



Plasterer & Cement Mason

FALL 2021



MERRY

CHRISTMAS

HAPPY

NEW YEAR

It's Infrastructure Year!

As we approach the New Year, 2021 has turned into a year for which we can give thanks and 2022 is filled with new opportunity.

The reason is that, at long last, Congress has passed, and President Biden has signed the bipartisan Infrastructure Investment and Jobs Act.

This \$1.2 trillion investment in our infrastructure is the largest ever. So, after years of frustration and “infrastructure weeks” that became running jokes, we can look forward to 2022 as the Infrastructure Year and the next 10 years as the Infrastructure Decade.

I know first-hand that every proud OPCMIA member is ready to get to work to rebuild our nation and our economy after decades of neglect, and they will finally have the funding to do so. Specifically, the Infrastructure Investment and Jobs Act invests:

➤ **\$110 billion in rebuilding 173,000 miles of roads and 45,000 bridges.**

With one of every five miles of highways and major roads, and 45,000 bridges in poor condition, this investment could not come soon enough. This is the single largest investment in repairing and reconstructing our nation's bridges since the interstate highway system was built. The new law also includes the first ever Safe Streets and Roads for All programs to support projects to reduce traffic fatalities.

➤ **\$42 billion in upgrading airports and ports to strengthen our supply chains and prevent disruptions that have caused inflation.**

Today, U.S. airports lag far behind our competitors, while our ports and waterways need repair too. Modern, resilient, and sustainable port, airport, and freight infrastructure will strengthen our supply chains and support U.S. competitiveness by removing bottlenecks and speeding up the movement of people and products.

The new law also invests:

➤ **\$90 billion in public transit** — the largest federal investment in history.

➤ **\$66 billion in additional rail funding.**

➤ **\$65 billion in expanding broadband internet access** in rural and other underserved areas.

➤ **\$65 billion in clean energy transmission and modernizing the electrical power grid.**

➤ **\$55 billion to make sure Americans have access to safe and clean water.**

➤ **\$50 billion to make our infrastructure resilient** against the impacts of climate change, cyber-attacks, and extreme weather events.

➤ **\$21 billion to clean up Superfund and other toxic dump sites**, reclaim abandoned mine land and cap orphaned oil and gas wells.

Above all, the Infrastructure Investment and Jobs Act will create good union jobs and revive not only our economy but America's middle class. We are grateful to President Biden's leadership and to all those in Congress, from both parties, who voted for this landmark law.

The good news is that the new law will result in increased person-hours for our members. The

Continues on page 7



DANIEL E. STEPANO

Es El Año De Infraestructura

Mientras nos acercamos al año nuevo, 2021 es un año por el cual debemos agradecer, y el 2022 esta lleno de nuevas oportunidades.

La razón es, que ya era tiempo de que el congreso pasara la ley de infraestructura, y el presidente Biden a firmado la ley vi-partidaria de Infraestructura y acta de trabajo.

Esta inversión de \$1.2 trillones de dólares a nuestra infraestructura, es la inversión mas grande que se haya visto. Así que después de años de frustración, y de semanas de infraestructura, las cuales parecían una serie de burla, hoy podemos mirar adelante al 2022 como el año de la infraestructura y a los próximos 10 años como la década de la infraestructura.

Yo se de primera mano que todos y cada uno de los miembros/agremiados del OPCMIA están listos para trabajar y para reconstruir nuestra nación y nuestra economía después de décadas de negligencia; y finalmente tienen los fondos para hacerlo. Específicamente, ante la inversión de infraestructura y la inversión del acta laboral.

➤ **110 billones se asignaron para reconstruir 173,000 mil millas de carreteras y caminos y 45,000 Puentes.**

Con uno de cada cinco millas de autopistas y grandes caminos, y 45,000 puentes en deplorables condiciones, esta inversión no pudo ser mas oportuna. Esta a sido la mas grande inversión que se haya visto para reparar y reconstruir los puentes desde que se fundaran las autopistas interestatales. La nueva ley, también incluye por primera vez la seguridad de calles y caminos que apoyen programas para reducir los congestionamientos y fatalidades automovilistas.

➤ **\$42 billones se asignaron para actualizar aeropuertos y puertos marinos, todo para fortalecer nuestra cadena de suplementos y prevenir interrupciones que causan la inflación.**

Hoy, los Aeropuertos de los E. E. U. U se encuentran mas atrasados ante nuestros competidores, mientras que nuestro puertos y rutas marinas necesitan también ser reparadas. Modernos, Fuertes, y sostenibles Puertos, Aeropuertos, e infraestructura de carga fortalecen nuestra cadena de suplementos y apoyo a los E.E. U.U competitivamente al remover embotellamientos acelerando el movimiento de nuestra gente y productos.

Estas son otras de las inversiones de la nueva ley.

➤ **\$90 Billones en transito publico**-la inversión federal mas grande en la historia.

➤ **\$66 billones de fondo adicionales para las vías ferrariás**

➤ **\$65 Billones para expandir el acceso de redes de internet.** En áreas rurales y fuera de servicio.

➤ **\$65 Billones en transmisiones de energía limpia y modernizada de redes eléctricas.**

➤ **\$55 Billones para asegurar que los estadounidenses tengan acceso a agua segura y limpia.**

➤ **\$50 Billones para fortalecer nuestra infraestructura,** en contra del impacto de los cambios climatológicos, ataques cibernéticos, y eventos extremos de cambios de tiempo.

➤ **\$21 Billones para limpiar las áreas de desecho de todos los tóxicos incluyendo el Superfund,** reclamar las minas abandonadas, y destapar los posos petroleros abandonados.

Arriba están todas las inversiones hacia nuestra infraestructura por medio de la Acta Laboral, las cuales incrementaran empleos sindicalizados/de unión, y revivirán no solo nuestra economía, sino que también la clase media de los estadounidenses. Nosotros estamos agradecidos con el liderazgo del presidente Biden y con todo el congreso de los dos partidos políticos, los que han votado por esta remarcable ley.

Las buenas noticias son que la nueva ley resultara en un incremento de horas por persona para nuestros miembros/agremiados. El reto es que nosotros como Sindicato/Unión debemos acelerar rápidamente nuestro entrenamiento y capacitación, reclutamiento y organizar la forma de proveer la cantidad de mano de obra capacitada para enfrentar los grandes records de proyectos de construcción venideros. El no hacerlo, resultara en la perdida de mercado para el OPCMIA aún cuando haya mucho trabajo, - un resultado inaceptable.

Así, que estamos haciendo lo mejor posible para expender los programas de pre-entrenamiento del Job-Corps, y nuestros programas de Aprendices /Capacitación de primera clase. Estamos trabajando agresivamente para reclutar miembros jóvenes, mujeres y hombres para nuestros oficios, organizar nuestras empresas no sindicalizadas/no-unión, y usar la mercadotecnia para dar a conocer nuestro sindicato/unión OPCMIA ante las empresas, Inversionistas, y organizaciones oficiales que tomen decisiones sobre la asignación de proyectos.

Así, como este trabajo es esencial, el OPCMIA esta trabajando para pasar la ley amigable del Presidente Biden “El Acta De Reconstrucción”, porque esta reconstruirá

Continúa en la página 11

General Secretary- Treasurer

Kevin D. Sexton



We Got This

2021 looks to be ending on a high note for the OPCMIA. Membership numbers along with work hours are rising despite the pandemic and the effects of the shutdowns we experienced. This translates into a healthy International. We as a country are still experiencing the effects of Covid-19 and will likely do so for some time.

As of Friday, November 5, 2021, we have a legislative victory for the country and we as tradespeople will feel a direct effect of this. It is being called a once in a generation investment in the United States. No matter where you are politically, the infrastructure bill will provide much needed investment in our country and provide jobs for so many Americans. President Eisenhower, seen the effects of a healthy interstate system during World War II and brought that concept home. We now must keep the system modernized and maintained. This legislation does not stop with roads and bridges, it has funding to maintain and update our freight

and passenger rail systems as well as air and seaports. This is a VICTORY for the American people.

