

Bakers Union organizing video lottery delis one at a time

Bakery, Confectionery, Tobacco Workers and Grain Millers Local 114 is quietly organizing small video lottery delis in Oregon.

Workers at Doozy's in Wilsonville approached the union last September to represent them, and the union won an National Labor Relations Board (NLRB) election in November on a 3 to 1 vote. Then, in March, workers at Cooper's Deli in South Salem voted 3 to 1 for union representation.

Both video lottery "delis" are owned by Jasper Food Management in Eugene. Jasper operates 37 lottery delis in Oregon under the names Doozy's, Cooper's, Jasper's, Ashley's Purple Parrot, Fast Track, and Richard's.

In 2012, Doozy's did \$828,466 in video poker sales and took a commission of \$173,566, as per its contract with the Oregon State Lottery.

Cooper's did \$792,327 in video poker sales in 2012 and took a commission of \$165,454.

"These are very lucrative businesses," said Terry Lansing, financial secretary of Bakers Local 114. Lansing said the delis typically include six video poker machines, cheap booze, cheap cigarettes, and four or five minimum wage workers with no benefits.

"And they're not a transient group," he said. "Workers we've talked to have been there anywhere from two to 15 years." They range in age from early 20s to over 60.

There are 2,521 video poker outlets in Oregon. Many are located inside restaurants and bars, but more and more are the type of lottery deli the Bakers Union is seeking.

"Because they contract with the state, we believe they should be intent on following all labor laws," Lansing said.

Jasper Food Management initially contested the union filing at Doozy's, insisting that the bargaining unit must include employees from all 37 lottery delis. At a hearing before the regional office of the NLRB, Jasper presented a copy of its employee handbook to substantiate its claim. The NLRB ruled against the company, and the union went on to win the election.

As Local 114 prepared to expand its organizing campaign, Lansing detected several troubling sections in Jasper Food Management's 57-page employee

handbook. (The union had obtained a copy when it was presented as evidence at the NLRB hearing). Lansing filed an unfair labor practice complaint alleging several sections to be illegal. The NLRB investigated and ordered Jasper to repeal nine sections of the handbook. The company also agreed to post a notice at all 37 Jasper outlets and to send email notices to all its employees explaining the situation.

The settlement agreement states in part:

• **WE WILL NOT** tell you not to provide information about employees

to people who are not employed by us, and **WE WILL** repeal the portion of the Personal Records and Files policy in our handbook on that subject.

• **WE WILL NOT** tell you that if you are questioned by someone outside of the company you are required not to answer and refer the inquiry to us, and **WE WILL** repeal the portion of our Confidentiality & Non-Disclosure policy in our handbook on that subject.

• **WE WILL NOT** tell you that you may not solicit your co-workers for any outside social activities, organizations, religious groups or other non-Jasper's events during working hours without defining "working hours" and instruct you to report staff members who are soliciting you for any reason to us, and **WE WILL** repeal the portion of our Non-Solicitation policy in our handbook regarding reporting staff members who are soliciting and the term "working hours," and revise the policy to define the time an employee is restricted from solicitation as during their work time or any other time if the solicitation interferes with another employee's work time.

• **WE WILL NOT** tell you that all communications made using our communication equipment or accounts should be appropriate and professional, even if it is a personal message without defining the terms "appropriate" or "professional;" **WE WILL NOT** threaten to discipline you for violating this portion of the policy and **WE**



WILL repeal the portions of our Computer and Telephone Usage policy in our handbook on those subjects.

• **WE WILL NOT** tell you to not talk with your co-workers about guest complaints and **WE WILL** repeal the portion of our Handling a Guest Complaint policy in our handbook on that subject.

• **WE WILL NOT** instruct you to communicate and resolve your complaints solely with us, and not your co-workers, and **WE WILL** repeal the portion of our Complaint Resolution Procedure in our handbook on that subject.

• **WE WILL NOT** tell you to not engage in misconduct while off-duty of such nature as to discredit or cause embarrassment to us or our employees, and **WE WILL** repeal the portion of our

Other Forbidden Behavior, Personal Conduct policy in our handbook on the subject.

• **WE WILL NOT** forbid you from sharing, distributing or other non-authorized use of our handbook or training materials, and **WE WILL** repeal that portion of our Other Forbidden Behavior, Personal Conduct policy in our handbook on that subject.

• **WE WILL NOT** maintain a rule where we forbid you from engaging in activities constituting obstacles to harmonious relations between employees and us, including gossiping, spreading rumors, intimidation, or use of insulting language and

WE WILL repeal the portion of our Other Forbidden Behavior, Personal Conduct policy of our handbook on that subject.

• Federal law gives you the right to form, join or assist a union; choose a representative to bargain with us on your behalf; act together with other employees for your benefit and protection; and choose not to engage in any of these protected activities. **WE WILL NOT** do anything to prevent you from exercising the above rights.

Lansing said the agreement to change the handbook was a first for him and for the Bakers Union.

The union is still working to get a first contract at Doozy's and Cooper's. After six rounds of negotiations, a federal mediator was brought in last

month. Two more bargaining sessions with the mediator are scheduled, with the next one set for June 12.

Local 114 is now bargaining for workers at both delis simultaneously.

And even though progress has been slow, Lansing said the eight employees already are benefiting from unionization.

"The moment they voted to be union they won immediate job security," he said. "Because hours of work are negotiable, management cannot change or reduce the hours of work. Because filling vacant hours is negotiable, all vacant hours must first be offered to bargaining unit employees before they are filled by a supervisor or outside employee. Because transfer of employees to another store is negotiable, no employee can be transferred unilaterally. Because union workers have a right to representation, they now have a legal right to have a union representative present at any management meeting where they fear discipline may be a result."

(Editor's Note: In February, Local 114 lost an election at Doty's lottery deli in Beaverton by a vote of 3 to 1. The union had support prior to Doty's holding mandatory meetings with workers. Financial Secretary Terry Lansing filed an unfair labor practice complaint after an incident in which the owner threatened to have him removed from a deli in front of workers who were eligible to vote. The complaint was dismissed because no employee who witnessed it was willing to give a statement as to how the confrontation effected them in their decision-making process going into the election.)

KBOO radio station goes union

Employees of KBOO-FM voted 8 to 0 May 30 to join Communications Workers of America Local 7901. The union effort came after a newly hired manager at the non-profit radio station reduced workers' maternity and sick leave and declared their employment at-will.

Workers asked manager Lynn Fitch to voluntarily recognize the union on April 2, and after hearing no response, filed for an election April 18.

At a well-attended May 4 community meeting called by the station's board of directors, Fitch was criticized for not recognizing the union, and for hiring Bullard Law, a labor law firm that advises employers on "union avoidance." Fitch announced at the meeting that she would dump Bullard, and agree to recognize the union. But she later balked at the terms of the union's proposed neutrality agreement — a commitment to bargain a contract in 60 days, and to recognize the union for a period of two years. In the end, the question of union representation was settled by election.



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