

# Teamsters Local 995

Shop Steward Newsletter

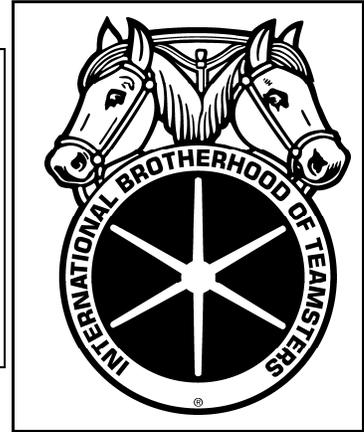
February 24, 2012

Mike Magnani Secretary-Treasurer

300 Shadow Lane, Las Vegas, NV 89106

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## Important Dates:

### ✓ Shop Steward Training

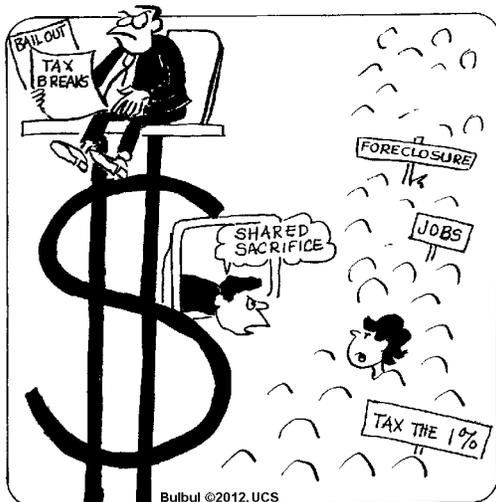
Thursday, March 1, 2012

9:00 a.m. & 6:00 p.m.

### ✓ General Membership

Tuesday, February 28, 2012

10:00 a.m. & 7:00 p.m.



"When will the 'shared sacrifice' reach those who caused the economy to require sacrifice in the first place?"

## Inside This Issue:

- Secretary-Treasurer's Report
- Pension Appointments
- Scholarships Available
- Big Brother and Grievances

**"TEAMSTERS DON'T HURT TEAMSTERS"**

# **Scholarships Available**

**A. The Teamsters Local 995/Bernie Buckley Scholarship Program:** There will be (1) \$5,000.00 and two (2) \$2,500.00 scholarships awarded to three students. The \$5,000.00 scholarship will be awarded to the applicant who submits the best essay **and meets all of the other required criteria.**

1. Applicants must be a natural or legally adopted child of an active or retired dues-paying member in good standing of Teamsters Local 995.
2. Applicants must be 2012 graduating high school seniors when making application.
3. Applicants must currently have at least a 2.5 grade point average and have maintained such for their last full year of school prior to application.
4. **A copy of the grade transcript to support claim of 2.5 grade point average and a statement of career goals or intent must accompany the application.**
5. Financial need is NOT a criteria for this scholarship.
6. **All applications must be accompanied by a 1,000 words minimum written essay**, on the subject designated by the application, "How has my parent's membership in Teamsters Local 995 contributed to my family's lifestyle?"
7. Essays should be submitted on 8 ½" by 11" paper, on one side, preferably typed or printed and double spaced, with applicants signature and date at the conclusion of the essay.
8. **Applications must be accompanied by a pocket-sized photograph of the applicant.**
9. Applications must be hand delivered or mailed by **registered or certified mail only** and received at the Teamsters Local 995 offices no later than May 31, 2012 to: Teamsters Local 995, Scholarship Review Committee, 300 Shadow Lane, Las Vegas, Nevada 89106.

**B. The James R. Hoffa Memorial Scholarship Fund:** Our offices recently received information and applications for the 2012-2013 academic year from the International Brotherhood of Teamsters James R. Hoffa Memorial Scholarship Fund. **Each applicant must:**

1. Be the son, daughter or grandchild of an active, retired, disabled, deceased or laid-off Teamster member who has or had at least twelve months of consecutive membership in good standing in the Teamsters Union;
2. Be in his/her last year of high school and may not apply if he/she has already graduated from high school;
3. **Be in the top 15% of his/her high school class;**
4. Plan to submit excellent SAT or ACT scores for evaluation (U.S. only);
5. Plan to attend a four-year college or university. Those who plan to attend non-academic or certificate programs or community college may not apply.
6. Applications for scholarships must be received by the office of the International Brotherhood of Teamsters on or before March 31, 2012 to be considered.

