

Think **K**TWICE!

FALL/WINTER 2005 THE OFFICIAL PUBLICATION OF THE ALLIANCE@IBM/CWA LOCAL 1701

An Appeal To Our Supporters

The Alliance @IBM, its officers and members have been fighting the good fight for over 6 years. From employee issues such as Pensions and benefits, discrimination in job cuts, off-shoring and the decline in working conditions, to retiree issues like the lack of Cost of Living Adjustments and skyrocketing medical co-pay — we have been there.

Our web site and this newsletter are read by many thousands of employees and retirees across the country and the world. The news media look to us as the source of information on IBM employee issues.

But in order to sustain and grow this organization we need your help. It requires money to take on a company as wealthy and large as IBM and frankly the number of dues paying members is not sufficient for this important task.

We need your help to reach every IBM employee and retiree with our message of empowerment and unity. We need a strong organization to effectively challenge IBM to keep their promises and to bring dignity and respect back into our company.

Our parent organization, the Communications Workers of America, and its members have invested a substantial amount of money for the Alliance @IBM campaign. CWA has continued to provide staff, research, media help and resources for this endeavor.

The Alliance is deeply grateful for this support.

But now we need Alliance@IBM supporters to take more ownership of our campaign.

We appeal to you to become dues paying Voting Members of the Alliance for only \$10 a month. Please send in the coupon attached to this newsletter to join, or go to our web site at www.allianceibm.org to join online. You can also pay dues yearly or semi-yearly by check. Donations also welcome. Alliance Voting members are also eligible for the *Union Privilege* program of benefits and discounts.

Remember — the more members we have the stronger we ALL are!

A Tale of Two Alliances

BY AL MAITNER

A crisp summer day greeted me as I arrived in Washington DC for the National Legislative Conference of the ARA on September 6th.

As a founding member of the Vermont Alliance for Retired Americans and also of the Steering Committee of the Alliance@IBM and your designated liaison with ARA, I wear “two hats.”

Why are our groups affiliated? Simply because, as IBM’s management has targeted the older employee for elimination, many IBMers have found themselves voluntarily or involuntarily retired at an earlier age than planned. They must suddenly focus on key issues of concern to both groups: matters like the spiraling cost of health care, the lack of corporate integrity as IBM and others renege on retirement benefits, and the government’s attempts to privatize Social Security. As the nation has aged so have IBMers and we’ve

been disappointed by with the abandonment of the fundamental “Respect for the Individual”, which once caused leading business journals to rate us as the best company to work for. In a few short years ARA has grown to a membership of 3,000,000 persons, both in individual memberships and affiliations with labor including the CWA.

The 3 day conference featured stirring addresses by some of the national leaders who have championed the interests of senior citizens. Almost without exception, each alluded to the government’s response to the Katrina disaster on our Gulf coast. It was seen as an expression of insensitivity to middle and lower-class citizens, an attitude believed shared among corporations and the wealthy in their indifference to the nation’s need for educational opportunity, affordable health care and housing and security in later life.

It was reassuring to hear the messages of Senators Hillary Clinton, Paul Sarbanes, the AFL/CIO’s Assistant to the President for Government Affairs, Gerald Shea and Vermont’s Representative Bernard Sanders.

I felt particularly proud when Rep. Sanders received a standing ovation from 700 attendees as he made his rousing address, a tribute exceeding even that given Sen. Clinton moments before. Vermont is uniquely blessed in having all three of our members of congress consistently and continuously dedicated to the interests of workers and older Americans. It was Sanders who rallied to the support of IBMers in 2001 when the company tried to impose a lump-sum pension plan on all new retirees. As a result of his efforts and the demonstration by 400 IBMers at a protest meeting in South Burlington, VT, IBM was forced to back off and give a choice between the current plan and the new one to employees over 40 years of age. The affectionate response to Bernie at the Washington Hilton

Towers conference was ARA’s way of showing the appreciation of older Americans.

A rally held at Capitol Hill featured speeches by Richard Trumka, AFL-CIO Treasurer and an ARA VP, Sen. Debbie Stabenow of Michigan and others. I personally got to meet Rep Charles Rangel of NYC, an African American war hero who has been the conscience of NY for many years. Recently he was thrust onto the front pages of newspapers nationwide when he commented on the suggestion that military conscription be reestablished. “Fine”, he said, “providing that the sons of the powerful and wealthy are represented proportionally with those of minority and working class parents.”

