

Union at 360

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days later, an election date was set, with six weeks left before mail ballots due. The election campaign got under way.

Boyce said Local 16 tried to run a positive campaign.

“We want 360 to thrive,” Boyce said. “We want to help him grow, be a union contractor and get on the right side of things.”

But things got contentious right away. To talk with workers, Boyce showed up at the parking lot at lunch time, bringing burritos and union t-shirts. 360 threatened to have him arrested for trespassing, Boyce says. But he did some research, obtained 360’s lease agreement, discovered the company lacked exclusive rights to the lot, and stood his ground.

The company made its pitch to workers on paid time. Workplace meetings had been rare at 360, workers say. Now, leading up to the union vote, they happened nearly every day. Martin brought in a union-busting consultant and summoned individual workers for three-on-one sessions in which he—along with their supervisor and the union-buster—tried to talk them into voting against the union they’d asked for. The union buster didn’t turn out to be a good investment. Workers say they pelted him with questions, asking him what firm he works for and how much Martin was paying him. But “Jim” wouldn’t say, or even tell them his last name.

Meanwhile, leaving no doubt where they stood, a core of union supporters showed up to work daily wearing their union t-shirts, so that by election day some of the shirts were worn to shreds by abrasion from their work stations.

When his ballot arrived, sheet metal fabricator Tanner Womack was ready to take his mom’s advice.

“She said if you want to make real money and be at a place that’s going to take care of you, go union.”

A pattern of injuries

Womack knows what an uncaring workplace looks like from painful memory. Union shops use water jet lasers to cut sheet metal, but at 360, workers are directed to use a plasma cutter to cut PVC-coated metal, with



TURNAROUND TIME

The wicked scar on his right arm was a gift from 360 Sheet Metal, but the tattoo-in-progress of Local 16 is Patrick Vader’s gift to himself.

no respirator and little ventilation. Burning through the coating and the metal produces a cloud of smoke. Workers say those operating the laser are pitched into coughing, and workers even a dozen feet a way can feel a tightness in the lungs, itchy throat, and can feel sick. It’s no great mystery why: When PVC (polyvinyl chloride) is burned, it produces toxic gases, including hydrogen chloride, carbon monoxide, and dioxins.

Womack says soon after he started working there, he was welding inside a box, breathing in fumes from the burning coating. He became violently ill, left, and was out for several days.

“It was some of the worst pain I’ve ever felt, like a shooting pain, like stabbing in your guts, in your lungs and your stomach.”

Vader, the spiral duct machine operator, had a different kind of mishap. Loading lubricated 30-inch tubes into a box truck, he lost his grip, and a tube sliced into his right arm all the way to the muscle. Vader blames no one for the accident, but says he and a coworker were rushing to get the truck loaded. His coworker at the time of the accident had already had a similar injury, and bore a scar across his wrist. In hindsight, Vader says, it would have been better to use a forklift to lift the heavy tubes. Back to work three days later with a two and a half inch scar, Vader was back at his station and swinging a hammer with his injured right arm, until a trusted coworker told him to stop or risk exacerbating his injury.

Repeat offender

Local 16 has been watching 360 for a while, and Martin even longer.

In the 2000s, Martin operated an Oregon company, Reliable HVAC, Inc. Local 16 officers say Martin’s company won bids on prevailing wage public construction jobs, but didn’t pay workers the prevailing wage. After Oregon’s Bureau of Labor and Industries issued penalties for the violations, Martin closed down Reliable and set up 360 in Washington under his wife’s name.

But the prevailing wage issues may have continued. Union-signatory contractors were bidding on Southwest Washington school projects, but losing the work to 360. Last summer, based on public documents Local 16 obtained, the union initiated prevailing wage complaints that are still being in-

vestigated by the Washington Department of Labor and Industries (L&I). Under Washington law, workers are supposed to be paid the prevailing (union) wage on public construction projects, and that includes workers who fabricate custom ductwork. According to the union complaints, 360 provided custom ductwork on four local school projects, but paid its workers \$13.69 an hour. At the prevailing wage, that would be over \$60 an hour. If L&I finds 360 broke the law, it could owe workers tens of thousands of dollars.

To notify workers they were being cheated of wages they were entitled to, Boyce put fliers on car windshields. But workers say they never saw the fliers; they believe Martin and one other 360 employee removed the fliers.

The fight ahead

For 360 Sheet Metal, the union election is a chance to do a 180. But there are early signs that there’s still a fight ahead.

“We don’t have a contract yet,” Boyce said. “We won the vote and now we need to do to try and negotiate a contract.”

After the ballots were counted, workers say Martin held an all-hands workplace meeting. Here’s how Womack remembers what Martin said that day: “We’re going to refuse to sign a contract. And then

they’re going to go away in a year, and everyone who voted yes will be sorely disappointed.” If true, that would amount to Martin saying in advance he’s going to violate federal labor law, which requires employers to bargain in good faith and try to reach agreement.

It could also be a repeat. In 2003, the *Northwest Labor Press* reported that Martin fired five union supporters, after telling one of them that there wouldn’t be any union people around after the election.

But Martin’s reaction can’t take away from the excitement workers are feeling. Womack says he was coming back from a break when a coworker got a text about the election results.

“I could just hear from out in the shop a bunch of people cheering. And all the guys who voted yes were all just ecstatic, patting each other on the back. It was really cool to see.”

“We all like each other,” Womack says. “We want to keep working together as long as we can. That was a big factor on why we decided to unionize. And the second big factor was we wanted to help everybody else past us. You know, if we leave 360, other young kids are gonna get paid minimum wage doing work that requires skill and knowledge.”

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