Looking to 2022, we must be vigilant in maintaining our bargaining strengths and creating new opportunities for our membership and our contracting partners. We are experiencing a renaissance in union membership. This is evidenced in recent rise in union activism, (striketober). Sisters and Brothers taking to the streets to achieve better conditions and wages in their industry. From the strikers at John Deere and Kellogg's to medical professionals. America's workforce has had enough. What is difficult to understand is, why do essential workers get paid so little and are only valued when we might lose them? The cashier at the Quickie Mart or grocery store, the truck driver delivering the goods that we have come to depend on. The list goes on and on.

In closing, I would like to wish everyone a safe and happy holiday season and a prosperous 2022.

Spanish version on page 13

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C O N T E N T S



p. 15

Scholarship 2022 15



p. 20

ITF Trainer.....16

Steel Edge Women 18



p. 26

OPCMIA Apprenticeships 20

Local News.....26



In Memoriam 39

COVER STORY:

Wishing you a safe and Happy Holiday Season for 2022.

Daniel E. Stepano, Editor

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Executive Vice President

Todd A. Lair



OPCMIA Committed To Training

The OPCMIA is committed to providing quality instruction and every resource necessary to successfully represent our members in the field. The International strives to provide ongoing organizers training every year. Over the last two years, the national and international travel restrictions have forced us to think outside of the box to find new ways to provide this training.

Working with Michigan State University and the Building Trades Academy (BTA), we developed a course featuring a combination of the Building Trades Academy 101 thru 104 courses and are held in a hybrid/online style, using the Zoom platform. There are also regularly scheduled virtual/hybrid office hours with one or both instructors for students to schedule meetings to discuss their projects and get input from the instructors, making these courses integrally interactive.

The next in the series of BTA classes that we scheduled was to be the BTA 106, "Labor Law in the Construction Industry." We were able to hold the class in person this summer at our state-of-the-art classroom

at International Headquarters. This class was attended by International Officers, Local Union Business Managers, Agents, and Organizers. They are all skilled craftsmen and women who have worked their way into leadership positions through the years, and that leadership has brought them more responsibility and a need to further their education. These are the people that are on the front lines in securing work for the members and protecting our jurisdiction.

There were two separate sessions held to accommodate the large participant interest in this class. The North American Building Trades Union, BTA and Michigan State University assembled a team of 10 labor lawyers and law professor led by Richard Resnick to deliver this class to our representatives from around the country; and to educate them on hiring hall procedures, prevailing wage and enforcement, wage and hour issues and union members rights along with many other topics.

Overall, the Labor Law Class was well received with very positive feedback from all the participants.



September 2021 / BTA Classes

There was a lot of information packed into four long days. There have been several requests to spend more time on individual subjects by the attendees and we are developing a curriculum to bring that to you soon. Moving forward we will continue to hold this class on a regular schedule. I do not believe the importance of these classes can be overstated.



October 2021 / BTA Classes

GENERAL PRESIDENT

DANIEL E. STEPANO

Continued from page 2

challenge is that we as a union must swiftly accelerate our training, recruitment and organizing pipelines to provide the skilled craftspeople who will be needed to undertake what will soon be a record number of construction projects. Failure to do so would result in the OPCMIA losing market share even as work expands — an unacceptable outcome.

So, we are doing our level best to rapidly expand our Job Corps pre-apprenticeship programs and our world-class apprenticeship programs. We are working aggressively to recruit young men and women into our crafts, to organize our non-union competitors, and to market the OPCMIA to contractors, developers and officials who will make decisions about awarding projects.

Essential as this work is, OPCMIA is also working to pass President Biden's companion legislation, the Build Back Better Act, because it will rebuild our nation's social infrastructure, creating the support system working families need to restore true, secure middle class living standards and open new doors of opportunity.

At the time this article was written, the House had passed the Build Back Better Act. Hopefully, when this is published, the Senate will have followed suit and the President will have signed it. If so, it will have a huge positive impact on OPCMIA members, especially those who are raising children.

For example, the Build Back Better Act will extend by another year the monthly payments of \$250 or \$300 per child that started this July thanks to passage of the

American Rescue Plan. This step alone is projected to lower the child poverty rate in America by 40 percent. It will also drastically lower the cost of childcare for most Americans by capping it at 7 percent of parents' income and providing for free, universal pre-school for three- and four-year-olds.

The Build Back Better Act will also lower health care premiums for 9 million Americans and expand coverage to millions more. It will establish Medicare coverage for hearing services and lower prescription drug costs. It makes the largest investment in affordable housing in history, enabling the construction, rehabilitation, and improvement of more than one million affordable homes.

Equally important, the Build Back Better Act will hold accountable employers who attempt to union-bust with real, substantive financial penalties. As AFL-CIO President Liz Shuler noted, this is "the most significant advancement for the right to organize since passage of the National Labor Relations Act in 1935."

All together, this would bring 2021 to a rousing conclusion and pay direct dividends for our members in 2022 and beyond. Here is hoping that this transpires and that each and every one of our members and their families has a joyous holiday season and a very Happy New Year!

General President

Vice
President
Director of
Jurisdiction

Rob R. Mason



Facing A Challenge

It is the end of the year, and we have a lot to look back on, and even more to look forward to. New projects in 2022 are right around the corner! We can start 2022 off by making sure our 2021 prejob forms have been filed, along with work hours, and job referrals.

I am often asked what our chances are of prevailing in a jurisdiction dispute. No one thing wins a dispute. Disputes that end in front of an arbitrator need enough facts and evidence to prove what is our work, and why we should prevail. The other unions will have facts and evidence as well; but our evidence must be the best. Therefore, we need to track each project and save all collected information for future disputes simply because work assignments will be a part of our ongoing evidence, past practice and prevailing practice which is based on what we can prove.

When a dispute arises additional information that can help as your evidence in prevailing practice that will be needed are: job locations, the type of work we were assigned, how many work hours we performed of the same type of work, the type of material that will be used, and how much of the materials we used over the years.

It sounds like a lot, but most of the information is usually addressed at the pre-job meetings. Also, the work hour report can be requested from the trust funds; having a third party validate work hours such as a trust fund adds value that is creditable evidence.

All this evidence explains our side regarding the

work assignment. What types of products are used along with the product's square footage, pictures of the type of work and prevailing state wages? Of course, Federal Davis Bacon wages rates with state apprenticeship recognizing the OPCMIA as the true prevailing practice craft.

Very few disputes end in arbitration. If a jurisdiction dispute ends in an arbitration hearing, we must have the appropriate evidence weeks before the hearing; remember, arbitrators should only base their decisions on the evidence and the detailed facts of that work assignment in question. One of the worst things we can do is not have all the correct information about the work assignment dispute. Over the years, we have done well in protecting our jurisdiction. We can better protect our trade by continuing to track and file evidence at the local level and, of course, sharing how each local works out a dispute may help another local protect our jurisdiction. As I said before, most misassignments are worked out at the local level but not without a challenge.

I firmly believe having the best evidence at hand will make a difference when we are being challenged. As we all know, grievances and work disputes are time-sensitive, and we must protect our members, our contractor, and our craft. By doing so, we are safeguarding our future and opening the door for more opportunities; our best defense is to prepare before facing a challenge or a dispute.

Wishing everyone a safe holiday and a prosperous New Year!

Canadian Vice President

Christian Feller



Raising The Bar

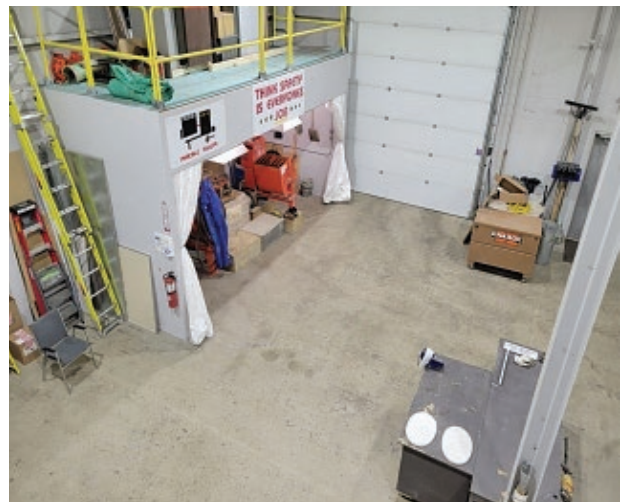
CONGRATULATIONS to Edmonton Local 222 and Toronto Local 598 for having the vision and foresight to look after the training requirements well into the future.

