

...New contract at Vigor shipyards

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toward addressing what had been a key sticking point for many workers: The need to work on the weekend without getting premium pay for it. Under the new agreement, the clock starts ticking at midnight Sunday, and any hours employees work after that — or are scheduled to work — count toward the 40-hour threshold at which point time-and-a-half overtime pay begins. That means if workers are sent home or kept home for things like inclement weather, they'll now get credit for the hours they were expecting to work. When ships are in, work commonly goes on around the clock, so the change means that workers will be more likely to get overtime pay on weekends.

Workers from all unions will enroll in Laborers trust

For Metal Trades Council workers at the Portland shipyard, the new contract also implements a truly original solution to hold the line on health care costs.

The Portland shipyard workers have been getting health insurance through an employer-sponsored health plan, but costs have been going up considerably. Vigor is currently paying \$7.72 an hour for the coverage.

Starting July 1, 2018, the Metal Trades Council of Portland & Vicinity workers will all be enrolled in the multi-employer Oregon Laborers-Employers Health and Welfare Trust — even though most are not members of the Laborers union. Trustees for the Laborers health plan approved the change, which would also benefit its approximately 2,000 existing members by increasing their purchasing power.

“We cracked the door open on something that’s non-traditional,” said Portland Metal Trades Council president and chief negotiator Pat Christensen.

The Laborers health trust offers Kaiser and Regence options at higher benefit levels than the Portland Metal Trades workers are currently getting, and at lower cost — currently \$6.32 an hour. Vigor will continue paying

its current contribution of \$7.72 an hour, and the \$1.40 an hour difference will at first pay the costs of transitioning into the Laborers Trust. Once those are paid, by about January 2019, the \$1.40 will be paid into newly-established retirement annuity accounts for workers. Then, over the life of the contract, any premium increases from the Laborers trust would come out of that \$1.40 contribution, so that workers won’t need to divert any of their wage increases toward health premiums. Workers will also see their deductibles drop from \$750 a year under the employer plan to \$200 in the Laborers trust.

At the Puget Sound shipyards, where workers weren’t in the company-sponsored plan, Vigor will continue to make contributions to each union’s multi-employer health fund.

Under the new agreement, Vigor will also continue to contribute to union pension trusts, and the contract commits it to pay 20 percent of all mandated pension contribution increases at trusts that are trying to make

up for losses in the 2008 financial market downturn. The contract does permit Vigor to bargain to leave any of the pension plans, in the event that they are headed for insolvency, and under certain specified conditions. Leaving would require that Vigor pay enough to ensure that the trust can keep pension promises for all its employees, a lump sum known as “withdrawal liability.”

Also under the new contract, all new hires will be enrolled by default in a 401(k) tax-deferred retirement savings plan in which they contribute 4 percent of their gross pay, and Vigor matches that amount. Incumbent workers can participate on the same terms by opting in.

The new agreement runs through Nov. 30, 2021. The Metal Trades Council did not disclose the contract vote tally, except to say that it was approved by a majority. Bargaining team members from all the participating unions were recommending a yes vote.

Christensen, who is a business agent for Plumbers and Fit-

ters Local 290, called the contract a big win, and said it wasn’t easy to pull off until Vigor saw that members weren’t ready to accept the previous offers.

The master agreement was bargained jointly by the unions of the Metal Trades Council of Portland & Vicinity and the Puget Sound Metal Trades Council, with the involvement of the Metal Trades Department of the national AFL-CIO.

Members of the United Brotherhood of Carpenters at the shipyards bargain separately because that union isn’t affiliated with the AFL-CIO.

At the Portland shipyard, the Metal Trades workforce includes members of Boilermakers Local 104, Insulators Local 36, IBEW Local 48, Laborers Local 737, Machinists District Lodge W24, Operating Engineers Local 701, Painters District Council 5, Plumbers and Fitters Local 290, Sheet Metal Workers Local 16, and Teamsters Local 162.

—Don McIntosh

WORKERS RIGHTS

ATU v TriMet: 5-year legal case starts over after state Supreme Court ruling

Does Amalgamated Transit Union (ATU) Local 757 have the right to let the public observe its contract negotiations with TriMet? Normally, both sides in a union contract negotiation prefer to meet in private, to avoid grandstanding and be more likely to make a deal. But in 2012, leaders of Local 757 got so fed up with the bellicose behind-the-scenes posture of TriMet negotiators, they wanted the media and the public to see it.

And Oregon law seemed pretty clearly to give them that right: “Labor negotiations shall be conducted in open meetings unless negotiators for both sides request that negotiations be conducted in executive session,” says ORS 192.660 (3).

But lawyers and judges have their own way of seeing things. TriMet sued, asking a state circuit court to declare that they could keep the meeting closed, with an argument only a management lawyer could love: Because TriMet’s bargaining team had no quorum require-

ment to make decisions, therefore its collective bargaining sessions with the union were not “meetings” for purposes of the Public Meetings Law, and because they weren’t meetings, they weren’t subject to the normal prohibition on meeting in private. State circuit court judge Leslie Roberts ruled in favor of TriMet without a trial, but ATU appealed, and the Appeals Court sided with ATU. TriMet appealed the Appeals Court ruling, so the Oregon Supreme Court heard the case last June. On Feb. 15, the Oregon Supreme Court reached a decision, partially disagreeing with both sides, and ordering the circuit court to give the case the trial or hearing it never got.

TriMet, a public transit agency, has spent a bundle to keep the public out of its meetings so far. As of June 30, 2017, the point at which the Supreme Court had heard the case, TriMet had paid outside attorney Keith Garza just under \$40,000.

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