

United Auto Workers seeks new election at VW plant

The union alleges that unprecedented interference from politicians tainted the election

The United Auto Workers (UAW) is urging the National Labor Relations Board (NLRB) to apply something called the “Westwood Test” to the union’s challenge of the Chattanooga, Tennessee VW union election results, reports Workers Independent News.

The five-factor test has been used in past cases to decide whether results were tainted. The UAW says anti-union Tennessee politicians and right-wing groups interfered so much that it created “a general atmosphere of fear of reprisal rendering a free election impossible.”

Despite having a neutrality agreement with the German carmaker (the company allowed union organizers into break rooms), UAW lost the Feb. 12-14 election by 86 votes. There are 1,570 workers at the plant, where they make the VW Passat.

Workers in virtually all of VW’s other 105 plants worldwide are union members who work under joint labor-management “works councils.” That is what the union and VW wanted to establish in Tennessee.

On the first day of the union vote, U.S. Sen. Bob Corker (R-Tenn.) told reporters he “had conversations today and based on those am assured that should the workers vote against the UAW, Volkswagen will announce in the coming weeks that it will manufacture its new mid-size SUV here in Chattanooga.” Corker refused to name his source.

Volkswagen Chattanooga CEO Frank Fischer disputed Corker’s claim: “There is no connection between our Chattanooga employees’ decision about whether to be represented by a union and the decision about where to build a new product for the U.S. market,” Chattanooga.com reported.

Also during the union campaign, several Republican state legis-

lators and Republican Gov. Bill Haslam threatened to take away state-sponsored tax breaks for further expansion in Chattanooga if the union won. [State and local subsidies to get the VW Passat plant in Tennessee totaled \$554 million, the second-costliest package for a foreign-owned auto plant in U.S. history.]

On top of that, several right-wing groups and individuals — led by the National Right to Work Committee, the Koch brothers and Grover Norquist — poured millions of dollars into an anti-UAW radio and billboard campaign tying the union to President Barack Obama and gun control.

In its appeal to the labor board, UAW said Gov. Haslam and the state lawmakers were the main culprits, before Corker jumped in on Feb. 12, after the voting had already started.

“The threats were very significant, because state financial incentives were a key component” that convinced VW to build in Chattanooga in the first place, UAW told the labor board.

The same incentives “are a key component” for any future VW decision on “expansion, full capacity utilization and heightened job security” in Chattanooga, the union added.

The Westwood Test arose from a unionization drive at Westwood Horizons hotel in Los Angeles during the 1980s, reported Workers Independent News. In that case, some workers threatened and harassed other workers to pressure them to vote for the union. Workers voted for a union, but the hotel challenged the results and the NLRB ordered a new election.

To meet the Westwood Test, the NLRB would have to decide that the threats made at the VW plant would affect all voting workers, were widely made, and that those making the threats had power to carry them out. It would also need to determine whether workers acted or voted in fear of the threats, and whether the threats coincided with the election.

The UAW has until March 7 to finish making its case and the NLRB will then decide whether to proceed.

Technically, the union filed its case against Volkswagen. But the

NLRB filing barely mentions VW, except to point out that the firm’s officials refuted the Republicans’ claims in the election’s final days.

Days after the union election, Reuters reported that Volkswagen’s top labor representative suggested the company may not construct its next U.S. plant in the South.

Bernd Osterloh, a member of VW’s supervisory board and head of VW’s works council, was quoted in the German newspaper *Süddeutsche Zeitung*: “I can imagine fairly well that another VW factory in the United States, provided that one more should still be set up there, does not necessarily have to be assigned to the South again.

“If co-determination isn’t guaranteed in the first place, we as workers will hardly be able to vote in favor,” of potentially building another plant in the South.

(Editor’s Note: Press Associates Inc. contributed to this report.)

Drywall firm ordered to pay \$550,000 in back wages

The U.S. Department of Labor has obtained a consent judgment from the U.S. District Court ordering Issaquah, Washington-based drywall installer Summit Drywall Inc. and its owner Thomas Kauzlarich to pay \$550,000 in overtime back wages and liquidated damages to 384 current and former employees.

The Seattle District Office of the DOL’s Wage and Hour Division found that Summit Drywall violated the Fair Labor Standards Act’s overtime and record-keeping provisions from Oct. 15, 2009, through April 15, 2013.

Investigators also found that employees working as drywall hangers and tapers were paid on a piece-rate basis and were not compensated for all hours worked, including time spent traveling and transporting equipment to the job site. Additionally, the employer failed to keep accurate records of hours worked, as required.

TRUST AND EXPERIENCE MAKE A STRONG UNION.

Administering labor management funds is a complex process. At Union Bank® we’ve made it more efficient for Taft-Hartley clients for over 60 years.

We offer specialized collection and disbursement services that are tailored to serve the needs of benefit administrators—from a customized lockbox that improves the employer remittance process, to state-of-the-art electronic receivables. Our experienced deposit specialists will help you identify your specific commercial banking needs and design a plan to streamline your banking experience, increase efficiency, and reduce costs. Union Bank is proud to provide commercial banking services to nearly 250 labor management clients of every size, representing over \$525 million in deposits.

Please contact us today for more information.

unionbank.com/labor   



Collette Witting
Labor Industry Manager
949-553-4302

Armand Antonian
Sr. Relationship Manager
213-236-5046
Southern California, Southwest, Midwest

John Mendoza
Sr. Relationship Manager
415-705-7112
Northern California, Pacific Northwest, East Coast

 ©2014 Union Bank, N.A. All rights reserved. unionbank.com

