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David Zier (right), president of Melvin Mark Companies, questions Painters District Council 5 organizer Scott Oldham about his chalk work on the sidewalk outside of Melvin Mark's downtown Portland offices. Oldham showed up at 111 SW Columbia St. at 7:30 a.m. on June 3 to publicize anti-union actions by R&H Construction — a general contractor that Melvin Mark uses. Oldham chalked in the Melvin Mark logo and under it he wrote: "Unlawful interrogation by your contractor: NLRB 19-CA-127019." Incidentally, no one was hosing the sidewalk when Oldham started chalking. The man in the background showed up about 10 minutes after Oldham began drawing.

## Painting contractor tells NLRB he would rather close up than go union

By DON McINTOSH  
Associate Editor

It has to have been one of the more unusual hearings federal judge John J. McCarrick has presided over. Oregon City painting contractor Gene Edwards — accused of threatening, bribing, interrogating, discriminating against and firing pro-union workers — went without an attorney, and ended up being the prosecution's best witness.

His "do-it-yourself" defense ran into problems well before the hearing began on May 6. Painters District Council 5 filed "unfair labor practice" charges with the National Labor Relations Board (NLRB) in October accusing Edwards of repeatedly violating federal labor law during the course of a union campaign that began in June 2013. After the charges were filed, Edwards filed papers to remove

his wife Connie and son Grant as co-owners of the business. [Edwards later told the judge that he did it to shield them from liability in the case, adding that his wife had been listed as the majority owner because at one point they considered getting certified as a woman-owned business.] When the NLRB investigated the union allegations, Edwards told the federal agent that he would sooner close his 45-year-old business than allow workers to unionize (which they have a right to do under federal law). In February, the NLRB issued a formal complaint and set May 6 as the date for a hearing to begin before McCarrick, a federal administrative law judge. But the company failed to file a legal response by the deadline, failed to answer some of the charges prior to the hearing, failed to comply with a subpoena request for documents, and even destroyed several of the requested documents. The NLRB could have treated the failure to respond as an admission of guilt, but instead the judge and the agency let Edwards respond to the charges during the hearing.

Edwards, with about 20 employees, does a good deal of work for several prominent local general contractors, including R&H Construction, Walsh Construction, and KeyWay Corp. Mostly Edwards Painting works on commercial multi-family residential construction projects, including some federally funded projects. Union organizer Scott Oldham says he targeted Edwards for a union campaign because the company pays well below the union rate (at the time, \$19.81 an hour, plus benefits). That enables the company to underbid unionized painting contractors, and win jobs that might otherwise pay the union rate. So Oldham and fellow union member Wyatt McMinn got jobs at Edwards, and started talking to their new co-workers about unionizing. That's when the owners began violating federal labor law.

According to the NLRB, Gene Edwards and his son Grant, a foreman,

## OPEIU Local 11 'joint accord' at Northwest Natural guarantees no layoffs for 5.5 years

Members of Office and Professional Employees (OPEIU) Local 11 ratified a new five-and-a-half-year "joint accord" at Northwest Natural Gas Co. that guarantees no layoffs for bargaining unit employees hired on or before Nov. 30, 2013. The contract was ratified by a margin of 77.5 percent in voting held May 22. The new collective bargaining agreement runs until Nov. 30, 2019.

The union represents just over 600 employees in 107 job categories at the gas company — including office staff and outside gas and construction workers.

The new contract includes wage adjustments the first year that bring job classifications to "market value." The new numbers are based on a wage comparison study the sides conducted during negotiations.

"Some of our members were underpaid; others were considered overpaid," said Rick Wilson, Local 11 business rep and lead negotiator.

The average wage increase works out to be 7.8 percent, though some work classifications will receive more than that — as much as 21 percent, while others receive less, Wilson said. Those who were deemed overpaid received a 1 percent bonus the first year.

All workers in the bargaining unit will receive a wage increase of at least 3 percent in each of the re-

maining four years of the agreement. If the Consumer Price Index for Urban Wage Earners (CPI-W) increases by 4 percent or more, a cost-of-living-adjustment formula kicks in that will tack on even more to the raises.

Wages at the gas company range from \$15 an hour for entry level jobs to \$40 an hour for senior employees.

There were some changes made to the health insurance policy. Northwest Natural will pay 85 percent of employee health insurance premiums if the employee participates in an annual health risk assessment. Wilson said the assessment includes an online survey and standard (finger prick) blood test. Employees who don't participate must pay 20 percent of the premium cost, which currently is \$1,334.55 a month.

Northwest Natural agreed to increase its match on employee contributions to a 401(k) savings plan. The current formula is a 50 percent match, up to a maximum of 4 percent of an employee's gross wage. That will increase in 2016 to a 50 percent match, up to a maximum of 6 percent of an employee's gross wage.

NW Natural also contributes to a company-sponsored defined benefit pension plan.

Last December, NW Natural withdrew from a

third pension plan — the Western States OPEIU Pension. The withdrawal was allowed under terms of the previous collective bargaining agreement. The company has paid into the multi-employer defined benefit pension plan since 2004. However, the plan is in critical status under the Pension Protection Act. Last year, plan trustees (of which NW Natural chief administrative officer Lea Anne Doolittle is one) announced its status as "forestalling insolvency." According to NW Natural's most recent Security and Exchange Commission 10-K filing, it incurred a withdrawal liability of \$8.3 million. The company made arrangements to pay \$600,000 a year to the plan for the next 20 years. Vested participants will receive all benefits accrued through the date of the withdrawal — Dec. 31, 2013 — or until the plan becomes insolvent, at which time the government-run Pension Benefit Guaranty Corporation (PBGC) will step in.

NW Natural was paying 30 cents an hour per bargaining unit member at the time of the withdrawal.

"We're happy with the results of the new joint accord," said Local 11 Executive Secretary-Treasurer Mike Richards. "We've had an excellent labor-management partnership at the gas company that works very well. We look forward to continuing that in the years to come."

(Turn to Page 3)