

...Worker firings lead to union effort at Dave's Killer Bread

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Turner told Lansing.

Lansing interviewed several fired workers and says he found a pattern: It was the squeaky wheels — the assertive ones who spoke up or complained — who were being fired, for what seemed to him like trivial or manufactured infractions.

Mixing room worker Alex Martinez — who'd been a union member at Union Pacific railroad and in Iron Workers Local 29 — complained about management favoritism, an inflexible time clock point system, and having to wait for reviews to get a raise. He told co-workers it would not be like that if they had a union. Then managers started scrutinizing his breaks. He was fired Sept. 19 when car trouble made him 20 minutes late, despite having called in about it.

Lead mixer Jacob Adams — who'd fallen in love with the company after serving time for burglary and bank robbery — grew disillusioned by fall 2011, and complained to managers that his crew members weren't getting their reviews. A week later, he was accused of uttering a racial epithet and throwing a mixing bowl, both of which he denies.

Lansing offered to represent Adams in pursuing an unemployment claim.

In Oregon, workers who quit or are

fired for just cause don't normally qualify for unemployment insurance benefits, but if a state adjudicator finds that there were extenuating circumstances or they were fired through no fault of their own, they may qualify. Employers sometimes contest the claim because they feel a worker was justly fired and doesn't deserve benefits; they also have an economic incentive to oppose it, because unemployment insurance is "experience rated," meaning employers who terminate a lot of employees pay a higher premium. When an unemployment claim is contested, the determination is made by an administrative law judge, usually after a hearing conducted by telephone.

When Lansing joined in the Jan. 9 phone hearing for Jacob Adams, it took the company by surprise; Glenn Dahl joined the call.

But the next time Lansing took part in such a hearing, for fired worker Jarrell Bronson, Dave's Killer Bread was represented by an attorney from the nationally-known employer-side labor law firm Fisher & Phillips.

Both workers were awarded unemployment benefits.

But fear was thick at Dave's Killer Bread among workers, Lansing says, and firings continued: An informal count by current and ex-employees at one union meeting produced the names



UNION OF FIRED WORKERS: A rash of worker firings at Dave's Killer Bread is driving workers to seek unionization. Above, Bakers Local 114 Secretary-Treasurer Terry Lansing (left) stands with Alex Martinez, Jacob Adams, Jordan Reece, and Dan Turner. The four are among six fired workers who have been named thus far in charges that are pending investigation by the National Labor Relations Board. In the charges, Local 114 alleges that the company fired the workers because of union activities or because they advocated on behalf of co-workers. The workers say at least two dozen employees have been fired at the company since August 2011.

of 23 workers who'd been fired since the summer — roughly one in 10 people employed at Dave's Killer Bread.

In February, Lansing decided to pursue an unusual strategy. Normally, because employers tend to fight unionization, union organizing campaigns operate clandestinely at first, gathering a critical mass of worker support while trying to avoid the attention (and ire) of management. But at Dave's, workers were being fired at such a rate that Lansing felt something had to be done to protect union supporters. It's illegal for an employer to fire a worker for aiding a union campaign, but Lansing has learned the hard way that it happens quite often. Employers who don't want a union will fire union supporters using some other reason as a pretext, and then escape legal repercussions by telling the National Labor Relations Board (NLRB) they didn't know those workers were union supporters. If workers can't prove managers knew they were union supporters, they lose their cases — and their right to back pay and reinstatement.

So Lansing decided to make it impossible for Dave's Killer Bread to deny that it knew. He began writing letters to Glenn Dahl, identifying specific workers as union supporters.

Dan Turner was the first to be identified, in a Feb. 2 letter.

The following day, Lansing went to the NLRB and filed two charges, alleging that Dave's Killer Bread violated federal labor law both when it installed cameras in the lunchroom and smoking area, and when it fired employees Jacob Adams and Teresa Chaney. The charge was not that Dave's fired the workers for union activity, but for speaking out, and sticking up for co-

workers — which are also protected rights under the National Labor Relations Act.

On Feb. 7, Lansing wrote to Glenn Dahl inviting him to discuss the possibility of card-check union recognition, a less adversarial method of unionizing, in which workers sign union cards if they want to join, and the employer recognizes the union if a majority sign the cards. Dahl declined the offer by letter the following day.

