report the injury because if they do, they know that they will be suspended, particularly if it's a result that you have to go to the doctor. So we have people out there that are actually afraid to say, "I injured myself on the job."

That, to me -- and their accident rates, certainly, have dropped. They're very proud that they came into an OSHA recordable of about anywhere between 8 and 12 percent, down to about three, now, or two, which is a significant improvement. But at what cost, I ask? Certainly, people are being

more attentive, but a lot of the things that, normally, would have been reported are not being reported now.

Also, when they started with their accidents in the -- probably the summer of last year, they came to us and told us that they were having a problem with call-out response and, quite frankly, we concurred. The people weren't responding to call-out response. And the call-out response, if you don't know, is if--

We have a 24-7, 365-days-a-year emergency coverage. We have people that work those shifts. They're called troubleshooters -- respond to emergencies -- small emergencies -- and, if necessary, they call the headquarters and request a crew to come out, whether it be a substation crew, a conventional underground crew, or line crews. And the dispatchers then call the people at home to tell them that there's an emergency and please respond.

For years, the system has worked quite well. We had-- In a district -- for an example -- of 20 linemen, there's no -- the list is an opportunity. So using myself as an example-- If I'm first on the list -- there's an emergency that the troubleman requires help -- the company calls me, I respond, I'm charged with a call-out, and I go to the bottom of the list. And now there's 19 people ahead of me.

What's taking place now is that we did meet with the company, and we tried to resolve the issue. We had recommended that if they want people to be on-call, then we negotiate a standby policy, similar to what Public Service has. If they require people to be on standby, they compensate them. I believe Public Service is eight-hours pay for the weekend, which gets applied if they're

called out. Some organizations have payment for carrying a pager so that you're on-call.

We suggested some of them, and they didn't want that. They wanted the same system that they have in Ohio, which is that you volunteer to be on-call for the weekend, and you must respond. And if they don't -- the volunteer happens to not be there, then they go to the call-out list. And if you don't respond from the call-out list, you're disciplined in Ohio.

That's not satisfactory, so we offered to go back to a negotiated system that's in our contract, that we do not utilize. And we call it a *20-40*. And what it requires is, every employee must make 20 percent of the response -- the call-outs. And the place where they work, the district, has to maintain a 40 percent response. It becomes a little bit confusing, but the reason it's done that way is that if there are people that can't make the 20 percent -- as long as your district is doing 40, the calls are being responded. Because 40 represents responding at all times, but you, yourself, are only getting 40 percent. I don't know if I'm confusing you with that.

But we worked that system with the prior company for about three years, and then they felt it was no longer needed, and they just went into a normal pattern and no longer used it. But it was still in the contract for a while. We suggested we do that. They said, "No, we need you to be on standby for free."

Then they explained that they were -- since we were unable to come to an agreement, they were going to implement their own policy. I tried to get them to tell me what it was. I finally had to send a letter, and they sent me their policy. And, basically, you're on-call seven days a week, 24 hours a day. What

they explained to our members was that, "You must leave us with a telephone number where you can be reached. And if the primary number is your home, and you're going to leave home for any reason, you must leave a telephone number that we can contact you." So if you're going to your mother's house, your daughter's, or the store, you have to leave them with that number. And if they call, you must respond to a call-out.

If you're going to a football game, then they tell you that you have to be contacted. So it forced our members to go get pagers, which the company did offer to provide for free, or cell phones. A lot of people went to go buy cell phones so they had the number to carry with them, because they were concerned that they may be disciplined.

Well, in December, after they imposed this rule, finally -- of last year -- the first week, we had a number of people that didn't respond and were disciplined, severely, with suspensions anywhere from one day to a week. And that's been ongoing since December of 2002 and continues to this day. We've had-- Before you is some documentation of what I'm talking about. It's on a longer paper, there -- actually statements of the grievance that has been filed.

The policy-- If you have an answering machine -- the company calls you -- they will take that answering machine and leave a message that, "This is Jersey Central. We're calling to have you come in -- call-out. Please call back as soon as you get in." Now, that message may have been left for you at 5:30 p.m. on Friday, when you were leaving to go on vacation for the weekend. And when you return on Sunday, you were supposed to call them. If you do not call them on Sunday, no matter what time, you will be suspended from a day to a week. That is documented.

If you are out of state, they want to know where you are out-of-state. We have one individual that was in Pennsylvania. He had his cell phone, responded to the call, and said, "I can come in, but it's going to take me three hours to get there." And they said, "Fine, come on in." And it was not a storm or emergency. And he traveled three hours to get to work, delaying the time the people were out of lights. There were other people on that call-out list that they could have utilized, but they waited for him.

The entire system is absurd. We have tried to negotiate a number of times with the company to get something, but it's to no avail, because, quite frankly, their policy is, if we're not like the unions in Ohio, then they're not going to do anything differently here in New Jersey. So we can't -- we're at a deadlock with that. Henceforth, we are in arbitration over that issue.

The papers that I-- The one -- the long one that I gave you is the documentation that has the responses. And these are taken right off of grievances that are filed by the members. And, actually, the number on the -- in this column is the grievance number. But one of them is, "Daughter -- young child took phone call from company and gave her a message to tell her father to call in. She did not give him the message." He had a five-day suspension. An individual was deer hunting, five day suspension; not at home when the company called, no one answered the phone, five day suspension; not at home at 6:41 and at 6:45 p.m., when the company called, and there was, thus, no answer of the telephone -- I had a 40 percent call-out response in 2002 -- and he received a three-day suspension. And it goes on. You can read it for yourself. I think it would be redundant if I read every one to you. But they are legitimate things.

The other package that I have are letters that were sent to Wage and Hour to ask for the Wage and Hour to listen to what we have to say, because we definitely feel that being on-call all weekend long is a violation of the Wage and Hour. We are definitely on a standby system. The company maintains that we are not, but when you don't have the freedom to go away and not go away without a cell phone or a pager that makes you come back to work, then we're on standby all the time.

They have attacked, pretty much, every portion of our contract. As usual, with any contract, it's all interpretation of how you feel -- and believe in. And they have challenged almost every issue that we have, and will continue to do so. And, quite frankly, they've told me that, in 2004, when that contract expires, we are in for a lot of changes, including our health care, our dental, our pension, our weather clause, the overtime issues, response times. Almost every article will be challenged in 2004, and I think it's going to be a very, very serious negotiation with this company, because, in my opinion, they have no regard for their employees and their employees' family life. It's just amazing.

There's some further testimony you'll hear. I've asked the union presidents that I have on my System Council to get more specific with some of the details that these people are going through. And, quite frankly, you're going to hear some really amazing stories that are quite factual. And we are quite concerned, not only with where we're going to end up as a union, but where these people are going to be with the stress that they're under. We have more people on stress leave than we've had in our history, presently, today.

So we're looking-- I wish I had a magic thing to tell you that if you would enact this law, it would help me. I'm not sure what you people could do,

but I'm sure that you can hear the plight that we're in. And wherever you can give us a hand, even if it's developing some sort of legislation that protects employees from being constantly harassed for all call-outs, safety, attendance-- And I don't mean where they're exceptional, just routine things. We'd appreciate it.

Do you have any questions for me?

ASSEMBLYWOMAN FRISCIA: You mentioned that the issue on the call-backs was in arbitration right now.

MR. WARDELL: That's correct.

ASSEMBLYWOMAN FRISCIA: How long did it take to get there, Chubby?

MR. WARDELL: It took a few months. There is a couple of dates that we had that the company had postponed. And, most recently, we had dates scheduled. Unfortunately, I didn't bring my date book with me or I'd give you those dates. But we have three arbitrations going on at the same -- simultaneously; and one of them is a 16-hour work rule, that we're in disagreement with, that I didn't get into here.

