

# Umatilla chemical depot workers to get \$3.6 million backpay

HERMISTON — As many as 900 current and former workers at the Umatilla Chemical Agent Disposal Facility are expected to get backpay checks totaling \$3.6 million, thanks to some serious union persistence.

URS EG&G — the contractor in charge of incinerating chemical weapons — appears ready to settle a long-running dispute over payment for putting on and removing safety gear, and irregular meal and rest breaks.

URS is a 47,000-employee construction and engineering firm, and a major military contractor. Its EG&G division has a contract with the U.S. Army to run the Umatilla facility — a complex of buildings at the 19,728-acre Umatilla Chemical Depot, six miles west of Hermiston, Oregon.

There, workers disassemble munitions and incinerate chemical agents like sarin nerve gas and HD mustard gas.

Operating Engineers Local 701 represents about 170 munitions handlers and control room and plant operators,

while International Brotherhood of Electrical Workers Local 112 represents about 130 maintenance workers. The two bargain jointly as the Demilitarization Trades Council. A group of 14 warehouse employees are represented by Laborers Local 121 under a separate contract.

Work at the facility goes on 24 hours a day, seven days a week. Since 2004, they've burned through all the nerve gas, and are on track to dispose of the mustard gas by 2012, the deadline under an international treaty.

Because the chemicals are highly lethal, security and safety procedures are stringent. Workers drive up to a guard station, where their vehicle and person are subject to search. Then they drive several miles into the base, park, and enter a "mask trailer," where they are given a military grade gas mask and syringes. Next they pass through a double turnstile and several doors, present a badge at another guard station, and check in with a supervisor. Finally, they enter a dressing room, don protective clothing, including special coveralls, and head to their work station.

The practice was to start paying workers at the dressing room.

Union members didn't think that was fair.

"We maintained that putting on these masks and getting through the gates are work-related activities," said Nelda Wilson assistant business manager of Gladstone-based Local 701.

The Trades Council wrote letters to the company and to the U.S. Department of Labor in 2003, asking if it was

legal that workers weren't being paid for the time they spent donning and doffing protective gear. Those queries went nowhere, Wilson says. The company replied with verbal assurances that the practice was legal. DOL failed to pursue it.

The Trades Council also complained about irregular, uncompensated and sometimes missed meal and rest breaks. Workers couldn't leave their machines unattended, and weren't always relieved for periods up to eight hours. And workers were considered on-call during their half-hour meal breaks, which were unpaid even though they weren't allowed to leave the premises.

Then last year, a Local 701 steward came across startling information on the Internet: URS EG&G had agreed in January to pay \$4.1 million to settle a class-action lawsuit over the same issues at a facility in Utah. URS EG&G operates similar incineration sites, non-union, at Johnston Atoll in the South Pacific, Pine Bluff, Arkansas; Tooele,

Utah; and Anniston, Alabama.

Local 701 got in touch with the plaintiffs lawyers, who shared a "smoking gun" memo they had obtained during the lawsuit's discovery process. In the Dec. 17, 2002 memo, an human resources manager writes that EG&G had been in contact with the Department of Labor, which recommended that the shift begin and end when workers got to the mask trailer.

The Trades Council let URS EG&G know they expected a settlement too.

It was quite a challenge getting the company to bargain, Wilson said, but in the end the unions negotiated backpay, plus benefit contributions for every shift worked from February 2006 to February 2008. Checks could range from \$3,000 to \$20,000, depending on the wage rates and the number of shifts.

Local 701 members will be paid the equivalent of 48 minutes of work for each shift. They average \$25 an hour in the six-year agreement that runs through Oct. 31, 2013.


All told, the settlement will affect about 900 current and former employees, both union and nonunion, a company representative told Wilson.

Employees could have filed suit on their own to seek backpay for a longer period, based on the argument that the violations were "willful." But URS EG&G agreed to pay for lunch breaks going forward. The changes mean a more humane work day for Local 701 members, who rotate through 12-hour shifts.

Since February 2009, workers have punched in and out on a time clock at the mask trailer. Starting this month, they're getting paid for lunch breaks.

"Now we get paid for donning and doffing our masks, and we get paid for lunch," said Local 701 Representative Rod Osgood, who used to work at the plant. "It makes our work day an hour shorter, which is pretty substantial in my book."

The tentative deal was to be finalized Nov. 17, after this issue went to press.



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## Labor reacts to Washington election results

On election night, labor activists throughout Washington rejoiced at voters' rejection of a ballot initiative sponsored by longtime union adversary Tim Eyman. I-1033 would have placed strict limits on government spending, cutting billions of dollars out of state and local budgets that pay for education, health and public safety.

The measure had 54 percent support in Clark County, but just 42 percent

statewide.

In Southwest Washington, Vancouver City Council member Tim Leavitt, 38, was elected mayor, defeating incumbent Royce Pollard with nearly 54 percent of the vote.

Pollard, 70, has served as mayor of "Vancouver USA" for 14 years.

Labor was divided on its support of the candidates, resulting in no endorsement action by the Clark, Skamania, West Klickitat Labor Council.

Leavitt's supporters included Amalgamated Transit Union Local 757, UNITE HERE Local 9, AFSCME Local 307 VC, and the Vancouver Police Officers Guild, while Pollard was endorsed by Vancouver Fire Fighters Local 452, District 6 Fire Fighters Local 1805, International Brotherhood of Electrical Workers Local 48, Interna-

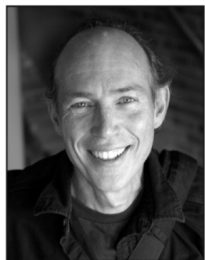
tional Longshore and Warehouse Union Local 4, Painters District Council 5, Iron Workers Local 29, Iron Workers Shopmen's Local 516, Cement Masons Local 555, and the Washington Machinists Council.

For Vancouver City Council, labor-endorsed Jack Burkman won 53 to 46 percent. And Jeanne Harris won with backing from Amalgamated Transit Union Local 757, Vancouver Fire Fighters Local 452, and IBEW Local 48; the labor council had backed challenger Anne McEnery-Ogle.

For Battle Ground City Council, incumbent Bill Ganley won re-election with Labor Council endorsement, as did Michael Ciraulo, who ran unopposed. But Labor Council-backed candidates Adrian Cortes and Michael Dalesandro lost their races.



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