The leadership of both Local Unions proposed to their respective memberships the need for not only a new union hall, but a facility which would be home to the training centres for the union. These new training centres will prove to be a tremendous asset for our apprentices. Additionally, with a well-trained membership we will be able to maintain and build our market share and when we have that market share, we can better protect the wages and benefits negotiated in our collective agreements.

This foresight is a win, win, win. A win for the apprentices of today and tomorrow. A win for the existing membership as we strive to improve our wages and benefits. And a win for our industry as we know that a better trained worker/member is safer, more productive and who can get the job done right the first time.

Plasterers' and Cement Masons' Local 222, Edmonton, Alberta 5000 square feet

All of us know our industry is highly competitive. The non-union and alternate (so-called) unions have



been undercutting wages and benefits of their workers for years in order to secure contracts. Too often they hire unskilled or semi-skilled workers to take on the tasks which should be done by a well-qualified, skilled workforce. With a well-trained, skilled membership, our signatory contractors will be better able to enjoy a competitive edge with our members using materials with minimal waste and being much more productive. Getting the job done right the first time is by far the best way to demonstrate the union advantage to contractors.

Our signatory contractors appreciate the advantage we bring to the job through our skills. They will especially appreciate the security in knowing that our Locals are providing the best training available through these centres for the generation of skilled workers needed for the jobs of tomorrow.

Operative Plasters' & Cement Masons' and Restoration Steeplejacks' International Association Union Local 598, Toronto, Ontario 6300 square feet

As a Cement Mason who has worked on

Continues on page 11



It's A Start, And A Good Start

When listening about the Infrastructure Bill President Biden signed into law, I am struck by the immensity of the incredible dollar amount of it. When you take that number and bring it down to the state and local governments, the number is staggering for some communities. The Billions of dollars given to every state, red and blue. Roads, bridges, and buildings being built in each and every state, county, city, and neighborhood, that will require our union craftspeople to be put to work. That money also, in no small measure will be going directly to our own OPCMIA membership. Our Plasterers, Cement Masons, and our Shop Hand members that work on the Movie sets, will all be rewarded with work into the distant future from this one single Bill. And they will all be prevailing wage for the most part. Union jobs. Good pay and good health and welfare benefits jobs. Let's be serious, Congress has been talking about infrastructure needs in America for decades and decades. And every year it all just gets worse and worse. What money that has been allocated is huge from a citizen view, is by in comparison, from a quarter of the work, all the way to not even half of what is needed to just bring roads and bridges up to code. The task is immense. But it's a start. And a good start for our OPCMIA members and all union members across the nation.

Feel any way you want about him on any other issue, but on this issue let us give credit where credit is due. The President of the United States fought for us unions and our members from day one, going as far back as the democratic debates, where he mentioned unions many times. He has never backed down once. And then he delivered on his

own personal promise to General President Stepano, when they met and the President told him to his face in Washington, D.C., that he would, and I am closely paraphrasing, "Pass a large Infrastructure Bill for our members and the country. Good union paying jobs. Whatever it takes."

When I think of infrastructure, I try not to keep it at a nationwide view, but more at a local level. This money will be coming to your town and possibly your neighborhood. You will see your tax dollars in real action, making your community safer, healthier, and more money for people to spend because of the work being done. These jobs could be life changing for many of our members. Our younger members especially. This is a big deal for all of America. And we can all share in on it.

On a lighter note, I am sure all of you can say the same, but I can tell you 2 or 3 roads I will not take because of their condition, water I will not drink in certain towns, and a bridge I just don't trust to cross anymore. And that's in my own county.

The money coming in for just roads will be noticeable for years where I live. And I am sure the same for most all of you. And some of this money will be up for public comment also, so you are able to speak your mind on a project or a road being proposed in your area with this infrastructure money.

And last but not least, I would be remiss in not mentioning my equal gratitude to the 13 Republican members of Congress that voted yes for the Infrastructure Bill, and the 15 Republican votes in the Senate. It's a start. And a good start. And a genuine thank you for the vote yes by those Republican legislators.

CANADIAN VICE PRESIDENT

Christian Feller

Continued from page 9



the tools and now has the honour to serve as Canadian Director, I am especially pleased to again congratulate all the members of Local 222 (Business Manager George Emery) and Local 598 (Business Manager Tony Mollica) for taking on the challenge of



building for tomorrow during the pandemic. Many political and business leaders have floundered with the COVID crisis, but the wisdom and foresight of the leadership and membership of these two Locals have strengthened our future.

GENERAL PRESIDENTE

DANIEL E. STEPANO

Continúa de la página 3

nuestra infraestructura social en nuestra nación, creando un sistema de apoyo para nuestras familias obreras reestableciendo la verdad, asegurar la vida y modelos de las clases medias, y abrir puertas nuevas de oportunidades.

Durante el tiempo en que este artículo fue escrito, la casa de representantes paso la ley del Acta de Reconstruir mejor "Build Better Act", Ojalá y con la esperanza de que cuando esto se publique, el senado haya echo su trabajo y el presidente firme dicha acta. Si lo hace, esto traerá un gran impacto positivo para los miembros/agremiados del OPCMIA, especialmente para aquellos que están formando a sus hijos.

Por ejemplo, el Acta de reconstrucción mejor "Build Better Act" extenderá un año mas los créditos mensuales de \$250 o \$300 por niño que empezó este Julio gracias a que aprobaron el Plan de Rescate "American Rescue Plan". Este paso esta proyectado para reducir los índices de pobreza infantil en los estadounidenses en un 40%. Y también reducirá drásticamente el costo de el cuidado infantil para la mayoría de los estadounidenses manteniéndolo y liberando un 7% del salario de los padres de familia, pre-

educación universal para los niños de 3 y 4 años.

El Acta de Reconstruir mejor "Build Better Act" también baja el costo de los seguros médicos para 9 millones de estadounidenses, y expande cubrimiento para millones mas. Establecerá el cubrimiento de Medicare para servicios del oído, y reduce el costo de recetas medicas. Es la inversión mas grande para hogares de costos razonables en la historia, permitiendo la rehabilitación de la construcción, y la renovación de millones de hogares de costos razonables.

Igualmente, e importante, el Acta de reconstruir mejor "Build Better Act" responsabilizan a empleadores que malamente tratan de impedir ser sindicalizados, y se les asignaran multas substanciales. Mientras que el Presidente del AFL-CIO Federación Americana de Obreros Liz Chuler a notificado que este es el avance mas significativo al derecho de Organizar/Sindicalizar desde que se aprobó la ley de La Junta Nacional de Relaciones al Obrero, "National Labor Relations Act en 1935."

Todo junto, el 2021 traerá una conclusión resurgiendo y pagando dividendos directos a favor de nuestros miembros/agremiados en 2022 y en adelante. Esto es con la esperanza que suceda, les deseo que todos y cada uno de nuestros miembros y sus familias tengan unos felices días festivo y un mu feliz Año Nuevo.

Undocumented, But Protected

The Immigration Reform and Control Act of 1986 makes it unlawful for any employer to hire, recruit or refer any person who is not authorized to work in the United States. While the law provides penalties for employers who violate these prohibitions, the fines are pitifully low. For example, the fine for a first violation ranges from \$548 to \$4,384 per worker. An employer only pays the fine if it gets caught. There are not enough federal investigators to police employers' hiring practices. Consequently, employers have hired a substantial number of undocumented workers. Indeed, undocumented workers constitute approximately 4.4% of the U.S. workforce. Given that the total workforce in the United States exceeds 160 million people, this would mean that there are more than seven million undocumented workers.

Employers hire undocumented workers because, they are unlikely to report the employer's violations of other laws, such as safety laws and wage laws, to governmental authorities. This is due to the workers' fear of arrest and deportation. Employers exploit this fear to weaken the working conditions of all employees, even those who are U.S. citizens or have lawful work documentation, such as a green card.