After the rally, delegates pursued their main mission in DC - visits with the Representatives and Senators from each of their states. With ARA member Betty Stambolian, former director of AARP in Vermont, I visited the offices of Senators Leahy and Jeffords, which was, understandably, a case of “preaching to the choir.” Each has taken a strong position against the unconscionable welching of corporations on the promises made to their retirees and both are committed to Universal Health Care for all

UPDATE ON PENSION LAWSUIT

The settlement agreement for Cooper v IBM has been finalized, but class members should not expect payment until at least November, 2006.

The settlement agreement for subclasses 1 and 2 is at:

<http://www.coopersettlement.com/subclass1and2/>

The settlement agreement for subclass 3, which has already been paid out, is at:

<http://www.ibmsettlement.com/subclass3/>

Some supplemental questions and answers from the Cooper legal team are posted at <http://www.allianceibm.org/CooperSettlementLegalFAQ>

Judge Murphy’s main orders from the lawsuit are posted in the files section of the “IBMPension” Yahoo group at: <http://finance.groups.yahoo.com/group/ibmpension/files/>

Americans including a meaningful prescription benefit and to the reforming and renewing Social Security.

Attending a convention is a lot of work but there was also time for fun as we participated in smaller workshops. In one of these we tested our theatrical talents as we staged the spoof of a small town forum which debated the issue of whether there should be a “sidewalk usage tax” to fund the maintenance of sidewalks. The model of citizen involvement in government came very naturally to us Vermonters as our state has Town Meeting Day every March during which everyone debates and discusses current issues.

On the last evening of our trip delegates were treated to a presen-

Continued on page 2

Join the Alliance@IBM/CWA

Join the Alliance@IBM/CWA and join with your co-workers in building the strength and unity that we will need to reverse anti-employee benefit and personnel policies at IBM. If we work together, we can make IBM into a better and more secure place to work. Sign up below and be a part of the movement for positive change at IBM!

Name _____ Job Title _____

Work location/Division _____ Years with IBM _____

Home Address _____

City _____ State _____ Zip _____

Home e-mail _____ Home phone _____

(Check boxes that apply)

_____ **Voting member.** I will pay monthly dues of \$10 and become a voting member of the Alliance@IBM/CWA Local 1701. Send me an application form.

_____ **Subscriber.** I want to receive Alliance publications and be placed on the Alliance e-mail list.

For information go to www.allianceibm.org

COOPER VS. IBM TIMELINE

On July 31, 2003, a federal district court judge ruled in favor of the employees in this case.

On September 28, 2004, IBM and the legal team on Cooper vs. IBM announced that an agreement had been negotiated that settles some of the claims and set the amount of damages that IBM will pay to the class if IBM’s appeal of the district court’s age discrimination rulings is unsuccessful.

On August 16, 2005, after the August 8 fairness hearing, Judge Murphy issued an order finalizing the settlement agreement.

On August 30, 2005, IBM began the appeals process by issuing their notice of appeal.

Resource Action Toolkit

Along with the Alliance@IBM Job Survival Kit, here are some resources you can use when challenging or questioning a company policy, procedure or practice.

Reduction in Workforce actions (RIF):

- Be prepared to say no to severance packages, especially if you have additional complaints such as ADA, Wage & Hour, and FMLA.
- Effective on May 4, 2005, IBM has changed the language on the General Release & Covenant Not to Sue, IBM now calls the document a General Release. Your rights are even more limited.
- Even if you sign the release you can opt out within 7 days and return the money to IBM.
- Compare severance packages to those in other business units.
- All RIF notices should include redeployment language; hold your employer to every detail of this offering, thirty (30) days to find a job is an impossible task, so use all the resources available to you.
- The Summary Plan Documents are the most reliable; IBM web site refers to these as primary documents as compared with About You web sites. Track the dates of these policies, practices and procedures.
- Follow your companies' quarterly performance results, if negative you can almost expect an employment action.
- Make a list of names, home phone numbers and email addresses of others who are being permanently laid off.
- Consider having at least a name of a good employment law attorney, one that is experienced in representing plaintiffs and not corporations; contact the National Employment Lawyers Association (NELA).
- Make a list of all human resource professionals supporting your business units and their reporting chains

Escalations, Appeals and Skip Level meetings:

- Review, read and understand your company's internal appeals process, open door, speak up and skip level escalations, executive meetings with management.
- Make copies of all policies and monitor date changes.
- Internal Appeals processes at IBM have two separate elements; one for an internal investigation, the other is to have a committee of your peers determine if you were treated fairly.
- Read up on your individual state processes, as in filing a complaint with the attorney general, human rights commission, or other state specific rights. States often go further with the protection of employee rights.
- You may be able to delay the effects of a RIF notice, especially if you are already receiving benefits under another program, such as FMLA, Sick Leave, short or long term disability plans, personal leaves, medical leaves, military and educational leaves. Consult the Department of Labor web site for information on filing a complaint with the Equal Employment Opportunity Commission (EEOC).