The first case -- the second day of that hearing -- was going to be six months from now. We got the arbitrator to get closer dates, and the company is unable to make those dates. We've had a little problem getting them to keep and make the dates that we have arbitration hearings. But we have four days scheduled, the last one being in September, I believe.

ASSEMBLYWOMAN FRISCIA: So it's a matter of these dates being stretched out and no settlement of the issue for a long period of time.

MR. WARDELL: That's true, but the arbitration procedure -- one of the ways you get a date is for the arbitrator, and two attorneys, to sit down and get a date that they're free. So, quite frequently, it's difficult.

ASSEMBLYWOMAN FRISCIA: Okay. Well, I appreciate your testimony today. Unfortunately, you don't have an answer to the question I'm seeking an answer to, but maybe it will shed some light on it and give us some direction. I really appreciate your coming here today.

MR. WARDELL: Thank you very much for the opportunity.

ASSEMBLYWOMAN FRISCIA: Now, if you want to call all the people up that you brought with you, we'll take them all up at the table at one time.

ASSEMBLYMAN EGAN: Madam Chair, could I just ask one question?

ASSEMBLYWOMAN FRISCIA: Sure, I'm sorry.

ASSEMBLYMAN EGAN: Chubby, is this -- any of this scheduled overtime, or is it all emergency overtime?

MR. WARDELL: Well, emergency has to be defined. It is emergency overtime, but it could be for a flickering light call, change a meter, a wire down, something that's not life-threatening. So it is all related to emergency calls.

Okay. I guess we could have -- Ed Stroup, I guess, is first on the list.

ASSEMBLYWOMAN FRISCIA: Let's have them all. Who else is with you, Chubby?

MR. WARDELL: I have Ed, Carol, Bones. These aren't aliases, they're real names. (laughter) And Danny Clare. I believe they will give you-- And I've asked them to be as brief as possible -- but giving you descriptions of what's actually taken place.

Do you want them here?

ASSEMBLYWOMAN FRISCIA: Yes, please.

CAROL SCOTT: Do you want us to do two at a time?

ASSEMBLYWOMAN FRISCIA: Okay, we can do two at a time. The other two sit back. Please identify yourselves before you start.

EDWARD STROUP: Hello, my name is Edward Stroup. I'm President of Local Union 1289. I'd like to thank you for the opportunity to speak to you today and tell you of our plight.

Chubby did a nice job with a lead in. There's a couple of points I'd like to highlight.

He talked about the trouble shifts. The company has created a lot of these problems themselves. They're not posting jobs. As jobs naturally vacate, people bid out, they have not been filling them. Trouble shifts are one of those jobs. They're people that are on all the time, ready to go, ready to respond in the middle of the night, and they commonly do not fill those shifts. And they have attrited jobs out there, open jobs, that they have not filled in those and many other positions. That creates and adds to the response time problems and creates more call-outs.

Additionally, I'd like you to understand how many call-outs there are, because I think that's important. There are-- We have some line people here that can tell you, probably, better than I can, but tremendous numbers of

call-outs. You can be called multiple times over the weekend. The list spins frequently. So it's not that you're occasionally getting a call-out, it goes around quite a bit.

I'd like to also speak about the effect this has had on our members, so you can understand how big a problem this is. This has affected our members deeply. They have no free time. They cannot come and go of their own free will. It has gone as far as affecting their families and their family lives. They can't plan to go to the beach on the weekend. They can't go to a Giants game. Their every movement is restricted, not only on the weekends, also during the week. This is a 24-hour-a-day, seven-day-a-week issue. It never ends. The people are never free. They have to be able to respond all the time.

We've had people with funerals and with memorials for people that have passed that have said to the company, "I have this planned through my family. My family is coming, and I need to not be available for this period of time." And they've been told, no.

I would like to relate one story to you. In my local, I have a lady -- I try not to ask -- but I'm going to say she's just under 60 years old. She has an elderly mother who is very sick. She works five days a week, Monday through Friday. On Saturday, her day off, she was at home with her personal phone and called her sick mother to talk to her mother. She was on the phone with her mother for about seven or eight minutes. During that period of time, the company called her for a call-out. Of course, they got a busy signal. They called her a total of four times in a total time span of five minutes from the first to the last call. They suspended her the following week for three days.

She ended up having a nervous breakdown over it. She is already

upset with her problems with her mother. And she had a breakdown over this, because she no longer has control of her own life and her own mother. She says, "I can't even speak to my sick mother, on my day off, from my home phone." And that ate at her. She ended up having a breakdown and was out of work for, I'm going to say, approximately a month and a half on stress. Chubby related how many people we have out on stress.

That's one story. There are many more. I just want you to understand how deep and how far this problem goes, and how it's affected not only our members, but their families and their daily life. It's a major problem. And I don't have an answer for you, either, of exactly what you can do to help us, but anything you can do would certainly be appreciated.

It's gotten to the point where the people are afraid to come to work, they're afraid to report accidents, they're afraid to come to work. The stress level is extremely high. Many of these people are linemen, and troublemen, and are up in the air often in bad weather conditions -- dangerous jobs. Their mind needs to be focused on their job and performing their job safely, not on the terror campaign that this company has instituted.

And if I can veer, for a moment, from this subject -- FirstEnergy. If you don't mind, I'll be very brief. I also represent members at Oyster Creek Nuclear Generating Station, who have been forced out on strike by AmerGen Exelon. It's an out-of-state corporation that has come in and completely gutted the heart of the contract -- job protection, job descriptions, and many other areas.

Anything you can do to help there would be greatly appreciated. They want to lay off and get rid of our members who are highly trained and

highly skilled. Used to have a thousand people at that nuclear plant. Over the period of the last four or five years, it's been reduced to 450. Of those, 213 are the hands-on workers who do radiation protection, control room operators, INC techs, highly technical jobs. They now want to have another reduction of almost 15 percent of those people and, at the same time, bring in non-union, out-of-state workers to replace those jobs. There are many problems in their last, best, and final offer. They are not willing to move off of that and have forced us to a strike.

We would like to negotiate and resolve that issue. We don't believe it's good for anybody. The people that are highly trained and highly skilled in this nuclear plant are no longer running it. They're outside walking up and down in front of it. And non-union people have been flooded in there, who do not know that plant -- which is the oldest nuclear plant in the country -- to run it. We believe there are safety issues involved.

And I know we're not here for that. I appreciate you letting me speak on that for a moment today. But I would appreciate anything that you could do there to aid us.

Thank you very much for your time, and I'd be happy to answer any questions you may have.

ASSEMBLYWOMAN FRISCIA: Thank you for coming.

Are there any questions?

Assemblyman.

ASSEMBLYMAN GREGG: Perhaps I should have asked this question to the previous speaker, but it seems everybody's going to have pretty similar testimony.

I'm not sure, Assemblywoman -- Madam Chair, that this is the forum that this is going to get solved in, because we have very strict labor laws in our State, and in the country, that have created, in some respects, a wall between employees and management. And that wall has been good and bad, sometimes. That's what occurs. It's the rules people chose to follow.

But I am interested in asking a question on the procedure. And correct me if I'm wrong in explaining what I thought was testified to. There was a policy for bringing people in on their time off, weekends or whatever days they're not scheduled. And it was in place, and that system was a system, as explained -- was a rotating system -- that your name would go up the list as calls would occur. And then, ultimately, after your day came when you were called, then you would go to the bottom of the list. And my assumption would be that if you were at the bottom of the list, you'd feel more comfortable not being called. You'd probably know that you wouldn't be called, because you know that they'd have to go through all the people in front.