**C. Teamsters Joint Council 42 Scholarship Program:** Our Local Union offices are now in possession of applications for the Teamsters Joint Council 42 Scholarship.

1. To apply applicants must fill out an application;
2. Must provide a high school transcript through the 2011 fall semester;
3. Must be the child of an active Teamsters Union member whose Local Union is affiliated with Joint Council 42 (we are).
4. Completed applications must be returned to Teamsters Joint Council 42 no later than May 5, 2012.

Applications for these scholarships and a complete set of rules may be obtained at the Local Union offices from 9:00 a.m. through 5:00 p.m. Monday through Friday or by calling the Local Union offices (702-385-0995, ext. 7) to request that a copy be mailed to you.

I would call on our Local Union's Shop Stewards and their alternate Shop Stewards to spread the word in their departments about these offerings. I have heard it said on more than one occasion by recipient's parents that their child would not be able to participate in a continued education program without these scholarship program awards.

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*"The man who knows where he wants to go has the best chance of getting there.*

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*"Experience is never limited, and it is never complete; it is an immense sensibility, a kind of huge spiderweb of the finest silken threads suspended in the chamber of consciousness, and catching every air-borne particle in its tissue."*

-- Henry James --

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## **Secretary-Treasurer's Report, by Mike Magnani**

There are certain tools that every Shop Steward and alternate Shop Steward should keep in their workplace at all times. Ideally those items should be kept in a secure place. These are items that may be used to assist a Shop Steward, or, in the absence of the Shop Steward, the alternate Shop Steward should they be asked to assist a co-worker in a grievance hearing or just to answer a co-worker's or supervisor's inquiry.

Some of those tools should include a notebook and a pen or pencil; a watch and a calendar; a copy of your Union contract and any side agreements or supplements; a copy of your employer's employee handbook; grievance forms, a list of Union members and contact information; a list of non-members; Union member sign-up forms; sign-up cards for the Union's political action fund; names and contact information for Union officers; your Local Union's Bylaws and International Union's Constitution; a copy of the Shop Steward handbook; employee assistance program information and Union-Privilege-type program information, i.e. Union credit card and legal services programs.

Skipping on to a different topic, whenever a co-worker asks you to file or process a grievance about a concern they are having, that grievant should be asked to write out a fact sheet containing a detailed (date, time, place, what happened, who did it, witnesses) breakdown concerning why the grievance was filed. That fact sheet is never shared with the employer, it is used by the Local Union and the Local Union's legal counsel in helping us to understand the facts of the case and to determine the best method to use to achieve our member's requested remedy. The fact sheet will also assist the grievant in remembering details should the Local Union advance the case to final and binding arbitration for resolution. I would guess that, if not every member, nearly every member of the Local Union is candidly aware that once a demand for final and binding arbitration is made, it may take eight to twelve months, sometimes longer, to have the hearing and to receive a decision. The point being that grievants usually forget details that are necessary to win by the time the hearing actually occurs, important facts that could cause us to lose an otherwise perfectly good case. A statement detailing the facts of the case written early on is very important.

A Shop Steward should greet every new worker entering their work area by announcing that "this is a Union shop. I am the Shop Steward for this area, should you have any questions about the Union, your workplace rights, just ask me. Have you signed a Union application yet?" If the answer is no, ask that person to sign up. Have spare Union applications in your work area. Call the Union hall, your Business Representative will pick up that application. Should a new employee enter your work area and tell you that they have signed up for Union membership, do feel free to call the Local Union offices (702-385-0995, ext. 7) and ask for Ashley. Ashley will verify if in fact the individual you have concerns about has actually filled out the necessary paperwork granting him/her membership in our Local Union.

Before closing, I would like to ask our Shop Stewards to check out the scholarships mentioned in this Newsletter. Scholarships issued in the past to members' children have made it possible for some of our members' children to continue their education as to where they might not have had the opportunity without those funds. Tell your co-workers about the availability of these scholarships. Spread the word.