Undocumented workers share one thing in common with citizens and lawful residents: they have rights. All workers have the right to be paid for their labor. They have the right to be paid at least the minimum wage and to receive overtime for all hours worked in excess of 40 hours per week, as provided by the Fair Labor Standards Act. They have the right to a safe workplace and protections against retaliation for safety-related complaints, which is provided by the Occupational Safety and Health Act. Most importantly, undocumented workers have the right to organize a union in their workplace and bargain collectively with their employer as guaranteed by the

National Labor Relations Act.

Not only do undocumented workers have rights, but there are also protections for those workers who exercise those rights. For example, Congress created a special kind of visa – known as the “U Visa” – to help law enforcement agencies investigate and prosecute cases involving certain unlawful conduct (including workplace violations) against undocumented individuals. A law enforcement agency, such as the National Labor Relations Board, can petition the United States Citizenship and Immigration Services for a U visa where the undocumented individual has been helpful to the investigation or prosecution of violations of the law. The U visa provides protection by deferring any action against undocumented workers and their families, as well as providing work authorization. The combination of deferred action and work authorization enables the undocumented worker to continue to assist the law enforcement agency, such as the NLRB, in its efforts to hold employers accountable for their violations of federal law.

It is important that all workers, including undocumented workers, know their rights in the workplace and understand the process for vindicating their rights. If an undocumented worker exercises his or her right to organize a union, and an employer engages in an unfair labor practice, then that worker can file an unfair labor practice charge with the NLRB like any other employee. The Board Agent investigating the charge will advise the worker that his or her immigration or work authorization status is irrelevant to the investigation. In addition, the NLRB will not share any witness information, such as the worker's name and address, with other law enforcement agencies, including Immigration and Customs Enforcement.

When it comes to remedies for an employer's violation of the law, undocumented workers have the right to be paid for the services that they have performed; however, they are not entitled to certain other remedies that are available to citizens and lawful residents. For example, an undocumented worker cannot receive reinstatement as a remedy for an unlawful discharge, because it would run contrary to

the prohibition against employing an undocumented worker. If the worker is able to obtain the proper authorization, then he or she could be reinstated to his or her former job. Nevertheless, the difference in remedies for violations cannot overshadow the fact that, like any other worker, an individual who lacks the proper work authorization is just as much an employee as a citizen or a lawful resident.

DEL TESORERO Y SECRETARIO
GENERAL DE FINANZAS

Kevin D. Sexton

Nosotros Podemos Con Esto

El 2021 parece estar terminando con una alta nota para el OPCMIA. El número de miembros/agremiados y las horas trabajadas están en incremento aun después de la pandemia y los efectos de los proyectos detenidos que experimentamos. Esto se traduce en un Internacional Saludable. Nosotros como país aun estamos experimentando los efectos del Covid-19, y seguramente continuaremos así por algún tiempo.

Desde el viernes 5, de noviembre del 2021, tenemos una victoria legislativa para el país, y nosotros como trabajadores de oficios sentiremos un efecto directo con respecto a dicha ley. Finalmente se ha llamado a una inversión general en los Estados Unidos. Sin importar el sentimiento político personal, la ley de infraestructura proveerá las muy necesitadas inversiones en nuestro país, proveyendo oportunidades de trabajo para muchos estadounidenses. El presidente Eisenhower, miro los efectos saludables de un sistema interestatal durante la segunda guerra mundial y trajo ese concepto a casa. Hoy debemos mantener ese sistema modernizado y en mantenimiento apropiado. Esta legislatura no se detiene solo a carreteras y puentes, a habilitado los fondos para actualizar y mantener los fletes y el sistema de ferroviario, al mismo tiempo que

puertos marinos y aéreos. Esta es un gran Victoria para la gente estadounidense.

Mirando hacia el 2022, debemos mantenernos vigilantes para mantener nuestra fuerza de negociaciones colectivas, y crear nuevas oportunidades de empleo para nuestros miembros/agremiados y nuestras empresas asociadas. Estamos experimentando un renacimiento de nuevos miembros/agremiados. Esto es una evidencia en un reciente activismo sindical/unión. Hermanas y Hermanos que salieron a las calles para obtener mejores salarios y condiciones de trabajo en su industria. Desde los huelguistas en John Deere a los profesionales médicos Kellogg's. La fuerza laboral estadounidense ya tubo suficiente. ¿Lo que es difícil de entender, es el porque a los trabajadores esenciales se les paga tan poco y se les valora solo cuando estamos a punto de perderlos? La cajera en la tienda de conveniencia o en el supermercado, los choferes de vehículos que hacen llegar los artículos de primera necesidad de los que todos dependemos, y la lista continua.

Para despedirme, yo quiero desearles a cada uno de ustedes unos días festivos felices y seguros y un prospero año nuevo.

OPCMIA
NPIJATF
Executive
Director

Gerald Kriskovich



Open Enrollment Resumes

On Friday, October 15, 2021, Secretary of Labor Marty Walsh, and National Director of Job Corps Rachel Torres announced that Job Corps' doors are open, and resumption of traditional enrollment at campuses nationwide will begin immediately. This great news was shared in person and virtually during an event at the Potomac Job Corps Center where students and staff celebrated after the announcement. Secretary Walsh has been a supporter of the Job Corps Program and recently visited the Dayton Ohio Job Corps Center and met with NPIJATF Cement Mason Instructor Andrew Funk and a handful of pre-apprentices.

Job Corps temporarily paused in-person learning in March 2020 due to the Coronavirus Disease (Covid-19) pandemic. As a result, it also paused enrollments to focus on transitioning to virtual operations and distance learning. In September 2020, Job Corps issued PIN 20-08, Job Corps Center Resumption of Physical Center Operations Checklist for COVID-19, requiring Centers to submit plans for resuming physical center operations in preparation for returning Job Corps students to their respective centers. Since then, approximately 94 percent of Job Corps Centers have been selected to resume physical operations, and nearly 5,400 students have returned to on campus participation. As a result, several centers that resumed on campus operations have returned most of their previously enrolled students to campus.

After steadily resuming in-person operations with careful safety protocols since November 2020, Job Corps is confident that its operators can safely enroll new students and give more young people the opportunity Job Corps provides.

I would like to thank every individual that was involved for participating and adapting to restricted enrollment as the nation fought and continues to fight the COVID-19 pandemic. With everyone



doing their part to follow Job Corps' new health and safety protocols, including but not limited to vaccination, masking up and social distancing, Job Corps Centers are finally at a place to be able to lift the remaining restrictions on enrollment and restore the program to pre-pandemic admission standards. NPIJATF staff and student have done a phenomenal job during the in person pause and have worked diligently on continuing training for plasterers and cement mason pre-apprentices virtually to ensure graduates are trained and ready for the workforce.

Every center across the country will not open immediately or at the same time. There is a process in place to determine the centers that are ready to safely enroll new students to begin on-campus instruction. This process involves several considerations, including COVID statistics in local communities and the Job Corps Centers plan to handle increased occupancy levels. The Department of Labor, and center contractors are moving as quickly as possible to bring new students through the doors at every campus across the country.

As preparation for resumption of traditional

Continues on page 19

13TH ANNUAL PATRICK D. FINLEY SCHOLARSHIP FUND

Continuing to Provide Educational Opportunities for the Sons and Daughters of the OPCMIA!

Eligibility for a scholarship under the Fund requires that an applicant must be a legal dependant of an OPCMIA member in good standing. The applicant must also be a full-time student or have been accepted to be a full-time student at an accredited college, university, vocational tech./trade or other such institutes of higher learning. The scholarship may be used for any field of study by undergraduate students only. Grandchildren of members are not eligible.

Awards are based upon the student's non- weighted GPA reported on an official high school or college transcript and an essay on the importance of the OPCMIA on the applicant's family.

Essays are judged blindly by a Selection Committee comprised of three members who will review all eligible applications. The decision of the Selection



Committee is final and is not subject to appeal. Points are deducted if an applicant fails to follow essay guidelines.

Eight (8) grants per year will be awarded one for each successful candidate for his/her education. Those who received the scholarship awards are not eligible to apply for additional scholarships under this program.

