

Decertification filed at Dosha Salon

Owners of Dosha Salon Spa may think they're within reach of crushing employees' dreams of a union contract.

Workers who do hair, nails, makeup and massages at the Aveda-licensed chain voted in March 2011 to join Communications Workers of America (CWA) Local 7901, unhappy with wages as low as the legal minimum — and verbal abuse and frequent rule

changes from management. But "bargaining" with the company's hired labor relations consultant has proved an exercise in frustration for union activists. No contract has been achieved in over a year of meetings, and now a vote has been set for Aug. 21-22 on whether to dump the union.

The union had 54 percent support when it won the March 2011 election,

but anti-union workers claim to have signatures from 60 percent of workers on the April 2012 petition to decertify. Local 7901 President Madelyn Elder doubts that claim, and says anti-union petitioners gathered signatures from the Clackamas location, which won't get to vote: Dosha insisted that they are not part of the bargaining unit, and eventually prevailed. But at least 30 percent of the represented workers must have signed the petition, or the National Labor Relations Board would not have moved forward with a vote.

Since the union campaign began at Dosha, CWA has filed charges on 13 separate occasions alleging that Dosha violated federal labor law. After investigations by the National Labor Relations Board, most of the charges were resolved in a March 2012 out-of-court settlement. In the settlement, Dosha paid \$6,946 to massage therapist Mary Christ, who'd been fired after she wore union colors. Dosha also took down surveillance cameras it had placed in an employee break room and posted a notice promising not to do any of the 30 things it was alleged to have done in violation of the National Labor Relations Act. All but one of the other charges have been dismissed or withdrawn.

A year's worth of bargaining has produced agreement on some items, just not wages, scheduling, hours, union security provisions, or a grievance procedure with a provision for binding arbitration. And core union supporters have quit or been fired since the election.

..ATU battle continues

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Historically, after a contract expired, TriMet would give cost-of-living raises and continue the same health insurance benefits — to speed resolution of a new contract while the parties continued to negotiate. TriMet did that this time too, for the first year. But about a year after the December 2009 contract expiration, it halted further raises and implemented the reduced Regence benefits. And indeed, TriMet could legally have done those two things, Greenwald said in the July 18 ruling. But Greenwald found that in this case, TriMet did those things in retaliation for the union having filed unfair labor practice charges with ERB in 2011 — after TriMet submitted a different "final offer" to the arbitrator than it had presented to the union in actual bargaining sessions. ATU argued that was illegal, and ERB agreed; TriMet had to resubmit its offer.

Having ruled that TriMet was acting in a retaliatory manner when it canceled the raises and implemented the reduced

benefits, Greenwald ordered the reversal of those measures as a remedy: TriMet must pay retroactive cost-of-living raises totaling about \$6 million, or about \$3,000 per employee, depending on wages and hours worked.

Greenwald also ordered that the old benefit structure be maintained up through the arbitrator's order. Thus, under her order, any workers who paid premiums will have those refunded, and any who paid the deductible and 10 percent insurance will have that refunded.

ATU Local 757 President Bruce Hansen called the judge's decision a vindication.

"This decision may result in a complete gutting of the recent interest arbitration decision because the arbitrator awarded the very proposal that was ruled illegal today."

No doubt union and employer will be sorting out the two verdicts for months to come.

TriMet expects to pay the cost-of-living raises on or before Aug. 24.

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East Coast Office
25 Braintree Hill Office Park
Suite 103
Braintree, MA 02184

P: 617-298-0967
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