The new company comes in and, of course, may have different ideas, because they're based in a different world, and negotiating different rules, and are comfortable with their rules. So they came in and -- and this is where I want to be clear -- they came in and said they would prefer to change that system and say, "Instead of just a rolling system, it changes by how often you come in-- We want to let volunteers do it, first. And then if we don't get enough volunteers, then we fall to a list." Is that correct, so far? Through the Chair, I--

I apologize. I should have gotten the question out earlier.

MR. WARDELL: That's all right.

That was one of the items that they said that they would be willing to have a staff of volunteers, and on no amount of numbers, that would be on call and carry pagers or cell phones. And they did say-- That was one of their items.

ASSEMBLYMAN GREGG: And then after that, then it would go to a -- if they couldn't get enough volunteers-- I'm just trying to get back to your testimony.

MR. WARDELL: Then it would go--

ASSEMBLYMAN GREGG: Then it would fall back to a list.

MR. WARDELL: That's correct.

ASSEMBLYMAN GREGG: Now, would that list be similar to the list that you had, kind of a rotating list?

MR. WARDELL: Yes.

ASSEMBLYMAN GREGG: Thank you.

The only reason I ask that question is that -- and you can stay up here -- is, it appears to me that -- I'm not a union negotiator -- but I like that program better than the one you have now. It certainly would be better for you to have volunteers, and then fall to a list that you used to have, even though you may not like the new program. It seems to be far better than the one that you're testifying that seems to be. It's very troubling that you're on-call 24 hours a day, seven days a week, like you own the business, like many people are in the State of New Jersey -- and not knowing when you're going to get called. And any time a call comes, it could be a consequence for you.

Why would you have not agreed to their program? It certainly seems to me, as a layman, not a bad system.

MR. WARDELL: There's a couple of reasons. One is, the program that we had before FirstEnergy -- I won't call it a voluntary call-out system -- but if you were first on the list, and happened to be at a wedding and called out, it went to the second person on the list. And it could eventually go to the third and fourth. But there was enough people to respond to the calls. And that's been our system forever.

We have, in the state, a couple of utilities that already utilize standby time, and that's what that is -- that voluntary-- It's having an individual be on-call 24 hours a day. And they can't leave anything. They have to be there. If they don't respond, for whatever reason, or if the workload becomes too much for those three, six, or whatever the amount is, of individuals that are being required to do this, the next people in line are subjected to be called. If they don't respond, they will be disciplined. So it's not as simple as it may appear.

Everyone has an opportunity to work overtime, but if we go with the volunteer system, then we get into the -- the volunteer is the person that gets all the overtime. And you have circumstances in your life that you cannot guarantee the employer that you'd be available 7-24. And although I would like to work overtime, I already know that I have committee meetings I have to attend on this night, I have my church on Sunday, and whatever it may be. So if they call me on those days, I won't be able to respond, because I have other equipment -- excuse me, commitments. So I'd like to do that, but I can't, because I know I've got -- I already know that I'm not going to be able to make all the calls.

Now, can that be worked through? Possibly.

ASSEMBLYMAN GREGG: The only reason I bring it up -- and I don't want to belabor the issue, Madam Chair -- is that it seems to be better than what you have been imposed, and that's the way the game works because, ultimately, it is a negotiation of what they wish against what you wish. And ultimately, when the contract comes up in 2004, that's when the ball game will start. I think everybody understands that. So we're talking about what happens between now and 2004.

MR. WARDELL: Yes. The problem that I have is that I have a negotiated document that tells me what I've negotiated, and this, what they're imposing, is in violation, in our opinion.

ASSEMBLYMAN GREGG: Of course.

MR. WARDELL: And so as a union officer, if we actually conceded to that without an argument, then our members probably wouldn't elect us, because we just gave away a portion of that contract. That's one of the dilemmas.

ASSEMBLYMAN GREGG: I can understand that, but I just wanted to be clear that there were options that you could take that might be better for employees in a shortened term. You don't have to legally make a commitment that you've agreed upon. And after 2004, you've just agreed upon it, while you agree to disagree. Lawyers are very good at that. I am not one, but I know how good they are at it.

MR. WARDELL: Either am I.

ASSEMBLYMAN GREGG: But I just wanted to understand it in my mind, and now I understand it even better -- that this is, certainly, an argument between management and employees of who has to work harder.

Management would prefer to work less on having to find the person to come in. They only have to make one phone call.

In your case, you would like to not have to worry about ever working, so you get both sides. In other words, you can get called if you want the overtime, and if you don't, you can pass it on to the next person. It makes it easier (indiscernible).

So, I mean, I understand the two issues, and I guess, in 2004, someone will figure out exactly where it falls. Again, I'm not so sure if anything, in this Committee or the Legislature -- can do to change that, because it does appear that 2004--

MR. WARDELL: I think, more than the issue-- The company imposing a procedure that we don't care for is that -- that after imposing it, the discipline is such a severe and heartless discipline that it makes negotiating a little bit more difficult. I mean, you'll hear some testimony about some of the things that have taken place, and, quite frankly, I believe you'll be quite amazed that they take that type of action.

ASSEMBLYMAN GREGG: Thank you, Madam Chair.

Thank you for coming back.

ASSEMBLYWOMAN FRISCIA: Thank you, Chubby.

MR. WARDELL: You're welcome.

MR. STROUP: Just very quickly, I'd like to respond to your question. There are approximately -- well, there are 2,080 work hours in a year. We have members that have worked, for the last three years, between 1,500 and 2,000 hours of overtime. So that shows you how much they're working, and they have still been disciplined for missing a single call-out. They've doubled

their hours of work every year over the last three years and are still disciplined for missing a single call-out.

Also, in response to your question, I'd like to say that in our contract -- you heard it referenced before -- the 20-40. Twenty is an individual, 40 is a district group. That's in our contract. The company itself, some time ago, felt that they no longer needed that, that the call-out response was good enough that they set that aside. They had the ability to reinstitute that at any time. That's in our contract, but they did not do that. They were not willing to do that. Instead, they implemented this horrendous policy that's severely affected our members. So there are major problems with it.

And I'd like to thank you for the opportunity to talk to you today.

ASSEMBLYWOMAN FRISCIA: Thank you.

GARY DOBRINSKY: Good morning.

I'm Gary Dobrinsky. I'm President of IBEW Local 1298, out of Morristown, New Jersey. And I want to thank the Committee for having us here today.

The first thing I would like to call you to is a script language for management personnel that I brought with me. It's just horrendous that an employee has to go through this every time they're called out.

Number two, if the employee rejects the call-out, you need to tell him, "I'm giving you a direct order to come to work. Do you understand? And if you're not, you may be subject to disciplinary action." Well, that's the case, and that's why we're here to testify.

I have one individual who is terminated right now. Started out with this policy on a 28 percent call-out response. He had 28 percent coming in on

December 6, when they started this policy. When he was terminated, he had 66 percent call-out response. So that's just-- And this employee was trying to do everything he could to look into -- look out for their policy. He bought himself a cell phone that he never had.

The first time, he was disciplined for five days. He had the new cell phone, he put it on his night stand. That's the number -- as you heard Chubby testify earlier -- that he gave to the company, because that was going to be his primary number now. He gave that number to his company. He had the cell phone on his night stand, and the cell phone went dead -- not having a cell phone for very long. He came in that morning -- said, "You didn't call us back. You're getting five days suspension."

The next time, he was in New York state, and his cell phone didn't ring, because he was out of cell phone territory. Well, here we go -- on the Sunday -- on the way home, it comes back -- you know, you get the little beep. He listens to the message, and it says, "This is Jersey Central on Saturday -- you had a call." Here it is, Sunday night. Well, he knows that call has been taken -- already been covered. There's no major storm that went through, so he knows the call was just covered. He comes in Monday, he gets a 10-day suspension.