***Scholarship application form
available at www.opcmia.org***

OPCMIA Scholarship details and an application form are available at your Local Union. The deadline for essays to reach the International Headquarters is **April 1, 2022** and winners will be notified July 2022.

Please note: Dependents of OPCMIA International Staff and General Officers are not eligible to apply. The Selection Committee reserves the right to request additional information on any applicant.



What is Your Next Step?

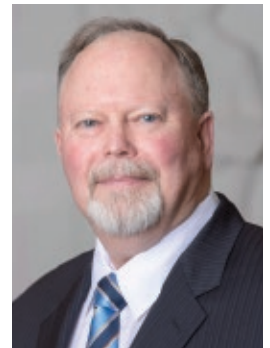
Whether you joined the OPCMIA through a registered apprenticeship program, as part of an organizing campaign, or joined as an individual, you have acquired a set of skills and a base of knowledge pertaining to your chosen craft.

The fact that you possess those skills and knowledge indicate that you are a learner. You made a conscious decision to become a trained and educated member of the construction industry. As with most things in life, we all began by learning the fundamentals. As we progressed, we became more proficient with our tools and more knowledgeable about the materials, processes, and equipment that we use to do our jobs.

With time and technique, you became or will become a Journey Craft Worker. Journey status in our crafts is a significant achievement and is deserving of our respect and admiration but some view this as the end of the learning process. These unfortunates are likely limiting their opportunities for growth and advancement in their careers. There is an old saying “those who know how, will have jobs, those who know why, will be their bosses.” There is virtually unlimited opportunity for advancement in our industry. Often these opportunities are left unfilled or are filled by other crafts. There is no reason why a member of another



Deven F. Johnson
*ITF Executive Director,
International
Representative &
Assistant to the
General President*



craft should be directing the work of an OPCMIA member.

Contractors repeatedly say the same thing “if your members won’t take on the responsibility, I have to give it to someone else.” We should never give an employer a reason to say that.

Why is someone reluctant to take on responsibility? The most common reason is fear of failure. No one wants to appear unqualified in front of their peers. It is just too easy to let someone else do the job, but to what end? This attitude can lead to the loss of OPCMIA hours worked and ultimately our craft jurisdiction. These fears can easily

be removed by simply getting more training, taking classes, self-study, seeking out knowledge from more experienced workers and being willing to say, “I don’t know, but I’m willing to learn.”

To be modern masters-of-our-crafts requires a “next level” commitment to learning. A modern construction site is a data driven entity requiring real-time communication and tracking of thousands of pieces of information. Our contractors want and need us to step up and fill leadership positions on their jobsites. To do that we must be skilled in the use of modern



construction technology. We must be trained and comfortable using both the hardware and software of today's job sites.

Step up to learn, step up to lead and step up to grow. By continuing your education and training you are not only increasing your value as an employee on your job site, but you are also securing your own future and that of your family and your union.

I encourage you to continue to look for opportunities to be a leader within your company and your local union, I can assure you, you won't have to look very hard.

Covid 19 Update

As of November 23, 2021, the Center for Disease Control reported that 69.5% of the US



population has received at least one dose of vaccine, 59.2% are fully vaccinated and 18.4% have received a booster dose.

The ITF has scheduled our first in person training at OPCMIA Headquarters this coming February since the pandemic began. We are

all looking forward to getting back in the classroom with instructors from around the country.

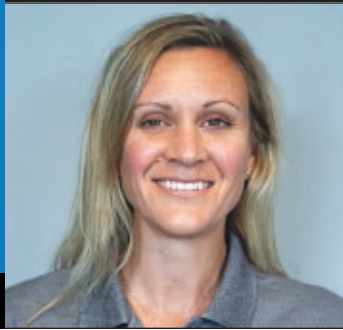
I wish you all a happy holiday season.

Stay safe and take care of each other.

—Deven

OPCMIA Steel Edge Women

Kilah Engelke



Business Agent, Local Union 599/Area 558, State of Wisconsin

Mental Health Among Our Trades

When I think of words that describe the men and women in our trades I think of things like tough, strong, talented, dynamic, wild, intense, dedicated, special, different, bad ass, innovative, and tireless. I also think of words like prepared, versatile, under-appreciated, critical, and essential. We are some of the few trades that often cannot prepare enough for the day ahead as the variables inherent to our work will control us no matter how much we plan and no matter how prepared we are. Yet we prevail. We always find a way to make things work. We are on the job early and we stay late. We are dictated not by our own personal plans and interests, but by what needs to be done by when on the job – in other words, we are the type of people who often put everything and everyone else before ourselves, always falling back on our strength and commitment to getting things done to carry us through. Sometimes that means we make choices that are not healthy to soften the blows of life and to help us fight our fights. I know for one that I have used coping mechanisms that my wild, intense, and tough side craved and lived for to help me feel like I was living up to the pressures and stresses that come along with chasing the concrete, and I know that while I had a blast and felt invincible, that was not always the reality. Things catch up to you. When things catch up, no matter how fast and far you can run, it can hit you hard and when you add that to the fact that we as tradespeople wear our pride on our sleeves and display our toughness as a badge of honor, it can feel like we are admitting defeat or like we have failed...when in fact that couldn't be further from the truth. Some of the hardest statistics to realize about tradespeople are that we are more likely to suffer from addiction and



suicide than most occupations and without acknowledgement and action, that statistic might not change. I want this to end here and now so I am breaking the ice with some advice that I can give

you from my OWN personal experience to hopefully make others comfortable asking for help and to make my Brothers and Sisters know that there is HOPE.

One of the benefits of being in the trades is that we have excellent health care. Part of being healthy is mental...when something is off in one of our joints or body systems, we do what we can to make ourselves healthy again – even though it is often with reluctance, and even if it is sometimes later than we should. It can be hard to admit when the system that is off is your head, heart, and soul because it makes us feel weak when we KNOW we are strong...but that does not mean that it is any less important or critical to your well-being. Our health care plans know this and have accommodations built in so that you can access therapists to talk about your problems and your feelings. The weight that we carry can be slowly and thoughtfully broken down into smaller and more manageable loads, possibly preventing our desires to use unhealthy coping mechanisms like using drugs and alcohol to allow us to sweep the issues under the rug and keep pushing on. It could possibly help us when things get way too heavy from considering or attempting suicide. When we look deeper instead of pushing forward through the tough spots that get to along our individual paths, it often helps us have a better quality of life along that path with a little less struggle, and a lot more fulfillment. It can help us find the answers that we need within ourselves or help us to create plans of attack on how to become bigger and

better than what may be holding us down. I want that for you, and I will take it upon myself to speak for all of the Agents, Trainers, the VPs up at headquarters, and all of us that fight the good fight BESIDE you that we are all here to help you get connected. However, you need to be in order to navigate your health care plan, to be an ear, to be a confidant, to do what we can to help...and one of our jobs is to know you well enough to know what to do when you need help. I want you all to know that the only reason I am comfortable pointing any of this out is because I take full advantage of the Health Care benefits afforded to me by the hours that I work and the contributions that I make by talking to a therapist. I value the perspective that a trained outsider can provide and to the insight into my own head, heart, and soul that she is able to draw by knowing people and by knowing

the science of emotions and how to deal with them. I know inside of myself that with all of the strength and independence and toughness comes pressure that I admit is sometimes more than I can handle and when there is someone else there to help you break down those loads, reorganize them, carry them a different way, discard the dead weight you can be closer to the best version of yourself...and that it is by no means weak to take advantage of recognized benefits when it helps 'grease the gears' of one of your most critical body systems, your mental health. My advice to you is make the call, take the step back, make use of the benefits that you already pay for and if you feel like you are struggling, do not be held back by the feelings that make you who you are today. Always know that there is way to figure out a solution and get the job done...even when it seems impossible.

NPIJATF EXECUTIVE DIRECTOR

Gerald Kriskovich

Continued from page 14

enrollment begins the NPIJATF will be focusing on local community partnerships and strong relationships with employers and OPCMIA Local Unions in all areas of the country. Recruitment of students into our trades will be our main objective moving forward.

