

How sick leave affects the building trades

By **DON McINTOSH**
Associate Editor

Low-wage service sector workers are the surest beneficiaries of the new Portland ordinance mandating sick leave. But the ordinance is creating a little bit of heartburn among some building trades union leaders, who wonder how the policy will apply to the high-wage union construction sector.

The ordinance says employers with at least six employees must offer paid sick time to employees who work at least 240 hours in a year (the equivalent of six 40-hour weeks). Employees accrue an hour of sick pay for every 30 hours worked, and may use up to 40 hours a year — though not during the first 90 calendar days of employment.

But construction workers often work for multiple employers in a year, on projects that may last a few weeks or months. Will each of those employers have to keep track of sick pay — if a worker stays more than 240 hours on a construction site within Portland city limits?

Sick leave ordinances in San Francisco and Seattle allow union workers to waive their right to paid sick time in a collective bargaining agreement. Portland City Council opted not to do that, in part out of concern that unions in some cases might have difficulty holding on to sick pay. In the janitorial and grocery industries, for example, union locals could find themselves facing tremendous pressure to waive the right to sick pay from giant national firms that operate with slim profit margins and cutthroat nonunion competition.

“People in collective bargaining agreements need to be able to take time off when they’re sick just as much as people who are not,” said City Commissioner Amanda Fritz, who led passage of the ordinance. “Why would we have a benefit that disadvantages union members?”

The first draft of Portland’s sick leave ordinance exempted employers that use a union hiring hall — as long as they have a clear paid time off policy that’s equal to or better than the one mandated in the ordinance and that can be used for sick days. But that was taken out from the final version. Commissioners decided they wanted a “clean” ordinance, with few or no exceptions and carve-outs.

Though no union publicly opposed the ordinance, concerns came up in half a dozen conversations with local building trades union leaders.

Some didn’t like to see the City intervening in what would be a mandatory subject of collective bargaining.

“It’s almost like the City is negotiating for us,” said Kevin Jensen, business manager of Iron Workers Local 29.

Collective bargaining agreements are the result of a give-and-take negotiation, some said, and a new outside mandate could upset that balance, prompting employers to seek savings elsewhere.

Others questioned whether members would use such a benefit, or said the idea of being paid for not working flies in the face of a prized union ethic: eight hours work for eight hours pay.

“Our whole job is to work ourselves out of a job,” said Sheet Metal Workers Local 16 business agent Willy Myers,

who is also president of the Columbia-Pacific Building and Construction Trades Council. “We’re very transitory. If someone is sick for a length of time, the employer is going to want to get somebody else in to do the job. That is our world. It’s not like an office setting.”

Some fears, at least, appear not to be born out by a close reading of the ordinance. For example, the idea that someone working for four employers in a year could get four weeks of sick pay: That would be nearly impossible at the 1-to-30 accrual rate, especially given that workers aren’t entitled to take any sick pay during the first 90 days they’re employed, under the ordinance.

Others said employers might seek to evade the sick pay requirement by laying workers off before they reach the 240 hour or 90-day thresholds, and asking the union to dispatch replacements. Of course, to change out good workers might seem like a lot of trouble to achieve savings that by design could never add more than one thirtieth (3.3 percent) to payroll costs.

But Russ Garnett, business manager at Roofers Local 49, said even small shifts can eliminate profit margins, in a high-cost business where contractors may rely on cost estimates to bid work a year or two in advance.

“To secure work our contractors must compete on every level on every

job with nonunion contractors,” Garnett said.

Local union roofers make \$28.03 an hour plus \$9.65 an hour in benefits, enough that members can afford to eat a day’s wage loss if they’re sick and don’t go to work, Garnett said.

Fritz said she’s sympathetic to at least one concern expressed by construction unions — the hassle of having to track which work is done in Portland for purposes of calculating sick pay. But the best solution for that, she argues, is to pass a statewide sick pay standard.

“It’s important to look at the Portland ordinance as the first step in a statewide effort,” said Oregon AFL-CIO Legislative Director Elana Guiney.

The Oregon AFL-CIO is backing a bill in the Legislature to mandate sick leave statewide.

