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WORKERS RIGHTS

Fair Work Week

Oregon will be the first state to curb schedule abuses

By Don McIntosh

Oregon just became the first state in the nation to crack down on abusive scheduling practices that have become increasingly common at some large retail and food service chains.

Senate Bill 828 applies to retail, hotel, and food service establishments that have 500 or more employees worldwide. It passed the Oregon Senate 23 to 6 on June 22 and the Oregon House 46 to 13 June 29, and is expected to be signed by the governor. It will require the employers to give two weeks' notice of work schedules, to pay for last-minute employer-requested schedule changes, and to separate shifts by at least 10 hours. The bill preempts local governments from passing their own scheduling requirements. It will take effect July 1, 2018, with its penalty provisions taking effect Jan. 1, 2019.

"This is an acute problem we are trying to solve," said State Rep. Ann Lininger (D-Lake Oswego) on the House Floor, "and one that's getting worse as businesses move to adopt scheduling software that allows them to make changes to workers' schedules with less and less advance notice."

The bill was the top legislative priority for the state's largest private sector union, United Food and Commercial Workers Local 555. For a time, it looked like it would stall in the Oregon Senate.

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FAIR WORK WEEK, ONE WAY OR ANOTHER: UFCW Local 555 was prepared to go to the ballot with an initiative, and began gathering signatures June 3, led by chief petitioner Jeff Anderson, above. In the end, Oregon lawmakers stepped up to pass legislation that will rein in scheduling abuses at large retail, hospitality and food service employers.

"This is not the Seattle law. This is an Oregon law, in the tradition of Oregon being a leader in addressing issues that are prevalent in the workforce."

— Jeff Anderson, secretary-treasurer of UFCW Local 555, at a June 27 hearing of the House Rules Committee



"The bill before you today is an example of what happens when we stop trying to beat the other person and start working toward solution."

— Oregon Senate President Peter Courtney (D-Salem), at a June 14 hearing of the Senate Rules Committee

Under SB 828, large retail, hotel, and food service employers must:

- Provide new hires with a written good faith estimate of their work schedule.
- Post work schedules at least 7 days in advance (14 days after July 1, 2020).
- Provide at least 10 hours between work shifts (unless the employee consents to work otherwise, in which case they earn time-and-a-half for hours worked less than 10 hours after

the previous shift).

- Compensate employees for schedule changes: An extra hour of pay for each time more than 30 minutes is added to a shift, or the date or start time of a shift is changed with no loss of hours, or an additional work or on-call shift is added; and an extra half an hour of pay for each scheduled hour that an employee doesn't end up working because the employer cancels a shift or

changes the start or end time of a shift.

- Pay half-time for each hour that an employee is on-call but isn't called in to work.

Employers aren't required to pay for schedule changes that employees initiate. And they can maintain a standby list of employees willing to work extra hours on short notice in case of unanticipated customer needs or employee absences.



WORKER SAFETY

Ross Island Bridge paint contractor fined \$189,000 for violations that led to near-fatal accident

OSHA levies its biggest fine in more than five years, saying contractor Abhe & Svoboda knowingly put workers at risk.

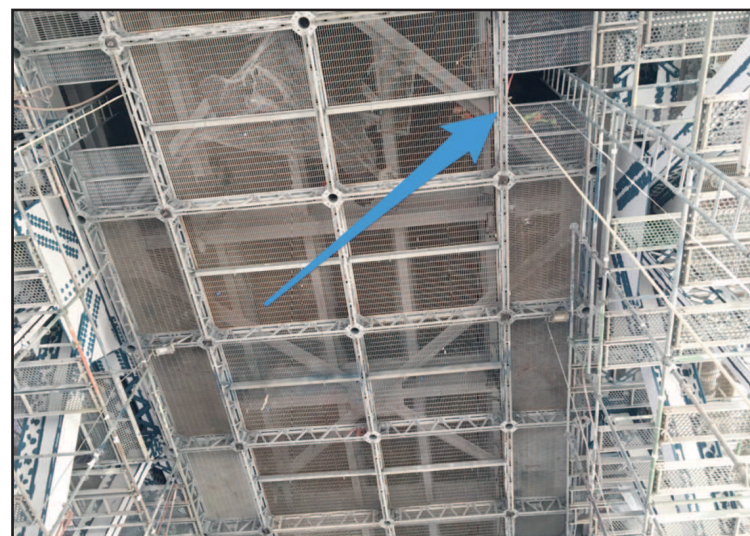
By Don McIntosh

Four months after a painter on the Ross Island Bridge fell 37 feet and landed on his own son, the state's accident investigation is complete. Oregon Occupational Health and Safety Administration (OR-OSHA) found rampant safety violations on the bridge repainting project, which is overseen by the Oregon Department of Transportation (ODOT). And it's issuing \$189,000 in fines against non-union Minnesota-based bridge painting contractor Abhe & Svoboda.

That's the largest fine Oregon OSHA has issued since at least 2012. According to OR-OSHA, Abhe & Svoboda knowingly and repeatedly exposed its workers to injury and death. OR-OSHA Administrator Michael Wood used his discretion to seek the maximum penalties in the case, "in order to provide a sufficient incentive" for "this large and well-resourced employer" to change its approach to safety.

According to the OSHA report, at 8:15 a.m. Feb. 8, 2017, Marco Dion Lilly, a sandblaster and painter, was working on a scaffold suspended from the underside of the Ross Island Bridge — using a compressed air hose to blow down dust,

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The blue arrow points to the ladder access hole through which Abhe & Svoboda painter Marco Lilly fell 37' on Feb. 8. (Image courtesy Oregon OSHA)