If you are looking for a qualified graduate to join any of the OPCMIA Apprenticeship Programs across the nation, please do not hesitate to contact the National Plastering Industry's Joint Apprenticeship Trust Fund.



(Right) Dayton Instructor Andrew Funk welcoming a new student into the Cement Mason Program after traditional enrollment was approved.



(Right) Secretary of Labor Marty Walsh with Cement Mason students and (center) Instructor Andrew Funk recently when Secretary of Labor Walsh visited the Dayton Job Corps Center.

Local Union 599 – State of Wisconsin

EARN WHILE YOU LEARN

Local Union 599 did a Career Fair recently for National Apprenticeship Week. Here are some snapshots of the VR machines at work. For the first time, we were one of the hot spots to experience.

Kids were gathered around waiting to give it a try and talk to us to know more about our trades. We were able to

compete for interest with the Heavy Equipment Operators, the Painters, and the Carpenters who all have some type of virtual experience that is very attractive to young people. This innovative technology is already proving to be an impressive and valuable asset and we are excited to see how it helps us organize and become stronger!





Local Union 692 – State of Indiana

EARN WHILE YOU LEARN APPRENTICESHIP TRAINING

Local Union 692 attended the Junior Achievement Career Fair on November 9, 2021. In attendance at the Career Fair were the following officers of Local 692 demonstrating VR machines at work:

Business Manager Mark McCleskey, President Matt Rhoads, Apprenticeship Coordinator Brian Kristoff,

Business Agents Dave Newman and Chip Spicer.

Students were eager to try it, as well as learn more about our trades. Local 692 was excited to see the interest in the innovative technology of OPCMIA's VR machines and felt the event was a success.





Local Union 692 – State of Indiana

EARN WHILE YOU LEARN

Local Union 692 attended Ivy Tech Apprenticeship Job Fair on November 19, 2021.

In attendance at the Job Fair were the following officers of Local 692 demonstrating Plasterers and Cement Masons VR machines at work: Apprenticeship Coordinator Brian Kristoff and

Business Agents Dave Newman, Thomas Stevens, Chip Spicer, Terrance McCarter, and Doug Felts.

Students were gathered around waiting to try it, as well as learn more about our trades. Officers of Local 692 were excited to see the interest in OPCMIA's VR machines and felt the event was a big success.



Local Union 692 – State of Indiana

EARN WHILE YOU LEARN





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Local Union 18 – Central Illinois

Local Union 18 member presented with his 70-Year Plaque.

(Left to right) Local 18's Business Manager/
Financial Secretary Mark Winkler, President
Scott Nimmo, Brother Arthur Kelley being
presented with his 70-Year Plaque from Vice
President Steve Clement. Congratulations to
Brother Kelley on his amazing achievement!



Local Union 40 – Providence, Rhode Island

Congratulations to Local 40's member,
Brother Ronald W. Witt, who was awarded
his 40-Year Gold Card, Lapel Pin and
Certificate.

It was a Family Affair. (Left to right)
Business Manager David Gentile,
member's grandson Royal, 40-Year Gold
Card recipient Brother Ron Witt, member's
daughter Gretchen and his wife Judy.



Local Union 132 – Ohio & Kentucky

On Thursday October 21, 2021, Local 132 held a special meeting for nominations of Union Officers. The nominations for officers were a white ballot.

Work is looking good in the future for this area and the new Officers are excited to lead Local 132 for the next 3 years. Field Representative Joseph Ciacchi swore in the new officers.

The new Officers of Local 132 being sworn into office (left to right) President
Andrew Kitchens, Sergeant-At-Arms Jasmine Lakich, Vice President Rory
Haines, Recording Secretary Greg West, Business Manager/Financial
Secretary Charles Dolen and Field Representative Joseph Ciacchi.
Not Pictured are the Area Representatives on the Executive Board:
Cincinnati – Davon Franks; Columbus – James Mackie; Dayton –
Darren Champ; and Portsmouth – Tanner Dolen.



Local Union 132 – Ohio & Kentucky



Local 132's Office Manager Candace McLemore.



Photo of Local 132's Officers, Staff and Business Manager Charles Dolen. (Left to right), front row Kevin Gowsell, Jasmine Lakich and Candace McLemore; back row Greg West, Rory Haines, Andy Kitchens and Charles Dolen.

Local Union 148 – Atlanta, Georgia

Local Union 148 members presented with awards for 30 and 70 years of service. Congratulations and thank you.



(Left to right) Local 148's Business Agent Oscar Coleman, Brother Gus Wicker, Jr. receiving his 30-Year Gold Card, Lapel Pin and Certificate, Business Manager Rusty Colyer and Vice-President Wayne Laffitte in the rear.



Brother Stanley Adwell proudly displays his 70-Year plaque. Congrats to Brother Adwell on his amazing achievement.

Local Union 404 – Cleveland, Ohio

Local Union 404 sponsored the 2nd Annual Ruby's Rainbow – Sporting Clays Shoot held on September 23, 2021. The Sporting Clays Shoot took place at the Hill'n Dale Club in Medina, Ohio. The event was a great success and enjoyed by all!

Ruby's Rainbow Charity raises funds for Rainbow

Babies and Children's Hospital's Neonatal Intensive Care Unit (NICU), to invest in state-of-the-art equipment and training to provide care and support for babies and their families in what can be the most difficult time of their lives.

We thank you for your support today and always.



Shawn and Erin Robinson who are Ruby's parents for which Ruby's Rainbow Charity was formed to help honor their daughter who they lost days after being born and to help other parents and families going thru similar losses.



Congratulations! Local 404's sponsored event raised \$16,071.00 and was presented to University Hospitals Rainbow Baby & Children's Hospital in Cleveland, Ohio. The raffle monies raised were used to make the bereavement care bags (see photo) that were delivered to the hospital so that the NICU nurses can distribute them to grieving parents and families.



Ruby was also our President/Business Agent Paul Metcalf and his wife Lisa's granddaughter.



Photos from the 2nd Annual Ruby's Rainbow/Sporting Clays Shoot



Local Union 528 – Seattle, Washington

Congratulations! Local Union 528, proud Apprentice Nicki Bradshaw was presented with the North America's Building Trades Unions (NABTU) Tradeswomen Heroes Awards Winner – October 2021.



Nicki Bradshaw
Tradeswomen Heroes Award
Winner - October 2021



Level of Experience: Apprentice
Years in Trade: 1
Union: OPCMIA
Local: 528

Bio

Nicki Bradshaw is a first-year Apprentice Cement Mason with Local 528. Nicki grew up and lived in the Spokane, Omak area of Eastern Washington. She left a difficult home life at the age of 13 and ended up doing all sorts of jobs that were constantly interrupted by too much partying. She had her first of three children, was in abusive relationships and was living a destructive life. She ended up in and out of prison with an abusive drug habit.

She credits her intentional decision to live a different life with her acceptance into the TRAC Pre-Apprentice Program and the discovery of her spirituality. She started work as a Carpenter, but the work environment was demeaning and not conducive to her hard-working nature. She got into the Cement Masons and got on with Salinas Construction. She has worked on two City of Seattle Projects and was dispatched, in part, because of her Priority Hire zip code and female, apprentice status. She has remained with the same company because of her strong work ethic.

Why Nicki Was Nominated

Nicki has overcome many challenges and is grateful to finally be on the right path in her life. She speaks openly about her difficult life and the choices she made. Her inner strength and independence have finally emerged and she is a trailblazer for women at the company she is working for.

OPCMIA ONLINE STORE!

Welcome to the OPCMIA online store at the following website:

<https://www.promoplace.com/awardsandtshirts/sr/1478233>



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ONLINE STORE



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OPCMIA Watch



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Ladies Tiger Stripe Polo



Mugzie OPCMIA



HI-VIS Cotton Long Sleeve

Local Union 592 – Philadelphia, Pennsylvania

Local Union 592 held their First National Ready Mix Concrete Association (NRMCA) Certification Class at Local 592's Apprentice Training Center.



Group photo of members of Local 592 that attended the First NRMCA Certification Class. Congratulations to all!



