

Firing chills union campaign at Leupold & Stevens

Machinists help fired union supporter get back pay

The Machinists Union helped a worker at Beaverton-based Leupold & Stevens get a cash settlement and an offer to return to his job after he was fired a few weeks into a union organizing drive.

Richard Fitzgerald, 45, a single father of a teenage daughter, was fired Jan. 27 — two days after he told some co-workers that a group was getting together to discuss joining Machinists District Lodge 24. Fitzgerald was familiar with the union, having been a member of Machinists Lodge 63 while working at Parman & Ellis. He took a withdrawal card from the union after the machine shop closed in 2001. Fitzgerald worked at a couple of other shops before getting hired at Leupold & Stevens in January of 2006.

Leupold & Stevens makes rifle scopes, binoculars, flashlights and rangefinders. It has contracts with the military and police departments. It has 500 employees (with a potential bargaining unit of 300 to 400).

The company didn't say they fired Fitzgerald for supporting a union. Doing so is illegal under the National Labor Relations Act. Instead, management created a trumped-up charge that he was away from his machine and having lengthy discussions with co-workers. Prior to that, however, Fitzgerald had only good reports in his personnel file regarding his production, and only one write-up on conduct.

"It's a textbook approach for intimi-

dating workers during a union campaign," said Bob Petroff, directing business representative of District Lodge 24.

You be the judge.

Fitzgerald called the Machinists on Jan. 7, 2010. After a few conversations, he arranged a meeting with union representatives and some co-workers from swing shift and graveyard. Seven workers attended the meeting on Friday, Jan. 22. It was a good session, and a follow-up meeting was planned for Feb. 13.

Over the next several days, the seven employees began talking up the February union meeting at work. Fitzgerald distributed information packets about the Machinists Union to co-workers on Monday, Jan. 25.

Two days later, on Wednesday, Jan. 27, as Fitzgerald came to work, he was directed to a conference room and told he was terminated. He immediately called the union.

The Machinists went to the National Labor Relations Board and filed a charge against Leupold & Stevens for firing Fitzgerald for union activity. The NLRB found merit in the charge, issued a complaint against the company, and opened an investigation.

Machinists Business Rep Joe Kear said the firing intimidated other workers who initially had shown support for the union. In an interview with Kear in District Lodge 24's newsletter, Fitzgerald said he had originally contacted the Machinists because co-workers had encouraged him to do so.



Carroll Wikander of Machinists District Lodge 24 leaflets a swing-shift employee at rifle scope manufacturer Leupold and Stevens. The leaflet contained a copy of a "Notice to Employees" ordered by the National Labor Relations Board notifying workers of their right to join a union.

"I had support from my co-workers in advance of calling the union," he said. "There was support or I wouldn't have called."

Nonetheless, the Feb. 13 meeting was sparsely attended. Still, the employees who did show up decided to hand-bill the plant to let others know that Fitzgerald had been fired illegally.

Over the next few months the company hired the largest anti-union law firm in Portland — Stoel Rives — and began holding meetings with employ-

ees, telling them that a "third party" wasn't needed. Managers and supervisors were more polite and respectful to employees, while at the same time keeping an eye on who was talking to whom. Graveyard employees who earlier had complained about losing shift premium pay and overtime began to get overtime opportunities again. And the company announced that it would absorb most of the cost increases in its health care plans, a move seen by many as a result of their interest in the union.

"Management followed the usual prescription from the union avoidance profession — intimidating employees with the termination, holding employee meetings and beginning to listen to employees and address some of their issues," Kear said.

Working with the Machinists, NLRB agent Michael Roche put together a strong case that Leupold and Stevens had acted illegally when they fired Fitzgerald. A hearing was set for June 22.

"We thought he (Fitzgerald) was situated pretty well," Kear said.

But there were no guarantees.

On June 18, Leupold & Stevens offered to settle the case without admitting any guilt. Under terms of the deal,

the company agreed to offer Fitzgerald his job back with seniority and back pay from the date of his termination. Management also offered him cash NOT TO COME BACK to work. The union estimated the total buyout to be in the neighborhood of \$60,000 — \$18,000 of which was back pay.

Despite objections from the union, Fitzgerald took the cash.

"We would have liked to see him go back to work to show the effectiveness of the Machinists," Petroff said.

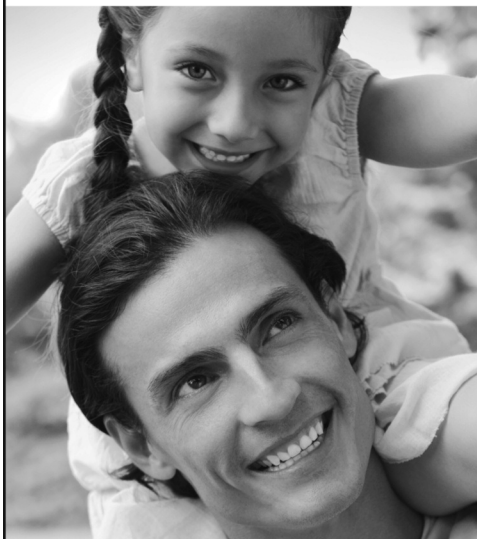
Leupold & Stevens also was required to revise its employee handbook and post a notice that employees are not restricted from distributing literature and materials in non-work areas on non-work time and that they were free to join a union and would not be fired for doing so.

The union embarked on a leafleting campaign July 15 to let workers know of the NLRB settlement, as well as to gauge support. A number of employees took literature during a shift change. One employee who stopped to talk said he supported the Machinists, but said the union would have a difficult time obtaining majority support after what happened to Fitzgerald.

The Machinists have yet to decide whether or not to continue the organizing campaign.

"Corporations are being ruthless in their drive against unions. They are ruthless against employees who attempt to organize," Kear said. "Richard's story is an important one. Our leaders in Congress must be made to understand that we need labor law reform to keep companies from victimizing more employees like Richard."

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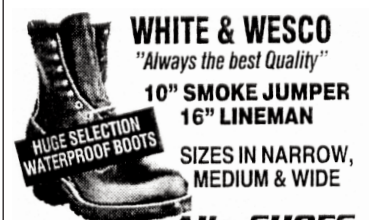
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25 Braintree Hill Office Park
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