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*"Just be patient and have faith. That's something I'm still learning every day. Sometimes you sweat the small stuff, and you spend all that time sweating and gaining the gray hairs, for it to always work out anyway. It always works out, doesn't it?"*

-- Taraji Henson--

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*"The test we must set for ourselves is not to march alone  
but to march in such a way that others will wish to join us."*

*-- Hubert H. Humphrey (1911-1978) - Politician --*

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## **Western Conference of Teamsters Pension Trust**

The Western Conference of Teamsters Pension Trust Fund offices have scheduled one of their representatives to come to our Local Union offices to answer our members' questions about their pensions and to assist those that may need assistance in making application for their pensions. As you approach retirement, do not leave anything to chance; get the answers from the professionals. Following is a list of the dates, times and location that the Western Conference of Teamsters Pension Trust representatives will be available:

Wednesday, March 14, 2012	9:00 a.m. to 5:00 p.m.	Teamsters Local 995 Offices
Wednesday, March 28, 2012	9:00 a.m. to 5:00 p.m.	Teamsters Local 995 Offices
Wednesday, April 11, 2012	9:00 a.m. to 5:00 p.m.	Teamsters Local 995 Offices
Wednesday, April 25, 2012	9:00 a.m. to 5:00 p.m.	Teamsters Local 995 Offices
Wednesday, May 16, 2012	9:00 a.m. to 5:00 p.m.	Teamsters Local 995 Offices
Wednesday, May 30, 2012	9:00 a.m. to 5:00 p.m.	Teamsters Local 995 Offices

Please call 385-0995, ext. 7 for an appointment. Calling to set an appointment will insure that the Pension Representative will have your information available before you arrive and will be better prepared to help you.

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*"Friends are those rare people who ask how we are and then wait to hear the answer."*

*-- Author Unknown --*

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## **The Union's Right to Information**

**By Debra Miller, Business Representative - 385-0995, ext. 208**

One of the most useful tools for union stewards under the NLRA (National Labor Relations Act) is the right to obtain information from employers. Without access to relevant information, the union cannot fulfill its responsibilities to negotiate and enforce contracts. Refusal to provide necessary and relevant information or unreasonable delays in providing such information are violations of NLRB ("unfair labor practices").

Stewards may request information to:

Monitor compliance with the Contract; Investigate whether a grievance exists; Prepare for a grievance meeting; Decide whether to drop or proceed with a grievance; Prepare for an arbitration; to bargain on changes to the status quo, or mid-term changes (i.e., changes made during the duration of a contract).

Stewards can request a broad range of information: relevant documents, data and facts, and information that might be useful in itself, or that might lead to the identification of other useful information. If management does not actually possess the information, it must make a diligent effort to obtain it, including making requests of 3rd parties, such as contractors or customers. Preconditions, such as insisting that the Union may not disclose information to outsiders may not be imposed unless the information meets a strict test of confidentiality.

Information requests must be made in good faith, and not merely to harass the employer. They must relate to contract bargaining or enforcement, and the union must be prepared to explain the reasons if asked by the employer.

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*"I tend to put my cards on the table when negotiating. I try to get people to problem-solve together."*

*-- Patricia Fili-Krushel - Business Executive --*

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## What Did Mary Hays Do?

The story, likely accurate, credits her first with bringing water to the artillery gunners at the battle of Monmouth (1778). Not just to drink, a soldier had to wet-sponge a cannon after a shot in order to douse any residual embers. If he or she didn't, the person pushing in the next powder charge would suffer the consequences. Accounts describe Mary as a woman who was always ready with a choice profanity and was as brave as any man, and she was widely credited with evacuating wounded men. After her husband fell wounded, she stepped forward to help crew his gun. Mary died around 1832.

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*"The man who knows where he wants to go has the best chance of getting there."*

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## Workplace Bullying

By Beverly J. Williams, Business Representative - 385-0995, ext. 207

You would expect a decline in workplace bullying with the increase of awareness and spread of literature focusing on positive behaviors at work. New trends in the workplace, bullying management, however, dispel such notions and confirm that such instances are still alarming and widespread.

### DEFINITION OF WORKPLACE BULLYING:

Workplace bullying is the tendency of bosses, or other employees, either independently or in groups, to use aggressive or unreasonable behavior against a coworker or subordinate in a persistent manner, aimed at cowering down the victim. The aggressor uses his or her superior power status, rendering the target incapable of defending or retaliating.

Not all tough or demanding bosses or coworkers are bullies. The test for "bully" is his disrespectful behavior, unfairness, and hostility. The methods vary, and include tactics such as:

- Intimidation such as verbal abuse, degrading nonverbal cues, physical abuse, psychosocial abuse, ostracism, and other methods to humiliate the victim(s).
- Destabilization such as not acknowledging good work, allotting meaningless tasks, withholding access to opportunities, deliberately setting impossible-to-achieve targets, shifting goal posts without providing information, and so on.
- Not communicating, physical and social isolation, ignoring, and similar ostracisms.