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Local Union 599 – State of Wisconsin

Congratulations to proud member of Local Union 599 on receiving his service award.



On the right, Brother Douglas Hanson, Local 599 Sergeant-At-Arms and Apprentice Instructor for Local 599/Area 204, receives his 25-Year Gold Card, Lapel Pin and Certificate from Business Manager Todd Gray.

Local Union 797 – Las Vegas, Nevada

Congratulations to proud members of Local Union 797 on receiving their Gold Cards for 25, 30, and 50 years of continuous service. In each picture below from left to right is President Paul Benigno, the member, and Business Manager Marc Leavitt.



Brother Bernard Butler – 25-Year Gold Card Recipient



Brother Jesus Lule – 25-Year Gold Card Recipient



Brother Jorge Caro – 25-Year Gold Card Recipient



Brother Rene Elizarraras – 25-Year Gold Card Recipient



Brother Sam Borunda – 30-Year Gold Card Recipient



Brother Pat Weeks – 50-Year Gold Card Recipient

NOTICE TO EMPLOYEES COVERED BY OPCMIA Union-Security Agreements

Generally, under the National Labor Relations Act (“Act”), employees working under collective bargaining agreements containing “union-security” clauses are required, as a condition of employment, to pay an amount equal to the union’s initiation fee (if applicable) and periodic dues. This is their sole obligation to the union, regardless of the wording of the clauses. This obligation does not apply where otherwise prohibited by law (such as in so-called “right to work” states). In the Operative Plasterers’ & Cement Masons International Association (“OPCMIA”), employees who choose to become members pay initiation fees (if applicable) and periodic dues, including monthly dues and working dues. Employees who decline to become members, i.e., who become “non-members,” meet their obligation by the payment of “agency fees” for representation that are equal to initiation fees (if applicable), and periodic dues, including monthly and working dues. Non-members have a legal right to file objections to funding expenditures that are “non-germane to the collective bargaining process.” Non-members who choose to file such objections should follow the procedures set forth below.

When considering these matters, employees should be aware that the OPCMIA and your Local Union negotiated the union-security clause, and your fellow co-workers approved that clause, to ensure that every employee who benefits from the collective bargaining process also shares in paying their fair share costs of the process. Through the collective bargaining process, the Union gains higher wages, better health care and pension benefits, fairness in the disciplinary system, overtime pay, vacations and other improvements for employees at the bargaining table. These improvements immeasurably enhance the working conditions of all employees, thereby enabling employees to better provide for themselves and their families. And while employees may choose to meet their financial obligations as non-members, the OPCMIA and your Local Union believe you should also know about the additional benefits and privileges of union membership that are not available to non-members.

Among the many benefits and privileges available to OPCMIA members include the right to attend and participate in union meetings; the right to nominate and vote for candidates for Union office; the right to run for union office and for delegate to the International Association’s convention; the right to participate in contract ratification and strike votes; the right to participate in the formulation of OPCMIA collective bargaining demands; and the right to participate in the development and formulation of OPCMIA policies. In addition, eligible and enrolled OPCMIA members are entitled to a wide range of benefits, including low-interest union credit cards, prescription drug cards, life insurance, legal services, travel services and other discounts, through the Union Privilege and Union Plus benefits programs.

Employees who nonetheless elect to be non-members may object to funding expenditures non-germane to the collective bargaining process and support only chargeable activities. Example of expenditures germane to the collective bargaining process for which objectors may be charged are those made for negotiation, enforcement, and administration of collective bargaining agreements; meetings with employer and union representatives; proceedings on behalf of workers under the grievance procedure, including arbitration; internal union administration; and litigation related to the above activities. Expenditures that are non-germane to the collective bargaining process and, thus, non-chargeable to objectors, are those which are not strictly related to collective bargaining. Examples of such expenditures are those made for political purposes; for general community service and legislative activities; and for certain affiliation costs.

The procedure for objecting and for obtaining a fee reduction is set forth in the **OPCMIA Agency Fee Policy**.

OPCMIA’s Agency Fee Policy

1. DEFINITION OF “NON-MEMBER.”

- (A) A “non-member” is an employee who works under a collective bargaining agreement containing a union security clause and who has elected to satisfy his or her financial obligations by foregoing union membership and paying only the agency fee.
- (B) A non-member will generally be charged an agency fee equal to the same initiation fee (if applicable), dues and assessments as members except where prohibited by law. The non-member may choose to pay the full amount of the agency fee, or the non-member may object to the use of his or her fees for certain activities, as set forth in Paragraph 2.

2. NON-MEMBER’S RIGHT TO OBJECT TO NON-CHARGEABLE ACTIVITIES.

- (A) Any employee who is a non-member and who pays agency fees pursuant to a union-security clause in a collective bargaining agreement in the United States has the right to object to the use of his or her fees for activities that are not reasonably related to the collective bargaining process. For purposes of this Policy, such activities will be referred to as “non-chargeable activities.” Expenses incurred as a result of these activities will be referred to as “non-chargeable expenses.”
- (B) If a non-member elects to object to non-chargeable activities, then his or her agency fee will be reduced to reflect those activities that are reasonably related to the collective bargaining process. For purposes of this Policy, activities that are reasonably related to the collective bargaining process will be referred to as “chargeable activities.” Expenses incurred as a result of these activities will be referred to as “chargeable expenses.”
- (C) Chargeable expenses include, by way of illustration, charges incurred for negotiating and enforcing collective bargaining agreements, dealing with employers on employment related matters and union administration. Non-chargeable expenses include, by way of illustration, charges incurred for political support of candidates, community service activities, and legislative activities.
- (D) For the calendar year of 2020, an independent auditor determined that the percentage reduction in the agency fee is 12.85%. In other words, an independent auditor determined that 12.85% of the OPCMIA’s expenditures in the calendar year of 2020 were for non-chargeable activities and 87.15% of the OPCMIA’s expenditures during that same timeframe were for chargeable activities. These percentages are revised after each calendar year.
- (E) Because an equal or greater amount of an OPCMIA Local Union’s expenditures are spent on chargeable activities, Local Unions may exercise the option of presuming that the OPCMIA’s percentage of non-chargeable activities applies to the Local Union. Alternatively, the Local Union may calculate its own percentages of non-chargeable and chargeable activities.

3. PROCEDURE FOR FILING OBJECTIONS

- (A) A non-member who wishes to object to funding expenditures that are not germane to the collective bargaining process must file an objection. Objections will be honored for one year unless the objection specifically states that it is continuing in nature. Continuing objections will be honored for as long as the non-member remains in the bargaining

unit. If the non-member leaves the unit (for example, to take an office position), he or she will have to make a new objection upon his or her return to the unit in accordance with Paragraphs 3(B) through 3(D) of this policy.

- (B) Each non-member must file an objection in writing, addressed to the General Secretary-Treasurer at the following address:

Operative Plasterers' & Cement Masons' International Association
9700 Patuxent Woods Drive, 2nd Floor
Columbia, Maryland 21046

Objections must be filed with the General Secretary-Treasurer; objections filed with a Local Union will not be accepted. If a non-member files an objection with a Local Union, the Local Union shall timely notify the non-member that the objection has been misdirected. Thereafter, it is the non-member's obligation to file the objection in a proper and timely manner.

- (C) Each objection must contain the following information: the non-member's full name, the non-member's address, the local union to which the non-member pays agency fees, and the non-member's social security number. Each individual non-member must file an objection; no petition objections will be accepted.
- (D) Objections must be post-marked during the period of December 1, 2021 through December 31, 2021; provided, however:
- (1) An employee who was a member of the OPCMIA, but who subsequently resigns from membership and becomes obligated to pay agency fees under a union-security clause, may request objector status for the remainder of the year. Such a former member must submit an objection in accordance with Paragraphs (B) and (C) above within the first 30 days after the effective date of resignation.
 - (2) An employee who is hired or transferred into the bargaining unit covered by a union-security clause at any time and who becomes a nonmember and becomes obligated to pay agency fees under a union-security clause, may request objector status for the remainder of the year. Such a non-member must submit an objection in accordance with Paragraphs (B) and (C) above within the first 30 days after choosing to become a non-member.
- (E) Upon receiving a proper request from an objector, the General Secretary-Treasurer shall notify such objector that the request is perfected and shall provide a summary of the major categories of expenditures showing how the reduction is calculated. To obtain the summary and the reduction, the OPCMIA will retain an independent auditor to determine the OPCMIA's total operating expenditures for all purposes, the expenditures made for chargeable activities, and the expenditures made for non-chargeable activities. The independent auditor will then calculate the ratio of chargeable expenses and non-chargeable expenses. The General Secretary-Treasurer shall use this ratio to determine the reduction in the agency fee.

