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TriMet gets ready to settle accounts with union members

A pending letter demands that workers repay up to \$7,080 for past health insurance premiums

TriMet is preparing to send letters to more than 3,200 active and retired union employees, settling accounts for health insurance premiums going back as far as 2009. Most will be told they owe, and the amounts are as high as \$7,080.

In sample letters TriMet provided Sept. 19 to Amalgamated Transit Union (ATU) Local 757, the Portland-area transit agency tells union members that if they don't pay, they will face legal action and possibly discipline. Local 757, attempting to head off the threat, sent out its own letter the same day, asking members not to respond to the TriMet letter when it comes. In response to that, TriMet filed charges Sept. 26 with the

state Employment Relations Board, saying the union's letter violates the law.

The exchange is the latest tangle in a tortured contract struggle that has lasted nearly the entire duration of the 2009-2012 ATU-TriMet contract. Bargaining continued past the Dec. 1, 2009 expiration of the previous contract, but broke down in July 2010. At that point, under state law, binding arbitration was supposed to begin. But Local 757 filed legal objections to unlawful practices by TriMet, objections which were upheld by the Oregon Employment Relations Board, and that delayed the start of arbitration until May 2012. The arbitrator had to pick one side's final offer in its entirety, and on July 13, he picked TriMet's proposed three-year contract. The contract he imposed is retroactive back to Dec. 1, 2009, and it expires Nov. 30, 2012.

It's not uncommon for a new union contract to have some retroactive application (typically a wage increase) if the new contract is finalized some time after the old contract has expired. But a key element of TriMet's contract proposal was lowering the cost of its Re-



gence BlueCross BlueShield health insurance plan by reducing the level of benefits. How do you impose retroactive changes to a health insurance plan that has already been paid for, and which employees have already used?

TriMet's answer to that, in the sample letter: "You owe TriMet the difference between the total premium TriMet actually paid and the premium TriMet

would have paid had the new plan design been in effect for all three years of the contract."

To pay the difference for the 33 months of past benefits, TriMet's letter tells union members to sign an authorization for pre-tax payroll deductions, or write a check for the full amount.

Payroll deductions would be the same monthly amount as the premiums

some members had opted to pay before the arbitrator's decision. Members who were enrolled in Regence BlueCross BlueShield were paying \$226.10 a month for family coverage and \$79.50 for employee only. At those rates, it would take union members more than two-and-a-half years to repay the amounts TriMet is saying they owe. TriMet spokesperson Mary Fetsch told the Labor Press by email that the agency has no plans to charge interest.

The 42 percent of members who were enrolled in the cheaper Kaiser Permanente plan, on the other hand, are told they are owed refunds ranging from \$20 to \$919. In its letter to members, Local 757 characterizes that as an attempt to divide the workforce, and advises members not to cash the checks. "There is no guarantee that you will not be asked to return the money once TriMet loses in the legal arena," says the letter, signed by Bruce Hansen, Jon Hunt, and Mary Longoria, Local 757's top three officers.

"We will be acting with all deliberate speed to stop their latest craziness," the

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For labor commissioner

Candidate wants to make Oregon a 'right-to-work' state

With "friends" like Bruce Starr, who needs enemies?

That's what construction union officials are saying after listening to Starr, a Republican candidate for Oregon labor commissioner, tell a conservative radio talk show that he would endeavor to make Oregon a "right-to-work" state.

Just two weeks prior, at a candidates' forum in Bend sponsored by the Oregon State Building and Construction Trades Council, the five-term state senator from Hillsboro told the all-union audience: "We've had a good relationship over the last 10 years. We are friends. I'm not walking into enemy territory here today."

Some friend.

"Right-to-work" is code for union-busting and working for less wages and benefits. According to data from the U.S. Department of Labor and the U.S. Census Bureau, workers in states with



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right-to-work laws earn on average \$5,538 a year less than workers in states without such laws.

"You can't be for right-to-work and be pro-labor," said John Mohlis, executive director of the Building Trades Council.

"Supporting right-to-work means you are anti-union."

Gordon Lafer, an associate professor at the Labor Education and Research Center at the University of Oregon, wrote in *The Nation* that "right-to-work does not guarantee anyone a job. Rather, it makes it illegal for unions to require that each employee who benefits from the terms of a contract pay his or her share of the costs of

administering it. By making it harder for workers' organizations to sustain themselves financially, right-to-work aims to undermine unions' bargaining strength and eventually render them extinct."

"This is exactly what proponents of right-to-work laws want," says the National Workrights Institute. "The champions of right-to-work laws are not supporters of workers' rights."

Right-to-work laws exist in 23 states.

Advocates of right-to-work claim that such laws protect workers' right to freedom of association by preventing them from being forced to join unions against their will. But that's not true. Workers already have that right under the National Labor Relations Act. Section 7 of the Act prohibits discrimination against any employee because they have chosen to join or not join a union.

That was the angle conservative talk

show host Lars Larson used when interviewing Starr, who is trying to unseat Brad Avakian, a Democrat, as labor commissioner. Asked if he would openly advocate for Oregon to become a right-to-work state, Starr responded: "Yes. The pure answer and clear answer is 'yes,' Lars, I would. I'm pro-choice in that regard. Let's let folks choose who they want to associate with, and again, I think a policy like that would create a lot more economic opportunity in our state and a lot more jobs, make Oregon a much more attractive place to do business."

According to *New York Times* editorial page editor Andrew Rosenthal, economists have found that unionization has a minimal impact on growth and employment. "Six of the 10 states with the highest unemployment have right-to-work laws in place," Rosenthal wrote. "North Carolina, which has the lowest unionization rate in the country,

1.8 percent, also has the sixth highest unemployment, 10 percent."

Union density in Oregon is 17.1 percent of the workforce.

Mohlis told the Labor Press he was surprised by Starr's comments. "It's not in sync with what I thought his views were," he said. "It shows more urgency to re-elect Avakian. It's certainly not in our best interest to have a labor commissioner who is anti-labor."

(Editor's Note: Right-to-work statutes came into effect in 1947 with the passage of the Taft-Hartley Act by a Republican-controlled Congress. The Act allowed states the ability to pass laws that outlawed closed union shops. Previously, under the 1935 National Labor Relations Act, unions could enter into closed shop contracts in which employees at these workplaces had to become union members to get hired.)