

Victory for SeaTac airport workers

State high court throws out lawsuit against \$15 minimum wage

Washington's state Supreme Court has upheld the \$15 minimum wage ballot measure that SeaTac voters passed in November 2013. The 5-to-4 decision, announced Aug. 20, overturns an earlier lower court ruling which barred the measure from taking effect within Seattle-Tacoma International Airport itself but let it stand for 1,600 hotel and parking lot workers who work in the surrounding City of SeaTac, population 28,000.

The Supreme Court ruling means immediate and sizable raises for up to 4,700 baggage handlers, food service and retail employees, car rental workers, and others at the airport. Those workers are also now owed back pay dating back to Jan. 1,

2014 — when the measure took effect. The back pay awards could total over \$15 million for employers ranging from the airport McDonalds to baggage handling contractor Menzies to the staff at Hertz rental car.

The SeaTac initiative covers airport, hotel, shuttle service, car rental, and institutional food service workers, and it doesn't just raise their wage. It also mandates 6.5 paid sick days a year, bans bosses from taking workers' tips; requires employers to offer additional hours to part-time employees before hiring from the outside; and gives employees of contractors the opportunity to keep their jobs when a contract changes hands.

A business coalition led by Alaska Airlines lost the legal fight to keep it off the ballot, lost the campaign to defeat it at the

polls, and now has lost the legal challenge, which was based on half a dozen obscure legal technicalities.

The SeaTac ballot measure has had a ripple effect: The campaign led directly to Seattle's passage of a phased-in \$15-an-hour minimum wage. Since then, San Francisco and Los Angeles followed with their own \$15-an-hour ordinances.

If businesses balk at the back pay, they'll likely be taken to court, says Heather Weiner, spokesperson for the SeaTac minimum wage campaign. So far, covered employers outside the airport have complied. And the measure has even had some positives for businesses — fierce competition among applicants, and greater motivation to keep their jobs among employees.

NLRB: No more hiding behind temp agencies to avoid unions

An Aug. 28 ruling by the National Labor Relations Board (NLRB) changes how the agency will handle temp agencies and subcontractors. NLRB is the agency that runs union elections and prosecutes violations of the National Labor Relations Act, the nation's main collective bargaining law.

Companies have increasingly hired outside staffing agencies in recent decades; when workers try to unionize, they've had to campaign and negotiate separately.

Under the new ruling, companies and their staffing agencies or subcontractors can be considered joint employers.

"It is not the goal of joint-employer law to guarantee the freedom of employers to insulate themselves from their legal responsibility to workers, while maintaining control of the workplace," wrote NLRB chair Mark Gaston Pearce. "Such an approach has no basis in the [National Labor Relations] Act or in federal labor policy."

The ruling took the form of a 3-2 party-line vote in a case known as Browning Ferris. It arose from a 2013 union organizing campaign at a recycling center in Daly City, California

by Teamsters Local 350. Browning-Ferris Industries owns the facility, but hired Leadpoint Business Services, a staffing agency, to operate it. The Teamsters asserted that BFI was a joint employer with Leadpoint of the approximately 240 sorters, screen cleaners and housekeepers that work there. At length, the NLRB agreed.

Pearce, writing for the three-person Democrat-appointed majority, said the NLRB's previous legal standard for joint employers hadn't kept pace with the shift toward contingent employment, and therefore wasn't serving the law's purpose, which is to "encourage the practice and procedure of collective bargaining."

The decision could have broad impact. It's estimated that 2.9 million workers are employed through temporary agencies nationwide.

The Browning-Ferris case didn't address franchising directly, but the new joint employment standard is expected to be applied in a series of labor law violation cases against McDonald's scheduled for hearing this fall over the question of whether McDonald's is liable for labor law violations by franchisees.



3rd ANNUAL OREGON SHOOT FOR A CURE

HOSTED BY:
UFCW Local 555

LEUKEMIA AND LYMPHOMA SOCIETY FUNDRAISING EVENT

You are cordially invited to participate in the 3rd Annual Oregon Shoot For A Cure Sporting Clay Shoot, to be held at **MID-VALLEY CLAYS** in **GERVAIS, OR** on **THURSDAY, SEPT. 17**, for the benefit of the Leukemia and Lymphoma Society. We are asking organizations to field a team of four shooters. First-time shooters are welcomed and encouraged to participate! Awards will be presented for the highest-scoring teams and for the top individual shooters.

All participants will receive a USA Made BUCK knife with their registration!

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Additionally, any help you can provide for raffle prizes, such as trips, golf foursomes, camping equipment, outdoor gear or other prizes will contribute to the success of this worthwhile cause. It is our hope to raise **\$25,000** this year. Please RSVP by **Sept. 11**, as this event will sell out.

For more information, contact Mark Gagliardi (925) 698-0719 or email mark@shootforacure.us

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