

...Tensions mount at Freddy's

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trespass if they didn't go to the break room. He then got on the phone, and was heard asking to speak with Cynthia Thornton, Fred Meyer vice president for labor and associate relations. Dostert called police after conferring with Thornton.

Retired International Brotherhood of Electrical Workers (IBEW) member Kenneth Payne was in the store shopping when he saw the commotion. Payne says he was outraged, and will be taking his business to Albertsons after many years of shopping at Fred Meyer.

"What kind of country is this that the union can't talk to people in the store?" Payne told the Labor Press.

Payne told the Portland Examiner newspaper that 11 police cars responded to the store that morning. "It all happened so fast. The police kept coming and more or less tried to provoke a riot when none existed. The union representatives were trying to exercise their freedom, trying to do what they were supposed to do."

The three arrestees were brought to Washington County Jail, cited for misdemeanor trespass, and released after several hours on \$250 bail, on condition that they not return to Fred Meyer.

That ban — which would have prevented them from doing their job to represent members — was dropped at their Oct. 27 arraignment. A January trial date has been set. Misdemeanor trespass carries a fine of up to \$500 each.

The day after the arrests, Hillsboro police brought a mobile police station trailer out to the store, as a "deterrent," Rouches said, in case the union reps returned. Rouches said the trailer would enable police to process people on the spot if there were to be mass arrests.

Fred Meyer presented its version of events in an Oct. 22 letter that went out with employee paychecks.

According to the letter, signed by Thornton, "the police had to be called" after eight to 12 representatives "descended on one store," held "lengthy conversations on the sales floor," and asked employees to read and sign a petition while they were trying to serve customers. The reps were asked multiple times to use the break room, and told they'd be asked to leave if they refused, the letter said. They refused and were asked to leave, then were warned the police would be called.

"This entire episode could have been avoided if Local 555 had not violated our long-standing ac-

cess agreement," Thornton wrote.

Fred Meyer spokesperson Melinda Merrill told the Labor Press the managers didn't seek to have the reps arrested, just removed from the store.

Anne Lilley, a Hillsboro Safeway worker and UFCW Local 555 member said union members frequently meet with union reps in the store. "If we're not busy, it's easy to just step aside and take care of an issue quickly with our reps — it's something that workers in grocery stores do every day, all across the country. I can't believe that Fred Meyer management would raise a fuss about something so routine."

The union contracts specify that all contact between reps and members "will be handled so as to not interfere with service to customers nor unreasonably interrupt employees with the performance of their duties." Nowhere do the contracts say reps can only talk with members in the break room.

Fred Meyer is not the only employer to have resisted attempts by union reps to talk with workers outside the break room. Local 555 filed a separate unfair labor practice charge Oct. 15 accusing an Albertsons store in Portland's Cully neighborhood of similarly banning reps from talking to employees while they are working.

But the Fred Meyer arrests have angered other unionists. UFCW is not an affiliate of the Oregon AFL-CIO, but during the state federation's Oct. 26-27 convention in Bend, over 100 delegates protested outside the Fred Meyer store there.

The arrests at Fred Meyer come as Local 555 faces protracted contract negotiations with its Portland-area multi-employer group, Northwest Food Employers. The group includes "big three" Fred Meyer, Safeway, and Albertsons, as well as some smaller stores. Three separate five-year contracts covering some 5,300 grocery workers, meatcutters, and cashiers in five metro-area counties expired July 26, 2008. Both sides agreed to extend the terms of the contracts indefinitely. [A separate five-year contract covering "non-food" retail workers at Fred Meyer remains in force through June 2010.]

So far, the two sides have disagreed over health benefits and "catch-up" pension contributions. According to a union bargaining report distributed to members, the employer group proposed in August to reduce health benefits and increase employees' share of the premium. It was to talk about this proposal that the reps visited the Hillsboro store.

Union leaders characterize the arrests as only the most egregious of a series of provocations by



UFCW International Rep Jenny Reed is led to a squad car in handcuffs after being arrested for trespassing at Hillsboro Fred Meyer. The following day, the Hillsboro Police Department brought a mobile police station trailer to the store (photo below left). A police spokesman said it was set up as a "deterrent" in case the union reps returned. Photos by JD Nyberg



Fred Meyer, which they say is being more aggressive than the other grocery employers. Besides the charge related to the arrests, Local 555 has filed five other unfair labor practice charges against Fred Meyer.