Implied contracts vs. Employees at Will:

- Other agreements executed by your employer may define additional employment rights that you may not be aware of.
- In the case of FMLA, you have 12 weeks unpaid-job protected leave for taking care of yourself or a family member.
- Consult your union steward or labor relations' board if you have an employment contract.
- Ask your manager to document everything, if they refuse, you send the note to detail the discussion so you have a record of the conversation.

In General:

- Join the Alliance@IBM - Union Plus benefits are part of membership.
- Print copies of all Summary Plan Documents (SPD) especially those covering Leaves of Absence, Short Term Disability, and Long Term Disability.
- IBM no longer prints one Human Resource Handbook, but multiple documents, which comprise what, used to be considered as a handbook. Example: Business Conduct Guidelines are separate documents.
- Read up on implied contracts; acting in good faith and fair dealing.
- Quarter Century Club eligibility provides for 12 months of subsidized medical coverage compared with 6 months for less than 25 years.
- Review all legal cases on file at the Alliance@IBM web site.
- For assistance with your negotiation skills, Gerry Spence's book, "How to Argue and Win Every Time," could be a useful read.



"Our apologies. We forgot your severance package."

Chapter Report for Burlington, Vermont

BY RALPH MONTEFUSCO, ORGANIZER

The October episode of Think Twice — the TV Show featured an interview with Chapter leader Earl Mongeon and Congressman Bernie Sanders.

Four Alliance Chapter leaders, 2 delegates and 2 alternates, participated in the VT AFL-CIO Annual Convention (September 23-25). Sharon Stevens was elected as one of the District Vice Presidents of the VT AFL-CIO. Mike Grace, CWA National Political Director, was a guest speaker at the convention. Mike and the Alliance delegates met and

spoke extensively with Vermont's labor and political leaders over the course of the weekend, including VT's House Speaker, State Senate President Pro-Tempore and House Majority whip. Earl and I joined Mike Grace in a separate lunch meeting with Congressman Bernie Sanders.

Al Maitner, another of the Chapter leaders and our liaison to retiree groups, attended the Alliance for Retired Americans' Legislative/Political Convention in Washington, DC. (See his report in this issue)

Al and I attended the Founding Convention of the

Vermont Chapter of the Alliance for Retired Americans. Al serves on the board as the Alliance@IBM's representative and I was elected as an at-large member of the board.

Earl Mongeon is involved in health care reform and brought people to a public forum hosted by our Governor (who vetoed the recent universal health care bill). Out of approximately 50 people attending the forum, six were there to support Earl. The Legislature is holding a series of public forums on health care reform, prior to beginning the new session in January. Earl and I attended the latest of these and Earl spoke about the impact on IBM employees' families from increased premiums for family members under IBM's health insurance.

Tale of Two

Continued from page 1

tation by distinguished Pulitzer-prize winning author/historian Doris Kearns Goodwin. You know her from her appearances on NBC, and PBS's Nightly News Hour with Jim Lehrer. She is considered the key biographer of President Lyndon B. Johnson on whose staff she served for many years. Her talk provided a fasci-

nating review of Franklin Roosevelt's magnificent and victorious fight to establish the Social Security System in the United States in 1935. Thanks to his leadership millions of our elderly, survivors, and disabled Americans have received assistance reliably for over 70 years.

In addition to my attendance at formal programs I took the time to make a personal pilgrimage to the new World War II Memorial and to the National

Holocaust Museum. In retrospect, I realize that these visits were not at all unrelated to my role as a delegate. They served to remind me that Americans have the ability to resist both internal and external evil and to rise heroically. Let all of us remain dedicated to the fight against corporate greed and for equal opportunity and guaranteed standards in education, health, housing and employment for all Americans, young and old.

FPO MAIL PANEL