

What are these OSHA postings I am seeing on the area bulletin boards?

Let's break down a typical OSHA complaint process first and that will help with the meaning of the various postings that you may encounter. When OSHA is contacted by phone or letter, they will assess if the complaint can be handled by phone or if an on site visit is required. In the event of an on site, they will show up unannounced within five business days.

After an initial opening conference with management and union representation, an inspection and interviews will be conducted in the area of complaint. At times, OSHA may cite the company on other issues they observe or that they discover on interviews, but typically they stay close to the initial complaint. At the closing conference, there will be discussion on the findings, possible citations, and immediate abatement if needed. If citations are warranted they will arrive in the mail within six months.

An informal hearing is set to meet with OSHA, the company, and the collective bargaining agent (union). If an agreement is not reached on these citations, the employer may at this time, within 15 working days of issue date, contest the citations and the case will be assigned to the Occupational Safety and Health Review Commission (OSHRC) and assigned also to a labor attorney who works closely with the area director of OSHA. The union also, at this time may, apply for Third Party Status which keeps them included in the complete process of litigation until case settlement. That is why you will see your local union name on the legal postings. The case will be issued an OSHRC Docket number, a court judge, and assigned a court date.

Settlement is permitted and encouraged by the OSHRC at any stage of the proceedings. If there is a settlement, the union will be briefed on the agreement for their buy in. If there is not a union buy in, the case may still be settled and can be appealed by the union. If the case is not settled, it will appear as scheduled in legal court with the appointed judge and all parties present.

With the OSHA complaint process overview explained, let's visit about the postings. At various times in the process, the company has legal duty to post at or near the area of violation certain legal communications of the particulars of OSHA complaints. Those include the complaints, citations, contests, court hearings, settlement agreements, etc.

Let's look at one example of postings: Recently a **Posting of Settlement** OSHRC Docket No: 10-1627 was posted across the base and off sites. This particular case deals with the formal complaint from Local 514 on the issue of the company not releasing exposure reports to employees or the union when asked. This case was settled before the court hearing date with an agreement from the company and the Secretary of Labor. The union was called by the labor attorney, OSHA area director, and briefed on the nine citations. There was consensus for favor of the settlement of those citations. The particulars of the nine citations and the settlement agreement will be posted in approximately 30 days.

If you have any further questions on this process or a particular case, contact your area TWU safety chair or coordinators.

Allen Russell
Safety Committee

Delta puts workers' rights on standby

by **Marta Wilson-Barthes** on **March 25, 2011**

Anti-worker legislators in the U.S. House are about to make it much more difficult for railway and airline employees to form unions. That's because House Transportation Chairman John Mica – who has taken more than \$620,000 in campaign contributions from the airline industry – quietly slipped a provision into FAA reauthorization legislation that would count non-voters as "no" voters in union elections. So even if there are more "yes" votes than "no" votes, the "yesses" could still lose. Can you think of any other election that works that way?

It's as outrageous as it is shamefully undemocratic. We need to make sure they know Americans are actually paying attention!

Last year, the National Mediation Board established rules based on fundamental fairness and democratic principles for workers in the rail and airline industry. Now, only votes cast are the votes counted; those workers have the right to vote "yes" for a union or "no" against it.

Think how every vote you've participated in works – from PTA meetings to Congressional elections. All the ballots are counted, and whichever side gets the majority of votes wins. **Simple. Fair. Democratic.**

But Rep. John Mica (R-FL) is trying to change all that. Instead of allowing those who participate to decide the election, Rep. Mica wants to require super-majority

participation and assign meaning to votes that are NOT cast.

Tell your representative: The only votes that should count are votes that are actually cast!

Urge your representative to preserve fair elections. Send your message now, before they vote!

As if the anti-union attacks in the states aren't enough, Delta Airlines is ramping up efforts to make the process of forming a union a bumpy ride for aviation and rail workers. Delta has joined the push to pass the recent FAA Reauthorization Bill - with an amendment that would count non-voters as a "no" vote in union elections for both rail and air workers. Imagine if presidential elections worked that way, with every non-vote chalked up as a vote for the incumbent.

With a House vote on the bill scheduled to take place as soon as next week, Delta is flying members of the anti-union group "No Way AFA" to lobby in D.C. for free. That could mean bumping regular travelers out of their seats.

Fortunately, there's opposition to the regressive amendment from legislators on both sides of the aisle. Let's hope that when it comes time to cast their vote, our decision makers remember that the right to form unions is a right that can't be put on standby.

TWU514 Veterans' Committee

We would like to introduce you to Master Sergeant Tom Garrett. Tom has fought for his country all over the world. Now, his biggest battle is with his own body. Tom, his wife, their four daughters and four dogs have one big need, a home with handicap accommodations.

In December 2009, VA doctors diagnosed Master Sergeant Tom Garrett with Lou Gehrig's disease. He was told he only had a few years to live. But you wouldn't know it. "It's not that bad," Tom said through the aid of a computer which was given to him by the Veteran's Administration. He served 12 tours in the Middle East with the U.S. Air Force and 22 years with the Tulsa Air National Guard. "He loved serving his country. We always said that if Tom bleeds anything he bleeds red, white & blue," said his wife Docia-Gayle.

Doctors say Sergeant Garrett will soon be wheelchair-bound. To accommodate this, plans are being drawn up for a new house that would be wheelchair friendly. "Our goal is that we make a whole bunch of fun memories in whatever

God provides," Docia-Gayle said. Narrow hallways and crowded bathrooms in their current home are just a few of the issues the family will encounter as the symptoms progress. "We want it to be where it won't become difficult and irritating for him," Docia-Gayle said. Money is tight, and Docia-Gayle says it will be challenging to afford the new home, but they still have hope. "We just choose to cuddle and enjoy every day, even in the heartache," she said. The VA will not offer the Garretts any grant money for the build until it affects his legs. And by then, his family says it'll be too late.

A fund and Benefit golf Tournament on April 11, 2011 has been set up to help the Garretts. If you would like to help in this effort you may sign up for the Tournament: Registration 8 am to Noon \$65 per player at Meadowbrook Country Club. Send donations to: Garrett Family Fund P.O. Box 141222 Broken Arrow, Oklahoma 74014. For more information about this contact Duane Wittman, Tony Bunch, or Jenni Timms.