The final time, they said now, "Okay, you're wife answered the phone." She gave him the message the next day. The same thing, they were in New York state. He didn't get the message himself. His wife got the message. She said, "I'm not going to bother him. We're up here. I'm just not going to bother him." The same thing, Monday he comes in, he's terminated. So that's just some of the stuff we're going through here.

Weddings, birthdays; anybody, they can't -- they're not able to just enjoy themselves. They're afraid to answer the phone. They answer the phone on a wedding, they're direct ordered to come in.

That's basically it. I needed to tell you that story. I have one terminated employee.

ASSEMBLYWOMAN FRISCIA: Thank you very much for coming this morning.

MR. DOBRINSKY: Thank you.

ASSEMBLYWOMAN FRISCIA: Any questions?

ASSEMBLYMAN SMITH: Yes, I have one question.

Is it permissible for one employee to cover for the other? Let's say, for example, you had a wedding, or birthday, or going out of town, honeymoon, can you get a buddy that you work with to cover?

MR. DOBRINSKY: No, right now the company is saying that you have to respond. It's your duty to respond. You cannot pass that off. It used to be. Sure, we just used to go right to the next person. It was a call-out procedure. You got called out. You said, "No, I can't come in. I've got my children here. I can't get a babysitter," whatever. Maybe you took some medication. A big thing is, maybe you just worked 60 hours of overtime because you were on continuous overtime. This call-out response has nothing to do with the overtime that you've been working already. You just finally want to get a weekend to yourself and relax. Nope, you must come in. So there's no passing it on right now.

Anybody else? (no response)

Thank you.

ASSEMBLYWOMAN FRISCIA: Thank you.

Carol, do you want to come up?

Hi, Dan, how are you?

DANIEL W. CLARE: Hi, good morning.

Dan Clare, President of Local 1303, IBEW. I'd just like to thank you for having us here today.

In our local, which is a part of everybody else's, we're there seven days, 24 hours a day. Our people are forced--

Assemblyman Gregg, you asked a question about -- hey, why didn't you do this other thing? We did. We went out to our people, and we asked how we can improve. And the company was trying to improve the call-outs. It's in our best interest to serve the public.

We're professional workers. We went out and, voluntarily, went to our people, and they actually improved for a full month in most places. We said, "Hey, guys, take calls, come on in." And it did improve. For them to--

When you say volunteers, volunteers mean the six junior guys that are in whatever district. We have many districts. If they don't get volunteers, then the six junior guys are the volunteers. And once you're-- The way it was explained to me -- the way it works out there -- is once you're that volunteer and you have that pager -- everything you hear us telling you right now would be -- Dan Clare missed a call-out. By the way, I'm a lineman, so I live with this every day. Dan Clare missed a call-out -- I'm suspended. Three times with these people, I lose my job. I'm gone.

As far as our contract goes is, what it was, was we had -- it's opportunities. It's negotiated, it's in writing, it's a legal document -- that the

company agreed to when they acquired us. They agreed that they would abide by our contract in order to come into New Jersey and have a great power company. And that opportunity list -- what it would do is, if I wasn't available, they'd go to the next guy. The older members -- and we have many, many older members that have been out there working for the public for many, many years in storms, in the worst conditions. They're 58 years old, 60 years old. We had an age list. That way, the company didn't need to call them. They'd be off to the side, and you could go to the younger guys like myself.

And what their policy has done is, basically, forced people who don't want to work to come in, and there's people that do -- who would work, but that's all gone. So on the flip side, you have all these suspensions going on.

The thing I would ask you to do is -- we're going before Wage and Hour, where we're hoping that our attorney is going to present-- Our attorney, Ed Cohen, couldn't be here today. He would have liked to have come. And he could have presented this probably a lot better than, like, I can.

But Wage and Hour is looking at our case. And if there isn't anything, legislatively, that you can do, maybe, if you know somebody over there, you can make a phone call. But our attorney has said that if they can do a stop and desist--

Anyway, on the call-outs -- just like everybody else said, there's people that have been called out. It's a seven day a week, 24 hours a day-- One-thirty in the morning, my phone rang. I didn't hear it. The next -- three days later, I was in the office. They were looking to suspend me. I make just about all my call-outs, because I know -- I try to keep the pressure off the other guys.

Everybody's a nervous wreck over it. With all the things that go on in the company-- Being a lineman, you go out there -- it's not like-- I'm not going to say it's the hardest job, but you're up there, you're moving phases, you're in a dangerous situation almost every day. And what scares me the most is, we used to come to work, and we'd talk about what we were going to do, and we'd do our job. Now guys are so concerned that they're going to lose their job, or their going to be suspended, they're up there in the air working in storms and normal day work, or whatever, and it's becoming dangerous. It's killing our members. I think-- I'm not going to quote any numbers, but we have an older workforce.

That's pretty much it for the forced overtime. If you know anybody in Wage and Hour -- if you can't do anything else for us, please--

The other thing is the chilling of our employees. I'll just hit on it real quick, because Chubby, I think, did a very good job. Chilling, as it's been explained to me, is when you're -- the minors that they spoke about-- I'll just say a couple incidents. A guy goes out, and he cranks down a strap -- a 5,000 pound strap that holds poles that weigh 2,000 pounds a piece. A 138-pound guy goes and cranks this strap down. The strap breaks, a mechanical defect -- breaks. He reports it, because it breaks. You're putting a lot of tension on that strap, the strap lets go, of course you go flying. So the guy puts in a minor. He says, "I was doing this, and the strap broke."

Well, he was disciplined for it. He was given a written. He didn't have his feet in the right place. And what that does -- especially in something like that. You've got to picture this. Three or four 2,000 pound poles going down the highway strapped down with those straps -- mechanical defect --

okay? That guy should, really, be treated as a hero because of his injury. He reported it. Some family in New Jersey didn't lose their lives. But yet, he gets disciplined, because he didn't have his feet the right way. What I've been told, the word is *chilling*.

Another guy -- dragging wire through the woods. We're linemen. We have to put wire in trenches, we climb poles, we do all kinds of stuff. Thirty-eight years in the company -- I don't know his exact age -- 38 years of being a lineman. He's dragging wire through the woods alongside a trench in the snow. He steps, because a bulldozer had gone by -- the snow covered the track -- he's pulling the wire, he steps into the track, falls off balance, falls backwards, gets a sore back, he puts in a minor -- doesn't even go to the doctor -- puts in a minor -- three days off, three days suspension. And if that doesn't tell the guy working next to him, "Hey, you put in a minor, guess what's going to happen." The guy with the pole trailer -- in my opinion, he saved people's lives. We actually had a catastrophic event, not because of a strap, but because of a pole breaking. A car was just literally torn apart over it.

So these minors that Chubby said are a way for the company to gauge -- "Hey, is the workforce working safely? Are there mechanical defects? Are there near misses?" And if I'm afraid to report that, or I'm afraid to -- because I hurt my back I'm going to get three days off, and the letter's going to say, "This is going to lead to further discipline or termination." It's ridiculous. For years, and years, and years the company told us, "Hey, anything happens, we want to know about it. We want to know about it, because if we get a lot of these, we may be having a fatality, or something might be a mess out there." Well, you know what? You put in a minor, three days off, discipline.

