

## Rock crusher operators, mechanics and support crew workers at Cemex join Operating Engineers Local 701

Rock crusher operators, mechanics and support crew workers at Pacific Rock Products LLC, doing business as Cemex, voted 27-14 to join Operating Engineers Local 701. Workers in the new bargaining unit are heavy equipment operators, mechanics, weighmasters, and customer service reps at sand and gravel quarries in Boardman and Canby, Oregon, and at four locations in Clark County, Washington.

Voting was held May 26 on site at English Pit Sand and Gravel and Fisher Quarry in Vancouver; Lewisville Sand and Gravel in Battle Ground, and Canby Sand and Gravel. Workers at Orchards Sand and Gravel in Vancouver are also part of the bargaining unit.

The vote in Boardman was by mail ballot.

Ballots were counted June 16.

Cemex is a global building materials company that operates in more than 50 countries throughout the world. Its U.S. network includes 13 cement plants, 46 distribution terminals, 74 aggregate quarries, and more than 350 ready-mix concrete plants.

Operating Engineers Local 701 has sister locals that represent workers at Cemex quarries in Seattle and California.

The Oregon and Southwest Washington quarries were once owned by Pacific Rock Products (Pac Rock). About 10 years ago, Local 701 attempted to organize the crew there, but after several workers were fired the union campaign fizzled. The company was later sold to Cemex. Many of the same workers were involved in the most recent union campaign, according to Nate Stokes, field staff coordinator at Local 701.

Stokes said management issues, wages, and fringe benefits are key issues among the new group of union workers.

“The guys are tired of being treated like third class citizens,” he said.

Cemex rock crusher operators in Oregon and Southwest Washington currently make about \$18 to \$20 an hour, pay for their own health insurance premiums, and are offered a 401(k) retirement savings plan, Stokes said.

The prevailing union wage for this area doing similar work is around \$30 to \$32 an hour, plus paid fringe benefits.

As far as union organizing campaigns go, this was a quick one. Local 701 received the first call expressing interest in April. Cards were quickly signed and the election — conducted by the

National Labor Relations Board (NLRB) — was completed by mid-June.

But that doesn’t mean there weren’t some problems.

Nicole Rappaport, general counsel at Local 701, said the union has filed two unfair labor practice complaints with the NLRB alleging changes in terms and conditions of employment. The company traditionally gives raises in June. This year, according to Rappaport, the group of workers seeking to join the union didn’t get a raise, while workers who were excluded from the bargaining unit (truck drivers, concrete batch operators, clerical, and others) all did.

In another instance, Rappaport said a mechanic foreman who was a designated observer for the union during the on-site elections saw his job change. The mechanic typically is free to travel to all of the Cemex locations to perform his job. But after the union election he was told he needed clearance from supervisors before going to certain facilities.

Stokes said no dates have been set for bargaining. Operating Engineers Local 302 in Seattle has negotiations opening up as OE Local 701 begins negotiations on its first contract.

## Oregon AFL-CIO endorses Burgerville Workers Union

At its June 17 meeting, the Oregon AFL-CIO Executive Board passed — by unanimous voice vote — a resolution endorsing the Burgerville Workers Union and pledging to support their struggle. Oregon AFL-CIO is the state’s premier labor federation, made up of local chapters from 39 international unions, which represent 130,000 Oregon workers altogether. Burgerville Workers Union, affiliated with the Industrial Workers of the World, launched publicly on April 26 and is calling for a \$5 an hour wage increase for workers at the 41-store regional fast food chain.

“Solidarity is a cornerstone of unionism,” the resolution de-



clares. The resolution also encourages affiliate unions and their members to support the Burgerville Workers Union.

