

Highway called outlaw

A company -- or a state agency -- becomes a labor outlaw because it finds it cheaper to flout the law than to obey it.

Such is the case with J.P. Stevens, the nation's number two textile manufacturer and number one labor outlaw. The fines levied by the courts and the National Labor Relations Board are peanuts compared with the money it believes it is saving by refusing to pay its workers decent wages and benefits.

Such may also be the case with the Oregon State Highway Division, believes OSEA Employee Representative Peter DeLuca.

Grievances are being resolved in the agency, says DeLuca. "However, grievances with the same set of facts still must go through the procedure."

Many of these grievances center around the per diem article in the state central contract. The Highway Division sat at the bargaining table and allowed the article to be signed off as it now appears in the Central agreement (Article 28). But now they can't seem to live with it, DeLuca said.

Also, at a meeting to come to a resolution as to how the per diem article was to be interpreted held this past November, John Demusiak, management's spokesman at the central negotiations, outlined how Article 28 was interpreted at the bargaining table: The appropriate meal allowance at the end of a shift is the \$7.50 dinner allowance regardless of the time of day. That interpretation went unchallenged by Highway management, said DeLuca. In addition to DeLuca, the meeting was attended by OSEA Employee Representative Gordon Webb, Education and Research Director John Lund and several members of the Highway BURC. Highway labor relations head Gene Huntley and persons from the agency's accounting and management ranks, and Asst. Attny. Gen. Pat Mosey.

But, apparently the message didn't sink in. Ten days later, assistant director for operations Fred Klaboe published a letter saying that the employee who works days would receive the dinner allowance, if eligible, at the end of his shift, but the person whose shift begins at

midnight would receive the breakfast allowance at the end of his shift. "That is in direct opposition to what management's own negotiator (Demusiak) said was the intent of the contract," says DeLuca.

A grievance on this issue is now at the Executive Department level.



PETER DELUCA
"They're playing games"

What makes the Highway Division so much like J.P. Stevens, is their attitude toward grievance resolutions. For every grievance resolution, Highway will find a loophole in the next set of circumstances, even though they are the same, to force that grievance through the procedure rather than, using earlier grievance resolutions as precedent, modifying their interpretation of the contract language so that grievances do not arise.

Bridge crews and stripping crews regularly are away from their headquarters. Despite grievance resolutions to the contrary, the Division has taken the position that it has to pay the

short-term commercial or non-commercial rate only once this year or only once in the course of this agreement. OSEA's position is that each time a crew returns to headquarters and then goes out again a new situation occurs and the employee is to be paid at the short-term rate for the first 14 days.

Highway's authority for their actions are often old personnel rules even though the central agreement clearly says that it is superior to personnel rules.

"Everybody's got an out" when they are challenged on their contract interpretations, says DeLuca. Klaboe says he

does what is recommended by the labor relations section and everybody else does what Klaboe says.

"The position they are taking on per diem, while it violates the contract, saves money," DeLuca acknowledges, "so why shouldn't they?"

"They're really playing games with collective bargaining and refusing to bargain in the best of faith. They're attempting to subvert the process of collective bargaining by using the flimsiest of loopholes and by refusing to correct problems that they know exist," DeLuca said.

Chemical handling rules approved

New rules governing the use of the chemical Thiram have been approved by the Oregon Workers' Compensation Department. Thiram, which is considered a cancer causing substance, is an animal repellent used to treat tree seedlings.

The new rules establish maximum exposure levels and provide a comprehensive list of safety standards governing protective clothing, washing facilities and worker hygiene, treatment of skin irritation, food handling, respiratory protection and labeling.

The rules also set out specific procedures for the use and handling of Thiram and require that nurseries develop quality control programs to insure that only the minimum amount of the chemical is applied to tree seedlings.

They also require approved training in the safe use and handling of Thiram, including instruction in the health hazards involved and a review of the rules for its use.

Copies of the regulations are on file at OSEA headquarters. Persons desiring additional information should contact John Lund, director of education and research.

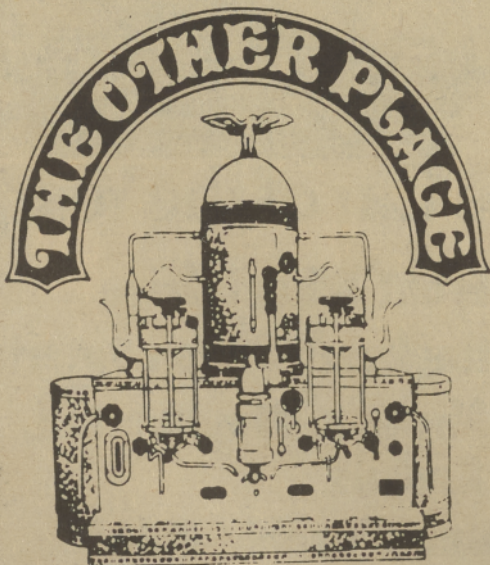
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