I can only tell you it's a very dangerous job to begin with. We work professionally. We try to use all of our safety gear. When you go and you have a little accident, and they turn around and do that to you, what does it do to your workforce? And I can tell you, as a union president--

A guy with 37 years was talking to me. He said, "You know, I cut my finger. I can't bend my finger." I said, "Hey, why didn't you turn that in?" He goes, "Danny, I've got five years I've got to make it here. I can't afford to lose my job yet." And the guy didn't report it -- nerve damage, or whatever kind of damage. He's out there working with his finger like this now. There's many cases.

So what I would ask on this chilling part is, there is a bill that protects workmens' comp issues. But if you can't make it to that level, if I'm afraid to report anything, or I make sure I go to my own doctor-- If there's anything you can do to-- I mean, I'm sure there's protections there, but-- That's my issue.

I guess I don't want to talk your ears off, because I've been known to do that. (laughter)

And I just have to say, too, what Ed Stroup had said about Oyster Creek. I know it's an unrelated issue. It scares me, because we've got a nuclear plant out there in New Jersey that's operating, right now, that killed a bunch of fish. In the newspaper, in the *Asbury Park Press* -- had you read about it -- they openly admitted that they didn't listen to those union people who knew the business, knew how to run the plant, and they turned around and did the opposite of what those people, who knew how to run that business, were telling

them, and killed 6,000 fish. They said it was horrible. The fish were trying to jump out of the water, it was boiling.

And those very people in the *Asbury Park Press* -- it's on record -- the manager openly admitted he didn't listen to those trained employees, and they did what they wanted anyway.

I look at it-- I go down to that picket line, and I look in there, and I say, "Oh, my god. We've got a nuclear operating station that's not being run properly. And if something goes wrong, guess what? We're all-- What are we worrying about -- chilling?" That's a bigger issue.

I'm sorry, I didn't mean to run on.

Thank you very much for your time.

ASSEMBLYWOMAN FRISCIA: Thank you for coming, Danny.
I appreciate your testimony.

MR. CLARE: Any questions? (no response)

ASSEMBLYWOMAN FRISCIA: Carol.

MS. SCOTT: Hi, I'm Carol Scott, and I'm President of 1309.

What I would like to say, in general, first of all, is, we're really not here to crybaby. Our employees, our union members, are, fundamentally, in a very, very desperate rage over this company and their antics. The call-out, the discipline for getting hurt on the job -- those are two very major issues. And it's really-- It fundamentally comes down to the fact that there's no reasonableness on the job anymore.

And I'll give you an example of the discipline for a minor injury. And, actually, this woman wasn't even hurt. She was going to lunch. There was an internal stairway just three steps up. She had a pocketbook in one hand, her

lunch in the other. She walked up the steps, she had her hand on the railing, and she tripped. And she just put in a minor because that's what we do. That's what OSHA says to do. It shows trends and stuff like that. She was given a written reprimand, the point being that she did not pick her foot up high enough.

That is on record. That is the beginning. When we talk about unreasonableness, we're all very, very mature people. We all live our lives. Maybe we throw our little tantrums once in a while, but we're all professional, and we're all reasonable, and we have all invested our hearts in this company for the last 20 or 30 years. So we're not silly when we come here and talk about these issues.

My call-out issues are probably minor compared to some of the other guys, but, again, the unreasonableness-- I had a lineman who works midnight to eight. He gave them his cell phone. This was December 6. This is when they instituted the policy. He came home in the morning, he plugged his cell phone in to recharge it. It had snowed. He went out to his driveway. He came in, the company had called. He had documentation from Verizon saying that because his cell phone was weak, it would take the message, but it wouldn't ring. He was given an indefinite suspension on December 9 -- something like that. He had two children -- right before Christmas. This was the company coming out of the gate saying, "We're serious about this policy." This was to show everybody how big their muscles are. "I'm going to put you off the property."

And we had about 30 people in the very beginning of this implementation of this policy who were indefinitely suspended. They walked

off the job not knowing if they even had a job -- because another guy I had at the same time gave them his cell phone number. Nobody wants to put their careers at risk, here. He set his cell phone up by his bed. He fell asleep on the couch, he missed a call-out at 11:00 at night, and he was indefinitely suspended the next week, also.

And I'd like to clear up something that you were talking about earlier when you talked about this volunteer thing. We were in negotiations with the company. We hit a loggerhead. Okay? They wanted us to carry beepers. We said, "Fine, we'll carry beepers. We want to be paid for them," because we also do have a pager policy in our company. I also represent the customer service center. And we have 10 people on call every weekend. We've had this since 1997. And those people are paid a nominal fee to carry the beeper and be prepared to come in when that beeper goes off.

The company doesn't want to pay us to be on standby. We hit a loggerhead. We offered the old policy at 20-40. They didn't want to do that. We said, "Fine then, come up with your own policy, because we're not being able to agree on anything." And they came in the gate with this policy that's unreasonable. Okay? That's the evolution of this.

We've all negotiated contracts. We're here to do what's right for the company and to do what's right for the members in a reasonable sense. Okay? But this company cares about two things, and two things only. They care about control, and they care about money. And this company reminds me of the old school down south, when the mills were in operation, and the mills would build their towns. And you lived in their house, and you bought groceries out of their grocery store. Okay?

I'm going to take a left turn, because I have another issue that is tremendously passionate to me that doesn't have anything to do with call-out, but it has to do, again, I think, with the fundamentals of the philosophy of this company. And that is, we all, as you all know, have benefits when we work for a company. We have absentee benefits, we have, if we're lucky, prescription care, we have health care, we have all of that.

Well, since this company has come on board, they have (*sic*) not only recognized our contract and honored it, like we honored our end of this bargain in 1999, or whenever it was, but they have now put us -- the benefits that we've negotiated -- we now have to jump through hoops to get them. Okay? They have-- We have a prescription plan, of course, and we also have a mail-in prescription plan, which is, if you're on a maintenance-type drug that you take all the time, you can get a 90-day prescription from your doctor, send it in, and you get your prescription by mail. Okay?

Well, now they're interfering with that. Now they're contacting the doctors, and they're saying, "Well, do you really have to have this prescription? Do you have to have it all the time?" We now have people who are sending these prescriptions in, and now they're not even getting them. Now the people have to go back to their doctor two or three times. "I need this, they blocked this prescription, blah, blah, blah." Okay?

And more importantly than that is, they've hired this company called the Reed Group. The Reed Group -- if I have a heart attack and I'm out, I have negotiated benefits. I have sick leave, I have a disability plan, whatever. Okay? And my doctor says, "Carol, you're going to be out for six weeks." Okay. Now the company is almost requiring me -- because we haven't taken

this far down the road enough -- almost requiring me -- they're asking me to sign a letter that releases my medical records to this Reed Group so that this Reed Group -- who is nothing but a wizard, in my opinion, behind some curtain -- can sit there and manage my health. And they're going to get a hold of my doctor and say, "Can you put her back to work, maybe, in four weeks or five weeks?" And as far as I'm concerned, that's just a little bit too much invasion into my personal life.

If we can't trust the doctors that we choose-- I didn't choose the Reed Group as my primary care physician. So if we can't trust our doctors, then take them out of whatever medical plan we have, whether it's Blue Cross, Prudential, Etna. Kick them out if they're not good enough to manage their own patients' care. That, I think, you guys can do something about. You can.

We have a letter, now, that's being put to our members. And like I said, we haven't gone down this road far enough, but you can see the writing on the wall. It says, "You should sign this. And if not, your benefits could be stopped." So if I'm out on six weeks, and let's say I'm on short-term disability, and I refuse to sign this because I don't want the Reed Group in my business, I don't want the Reed Group harassing my doctor-- And they're going to say what? "You're not going to get your benefits." It's not anybody's business except my doctor's. And if he's not good, or she's not good enough to manage my health, like I said, kick them out of whatever insurance company we have in their plan.

