

360 Sheet Metal fires union supporters

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“You can tell that Joe is doing the bare minimum possible to stretch this out as long as possible,” Womack said.

The attendance point and the insistence on PTO are petty, but paint a picture of an owner who never accepted the union vote and is prepared to violate federal law. But what Martin did next wasn’t petty: He fired Womack, and another union supporter, Daniel Rick.

On Sept. 21, Local 16 organizers Darrin Boyce and Matt Haines had set up the inflatable fat cat outside 360’s fabrication facility, and brought pizza for 360 Sheet Metal workers to eat while on break. Womack came out and handed Haines some papers, which Haines put in the cab of Boyce’s pickup truck. But managers were watching, and soon, plant manager Jason Bills marched out, opened the truck door, and grabbed the papers. The papers contained the names of 360 Sheet Metal customers and the locations of jobs. Bills said the papers were 360 property, accused Womack of theft, and called the police.

But it’s not what it might look like, Womack tells the *Labor Press*. Womack hadn’t swiped the papers from the office. This wasn’t industrial espionage. These were cover sheets that accompany the specs workers follow for every custom duct job they fabricate using the shop’s laser table. Workers use the sheets to fill out their time cards, helping the company document how long each job takes. Womack and others had been holding on to them as evidence in a state investigation of prevailing wage violations at 360. [More on that later.] Womack says the papers usually go in the garbage can after each job, and he’d just pulled them out. He was storing them in a toolbox that others, even managers, regularly access to get water, gloves and face masks.

A month before the fat cat arrived, Haines (the union organizer) mentioned to Womack during a break in bargaining that he’d been painstakingly collecting names of 360 Sheet Metal customers using public records. Womack knew that customer names and jobs were listed on those papers he was storing in the toolbox, and told Haines he’d give them to him. When



HOW EMBARRASSING! The view outside 360 Sheet Metal in Vancouver on Sept. 21. Management didn’t like it. A confrontation ensued. Police were called.

Womack saw that Haines was outside the shop on Sept. 21, he brought the papers out.

Then Vancouver police arrived at 360 in response to the call from the company. The officer spent the next 90 minutes investigating, walking through the office and taking statements from Womack and others. [Note to Vancouver PD: Can Portland have some of your officers? Portland residents can hardly get police to respond to car theft, whereas Vancouver police apparently have the resources for on-the-spot investigations when papers are removed from company garbage cans.]

Womack says he’s had no notice of any criminal charges filed against him for theft, but 360 Sheet Metal used the incident to terminate him. Called into the office later in the day, Womack insisted a union rep be present if the meeting could lead to discipline. He was sent home early, escorted off the property by the plant manager. The meeting took place at 11 a.m. the next day with union rep Brian Noble present. Later that day, Womack was fired by phone. A three-year employee, the lead fabricator in one of 360’s departments, was terminated for sharing information with his union.

At 360, production employees are a tight-knit crew, and co-workers were agitated over Womack’s dismissal. Gathering at a nearby park after work on the day Womack was fired, some co-workers said they should all walk out in protest, but Womack said that would

only give the company what it wanted.

“The next day, we were all pretty pissed off,” recalls Daniel Rick, one of Womack’s co-workers. When Bills said Womack had been fired for taking papers off the boss’s desk, Rick confronted him.

“I said, ‘You know that’s bullshit,’” Rick told the *Labor Press*. “I said, ‘I’m the one that collected that shit out of the garbage. I know that didn’t come off the desk.’”

The next day, Rick was called to the office and fired after a meeting at which the company violated his right to have a union rep present. After five years working at the company, he was fired for giving papers to Womack.

Before you feel too bad for Womack and Rick, you should know that Local 16 is determined to back them up at every level, including legal help if 360 Sheet Metal pursues its waste-paper theft charges. Both Womack and Rick have experience in sheet metal that can count toward apprenticeship with the union. Womack has already been dispatched and is doing deliveries for union-signatory Arctic Sheet Metal, at \$26.48 an hour — more than \$6 above what he was making at 360. Womack says he misses working with his buddies at 360, but also is impressed with Arctic, which he said appears to produce the same or more with about half the staff.

“It’s a lot cleaner, and it doesn’t look like their machines are

120 years old,” he said.

Meanwhile, Rick expects to come in as a journeyman. He applied for admission to the union, and is taking time off before seeking dispatch to his first union job.

Being fired from 360 might end up being the best thing that ever happened to Womack and Rick. But that doesn’t change the fact that terminating them for union activity is the most serious breach of federal labor law that an employer can commit. The union is preparing to file further unfair labor practice charges with the National Labor Relations Board (NLRB) over the firings. Workers say Martin has repeatedly said he will never sign a union contract, which the NLRB may find is an admission of intent to break the law. The NLRB’s sanctions are fairly toothless, and its process can be slow, but its new Biden-appointed top prosecutor Jennifer Abruzzo has been showing signs she’s ready to use to the utmost the power the agency does have. Martin could end up being ordered to reinstate Womack and Rick, and if he defies that, he could be held in contempt by a federal appeals court.

Meanwhile, 360 is also under investigation by at least two state agencies. Following up on complaints, a Washington Occupational Safety and Health Administration inspector made several visits to the shop. And Washington’s Department of Labor and Industries has been investigating prevailing wage violations by 360 on at least four public school construction projects. It’s not widely known, but the Washington law that requires payment of prevailing wage on public construction covers not just work done on site, but also pre-fab work, if it’s custom-made and not just standard warehouse inventory. 360 has maintained that it’s just a wholesaler, but 90% of the work is custom fabrication unique to the job sites. That should trigger a requirement that Womack and his co-workers be paid over \$60 an hour in wages and benefits when they’re doing that work, but they’re making at or near Washington’s minimum wage of \$13.69 an hour.

The *Labor Press* reached out to 360 Sheet Metal by phone, but did not get a response.

The two sides are next scheduled to meet Oct. 22.

A massive strikewave?

The national AFL-CIO is calling it “Striketober.” Over 100,000 workers in multiple industries are on the verge of striking, and the mood is very resolute. They’re not kidding around.

Two issues in particular are common to most of the disputes. One, too many workers are being made to work exhausting amounts of overtime. What ever happened to the 40-hour work week? And two, too many employers think they can offer skimpy raises that would leave workers losing ground to inflation, even though the employers are flush with funds.

ON STRIKE

- **Kellogg’s** 1,400 members of the Bakers union BCTGM in Michigan, Nebraska, Pennsylvania and Tennessee, tired of 16-hour days and 7-day weeks, began a nationwide strike Oct. 5.
- **Kaiser Permanente** In the San Francisco Bay Area, 700 stationary engineers with Operating Engineers Local 39 have been on strike since Sept. 18 after rejecting an unacceptable wage offer.

NEAR STRIKE

- **John Deere** 10,000 members of United Auto Workers in Iowa, Illinois and Kansas rejected a contract that cuts overtime pay, increases health premiums, and ends pensions for new hires . . . at a company that gave its CEO a raise of over 100% last year. They were ready to strike as of Oct. 13.
- **Film and television production** 60,000 IATSE members are ready to shut down film and television production nationwide if the employer group refuses to take steps to address chronic and severe overwork and end a system of lower pay at online streaming productions for Netflix, Amazon Prime, Apple+ and others.
- **Kaiser Permanente** 38,000 health care workers in Oregon, California, Hawaii and Georgia have expired contracts as of Oct. 1, and strikes have been authorized at unions representing over 34,000 of them. They could strike any time after 10 days notice, if Kaiser doesn’t back down from a proposal to cut pay for new hires and offer paltry annual raises of just 1% at a time of renewed inflation.

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