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...Union-busting bakery accused of wage theft

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legal question: whether Oregon manufacturing employers must pay time-and-a-half for both hours worked beyond 10 in a day and hours worked beyond 40 in a week. A “frequently asked questions” web page published by the Oregon Bureau of Labor and Industries (BOLI) says employers must pay one or the other, whichever is greater, but not both. But attorney Spencer-Scheurich, deputy director of the Northwest Workers' Justice Project, says the agency is providing erroneous advice.

The lawsuit also accuses Portland Specialty Baking of illegally discouraging workers from using sick leave they're entitled to under an Oregon law that took effect Jan. 1. A points-based attendance policy at the company assigns disciplinary points and/or written warnings when employees use their legally protected sick leave, the suit alleges.

Plaintiffs are asking the court to bar further violations and order Portland Specialty Baking to pay the unpaid wages, civil penalties equal to 30 days wages, and attorneys fees. For the seven named plaintiffs, the unpaid wage claims total \$3,300 and penalties total \$17,808, according to the suit. But plaintiffs are also asking the court to certify the suit as a class action on behalf of all current and former employees of Portland Specialty Baking — several hundred workers in all.

The lawsuit comes after Port-

land Specialty Baking workers voted 123 to 38 vote not to join Bakery, Confectionery, Tobacco Workers, & Grain Millers (BCTGM) Local 114. Union organizers said they had over 60 percent support when they requested the union election on Jan. 11, but after a consultant-led anti-union campaign, just 23 percent of the workers voted for the union in the Feb. 4 election.

In charges filed with the National Labor Relations Board (NLRB) afterward, Local 114 accused the company of numerous violations of federal labor law leading up to the election, including: threatening to discharge workers and close the plant if the union won, transferring and re-assigning workers to interfere with union activities, removing union literature from the break room while allowing antiunion literature, and promising improvements if workers rejected the union, such as more desirable work assignments, a fixed 40-hour week, higher hourly wages, and more language interpreters.

Portland Specialty Baking settled all the charges on July 18 with a promise not to do those things in the future, to post a notice to that effect, and to return a worker to his former job and remove disciplinary notices from another worker's personnel file.

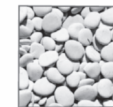
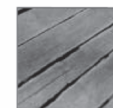
But on Aug. 4, Local 114 filed new NLRB charges, accusing Portland Specialty Baking of wrongfully terminating two union supporters on June 19 and July 21.

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