The other thing is -- and this will just give you an idea of the company we're up against. Okay? They want us at work all the time. It doesn't matter. I have the nightmare cases of call-out where -- and this is

generic for all of our locals. Whenever our people go anywhere, whether it's their mother's 50th anniversary, or their father's 80th birthday, or their anniversary, every family is going now, wherever they're going, in two cars, because if they're going over to your house for your father's birthday and you get beeped, you've got to come in. So do you drag your whole family back away from this gathering, or do you just leave, yourself?

We've had people who had New York tickets. They take two cars into the city so that if their beeper goes off, or their cell phone goes off, they can come back, they can leave the play, they can leave Easter dinner, they can do that while their whole family stays there. Now, that is a fact of life on our property.

Our families are stressed. Our employees are stressed due to the unreasonableness of everything that's going on with this company. And I'll read you a policy. This is FirstEnergy's employee attendance policy. And it is telling. We don't have this yet, but it's telling. It's eligibility as the policy applies to all employees. They may impose this on us. They're creeping it in the door in my center.

"Each employee should do whatever is necessary to ensure good attendance, which should include maintaining good health standards and taking preventative measures to guard against illness, not letting minor ailments or inconveniences result in an absence from the job, making every effort to live and work safely, taking care of personal affairs or obligations at times outside of working hours, and seeking counseling to get help with personal problems.

"While perfect attendance is a desirable goal and reflects employees' attitudes about their work and career objectives, there are absences that are

unavoidable. In many of these cases, the company will continue an employee's pay during the absence. For example: the sick benefit protects employees against the loss of income if sickness or injury occurs. Recognizing that perfect attendance is not always possible, it is the employee's responsibility to do the following" blah, blah, blah. And what they're telling us -- it says, "participate in company case management program, be available for reasonable examinations and inquiries by the representative." And it says, again, to the supervisor: "When necessary, refer employee to the company medical case management program for non-routine," blah, blah.

An employee's record of attendance is an individual record, a record the employee makes. What constitutes unsatisfactory attendance is determined on a case-by-case basis. For example: if an employee is absent only one day during a year, but this one absence was avoidable, this employee's attendance record was less than satisfactory. This is like if you don't live safe, like if you happen to be painting your house, and you fall off your ladder. Well, you were careless. You live carelessly, and we'll get you on that, too.

So thank you very much for the opportunity to talk to you. And I do think that there is something that the State can do for us. I think it's a privacy issue. And I just think that when we have companies -- and by no means do I think this is the only company that thinks this way-- We need to have our lives ours. Business is business, personal is personal. How many times have you heard that? When you get laid off, they tell you, "Don't take it personally." Okay? Well, don't take my life. My life's not here for the company at its will.

ASSEMBLYWOMAN FRISCIA: Thank you for coming, Carol.

Any questions or comments? (no response)

Darwin.

DARWIN SASSAMAN: Yes, I'm Darwin Sassaman, known as Bones. I'm part of System Council. I'm President of Local 327. I represent FirstEnergy, and also being full-time business manager. I do not work there; I'm on a leave of absence. But I do represent other utilities and companies: REA Sussex up in Sussex, New Jersey; also powerplants at Gilbert Station, in Hunterdon County; and Sayerville, down in South Jersey.

And I've dealt with -- and I know the question came up -- Chubby mentioned before about contracts and changes. And I went through the sale -- being president when GPU sold their powerplants to Reliant Energy out of Houston, Texas, dealing with people from Houston, Texas. Certainly, there's always questions and concerns of contracts and negotiations. And our contract wasn't up until 2001 with Reliant Energy. But, in turn, the respect was there for a bargaining agreement. And if we looked to change something, or they had a need, I was willing to sit down and talk to them, the same as this System Council is with FirstEnergy, to within reason -- and what we can do without affecting or impacting our families or our members that voted on a contract.

I've got to say, with Reliant Energy, it's just two different companies. They're out of Houston, Texas. There's a few changes, but the people are happy to come to work. If you've seen the name change on the front -- yeah, it changed as you come down the hill to Gilbert Station or drive into Sayerville, but, basically, you work the same way you worked before. And they had some things change from Reliant Energy, but like you said, we did it in the right way.

But this FirstEnergy company-- They're vicious. I've never dealt with them. And I know I'm the last person to be up from System Council, so I don't want to bore you with a lot of things, but I have to say, my people are bleeding. They're bleeding not only with the call-out policy, but when that was instituted -- and I've got one dear to my heart, that's to everyone-- And the trend went out across the workforce.

The night that they implemented this policy -- it was going into effect December 6 -- I had a young lineman up in the Newton district. He got a phone call 7:00 that night. His wife answered the phone and said, "Dean's home, but he can't come in. We've got a family crisis going on. He can't come in." They said, "There's no excuse. We want to talk to him." He came to the phone. The family crisis was that he has a 14-year-old son with a brain tumor that just had chemotherapy that day. It's terrible. He was throwing up violently, and he said, "I can't come in. I don't care what you do. I'm sorry, I can't come in." They said, "We'll be talking to you Monday." He was worried. Quite frankly, you know what condition that put the family in the rest of the weekend. He showed up at work on Monday. The shop steward called me. I was down at a the power plant. I said, "Well, hope and pray that, maybe, they'll take your excuse."

But that's what we ask for. At least consider, if you're going to be this stringent, there is exceptions. And the immediate supervisor said, "Well, if your son was that sick, and he had his first day of chemotherapy, maybe we can do something." Low and behold, 3:00 that afternoon, the higher-up management came up, and he was given a five-day suspension -- suspended for not being able to come to work on Friday night with a child terminally ill with

cancer. I know that upset so many people who -- neighborhoods, everything else, the co-workers that -- how it can go down. But it's just one thing after another.

With the call-out response, I know some of you are sitting there thinking we had a better way, or why didn't we go their way. But the people, ever since 1996 -- I was involved -- we had a verp (phonetic spelling) when GPU was getting ready to -- I mean Jersey Central merged into GPU with (indiscernible) and Pennelec, and we lost hundreds of people. My local, alone -- 76 linemen left. And, you know, you didn't mind getting called a couple times a weekend, or something, but when you had 30 or 35 people on a call-out sheet -- mandating this you must come in -- we've got districts down to 18, 20 people. So your opportunity is more and more. That's why we're in arbitration. And I hope the arbitrator can see this isn't only being burdened on coming in on call-outs, but look at the 50, 60 hours of overtime I worked already before they called me Saturday morning. I have people suspended with 50 and 60 percent call-outs. Nine hundred hours of overtime, you certainly must work for the company. You stay late, they plan you for Saturdays and Sundays. But if you're just out deer hunting -- the one incident that Chubby mentioned on-- Donnie went up to New York state to his brother's place and wasn't available. And because of the system, that was his day on call -- he got a five-day suspension.

The other thing, with the comp pieces-- I certainly feel that it's intimidating, that certainly people work in this state. And if you work and try to be safe -- but injuries do happen, and you certainly should have the right to

fill out a minor, and go to a doctor, and if you have injuries, stitches, or whatever, go into a compensation case.

I had an individual -- one of the stronger ones in System Council -- that was pulling wire in. And he got his hand caught in the shiblock. (phonetic spelling) It was a Friday afternoon. All the safety precautions -- when I went to the investigation -- because I would be sitting here not talking to you about this, if the guy violated something. But we worked hard in negotiations to come up -- where you got your protection, your leather gloves, your glasses, your hardhats. Shame on somebody -- if they don't wear that kind of stuff, Bones, as business manager, is going to say, "Hey, if you get a reprimand, you deserve it. Gosh darn it, that was there for your safety." Or if he had cut his hand, and he didn't have his glove on, I could have said, "Hey, look at the burden you put on the company. Now you're lost time, you're costing this. And if you had had your glove on, you wouldn't have cut your hand." But he had everything on. In their documentation, no safety violation, no work procedure violation. The only thing was, after the final review-- And what happened is, when he got his hand in, he continued to work the rest of the day.