John Mohlis, executive secretary-treasurer of the Oregon State Building and Construction Trades Council, said he’s working to find agreement on an amendment to that bill, to address the concerns of the building trades sector.

“Sick pay and vacation just don’t work in the construction industry,” Mohlis said. “It’s too transient of an industry.”

“We have [wage] rates negotiated that are higher than they would be than if you just worked for one employer all the time. That higher wage makes up

for the fact that we don’t have sick pay and we don’t have vacation pay.”

Once the Legislature wraps up, the City attorney’s office will work out details of how the City of Portland will implement its ordinance. That rule-making process could lessen the concerns of building trades unions, if the rules spell out a way for employers to certify that they already comply with the sick pay requirement. Under the ordinance, employers that have sick leave or paid time off policies that are as good or better — and that can be used by workers for the same purposes — don’t have to come up with new policies: They would be considered to be complying with the ordinance.

Many building trades unions have things like jointly-sponsored vacation funds, to which employers contribute a certain dollar amount per hour under the collective bargaining agreement. For example, contractors pay \$1.20 an hour into a vacation account when they employ Sheet Metal Local 16 members, who install HVAC systems for an hourly wage of \$36.23. If those funds can be used when the worker or a family member is sick or injured or for preventive medical care, that could satisfy the City requirement and thus eliminate the need to keep special records or change the collective bargaining agreement.

WANTED: ‘Tools of the Trade’ for labor history exhibit

VANCOUVER — The Southwest Washington Central Labor Council is teaming up with the Clark County Historical Museum and Washington State University-Vancouver, to develop a public exhibition on the history of the Southwest Washington labor movement.

The exhibit is tentatively titled, “Tools of the Trade: A History of Labor

in Southwest Washington.” Plans are to open in July, prior to the convention of the Washington State Labor Council (WSLC), which is slated July 25-27 at the Vancouver Hilton & Convention Center.

The exhibit will run for approximately 18 months.

The labor council is planning an open house at the museum during the week of the WSLC convention.

The labor council says cash donations and historical memorabilia are still needed.

“We need financial contributions to help fund the exhibit and to complement grant funding,” said Roben White of Painters Local 10. “We need historical items, memorabilia from your locals. These would be loaner items that would be cataloged and given back when the exhibit concludes.”

The labor council also is looking for photographs, tools, ledger books, dues books, scrapbooks, pins, banners, and other memorabilia, as well as recommendations of long-time members who can be interviewed about the history of their organizations and work in Southwest Washington.

Items are needed as soon as possible.

“Although once a stronghold of the labor movement in Washington state, many Clark County residents today do not realize the significance of workers and their unions in building the community and sustaining families for over a century,” said the museum’s executive director, Susan Tissot. “This exhibit

project will help document that hidden history and showcase some of the artifacts, oral histories, and other materials related to the labor movement and the development of the work force in Clark County.”

If you have memorabilia or a member to refer for interview, contact Tissot at 360-993-5679 or email her at tissots@pacifier.com. Donations can be made to:

Clark County Historical Museum Labor Exhibit
Clark County Historical Museum,
1511 Main Street,
Vancouver, Wash., 98660

Northwest Oregon Labor Council recognition dinner set for June 8

Mark your calendars for Saturday, June 8, when the Northwest Oregon Labor Council hosts the 16th annual Labor Appreciation and Recognition Night.

This year’s dinner and awards ceremony, which serves as a fundraiser for Labor’s Community Service Agency, will be held at Milwaukie Elks Lodge, 13121 SE McLoughlin Blvd. Dinner tickets are \$20 per person. Raffle tickets also will be sold for \$1 each or seven for \$5.

The labor council is accepting cash and prize donations for the raffle.

Through May 3, the labor council also will be accepting nominations for persons to be recognized for their service to and with the labor community. Nominations also are open for the Del Ricks Community Service Award, recognizing one individual for their exemplary service to labor and the community at-large.

Nominations should be sent to: Northwest Oregon Labor Council, 3645 SE 32nd Avenue, Portland, Oregon, 97202-3019.

For more information or to order tickets, call 503-235-9444.

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