### ONLINE EXTRA

See the full resolution at <http://bit.ly/1UTtkEc>

## ... At a Boeing contractor in Portland, workers vote whether to go union

From Page 1

break each day, and they rotate between graveyard and day shift every few weeks. The work involves hazardous chemicals, and turnover is high. According to one informed estimate, the company is hiring about 140 workers a year; given a crew of 180, that amounts to almost 80 percent annual turnover. Workers say the “Now Hiring” sign at the entrance never gets taken down. Wages start at \$11.50 an hour for safety spotters and top out at \$22.44 for the most senior painters. That’s a lot less than what Machinist-represented Boeing employees are paid for the same work in Everett, Washington, says Machinists District Lodge W24 representative Will Lukens: A typical worker there starts at \$19 and tops out at \$41.79 an hour. CAPS provides basic employee-only health insurance at no charge to workers, but charges \$100 a week for family health insurance. Paid time off, which folds sick leave together with vacation, totals just 56 hours a year, and there are no paid holidays. The company does make annual profit-sharing contributions to 401(k) retirement accounts amounting to 5 percent of gross wages for workers who’ve been there more than two years.

Pro-union workers say they want pay and benefit improvements, but also clearer paths to advancement. And they want to be treated with greater respect and dignity by management.



**NOW [AND ALWAYS] HIRING:** \$11.50 an hour. Hazardous chemicals. 12-hour-long graveyard shifts.

The union campaign began in mid-March when a CAPS worker called IAM. Lukens said the union’s June 13 request that the National Labor Relations Board hold an election seemed to take the company by surprise.

The week after IAM requested an election, the company launched an anti-union campaign led by outside consultants. The campaign follows the tried-and-true blueprint for busting a union: Workers are brought in for small group meetings and barraged with fear-inducing messages. If they unionize, the company might lose its contract with Boeing and they’ll all be out of a job. If they unionize, the company might just say no to everything, and they’ll get nothing. If they unionize, they might have to go on strike, and they’ll all be replaced.

Why hire a union busting firm instead of respecting workers’ right to decide the union question on their own? CAPS president Paul Lubomirski declined to return a call from the Labor Press.

## ...Cancer survivor who was fired for medical marijuana is back on the job in Lane County

From Page 1

ers for drug test results.

“Employers have had a golden ticket to terminate employees for marijuana,” said Jennifer Chapman, the Oregon AFSCME staff attorney who defended Hirsch.

But Hirsch had rights under his union contract. AFSCME’s contract with Lane County requires “just cause” for discipline. It also specifically prohibits discipline for off-duty conduct — unless that conduct impairs the employee’s ability and effectiveness to perform his or her job. And the contract requires that managers use a progressive discipline process: Discipline starts with verbal and written warnings, not with termination. Finally, Lane County has a policy against drug use, but even that policy has an exception for doctor-prescribed drugs. All of that

“The fact is I was never impaired at work, and they would admit that.”

— Michael Hirsch, AFSCME Local 2831

made a difference in arbitration. “Thank God for the union,” Hirsch says.

AFSCME Local 2831 stood by Hirsch throughout, trying to shame Lane County into not firing him, then filing a grievance, voting to take it to arbitration, and raising and contributing money to help him with the lost income.

Hirsch says he was wiped out financially, first by his medical bills, and then by his firing. After losing his employer-provided health insurance, which he needed to stay on top of his medical condition, he ended up en-

rolling in Medicaid and food stamps and moving in with his mother in Rochester, New York.

Now Hirsch is back in Eugene. He returned to work June 27. Besides reinstatement, the arbitrator ordered Lane County to pay him \$35,000 in back pay, of which he received \$21,550 after taxes. As the loser of the binding arbitration, the county must also pay the expenses of the arbitration, almost \$6,000. And that doesn’t count the taxpayer expense of county HR and legal staff who spent months trying to defend the firing of a cancer patient using a doctor-recommended drug outside of work.

Chapman, the attorney for Oregon AFSCME, says Hirsch’s win may help others in similar cases in the future: It makes it safer for future arbitrators to make decisions that are more in line with common-sense notions of fairness.