Workplace bullying also consists of false accusations or "errors" not actually made, nonverbal methods of intimidation such as stares and glances, discounting the person's thoughts or feelings as silly in meetings, adopting the silent treatment, and exhibiting uncontrollable mood swings in front of victims is the most common methods adopted by workplace bullies.

Organizations looking to thrive need to draw policies to prevent workplace bullying maintain a constant vigil against actual happenings, and also take preemptive steps. Companies would also do well to provide employees with assertiveness training that enables employees to stand up for themselves. Also if workplace bullying is brought to the Company's attention it should be handled in a timely manner and with accuracy.

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*"A habit for all of us to develop would be to look for something to appreciate in everyone we meet.  
We can all be generous with appreciation."*

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## **Wal-Mart Next Candidate**

**By Mark Ranger, Organizer - 385-0995, ext. 215**

Just to let you know, back in 2010 the United States Supreme Court ruled that corporations were entitled to spend unlimited amounts of money to influence the outcome of elections. The court actually ruled that corporations had the same rights as people. How ridiculous is that? It's so absurd that the 2012 election cycle wouldn't be complete without a mock candidacy by the nation's largest corporation: Wal-Mart! Of course we already know that Wal-Mart has spent millions of dollars supporting various candidates for elected office. That's why it makes perfect sense for Wal-Mart to take things to the next level and become a full-fledged candidate for President of the United States. That is why today I (Wal-Mart) am announcing my candidacy for President of the United States. It's time to take a stand and fight for those who have come under so much attack in recent months, the 1%. They need a strong voice in this race, and as America's largest private employer and the world's largest retailer, with over \$480 billion in revenue in 2010, I am that voice. Some might scoff at that notion, since no major corporation has ever even been elected to congress. But this is America where corporations are considered people and any retail conglomerate can grow up to be President. What a joke. Is this what the United States is coming to? I hope not.

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*"Every problem is an opportunity."*

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## **Big Brother and Grievances**

**Steward Update Newsletter, Volume Twenty-one, Number Three, By Bill Barry**

Did not! *Did* too! Was too! *Was* not!

If you ever attended a grievance meeting, this snappy repartee will sound familiar - the boss accuses your member of some violation of a work rule, your member denies the infraction, and an issue of proof and credibility is on the table. Both sides bring in witnesses, argue about accuracy, hearsay and secondhand information, and occasionally reach the "he said/she said" impasse.

As technology began creeping into our workplaces, there also began an element of increased control for the boss. Now technology brings a dimension of surveillance as well, because our every move on our daily jobs - and even off the job, in our personal lives - can be followed and documented. This new technology has dramatically changed the course of grievances, creating major problems for any steward who shows up at a grievance session unprepared, hoping to "wing it" with continued denials. New technology is a game-changer.

Check out these recent - and very real - incidents to demonstrate that the era of Big Brother in the workplace is creating some new challenges for union stewards.

- A major unionized package delivery company has equipped its trucks with Global Positioning Systems (GPSs) so that drivers can be contacted and followed electronically. In the past, if a driver wandered off an assigned route, the company had to provide a witness as proof. Now technology does the dirty work" the GPS can prove if, where and for how long a driver stopped.
- In a related case at another unionized company, a driver was caught at home on company time when the GPS "malfunctioned." It turned out the GPS had been unplugged so many times the power plug for the unit was broken. The driver was fired.

- Workers who use computers are always at risk for surveillance. In one case, a worker filed sexual harassment charges against a co-worker, claiming his regular looks at pornographic websites in a large office created a "hostile environment." An investigation of his computer was not only able to capture every site he had visited but also found that he had been involved in sexually oriented chat sessions during work hours. The worker was fired.
- Even off-duty misconduct - always a sensitive grievance issue - can be affected by technology. In one unionized company, two workers who were staying at a hotel during a one-week training session were captured fighting with each other in the hotel game room by a hotel video camera. Both were fired.
- A worker was accused of sexual harassment for licking a female co-worker. The member steadfastly denied the charge. But management announced it had taken a DNA sample off the saliva on the woman's neck. The worker was fired.

### **What can unions do to protect workers during this Big Brother era?**

First, demand negotiations over the adoption of any new technology. Insist upon the union's unlimited access to all information that might affect a grievance. Avoiding excessive surveillance should be a critical element of these negotiations. Try to anticipate how new technology could be used in a "worst case scenario."

