

# ...Oregon OSHA settles for reduced fine on bridge contractor

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every little thing. They were watching me, bird-dogging me." On the Fourth of July, Luey fell off the back of a truck and broke his collarbone. When he recovered, he says the company wouldn't take him back.

- A worker who asked to be referred to only by the initials D.R. said he was overheard by a foreman telling a co-worker that the pace of work under the bridge was going to lead to an accident, and someone would fall from the scaffolding. The next day, he was told there was no work for him on the project, which had struggled to find enough workers.
- Tywan Brown, who had traveled from Virginia to take the job, complained about safety conditions to OSHA in January 2017. Abhe & Svoboda managers accused her of being the one who called OSHA, and terminated her on Feb. 2, 2017, according to a lawsuit she filed against the company. The lawsuit was eventually settled out of court for an undisclosed amount.
- Omar Rubi, the undercover union worker, attended a safety meeting the day before the accident, at which a manager told workers that if they have safety concerns, they should come to management, not to talk to each other or to government agencies about them. Rubi objected, and told co-workers at the meeting that they have a right under federal law to talk to each other, and to government agencies, about safety concerns. He was sent home,

and later terminated. In complaints with the Oregon Bureau of Labor and Industries (BOLI) and the National Labor Relations Board (NLRB), he challenged his termination as unlawful retaliation. BOLI closed the case after finding "no substantial evidence," and the NLRB dismissed the charge, agreeing with Abhe & Svoboda's account that Rubi was fired for violating a blanket rule against talking to co-workers.

Oregon OSHA administrator Michael Wood reached out to the *Labor Press* about the case settlement, and seemed frustrated by the reduction in fines.

"On a case like this, I wouldn't be walking away from it if I thought we could prevail," Wood said.

Most of the initial fine had resulted from OSHA's conclusion that the violations were "willful," meaning that the company knew it was breaking the law and did so anyway. But that can be hard to prove in front of a judge, Wood said.

"Litigation is always uncertain," Wood said. "We were not confident that we would prevail, and we believed it was possible we could do even worse than the settlement."

Wood said OSHA's overall presentation of the case was weakened because the accident



victims didn't want to testify.

"We just want to drop it and live our lives," Montiel told the *Labor Press*, reached by phone Jan. 7. Montiel and his father have recovered enough to return to work, he said, and are doing remodeling jobs in the Seattle area.

For Abhe & Svoboda, a fine of \$24,500 might just be a cost of doing business. Under the company's \$22.3 million contract to repaint the bridge, the work was supposed to be complete Aug. 31, 2017, but the job wasn't finished until June 15,

2018. ODOT assessed a penalty of \$777,600 against the company for completing the work 288 days late. Nineteen months later, that matter too remains unresolved.

As with previous stories, Abhe & Svoboda did not respond to a request for comment.

Last April, Abhe renewed its status as a pre-qualified bidder on ODOT projects.

ODOT spokesperson Don Hamilton — who was once upon a time a reporter at *The Oregonian* — told the *Labor Press* in a Jan. 10 email that

Abhe & Svoboda hasn't bid on any ODOT work since its 2014 Ross Island Bridge bid. That's not true. Judging by ODOT's own documents, Abhe and Svoboda has bid on at least five projects since the February 2017 accident (other companies bid lower and got the work.)

Nothing in ODOT's procurement rules requires the agency to consider a bidder's safety record.

Oldham, the painters union rep, said he's disgusted that the Oregon Department of Transportation continues to accept bids from Abhe & Svoboda.

## UNION DEMOCRACY

### Elevator Constructors Local 23 re-elects Randy Carmony

Randy Carmony has been re-elected business manager of the International Union of Elevator Constructors Local 23. He has served in that capacity since 2014. Lance Hilger was re-elected president. Both ran unopposed.



Randy Carmony

\$35.25 an hour in benefits under a nationwide labor agreement with National Elevator Industry, Inc. They work for four global elevator companies — Otis, ThyssenKrupp, Kone and Schindler — plus seven independents.

All officers were sworn in Jan. 9.

#### Election Results

**Business Manager** Randy Carmony

**President** Lance Hilger

**Vice President** Ezra Schulz

**Treasurer** Russ Vollendorf

**Recording Secretary** Randy Poindexter

**Warden** Ezra Schulz

**Correspondent** Russ Vollendorf

**Executive Board** Randy Poindexter,

Manny Guzman

**Trustee** To be appointed

In the only contested race in the election held Dec. 12, Randy Poindexter defeated Dan Garrett by one vote for recording secretary.

Local 23 covers all of Oregon, plus six southwest Washington counties. Its 295 members build and maintain elevators, escalators, moving walkways, and dumbwaiters. Elevator construction is a specialized trade. Local 23 members earn \$56.10 an hour plus

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