

COLLECTIVE BARGAINING

Painters Local 10 members preparing to strike if necessary

By Don McIntosh

Painters Local 10 is getting ready for a fight to raise members' wages.

The union's three-year collective bargaining agreement with the Signatory Painting Contractors Organization (SPCO) of Oregon and Southwest Washington expires March 31, 2020, and union leaders want members to be primed to take all kinds of actions, up to and including a strike if they must, in order to bring wages into line with other building trades workers.

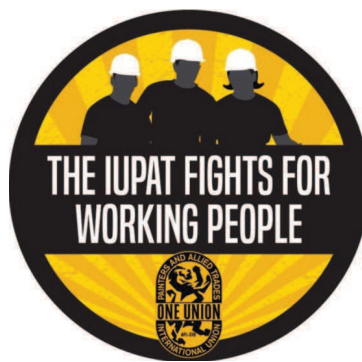
Scott Oldham, business representative for Local 10, says local union painters have fallen behind in recent years. About three dozen contractors employ roughly 450 painters under the area master agreement, which sets journeymen pay at \$23.94 an hour, plus another \$13.34 an hour in benefits. Oldham says that's the lowest of any West Coast Painters local, and it's also well below what members of other building trades unions

make. That pay package makes it harder to recruit new apprentices, he says, and has even led some union painters to leave and start over in other union construction trades.

Oldham thinks mandatory arbitration is the culprit. When Painters Local 10 and SPCO haven't been able to agree on terms for a new contract, a long-time provision in the contract has required binding arbitration. Contracts were decided by an arbitrator in 2001, 2002, 2005, and 2008.

That hasn't worked well for members, says Painters District Council 5 field representative Jack Johnson, because it puts contract decisions in the hands of a federal mediator who typically has little understanding of labor or the industry.

So in 2017, the last time the contract was renegotiated, Local 10 members voted to remove the binding arbitration clause. That means union painters will have the right to strike if they don't have a new agreement



when their old one expires.

Oldham says Local 10 leaders don't *want* to strike, but they want to have the *ability* to strike and strike effectively — if they can't get acceptable raises otherwise.

To prepare, union representatives are visiting work sites to recruit members onto contract action teams. The union is holding monthly meetings in English and Spanish to prepare for the contract campaign. And union painters have begun reaching out to other unions and community organizations, asking for resolutions of support. So far

Laborers Local 483 has pledged support, and so has the International Alliance of Theatrical Stage Employees (IATSE) Local 28. Other pledges are pending.

Local 10 is also taking steps to eliminate a potential technical-legal vulnerability. In the construction industry, workers can unionize in two ways, bottom-up or top-down. Employees can vote to join a union under Section 9(a) of the National Labor Relations Act. Or contractors can sign "pre-hire" agreements under Section 8(f) of the law, and agree to employ workers under the terms of a union contract. Contractors do that in order to get access to high-quality labor through the union hiring hall, and so they can provide the union benefits that keep employees long term. But with 8(f) agreements, employers can also choose not to be union any more.

Oldham says that's what happened after a failed set of negotiations in the mid-1980s: All

but a few Portland-area painting contractors left the union, and it took years for the union to recover. The arbitration clause was meant to prevent that breakdown from recurring.

To make it harder for union employers to withdraw from negotiations, Local 10 has been converting 8(f) agreements to 9(a) agreements, by asking members to sign union authorization cards, asking existing union contractors to recognize that their employees want to be in the union, and filing for an election to prove it if contractors don't cooperate.

With members mobilizing, other trades preparing to show support, and a continued strong economic outlook in construction, Johnson said he's hopeful the two sides will reach a good agreement this time.

"This is 35 years in the making," Oldham told the Labor Press. "But I believe if we can effectively mobilize, we can actually prevent this from coming to a strike."



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