The demand to bargain, justified by most union contracts' recognition clause, is more important than ever because courts are generally all over the place in dealing with this emerging issue. In many cases, decisions support the right of employers to monitor work time and work equipment. Other decisions support a worker's constitutional right to privacy. The U.S. Supreme Court will soon be deciding the case of a police sergeant who was disciplined for sending explicit text messages over the department's pager. The argument, supported by the Obama administration, is that the boss owns the pagers and has the right to peek at any messages.

For a steward in a grievance meeting, new technology puts still more emphasis on the importance of *preparation*. Before you go into a meeting, demand that the company show you their proof as part of your investigation - remember, you have a legal right to such information.

If the employer tries to introduce evidence generated by new technology - transcripts or videos, for example - demand to see *all* transcripts and videos. This demand will guarantee that the employer is not showing an edited version and can help the union determine if certain workers are being singled out for discipline while others - even managers - are unpunished.

A more frightening scenario is the emergence of companies that, for a small fee, will automatically monitor the off-duty postings to sites like Facebook or Twitter. According to an article in the *New York Times*, "employers are looking for better control." The implementation of such a policy in a union workplace is clearly a subject for bargaining.

Members need to be informed about these negotiations and about the implications of the surveillance, so that they can anticipate disciplinary situations - and, hopefully, avoid them.

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*"The future holds little hope for any government where the present holds no hope for the people."*

-- Lyndon B. Johnson (1908-1973) - U.S. President --

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## **Labor News From Around the Country**

IBT Legislative Update, January 27, 2012

**National Labor Relations Board:** On November 30, the House considered H.R. 3094, the "Workforce democracy and Fairness Act," an attempt at overriding a new proposed rule on union elections by the National Labor Relations Board (NLRB). The bill would mandate a delay in union elections by requiring that workers wait at least 35 days after petitions have been filed to hold a vote, but there is no limit on how long an election may be

delayed. During this time, employers will continue to use all the anti-union tactics that have been used for years to coerce workers not to form a union. H.R. 3094 would also give employers more power to gerrymander the eligibility of voters in union elections. While the bill easily passed in the House by a vote of 235-188, it will fortunately go nowhere in the Democrat-controlled Senate.

On December 21, the NLRB adopted the final rule on union election procedures, the same rule that House Republicans were attempting to override with H.R. 3094. The rule would make elections fair by allowing them to go to the ballot sooner after workers request a vote. The rule was decided by a 2-1 vote of the board. It was published in the *Federal Register* on December 22 and will go into effect on April 30, 2012. The U.S. Chamber of Commerce has filed a lawsuit against the new rule.

Despite GOP Senators' request that President Obama not make any recess appointments to the NLRB, on January 4, the President made three recess appointments to fill out all of the Board's five slots. The two Democratic appointees are Sharon Block, deputy Assistant Secretary for Congressional Affairs at the U.S. Department of Labor, and Richard Griffin, General Counsel for the International Union of Operating Engineers (IUOE). Terence Flynn, Chief of staff to NLRB Board Member Brian Hayes, fills a Republican slot. Former recess appointee Craig Becker's term has expired. Dennis Pearce and Brian Hayes remain on the Board.

Representative Jeff Landry (R-LA) has introduced legislation to limit the authority of the NLRB, as well as the Consumer Financial Protection Bureau (CFPB), as long as they are headed by recess appointees.

**Consumer Financial Protection Bureau:** In early January, President Obama defied Republican obstructionists in the Senate and used his constitutional authority to install former Ohio Attorney General Richard Cordray, as a recess appointee to direct the Consumer Financial Protection Bureau (CFPB). Senate Republicans had taken the position that they would block any nominee to the consumer post created by the Dodd-Frank financial regulatory overhaul law unless significant changes were made to the structure and operation of the Bureau - changes that would surely weaken its efficiency. The CFPB serves as a watchdog for borrowers seeking mortgages, credit cards, and other financial products. The Teamsters Union supported its creation as a part of the Dodd-Frank Act and strongly supports Richard Cordray's appointment as Director.

Representative Jeff Landry (R-LA) has introduced legislation to limit the authority of the CFPB, as well as the National Labor Relations Board (NLRB), as long as they are headed by recess appointees.

**Unemployment Insurance:** As part of the two-month payroll tax cut extension legislation passed by Congress on December 23 and signed into law by President Obama, unemployment insurance benefits were also extended for two months. It was a clean extension, with no modifications to the program, unlike the original extension passed by the House, which would have cut benefits by 40 weeks, required recipients to have a high school diploma or GED, and charged recipients for re-employment services.