I think, like Danny Clare mentioned earlier, and my other brothers and sisters, that was intimidation. But it got swelled up so bad, he couldn't hardly get his glove off. So at 3:00, he told the foreman, "I better go get an X-ray because it's Friday night, the weekend's coming up." So they took him down to Dover General Hospital. He had an X-ray. Thank goodness, there were no broken bones. They felt it was just a bad bruise. The doctor down there said, "We'll put you on light duty for two days, come back Wednesday,

and maybe you'll return to work." That's just what he did, nothing but a medical checkup, and he got a three-day suspension.

People -- it's not only him -- but say, "God, look what happened to Hector." This is intimidation. A three-day suspension he got for that incident that -- like I said, no safety violation, no work procedures. The only thing they said -- "Well, what you should do next time, when you're pulling wire -- and if you want to communicate with the guy down the road -- when you step forward, you should stop pulling the wire." That's a good point. And in the past, like Chubby said -- going back when we worked for a decent company -- you'd learn from that experience. At the most, he might have gotten a written reprimand saying, "Hey, you should have used better judgement. You didn't violate anything, but next time, if you make a move, don't pull the wire," because what happened was, when he stepped forward, he lost his footing in the ditch where they were pulling. He might have fell and broke his leg -- and the first reaction to put your hand up -- and he got his fingers pinched. And out of that, a three-day suspension-- To me, it's a direct -- they're intimidating people; that you're afraid to work -- come to work.

I have an individual that I talked to personally -- and I can't force the individual -- but come to me through a shop steward -- had rotator cuff-- Went to his doctor -- certainly job related -- a lineman -- and he's just had surgery last month -- used 18 or 20 of his own sick days. I called him up. I said, "Why didn't you ask to go to a company doctor?" "Bones, I don't want time off. I'm afraid of the repercussions." So that's one I know of, for sure. And we have an attorney looking at that. There are many that, probably, we don't know. But there's an individual that should have had the company

responsible for that injury. And he's on his own because of, probably, suspensions and everything else. It's definitely intimidation.

Getting back to the call-out procedure and the A and H list-- I mean, getting right to where we are today -- and like Chubby said, in arbitration-- You touched on that A and H list. It was very important. It was a list that Chubby personally negotiated, in '92 or '93, it was. And it gave a person in each district a percentage. You didn't have to be an older person. It could be a younger lineman that had really personal problems, himself or his family, could go in and request to be on that list to be relieved. That didn't mean he didn't work overtime. He stayed at the end of the day, he could stay Saturdays, but just during the night time, be it medications or whatever, he got relief.

Again, no negotiations. They just tore that up and threw it away in January. They abolished the H list. There's no one allowed on it. I have individuals right now seeking outside attorneys. One individual appeared in the newspaper, when I did the article with the *Express Times* on the extreme pressure my people are being put under and all the aggravation, that he retired. He had heart surgery, he had some problems with his heart. He's on medications, and also, with that, a little depression -- excellent worker. He's 59 years old, had all intentions to work until he was 60 for full pension. Understand, our pension system -- 60 is full pension, 55 you can go out, but you take a percentage -- 20 percent less -- and then 56--

He left, because -- he said, "Bones, I cannot--" He got a verbal reprimand -- a written reprimand -- put on notice. And he was on this H list, because, hopefully, he'd get better where he could get back to taking calls, but

right now, he couldn't. The medicine he was on -- he said, "I'm in la-la land 2:00 in the morning if they call me out." He retired. He left.

And I talked to the President, Mr. Steve Strah, after the newspaper article. He was very upset that I went to -- the newspaper was coming to me, because wives and families are affected by this -- was calling the newspaper. And I didn't want to go to the newspaper. I figured you're better to stay in-house. But after about two months of what was going on, they said, "Bones, we'd much rather talk to you than all these families and things." So I did an interview.

But the bottom line is, the people that-- And I said to Mr. Strah, it's such a company that we work around very critical stuff -- electricity. And you should come to work, be happy. You might not like your supervisor, but you respect him, and you work. But with all these side distractions going on, I'm scared every day somebody's going to get seriously hurt. I have chief linemen coming to me. They're saying, "Bones, Joe, yesterday morning -- they intimidated him, where he was over the weekend. I've got to watch him when I get out on the truck. He's not thinking of work now. He's all worked up over--" because they'll never suspend you until 3:00. They'll interview you in the morning, and you don't know all day long whether you're going to get axed at the end of the day or not. And it scares you that, because you know -- 25 people I've had suspended so far since December -- out of the workforce.

And I told Mr. Strah, "If you don't see this turnaround, I'm afraid of what we're going to do to serve even the customers." We need linemen, and these are very experienced linemen, 57-, 58-years-old. I've been full-time business manager since 1995. And we used to have, maybe, 10 people a year

retire -- you know, the normal when they get to 60 or so. And it used to be you could count on your fingers, the years I was president, that somebody left sooner. They had a rich aunt or uncle who passed away that they got some money, and they'd take the cut in pension and leave at 56. That history showed you, when GPU, Jersey Central was here, people worked, basically, to 60. They got their -- 60, 61, and then social security. Last year, I looked at my retirement list that they send you, and I had 13 people out of that group -- 56-, 58-years-old just leaving. And if that doesn't tell someone a story, if you see it-- But I'm sure it didn't bother him. I think it's what they're after. Merger savings, try to cut the workforce. They've hacked us, and hacked us, and hacked us. But even in negotiations, we're going to have a tough time.

And I'll be willing to work for my people to have a quality life and earn a decent paycheck, but it's hard with the number of linemen we've got and the call-outs, because they can say they've got 20 percent more -- and they tell me in Ohio, according to their standards, we have 20 percent more linemen here in New Jersey. But believe me, it's the big honchos telling me this, because when I go around to the local districts, where the level foremen are, they're saying, "Bones, please don't go back," or, "I'm scared to tell you, but I need three more guys now. I can't keep up with the developers in building the houses." But it's, to me, all in the merger savings, and we're paying for it.

But I just-- And the one last one I had was with the compensation -- is, I know it's happening all over. One person slipped and fell going down the steps, and he never went to the doctor. They asked him to go. They said that night -- this is how bad it is -- they said, "Pete, do you want to go to the doctor." "No," he said, "I think I'll be okay. It's not that bad," because he was

afraid of-- (indiscernible) so he went home. And about 9:00, he got severe back pain, so he went down to his own family doctor, got in right before they closed, and the family doctor made sure -- they wanted to do a urine analysis and things. They thought he had a bruised kidney. It probably was, but there was no blood in the urine. He called in sick two days. He pulled all the muscles, here, in his back.

When I found out about it -- because you represent 400-and-some people -- the shop steward called me -- I said, "For goodness sakes, that's a compatible injury. They know he fell down the steps. They saw it." I told him, "Don't stay home using your own sick days. Call in. You must go see a doctor," because naturally, we know the rules -- if you're going to want to put it under compensation, you can't use your own doctor. He called in -- three days they refused him. I had to go to the director of the north and talk to him. Finally, he said, "Well, we'll bring him back to work, but I don't know if he has to go to a doctor." I said, "This guy might have internal bleeding, anything else going on." Seven days later they got him to a company doctor. He has a comp lawyer on this case. But those are the ones we hear of.

