

Josephine Co. doesn't adhere to order to rehire 100 workers let go after strike

By DON LOVING
Oregon AFSCME

GRANTS PASS — Despite a strongly-worded order from the Oregon Employment Relations Board (ERB) last fall that Josephine County must rehire within 30 days about 100 former members of the American Federation of State, County and Municipal Employees (AFSCME) Local 3694, those former members remain outside the county's employment, and it appears likely the issue will land in court.

Oregon AFSCME Council 75 filed an unfair labor practice complaint against Josephine County alleging that the county had privatized over 100 mental health workers in retaliation for Local 3694's four-day strike in early 2006. The vast majority of Local 3694's bargaining team and strike activists worked for the Josephine County Mental Health Department.

ERB agreed with the union, and the Board's unprecedented order said the county had to rehire all those employees, make them whole for any lost wages and benefits, reimburse Council 75 for lost union dues and pay a \$1,000 civil penalty — the last being the maximum fine the ERB is allowed to levy under Oregon law.

The ERB order came with some wiggle-room, as it gave the two sides 30 days to negotiate a settlement outside the ERB decision. The union extended that deadline a second 30 days, which ended in late December. But

there's still no agreement.

"On the surface, we are still negotiating," said Oregon AFSCME Staff Representative Daniel Burdis. "But the pace of the process is frustratingly slow."

Burdis has truly lived this issue. He was the interim Local 3694 president and the bargaining chair during the strike. He was also a county mental health employee who would have been one of those privatized if not for taking over the Council 75 staff position in the Grants Pass field office.

Burdis and Oregon AFSCME Field Services Director Rick Henson have met with county officials a half dozen times or so. But Josephine County has made two legal moves. First, they've asked the ERB for a stay of the order. They've also filed an intent to appeal the ERB decision to the Oregon Court of Appeals.

"The county is dragging its feet, apparently hoping to buy time for a court decision," said Burdis. "We've agreed not to talk publicly about the specifics of the negotiations, but in general their position is that it's simply impossible to bring all the employees back, regardless of the ERB order. We agree that may be true for some former employees, but certainly not for all of them. So we have a couple of future dates set for meetings, but I'm guessing this will ultimately be resolved in court."

Labor attorney Barbara Diamond agrees with Burdis' assessment. Dia-

mond handled the legal work on the original ULP complaint, and she's currently working on the union's response to both the request for a stay and the court appeal.

"We probably shouldn't be surprised," Diamond said. "ERB asked the parties to try to come to an agreement, which is good in theory. But from a practical standpoint, when you have an employer that was — from our point of view — engaged in numerous illegal actions, it's not likely they're going to turn around 180 degrees just like that. The two parties are just at such different places."

Diamond expects a ruling from ERB on the stay request within two weeks. Should Josephine County not receive injunctive relief from ERB, they could make the same request to the courts.

Diamond will also ask the court to toss out an appeal from Options for Southern Oregon, Inc. to join the legal fray. Better known locally as "Options," it is a private, non-profit agency that most of the former county mental health employees now work for.

"It's very late in the game for Options to claim it's an interested party," Diamond said. "They didn't try to intervene earlier. From my perspective, they have no standing in this case."




(Editor's Note: Don Loving is the communications director of Oregon AFSCME Council 75.)

Local Motion

December 2007

Union activity in Oregon and Southwest Washington, according to the National Labor Relations Board and the Oregon Employment Relations Board

Election results

Company	Date	Union	Location	Results:		
				Union	No Union	
American Medical Response						
12/17	Teamsters vs. SEIU		Portland	297	52	4
Unitus Community Credit Union (decertification)						
12/17	CWA Local 7901		Portland, Salem	31	31	
Columbia River People's Utility District						
12/24	IBEW Local 125		Deer Island	card check, unit of 24		

Representation petitions

Company	Union	Location	# of employees
Kaiser Foundation Health Plan (print, copy, mail center)			
	Service Employees International Union Local 49	Clackamas	10
Kaiser Foundation Health Plan (materials specialists)			
	Service Employees International Union Local 49	Clackamas	2

Bend manufacturer announces closure during IAM bargaining

BEND — Leaders of Woodworkers District Lodge W1 of the International Association of Machinists are perplexed by a decertification petition filed with the National Labor Relations Board by an employee at BEKO Membrane Technology.

Chuck Macrae, directing business representative of Lodge W1, said workers voted last June to join their union. The vote was 6-1.

BEKO, headquartered in Germany, opened an operation in Bend in 1996. Workers at the Bend facility make compressed air dryers.

Macrae said bargaining was moving

at a slow pace, when in October the company announced it was closing the facility and moving it to Georgia.

"We negotiated a closure agreement for the bargaining unit, and that was that," Macrae said.

On Nov. 29, a decertification petition was filed with the NLRB. The notice indicated that the petition was supported by at least 30 percent of the 12-person workforce.

"We received the decert notice, but we disclaimed the unit, because it is our understanding the company is moving," Macrae said.

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The USA, launched last July, is a joint venture between 21 unions and the Theodore Roosevelt Conservation Partnership (TRCP). One of the main goals of the two groups is to support the TRCP's long-standing dedication to guaranteeing access for hunters and anglers, conserving fish and wildlife habitat and increasing funding for conservation.

For more information on joining the Union Sportsmen's Alliance and on the bass boat giveaway, go online to www.unionsportsmen.org.

The drawing will be held April 4.

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