4. PROCEDURE FOR FILING CHALLENGES

- (A) Upon receiving the General Secretary-Treasurer's notice of the calculation of chargeable and non-chargeable expenditures, an objector shall have 30 days to file a challenge if he or she has reason to believe that the calculation of chargeable and/or non-chargeable activities is incorrect. An objector must submit the challenge in writing to the General Secretary-Treasurer at the following address:

Operative Plasterers' & Cement Masons' International Association
9700 Patuxent Woods Drive, 2nd Floor
Columbia, Maryland 21046

Challenges must be filed with the General Secretary-Treasurer; challenges filed with a Local Union will not be accepted. If an objector files a challenge with a Local Union, the Local Union shall timely notify the objector that the challenge has been misdirected. It is the objector's obligation to file the challenge in a proper and timely manner.

- (B) If an objector chooses to challenge the calculation of the percentages, there shall be an appeal before an impartial arbitrator chosen through the American Arbitration Association's Rules for Impartial Determination of Union Fees, as issued and amended.
- (1) Any and all appeals shall be consolidated and submitted to the American Arbitration Association ("AAA"). Appeals shall be heard as soon as the AAA can schedule the arbitration. The presentation to the arbitrator will be either in writing or at a hearing. If a hearing is held, any challenger who does not wish to attend may submit his or her views in writing by the date of the hearing. If the presentation will be made in writing, the arbitrator will set a date or dates by which all written submissions must be received and will decide the case based on the evidence submitted. The OPCMIA bears the burden of justifying its calculations.
 - (2) While the appeal is pending, the General Secretary-Treasurer will hold in escrow a portion of the fees paid by the objectors to insure that the portion of the fee reasonably in dispute will not be expended during the appeal procedure. In the event that the impartial arbitrator determines that the objectors are entitled to a greater reduction in their payments than that calculated by the General Secretary-Treasurer, additional checks will be issued for the balance of the reduction due, as determined by the arbitrator.
 - (3) The Union shall pay the costs of the arbitration. Objectors shall bear all other costs in connection with presenting their appeals (travel, witness fees, lost time, etc.). Objectors may, at their expense, be represented by counsel or other representative of choice.
 - (4) A court reporter shall make a transcript of all proceedings before the arbitrator if a hearing is held. The transcript shall then be the official record of the proceedings.
- (C) An objector who has filed a timely objection and who believes that the reduction provided by the Local Union to which he or she pays agency fees is inaccurate, the objector may challenge that reduction through the procedures established by the Local Union. If the objector files challenges to the reductions determined by the OPCMIA and the Local Union, those challenges will be coordinated.

5. PAYMENT OF THE REDUCED AGENCY FEE

Objectors shall pay an amount less than the percentage relating to non-chargeable expenses to both International and Local. If the objector has made a challenge to the reduction in agency fee, as set forth in Section 4 above, the portion of the fee subject to challenge shall be placed in an interest-bearing escrow account pending resolution of the challenge.

6. OTHER PROVISIONS

- (A) The OPCMIA will provide a copy of the NOTICE and the AGENCY FEE POLICY to each member once a year in the *Plasterer & Cement Mason* magazine. This will constitute notice to members working under collective bargaining agreements with union-security clauses about their right to be a nonmember, to make objections and pay a reduced agency fee.
- (B) This policy shall be deemed automatically amended to conform to applicable federal laws.

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I N M E M O R I A M

September 1, 2021 THROUGH November 30, 2021

JOSE MORENO

Local #400, Sacramento, CA

It is with deep sorrow and regret that the officers and members of Local Union 400 report the death of Brother Jose Moreno who passed away August 21, 2020. Brother Moreno was 73 years old and a member of the International since May 17, 1999 – 21 years. The officers and members of Local Union 400 extend their sincere sympathies to his family members and friends. Resolved that the Charter be draped for thirty days in memory of our deceased brother.

MORTUARY CLAIMS

LOC CITY, STATE NAME

DEATH BENEFITS PAID IN SEPTEMBER 2021

132	Ohio & Kentucky	Bach, Jeffrey
600	Los Angeles CA	Bias Sr, Howard
518	Kansas City, MO	Bradford, Dennis L
780	New York, NY	Coco, Giuseppe
132	Ohio & Kentucky	Dolen, Charles E
797	Las Vegas, NV	Gutierrez, Michael
886	Toledo, OH	Kania Sr, Patrick S
502	Chicago IL	Kirschbaum, Dennis A
926	Charleston WV	Lusk, Steve
404	Cleveland, OH	Lonero, George
555	Portland OR	Martin, Delbert
400	Sacramento, CA	Moreno, Jose
919	Vancouver BC CN	Muccillo, Michele
111	Erie & Niag Co NY	Newbury, Gary
500	Santa Ana CA	Pedroza, Robert
891	Washington, DC	Pope, Willie
502	Chicago IL	Raimondi, Frank
018	Central, IL	Rhodes, Gary L
090	East St. Louis, IL	Shellito, David A
143	1Southern, IL	Shelton, David
502	Chicago IL	Simoncelli, Peter
518	Kansas City, MO	Simpson, Brad L
886	Toledo, OH	Stevens Sr, James A
502	Chicago IL	Suriano, Jerry
200	Los Angeles, CA	Volta, Alexander G
011	Northern, IL	Wing, Robert D

LOC CITY, STATE NAME

DEATH BENEFITS PAID IN OCTOBER 2021

527	St. Louis, MO	Bates, Vernon
599	ST of Wisconsin	Bindelli, Harry
502	Chicago IL	Blatcher, Robert
502	Chicago IL	Bruinius, William K
886	Toledo, OH	Bunker, John S
527	St. Louis, MO	Clyburn, Tex R
527	St. Louis, MO	Dodson, James
600	Los Angeles CA	Gomez, Rogelio L
300	Oakland, CA	Gundersen, Arthur
538	Omaha, NE	Hohn, Steven A
502	Chicago IL	Karecki, Donald
502	Chicago IL	Kiefer, Roy B
538	Omaha, NE	Lewis Jr, Earl
538	Omaha, NE	McFarland Sr, Donald L
526	Pittsburgh PA	Miller, Richard L
143	Southern, IL	Sattler Sr, Thomas
592	Philadelphia PA	Saxton, William J
527	St. Louis, MO	Simpson, Lonnie
527	St. Louis, MO	Stocker, Thomas
300	Oakland, CA	Vinsonhaler, Denny
090	East St. Louis, IL	Weis, Gerald E

LOC CITY, STATE NAME

DEATH BENEFITS PAID IN NOVEMBER 2021

018	Central, IL	Agles, Donald C
018	Central, IL	Brown, Victor Leroy
111	Erie & Niag Co NY	Catalano, Fortunato
592	Philadelphia PA	Caucci Jr, Joseph G
527	St. Louis, MO	Devlin, Russell
029	Jersey City, NJ	Gallo, Louis F
527	St. Louis, MO	Harmon, Ferd J
555	Portland OR	Hiblar, Gary
300	Oakland, CA	Hilliard, Parnell
518	Kansas City, MO	Kinder, Warren
797	Las Vegas, NV	Lacer, Larry
200	Los Angeles, CA	Molinar, Richard Henry
599	ST of Wisconsin	Pennoyer, Steven
891	Washington, DC	Reese, Douglas
300	Oakland, CA	Robertson, John
526	Pittsburgh PA	Schmidt, Gregory
502	Chicago IL	Selvaggi, Vito
502	Chicago IL	Van Jr, George F
514	Detroit MI	Warner, Richard Malahon
538	Omaha, NE	Witherspoon, Michael Edward

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