One allegation is that Fred Meyer encouraged and assisted an employee petition to decertify the union at a Coos Bay store. Members of a non-food bargaining unit there voted 25 to 22 to drop UFCW as their representative in an Aug. 7 election, but union objections led the NLRB to invalidate those results. A new election will be scheduled once the unfair labor practice charge is resolved.

Grocery employees at the Bend Fred Meyer also filed a decertification petition, but that election, too, won't take place until a union unfair labor practice charge is settled; there the union alleges that Fred Meyer restricted union rep access to members and forbade employees from engaging in pro-union discussions while working.

NLRB Regional Director Richard Ahearn said the agency has not yet determined whether any of the unfair labor practice charges have merit, but is in the process of investigation.

Meantime, in The Dalles, non-food employees at the Fred Meyer store have been seeking a first contract since November 2007, when they voted overwhelmingly to be represented by Local 555. Grocery workers in The Dalles are members of the union.

Local 555 staff are being cautious in talking with the press because of a clause in the contracts that commits the union not to take any action to depart from the "good faith working relationship" it has with its employers. The contract also says

the union won't be a party to, instigate, or support harassment of any employer through any type of corporate campaign, and won't strike or use "other economic weapons" to settle disagreements about how to interpret the contract — including informational picketing, and unfair or Do Not Patronize listings of central labor councils.

UFCW Local 1439, in Spokane, Washington, has no such muzzle. Local 1439 has mounted an aggressive publicity campaign all the way to Portland, and even as far as Alaska and Idaho, to protest what they call a heartless policy — firing cashiers for honest cash handling mistakes, often for trivial amounts.

Local 1439 organizer Rick Chase said a contract clause gives management the right to do that, but was never used that way until recently. Chase says over a dozen Fred Meyer cashiers have been fired in the Northwest, many of them longtime employees. The union is publicizing the cases, putting the message "Fred Meyer is just wrong" on billboards, bus benches, and bus ads; in fliers mailed to 300,000 homes from Alaska to Medford, Oregon, and Boise, Idaho; and online at yourgroceryworkers.com. And Local 1439 has targeted Fred Meyer offices with teams of picketers.

"We cannot let hard-working people get fired for an honest mistake," Chase told the Labor Press.

Building trades union representatives have also been picketing Portland-area Fred Meyer stores to protest the decision by parent company Kroger not to use union contractors on a series of local store remodels.

The Harrison Electrical Workers Trust Fund, which administers health coverage for members of Portland-based IBEW Local 48, is preparing to drop Kroger Prescription Plan as its pharmacy benefits manager.

Negotiations on the three multi-employer contracts in Portland and Bend have not reached the stage of calling in a federal mediator. Technically, either side could give 14 days' notice to terminate the contract extensions, but neither side is yet talking about calling off negotiations, terminating the contract, or calling a strike or lockout.

In 1994, Portland-area Fred Meyer employees struck for 87 days, and management at Safeway, Albertsons and other union grocers locked out their own union members in a show of employer solidarity. That employer tactic would be less effective today, because the Oregon Legislature passed a law in 2007 giving locked-out workers in multi-employer disputes the right to collect unemployment benefits.

Fire at SEIU Local 49 headquarters under investigation

An early morning fire at the Service Employees International Union (SEIU) Local 49 office is being investigated as an arson, said Portland Fire & Rescue spokesperson Alan Oswald.

The fire started in the lobby of the building at 3536 SE 26th Ave. about 5 a.m. Friday, Oct. 30.

Local 49 spokesperson Shauna Ballo said an insurance estimator figured the damage at over \$100,000. Most of the fire damage is to the building's lobby, but other parts of the building suffered smoke



cooler above the lobby, but no computers or other valuable equipment

and water damage. Ballo said the smell of smoke is everywhere in the building. The heat of the fire melted a refrigerator and a water

were damaged.

As of press time, Local 49 staff had not been allowed back in the building except to retrieve computers and other belongings, and staff had set up temporarily in the ballroom and other parts of the SEIU Local 503 hall at 6401 SE Foster Rd.

SEIU Local 49 represents more than 7,000 health care and janitorial workers in Oregon and Southwest Washington, and has approximately 30 employees. The union is an affiliate of the Change to Win labor federation.

"Going into the building can be an emotional experience," Ballo said. "It's our meeting space and center of activity, so seeing the fire damage can make you angry or sad. But at a staff meeting [Monday] morning, the consensus was that the union is not a building, and we cannot allow this to slow us in any way."

To demonstrate that the fire can't damage Local 49's spirit, the union is planning a "stronger than ever" rally Friday, Nov. 6 at 5 p.m. outside the burned office.