

Nine months in, card-check union campaigns aren't flooding Oregon with new members

Process unravels at Columbia River Public Utility District near St. Helens

By DON MCINTOSH
Associate Editor

In the 2007 session of the Oregon Legislature, probably the most celebrated labor movement win was something called "card check." Under card check, workers are supposed to get union representation when the majority in a workplace sign union authorization cards. Card check avoids the legal delay and workplace conflict that often come with the alternative — a unionization election. So it's supposed to make it quicker and easier for workers to unionize. Oregon's new card check law covers only public-sector workers at state, county, regional and city governments, and school, fire, water, and utility districts. The card check idea is also a key part of the Employee Free Choice Act, a union-backed bill in Congress that would rewrite federal labor law that covers private-sector workers.

But nine months after the Oregon law took effect, just 11 workers have become union members through that process: Eight firefighters at Newport Fire & Rescue, who joined the Interna-

tional Association of Fire Fighters; and three police officers in the City of Gervais Police Department, who joined Laborers Local 483.

"I don't know what to make of it," said Paul Gamson, chair of the Oregon Employment Relations Board (ERB), the state agency that certifies public sector unions. "We girded ourselves to have a real onslaught, and it hasn't happened. Maybe there wasn't the pent-up demand that people expected."

Officials at the state's two most aggressively organizing public employee unions say there hasn't been a flood of card check campaigns because most large public-sector workplaces were already unionized in Oregon, and card check had already been in effect at state agencies that answer to the governor thanks to a governor's executive order.

As for small workplaces, Sue Lee Allen, organizing director for Oregon AFSCME Council 75, says her union doesn't organize units with less than 15 employees, since it takes as long to bargain a contract for small units as for larger ones.

Andrew Barnes, assistant organizing director at Service Employees International Union Local 503, echoed that stance, and said larger campaigns take time to develop. Both Allen and Barnes expect to use card check to unionize larger units, and said they are

talking with workers at several larger workplaces but haven't gone public yet with a union campaign. Under the new law, union campaigns have 90 days to sign up a majority, since ERB won't count cards older than that.

Judging by the experience of pro-union workers at a Northwest Oregon utility, the new law won't always work the way its backers hoped.

At Columbia River Peoples Utility District (PUD), International Brotherhood of Electrical Workers (IBEW) Local 125 represents utility linemen and several related classifications. In late November, office workers at the utility contacted the union to see if they could join too. Local 125 Staff Representative Marcy Putman met with workers and told them if a majority of their workplace signed cards, they'd be welcome in the IBEW, which would help them bargain for improved wages, benefits and working conditions.

By the end of her second trip out, they had a majority signed up, and the union submitted the cards to ERB on Christmas Eve 2007. In order to verify the cards, ERB requests a list of union-eligible workers from the employer. Not everyone can join a union under the law: Supervisors and employees who have access to sensitive management information can't join.

Columbia River PUD gave ERB a

list of 20 union-eligible office workers. All the cards Putman turned in were on the list, and they had a majority. It was supposed to be a done deal.

But union opponents have a way to force an election, thanks to a feature of the law that was added by amendment in the Oregon Senate. Up to two weeks after union cards are turned in to be verified, if 30 percent of the workers sign a petition asking for an election, card check is nullified and an election is supposed to happen within 45 days.

Of course, why should that be a problem for union backers? If a majority signed a card saying they wanted a union, wouldn't the majority also vote for the union in a secret-ballot election?

On Jan. 7, accounting coordinator Denise Payne, who opposed the move to join IBEW, turned in a petition asking for a union election at Columbia River PUD.

One of the sources of delay in union election cases is the process for defining the bargaining unit. Employers that don't want a union often object to the union's proposed list of who's eligible to be in.

In this case, the employer had already defined the bargaining unit by giving the list to ERB. The union didn't object, so it should have been cut and dry. But as the filer of the election petition, Payne would also have a say. Payne next filed an objection to the unit list, saying five employees had been left out. Of course, the five she wanted to add didn't want to be in the union. Their addition was designed to dilute the pro-union majority in the unit as previously defined.

A March 17 hearing was set at

which an administrative law judge would rule on Payne's objection.

Meanwhile, ERB ran a mail-in union election, and 22 workers turned in ballots by the Feb. 15 deadline.

The election results couldn't be certified until the judge ruled on who was eligible to vote. Management now agreed with Payne — its list had wrongly left four engineering and technical workers off. [All three parties agreed that the fifth, an administrative assistant, would not be considered union-eligible.]

The union conceded. The votes were counted: 10 for the union, and 11 against. The addition of the four had caused the union to lose its majority.

"We weren't opposed to having an election," Putman said. But it seems like a strange twist in the law, Putman said, to let a union opponent have a say over who should be in the union.

As it played out at the PUD, said SEIU's Barnes, the process gave the initiative to people who don't want the union.

ERB Chair Gamson said it would seem like an overreaction to think this one case means the law isn't working.

It's too soon to tell whether other union opponents will copy the strategy, or whether unions will seek a fix in the law. In the meantime, ERB staff say they're ready to count cards whenever unions submit them.

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