I know you probably got tired of hearing all the stories, and everything. But, really, this company is not being fair to the employees. It affects their families, the neighborhoods, and everything else. It's really tough times we're going through right now.

I want to thank you for the time to listen to me.

ASSEMBLYWOMAN FRISCIA: Thank you for coming.

Any questions? (no response)

And our last person. Bill Kane, from the Industrial Union Council.

Thanks for coming, Bill.

BILL KANE: Good morning.

Madam Chairwoman, thank you for the opportunity to testify here.

My name is Bill Kane. I'm the President of the New Jersey Industrial Union Council, which is an organization of unions representing over 300,000 workers in New Jersey.

This situation that you've just heard of is not an uncommon situation in the private sector. And the situation, as I hear it, sounds like we have an employer who is, quite frankly, over the top in disregarding a fair collective bargaining process.

I, first of all, would like to compliment the leadership of the International Brotherhood of Electrical Workers Locals, that are dealing with this company, for the restraint that they've shown. Because some of the stories that we've just heard, where people are suspended because their kids are dying of cancer or even -- I don't know about you, but I'm not real comfortable with people in a nuclear power plant working 80 hours a week.

If this kind of behavior were to happen in a totally private sector corporation -- I say totally private sector, even though Jersey Central private -- Jersey Central Power & Light is a private industry, they perform a public function. If this kind of stuff had happened in, say, the Linden auto plant -- General Motors plant, the plant would be shut down. The autoworkers would shut the plant down. If this happened in a construction site to the IBEW, the construction site would be shut down.

Now, I'm sorry Assemblyman Gregg had to leave, because it seemed to me like he was eluding to the collective bargaining process -- will take care of

it. These folks have an arbitration case that they're in the middle of presenting, which may or may not solve this problem. Probably, if the arbitrator is sensible, it will. And Assemblyman Gregg talked about what, if anything, can be done.

Our opinion is that the restraint shown by this union probably has to do with the fact that they represent the public. If they were to do, here, what they would do in a totally private sector organization, or if they were to do what another union would do in a factory, the lights would go out. And in talking to them, getting to know them a little bit, they have a great sense of responsibility that they perform. They're professionals, and they serve the public, and they don't want the lights to go out, even though the employer sounds like one of the biggest idiotic participants in the collective bargaining process that I've experienced.

I would say this, as to what can be done.

Before I say that, nobody that sits at the bargaining table, whether it's management or the union, wants the government sticking their nose in their business. We have tactics that we use in situations like this that are geared towards bringing a radical employer into line -- totally legal. There are ways to pressure employers to do things. I'm sitting back there saying, "Boy, if we just taught these guys how to work to rule," for example -- in other words, follow every single rule to the letter -- it would bring them to their knees, because the lights would go out. They don't want to do that. They have responsibility.

And because it's a quasi-public institution, is probably why they're here. And I think it's incumbent on the government to look at it from that point of view and try to figure out what needs to be done in an organization that

provides a public service, when either side at the bargaining table is being totally unreasonable.

The IBEW could, believe me-- Within a week, the IBEW could create more havoc in the services that are provided by that company without anybody getting suspended, because they'd be doing it all by the contract and the rule. They could bring it to a standstill if they chose to.

So make no mistake. They're not coming here, as someone said earlier, as crybabies. They're coming here, probably, because they're very responsible, and they work for a public institution. And what I hear them saying is, "We've got an unreasonable employer that is, basically, performing acts that," in my experience, "can only be called *union busting*." And we're saying to you, "Because this is a public entity, please do something before we have to." That's what I'm hearing.

These unions are not a member of our organization, but they're our friends. And if they wish, we will begin working with them to help them do whatever it takes to make sure that this company does not continue this kind of behavior.

But in the long-term, I think the Legislature must look at what is it that can be done to put some kind of public control over this kind of behavior in a private sector company that is performing a public service. Obviously, there is not enough there to allow this to happen.

So I just simply want to say that I think there are things that can be done. I don't know, quite frankly, what they are yet, in terms of legislation or regulation. But I know there can be something done. And we are willing to work with you, and anyone else, and we'll certainly work with the union to

bring about some solution to this problem, so that no matter who comes in and runs that company, or who comes in and runs that union, we make sure that people are going to treat each other with respect, respect the institution that each stands for, and make sure that the lights don't go out.

And one last thing. I found it very ironic, driving down here today, listening to the radio, that this is June 19. In the African-American community, it's called Juneteenth. It's the anniversary of the freedom of the last slaves in 1865. And, believe me, the 13th Amendment outlawed indentured servitude. And what you just heard today -- if it's not indentured servitude, I don't know what it is.

So, Madam Chairwoman, again, I thank you for allowing me to testify, and I tell you again that we will be at your disposal to help sit down and craft some kind of solution to this. But something needs to be done to stop this.

Thank you very much.

ASSEMBLYWOMAN FRISCIA: Thank you for coming, Bill. I appreciate your offer to help, along with the other unions who are being affected by this situation.

I agree with you that I believe something can be done. What it is right now, I don't know exactly. But I'll be very happy to work with you and the other union leaders to see what we can do about this. And I thank you very much for coming.

Any comments from anybody else? (no response)

MR. KANE: Thank you very much.

ASSEMBLYWOMAN FRISCIA: Before we adjourn--

Do you have a comment? Do you want to testify?

JEFF STOLLER: Maybe just a brief comment.

ASSEMBLYWOMAN FRISCIA: You have to fill out a form, Jeff. You'll fill out a form after your testimony, please.

MR. STOLLER: I will, certainly.

Jeff Stoller, from the New Jersey Business and Industry--

Just briefly, Madam Chair. Thank you for the chance just to comment briefly. I hadn't planned to testify.

Obviously, a lot of serious matters have been raised today by the witnesses. Apparently, FirstEnergy wasn't either aware or hasn't been able to participate today. I just was inquiring, would there be chance for additional comment to be submitted as part of the record that you're putting together here, as part of the hearing?

ASSEMBLYWOMAN FRISCIA: From?

MR. STOLLER: From -- in case, you know, the company wanted a chance to add its comments and have it be part of the record.

ASSEMBLYWOMAN FRISCIA: I believe they were invited, were they not?

MS. SCHROEDER (Committee Aide): They called us. They contacted OLS.

MR. WILLIAMS: Yes, they contacted us.

MR. STOLLER: Oh, okay. Great. We just wanted to ensure that-- We didn't know what the scope of this particular hearing was.

ASSEMBLYWOMAN FRISCIA: They were very aware of it.

MR. STOLLER: Oh, okay. Very good.

We would just like to say that, obviously, our Association has an ongoing interest in communicating with the business community to get the information out that helps with compliance, to work with this Committee, to work with the Department of Labor, any of the other appropriate agencies, to make sure that the labor laws are being complied with.

And, again, we just renew that offer, once again.

ASSEMBLYWOMAN FRISCIA: Thank you, Jeff. We appreciate it.

MR. STOLLER: Thank you.

ASSEMBLYWOMAN FRISCIA: And before we end our meeting -- something I was remiss with last time -- I just want to welcome Gary Guear back to the Labor Committee.

Welcome back, Gary.

ASSEMBLYMAN GUEAR: Thank you.

ASSEMBLYWOMAN FRISCIA: Motion to adjourn.

Oh, I'm sorry, and my new Vice-Chair, Joe Egan.

ASSEMBLYMAN EGAN: Thank you.

What we can do, Madam Chair, is get this room temperature so that we can sit here in a little comfort. I can't take it.

ASSEMBLYWOMAN FRISCIA: Okay. We'll see what we can do next time.

Meeting adjourned.

(MEETING CONCLUDED)