

NLRB says ATI lockout of Steelworkers is illegal

If a judge agrees that ATI didn't bargain in good faith, the company could be on the hook for over \$50 million in back pay for locking out workers in Albany, Oregon, and around the country.

The National Labor Relations Board (NLRB) says Allegheny Technologies Inc. (ATI) violated federal labor law when it locked out 2,200 of its employees Aug. 15.

The federal agency notified United Steelworkers (USW) on Dec. 18 that it will issue a formal complaint against ATI, because its investigation found merit to the union's charge that ATI didn't bargain in good faith before — and after — it began the lockout.

Federal labor law requires union-represented employers to negotiate in good faith: They must demonstrate a sincere desire to reach agreement, and not just go through the motions. But that didn't happen this time at ATI, which began planning for the lockout in January 2015, months before contract negotiations began. Instead, the union says, ATI hired outside consultants to recruit replacement workers, and



forced union members to sit through mandatory-attendance meetings aimed at getting them to accept concessions.

Then on Aug. 6, ATI presented USW with a "last, best and final" contract offer, and demanded that the union accept it by Aug. 10. The offer would significantly cut health insurance benefits, end retiree health and life insurance benefits for new hires, replace the pension with a 401(k) for new hires, and give the company greater latitude to contract out work done by union members.

When USW didn't comply with the ultimatum, the company locked out the workers at

12 ATI metal plants in six states, including 180 members of Local 7150 at the former Oremet Wah Chang titanium plant in Albany, Oregon.

When the NLRB's formal complaint is issued, it will include a trial date for the case to be heard by a federal administrative law judge. The NLRB normally seeks a voluntary settlement which would include a remedy to the violation. In this case, the remedy would be to reimburse all 2,200 locked-out workers for any losses they've incurred since the beginning of the lockout, including wages and benefits — and to require

the company to bargain in good faith.

"Under the law, they have to reinstate the status quo — put everybody back to work, and make them whole for their losses," said USW International Vice President Tom Conway, who leads the union's negotiations with ATI. "We think now it's up to \$50-60 million, and the more they screw around, the bigger the settlement will be."

On Dec. 28, USW announced that the NLRB will also be issuing a separate but related complaint against ATI: That the company unlawfully interfered with its workers' right to unionize at an ATI Cast Products plant in Albany, Oregon. USW has made three attempts to organize the nonunion plant, which ATI acquired when it purchased Ladish Co. in 2010. During the most recent campaign, managers unlawfully threatened job loss and plant closure if the plant were to unionize, and made the case that it would be futile for workers to join the union. Conway said ATI management's unlawful conduct made it impossible for the union campaign to go forward.

The return of Kurt Schrader

After his Fast Track vote, the Congressman visits the House of Labor

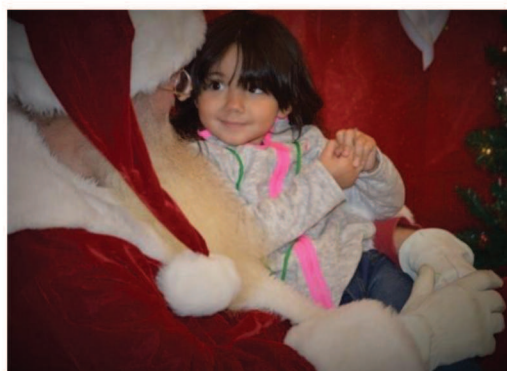
Oregon Congressman Kurt Schrader visited the Northwest Oregon Labor Council (NOLC) Executive Board for 30 minutes Dec. 14 to explain recent actions that have drawn union ire. After voting for a Fast Track measure that speeds future approval of NAFTA-style trade agreements, the 5th District Democrat sponsored a bill to crack down on longshore union slowdowns, and voted to strip Indian casino workers of the right to unionize.

"He tried to put our mind at ease, but that didn't really happen," says NOLC Executive Secretary-Treasurer Bob Tackett. Schrader noted several times that he votes with labor 84 percent of the time. [That's after labor backed him 100 percent of the time in his re-election campaigns.]

Schrader will visit NOLC leaders again in February or March.

"Two years ago I was out there knocking on doors in the rain for the guy," Tackett said. "I'm not going to do that again, and he knows that."

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