House and Senate conferees will not be tasked with resolving differences in order to pass a longer payroll tax cut and unemployment insurance extension before the current extension expires on February 29.

**Keystone XL Pipeline Project:** On November 10, the U.S. Department of State announced that further review of the Keystone XL pipeline would need to occur before a National Interest Determination on the project could be issued and that this decision would be pushed into 2013. This announcement came about as a result of concerns with the pipeline's proposed route through the Sand Hills region of Nebraska, which encompasses the Ogallala Aquifer. Subsequently, the Nebraska state legislature approved legislation allowing the state's Department of Environmental Quality to assess possible alternate routes through the state, and TransCanada agreed to consider new routes.

On November 30, the North American Energy Security Act (S. 1932) was introduced by Senators Richard Lugar (R-IN), John Hoeven (-ND), and David Vitter (R-LA), a bipartisan bill in support of Keystone and requiring a permit decision to be made within 60 days. Under the bill, the only way a permit would not be granted is if the President determines the project not to be in the national interest. If approved, project construction would be allowed to start in all the pipeline corridor states, excluding Nebraska.

Language from the North American Energy Security Act that requires the President to grant a permit for the project within 60 days unless it is determined not to be in the National interest was included in the payroll tax cut extension legislation passed by Congress on December 23.

On January 18, the Administration announced the denial of a permit for Keystone XL, stating that the 60-day deadline mandated as part of the payroll tax cut extension did not allow enough time for a full assessment of the project. Reapplication for a permit will be allowed, and TransCanada has announced its plans to reapply and hopes for an expedited application process that allows for an in-service date of late 2014.

TransCanada also announced its continued commitment to work with the Nebraska Department of Environmental Quality on finding a route that avoids the Sand Hills region.

On January 25, the House Subcommittee on Energy and Power held a hearing on Keystone XL and the Administration's decision to deny the permit at this time. Witnesses testifying at the hearing included Kerri-Ann Jones, Assistant Secretary of State for the Bureau of Oceans and International Environment and Scientific Affairs. Jones was the main person in charge of the Keystone permit process at the State Department.

**National Mediation Board Election Rule:** In a 2-1 decision on December 16, the U.S. Circuit of Appeals for the D.C. Circuit upheld the National Mediation Board's (NMB) rule change for union representation elections in the rail and airline industries. The new rule, which was promulgated in May 2011, allows a union to be certified as a bargaining representative if a majority of workers who vote in the election approve the union, instead of needing a majority of all eligible voters. Before the rule change, a worker who did not vote in the election was automatically counted as a "no" vote. The Air Transport Association brought a suit against the NMB following the rule change.

**Buy American:** On December 1, Rep. Nick Rahall (D-WV), Ranking Member of the House Transportation and Infrastructure Committee, introduced the Invest in America Jobs Act (H.R. 3533). The legislation would ensure that all future U.S. transportation investments covering highways, bridges, mass transit, high-speed and intercity passenger rail, and aviation all use steel, iron, and manufactured goods produced in the U.S.

Any federal agency that seeks a Buy American waiver must justify the proposed action and allow the public an opportunity to comment. The bill would require federal agencies to provide an employment impact analysis on the effect of all Buy American waivers on manufacturing employment in the U.S. The IBT sent a letter of support for the legislation from General President Hoffa on December 6.

**Online Piracy:** On December 15, the House Judiciary Committee began consideration of H.R. 3261, the Stop Online Piracy Act, sponsored by Reps. Lamar Smith (R-TX) and John Conyers (D-MI). The bill would crack down on the online piracy of music, movies, and consumer products. The U.S. Department of Justice would be given new tools to crack down on foreign-based internet sites that contain copyright infringing content. The illegal downloading and sale of such products results in the loss of revenue and jobs, including Teamster jobs in the motion picture and television industry. The IBT sent a letter in support of the legislation from General President Hoffa prior to the House Judiciary Committee markup.

A companion bill, the Project Intellectual Property Act (S. 968), was also introduced and approved by the Senate Judiciary Committee. A cloture vote by the full Senate was scheduled for January 24 but has been postponed due to the scrutiny of the legislation by various organizations. Soon after Senate Majority Leader Reid's announcement that the postponed vote, House Judiciary Committee Chairman Lamar Smith also announced that his committee would postpone consideration of the House bill until there's a wider agreement on the legislation.

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*"Decision makers are those who have the greatest vested interest in the decision."*

*-- Virginia Felix --*

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