More NLRB charges followed. Three of the charges alleged unlawful terminations, and another called out the company for prohibiting employees from talking about Local 114 while at work, and for new rules prohibiting employees from posting items on the employee bulletin board without prior authorization — after some workers posted union business cards on the board.

Several days after Turner was outed as a union supporter, he was asked to turn in his office keys. In the weeks that followed, he began to feel like he had a target on his back, and he says he was written up for nitpicky infractions.

But Glenn Dahl had said he respected his employees' right to a union, and Turner took him at his word. On Feb. 24, Turner went to meet with Dahl. Glenn Dahl owns a 51 percent share of the privately-held business NatureBake, which he bought from his father in 1988; Glenn's son Shobi and his brother Dave own the remainder. NatureBake also does business as Dave's Killer Bread.

"You should have talked to me before you went to the union," Turner says Glenn Dahl told him. Turner told Glenn his reasons for supporting the union. Glenn asked Turner to name

three things he could improve about the business, and to give him another chance, just as Turner had been given a chance. Turner's suggestion: Glenn could let the union come into the plant for one day to talk to workers.

Five days after the meeting with Glenn Dahl, Turner was ordered to report to the office. There, his manager, a human resources employee, and Shobi Dahl confronted him, accusing him of stealing something off a loading dock at Unified Grocers. Turner says he was never told what it was he was alleged to have stolen. But he was suspended without pay, pending investigation. He learned he was fired on March 7.

Clackamas County Sheriff's office has no recent report of theft at that location, nor were charges filed with the police.

After he was fired, Turner got a letter saying that his health benefits had been terminated effective the day he was suspended.

Turner says it's easy to try to pin such accusations on a felon, but insists he's innocent.

"I had a lot to lose," he tells the Labor Press. Since his release from federal prison in 2006, he's been rebuilding his life. A former drug addict, he's been attending Clark College studying to become a drug and alcohol counselor. He married Amanda Thompson, and they bought a house last year. She works for the City of Vancouver, where she's a member of AFSCME, and a former union steward with Office and Professional Employees Local 11. At one point, Turner recalls, she worried that he'd lose his job if got active in a union campaign.

"I really believed they needed a union at Dave's," Turner tells the Labor Press. "They still do."

"We know that the Bakery Confectionery Tobacco and Grain Millers would like to form a union at NatureBake and Dave's Killer Bread to represent some of our employees, and we respect our employees' rights to unionize," says Shobi Dahl.

Dahl wouldn't say, however, whether the company is discouraging workers from unionizing or whether it intends to employ union avoidance consultants. Nor would he divulge the company's disciplinary and pay policies, or comment on specifics about the fired employees. A company media policy forbids employees to talk to reporters without authorization, and Dahl declined to make any employees available for interview with authorization.

He said he was unaware if the company is receiving tax credits for hiring felons, but said employing them fits the company's mission, which is to make the world a better place one loaf of bread at a time.

The NLRB is investigating seven charges against Dave's Killer Bread.

Dave's Killer Bread is sold in eight states, at retailers including Costco, WinCo Foods, New Seasons, Whole Foods, Safeway, and Fred Meyer.

Busted!

We order you: Tell us what the union rep said

Fred Meyer is accused of several labor law violations at its Orchards store in Vancouver, Washington. According to three separate charges filed by **United Food and Commercial Workers Local 555**, managers interrogated workers about conversations they had with union reps, announced a rule restricting workers ability to engage in certain union activities, and harassed, intimidated and fired a union steward. Most recently, the union accuses Fred Meyer of changing another worker's schedule in retaliation for her having testified in support of the earlier charges. The NLRB is investigating the charges.

No solicitation ... except if it's against the union

At **Oregon Child Development Coalition** in Wilsonville, **Laborers Local 320** says management allowed anti-union employees to circulate a decertification petition during work times and in work areas, but doesn't allow any other kind of solicitation. Union opponents filed the decertification petition March 9 with signatures of at least 30 percent in the 55-worker unit. But the NLRB ordered the election blocked until the charge can be investigated.

If you don't like it, maybe you should go to Russia

A worker at Russian-owned **Evraz Oregon Steel Mills** alleges he was demoted, removed from the schedule for three days, and required to sign a "last chance" agreement as a condition of returning to work ... in order to discourage his affiliation with International Longshore and Warehouse Union Local 8. Oregon Steel Mills has been nonunion at its Portland operation since the early 1980s.