

...Portland park rangers unionize

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fliers. Also, Local 483 left two former park rangers out of its proposed unit — an office worker and a dog enforcement program coordinator. Also, park ranger isn't listed specifically in the DCTU contract, and is a different job than the other jobs in the DCTU; therefore rangers don't belong in the DCTU. Also, the rangers were assigned to write parking tickets in Washington Park and Hoyt Arboretum; that work is done by parking patrol workers represented by fellow DCTU union AFSCME Local 189, so maybe the park rangers have more in common with those workers. Also, most of the rangers don't have health insurance, seniority rights, disciplinary grievance rights, or any paid leave. Therefore they have nothing in common with DCTU members, who *do* have those things. Therefore they don't belong in the DCTU. Also, Laborers Local 483 represents manual laborers, and it would be wrong to "lump policing/security personnel with manual laborers." Except later on, Farley argued that the 11 "community service aids" are temporary seasonal employees, and therefore should maybe be under a separate Local 483 contract covering "seasonal maintenance workers" who, it turns out, are manual laborers.

Boil it all down, and the City of Portland attorney is arguing that these 15 coworkers (and maybe two others) ought to be in three separate bargaining units, not one; and they ought to be represented by AFSCME Local 189, not Laborers Local 483; and they ought to

be not in the DCTU unit but in stand-alone units, where they could negotiate three separate union contracts with the City.

But Oregon's public sector labor law doesn't work that way.

ORS 243.650 says public employees "have the right to form, join and participate in the activities of labor organizations of their own choosing for the purpose of representation."

Wendy Greenwald, an administrative law judge for the Employment Relations Board, held a two-day hearing on the City's objections May 28-29, and issued her ruling Nov. 20, dismissing the City's case and ordering it to get on with the election and draw up a voter list within 10 days.

But then the City appealed the judge's decision to the three-member Employment Relations Board, which functions as the "supreme court" of Oregon public sector labor law. The Board heard arguments from both sides Jan. 9, and on March 6, it too dismissed the City's objections, and ordered the election to move forward.

Rangers were jubilant at a March 10 meeting to discuss next steps. They can't wait to be in the union.

But their experience poses a question for the rest of labor to ponder: How is it that the mayor and the other four members of City Council all represent themselves as friends of organized labor, and yet City attorneys just spent public resources for over a year to obstruct and delay the attempt of 15 park rangers to join a union?

The Labor Press asked the mayor's

spokesperson Dana Haynes why the City fought the park rangers attempt to unionize, and how much it spent to do so. Haynes said he asked the lawyers in the City attorney's office and learned that the City was "caught in the middle" between AFSCME and Local 483.

Leaders of both unions were offended to hear that reply.

"That's total bullshit," said Local 483 Business Manager Erica Askin, who helped the park rangers organize and represented them in the ERB proceedings. "They're doing a divide-and-conquer type thing."

According to the rangers, the real story is this: After Parks manager Art Hendricks learned they'd talked with the Laborers, he suggested they talk to AFSCME. Rangers met with representatives of both, and in the end opted to go with Local 483, which represents other workers in the Parks Bureau, from arborists and turf maintenance workers to lifeguards and rec center staffers.

AFSCME Local 189 President Mark Gipson says he'd love for his union to represent the park rangers, but always respected it was *their* choice to make, and went out of his way not to interfere. Judge Greenwald said as much in her ruling: "AFSCME neither petitioned to represent the park rangers, nor sought to intervene in the petition filed by [the Laborers.]"

What AFSCME *did* do was file a grievance when the City assigned rangers to write parking tickets in City parks. The grievance said that should be the work of AFSCME-represented parking patrol officers. The rangers agreed with that. Nine of them signed an open letter supporting AFSCME's grievance, which is still pending.

"Anything they say about this difference between AFSCME and Laborers is bullshit," Gipson said. Gipson explains that the grievance — which *he* wrote and filed — is about a very basic union contract feature, the part where the employer recognizes the union as the representative of all workers in a classification, responsible for negotiating and enforcing provisions spelling



Park rangers were in high spirits March 10. It was their first meeting after the State of Oregon dismissed legal objections the City of Portland had filed opposing their effort to join Laborers Local 483. Now they'll get to have a union election, after a year of delay.

out wages and conditions. When an employer starts assigning *other* workers to do the same work, and at a much lower wage rate, that violates the contract.

City Attorney Farley argued that because *one* suggested remedy to the AFSCME grievance would be for park rangers to become AFSCME members, that meant AFSCME was seeking to represent them. But Gipson says it was *the city* which suggested that remedy, not AFSCME.

"There was a little 'nod, nod,' and 'wink, wink' of 'How about if you guys represented these workers?' They wanted to break our contract *and* get themselves in the business of organizing, which they have no right to do," Gipson said.

So the City wasn't "caught in the middle" between two contending unions. On the contrary it appears to have tried to instigate conflict between them.

As for how many tax dollars were spent opposing the park rangers' attempt to join Local 483, Haynes said it was only attorney and other staff time, and they were not eligible for overtime, and were going to be paid whether they worked on the rangers case or something else. Farley collects a \$114,175 annual salary. At least one paralegal also worked on the case, which would

have involved interviews, preparing and filing the objection, preparing for and taking part in a two-day hearing with several dozen evidentiary exhibits, putting together post-hearing briefs, filing an eight-page appeal of the judge's decision, preparing and delivering oral arguments to ERB — in short, a substantial amount of legal work. And someone in the mayor's office or the City attorney's office thought that was an appropriate use of public resources.

Now that ERB dismissed the City's objections, Haynes said the City "welcomes the Employment Relations Board's direction."

"I think it's clear," Askin said. "They were doing everything they could to deny the park rangers their collective bargaining rights."

Major League Soccer locks out union referees

The Portland Timbers and Seattle Sounders opened the 2014 Major League Soccer (MLS) season with scab referees.

The Professional Referee Organization (PRO), the company created by MLS owners to employ its referees, locked out members of the Professional Soccer Referees Association (PSRA) at the start of the season March 8 because the collective bargaining agreement was not completed. The league is using replacement officials.

PSRA voted 64-1 for strike authorization. The union has filed two unfair labor practice complaints with the NLRB, accusing the PRO and MLS of bad-faith bargaining and making threats against its members. PRO filed an unfair labor practice complaint alleging the union tried to intimidate replacement referees who officiated games opening weekend.

At press time, the sides were meeting with the Federal Mediation and Conciliation Service. Negotiations were confidential and FMCS asked that the sides not talk to the media.

FMCS helped negotiate the 2010 agreement between the MLS and the MLS Players Union.

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