

This just in: DOL wins back pay for Umatilla workers, six months ago



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When it comes to reporting on workers, the Northwest Labor Press has too little competition.

Staff at Operating Engineers Local 701 were surprised to read June 15 in the Oregonian that Umatilla Chemical Depot workers "are getting" \$4.2 million in back pay.

Those checks went out last December to several hundred union members at the Depot, and the Labor Press reported it — six months before the state's largest daily newspaper took notice. Workers there incinerate chemical agents like sarin nerve gas, and their employer, federal contractor URS EG&G, had not paid them for breaks, or for the time-consuming donning and doffing of life-saving protective gear.

More perplexing to Local 701's Nelda Wilson, assistant to the business manager, was what was left out of the Oregonian article — the union's role in the settlement. According to the newspaper, the back pay award came "after an investigation by the U.S. Department of Labor's Wage and Hour Division," when the agency's Portland office "determined" that depot workers were underpaid.

But as Labor Press readers may remember, Wilson and her Umatilla Chemical Depot members — as well as co-workers belonging to IBEW Local 112 — had to hound the Department of Labor (DOL) to enforce the law, even appealing to U.S. Senator



Jeff Merkley's office for help after they grew impatient with the DOL's bureaucratic delay.

Like dozens of other news outlets — Business Week, CNBC, USA Today, and regional papers — the Oregonian ran the story as it was produced by the Associated Press (AP). The AP story relied entirely on a June 14 DOL press release — nothing in the AP story is not in the release. DOL press spokesperson Jeanine Lupton said an AP staffperson asked no questions, only whether AP should use a Portland dateline.

The anonymous AP press release re-writer did leave out this self-serving quote, attributed to U.S. Secretary of Labor Hilda Solis: "The U.S. Department of Labor will not hesitate to take action against employers that violate our laws. I am proud of the hard work of our investigators in recovering back wages for these working families."

Wilson, hearing that quote, said it felt like her head was about to explode. "That's total bullshit," Wilson said. "Their investigators screwed it

up the first time. Our guys had this huge action to get this done."

As early as 2003, Local 701 had written to the DOL, complaining of the violations. No action. Then in 2008, an alert union steward learned that URS EG&G had settled a lawsuit over the same practices at its facility in Utah. The union hounded DOL to take action. But DOL let URS EG&G off the hook for the first four years of violations; the \$4.2 million payout covers only two years. And the DOL agent assigned to the case low-balled the settlement amount for that period, re-doing the calculation after the unions complained. When Wilson wrote to Solis seeking her personal intervention, she got back a formulaic response: Solis said she was confident the agency's field investigators would take care of it. In the end, DOL dragged its feet approving the settlement, months after the company and union had agreed on terms.

But only the Labor Press reported any of that.

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