

## Arbitrator orders

# Portland Parks & Rec must halt use of nonunion casuals

An arbitrator has ruled that the City of Portland violated its union contract with Laborers Local 483 when it regularly assigned the work of bargaining unit members to nonunion employees who were classified as seasonal or casual.

The May 1 decision by arbitrator David W. Stiteler settles a dispute the union has been pursuing since 2002. It has to do with Portland Parks & Recreation, where the equivalent of 80 full-time union-represented employees work side-by-side

with as many as 250 to 300 less-than-full-time “recreational support persons,” who are limited to 1,200 or 1,600 hours a year. Stiteler ruled that the City has been misclassifying those workers as outside the union—despite their performing the same work as union members on a regular basis. The nonunion workers are paid roughly \$3 an hour less, and have no benefits or job security. They work in aquatics, fitness, tennis, arts, music, and other programs of the bureau.

The fact that the City changed its argument going into arbitration didn’t help its case with the arbitrator: During the grievance process, City managers said those employees don’t do the same work as unit members, but during arbitration, they said the employees do the same work, and had always done so, so it should be allowed to continue.

Local 483 filed the grievance in April 2013, took it to binding arbitration that November, and presented its arguments at a

hearing held Jan. 21–23, 2015.

The arbitrator said it was outside his authority to order that the employees become union members under the contract. But he ordered the City to stop assigning bargaining unit work to employees who aren’t members of the bargaining unit.

Attorney Barbara Diamond, who represented Local 483 in

the case, says the City will now have to either hire them as union members, or stop assigning them the work of union members.

“The union has been fighting for over 10 years so that the low-paid temporary workers at Parks and Rec would be given fair wages and benefits,” Diamond said. “I see this as a great win.”

## WASHINGTON COUNTY

### Incumbents at Port of St. Helens add union support

ST. HELENS — Three incumbent commissioners on the Port of the St. Helens continue to pick up endorsements from organized labor.

Robert Keyser, Mike Avent, and Colleen DeShazer—running on a slate—have received endorsements from the Northwest Oregon Labor Council, the Columbia Pacific Building Trades Council, IBEW Local 48, Operating Engineers Local 701, United Food and Commercial Workers (UFCW) Local 555, and others.

Seven other candidates have filed to run in the May 19 election. Keyser and Avent have two opponents, and DeShazer has three challengers.

The five-member Board of Commissioners oversees the Port of St. Helens and its prop-

erty at Port Westward. It is one of the largest sources of jobs and economic activity in the county, which includes Scappoose, St. Helens, Columbia City, Rainier and Clatskanie.

Keyser, who currently serves as chair, is seeking his fourth four-year term. He is a lifelong resident of Clatskanie, and owns Clatskanie Builders Supply. He was a member of the United Paper Workers Union while employed at what is now Georgia-Pacific in Wauna. In a questionnaire response submitted to the Northwest Oregon Labor Council, Keyser said he also was a member of Fire Fighters Local 696 while working for the City of Astoria, and that he helped organize the staff of Clatskanie and Rainier fire departments into Fire Fighters Local 3651

while employed at Clatskanie Rural Fire District.

DeShazer is in her 15th year as a Port commissioner. A resident of Warren, she works under contract as a project manager for Bonneville Power Administration. One of her opponents, Larry Ericksen, last year ran unsuccessfully against Brad Witt for state representative in House District 31. Witt is a union rep for UFCW Local 555 and a former secretary-treasurer of the Oregon AFL-CIO.

Avent, who is seeking a third term, is a resident of Rainier. He is co-owner of a development business that buys and remodels properties. One of his opponents is Scappoose resident Mike Stanton, president of the International Longshore and Warehouse Union Local 8.

## NATIONAL

### Merkley bill would require American-made materials on all federal transportation projects

WASHINGTON, D.C. — U.S. Sen. Jeff Merkley (D-Oregon) and Sen. Tammy Baldwin (D-Wisconsin) introduced the Invest in American Jobs Act to require federally-funded transportation projects to use American steel, iron and manufactured products whenever possible.

Currently, similar requirements—known as “Buy America” standards—exist for key aspects of highway and water infrastructure, but many projects

do not fall under the requirement. The legislation would expand Buy America provisions so that all major projects overseen by the U.S. Department of Transportation would fall under Buy America requirements, with federally-funded transit and Federal Aviation Administration projects eventually having to meet a 100 percent Buy America standard wherever feasible.

“When we make things in America, we grow the middle

class in America,” said Merkley. “Ensuring that American taxpayer dollars go to support American businesses and workers wherever possible is just common sense.”

Scott Paul, president of the Alliance for American Manufacturing commended the senators. “American workers and manufacturers stand ready to rebuild America’s infrastructure—this bill will give them a chance to do just that.”

## STORY UPDATES

### Unitarian union leads to fund drive

In our Feb. 20 issue, we reported that Portland’s First Unitarian Church agreed to recognize a union of church support employees known as sextons. Church leaders initially rebuffed the idea that the workers could be represented by Communications Workers of America Local 7901, pointing out that federal labor law doesn’t require churches to recognize employee unions. But pressure from members of the famously progressive congregation prompted a change of heart, and on Feb. 7, church leaders agreed to recognize and bargain with the union for the 19 employees. Negotiations on a first union contract have been under way since then. The church also launched a fundraising campaign, asking members to dig deeper by pledging an additional \$120,000 a year — in order to raise wages to at least \$15 an hour. As of late April, the congregation was reportedly close to meeting that goal.

### Grand Central Baking union effort falls flat

In our March 20 issue, we reported on accusations that Grand Central Baking closed its Northwest Portland cafe early in retaliation for employees’ union-like demands. Workers at the 2240 NW York retail location had been talking with Laborers Local 483 about unionizing, but in January, the company announced it would close the cafe on March 31 to expand the adjacent wholesale bakery. Workers demanded preferential rehiring to open positions at other company locations, but company owners didn’t agree, and then closed the cafe Jan. 22, two months earlier than announced. Local 483 filed a charge Jan. 23 with the National Labor Relations Board alleging that the sped-up closure was illegal retaliation. But Local 483 withdrew the charge March 17, after the investigating agent said the union was unlikely to prevail. To date, the company has not hired any of the laid-off workers to new positions.

### Ban the Box nearly ready for council vote

Remember the “ban the box” ordinance we reported on in our March 20 issue? A citizen working group is near completion on an ordinance for Portland City Council to consider, says union ally Midge Purcell of the Urban League of Portland. Purcell has been working on the task force alongside Graham Trainor of the Oregon AFL-CIO to hone the details of an ordinance that would give formerly incarcerated individuals a better chance at finding work after their release — by barring employers from asking about criminal history on the initial application. Employers could still do criminal background checks later in the process and decline to hire for relevant convictions, but the ordinance would at least give individuals a chance to explain the circumstances, and show how they’ve been rehabilitated. Purcell says an ordinance is likely to see the light of day sometime in late May.