

Union Council sues over hydro project pay

Continued from page 1

for work on the project. Out of those, a total of 40 have been hired. That's more than one hired out of every three Indian applicants.

In comparison, only one of every 20 non-Indian applicants have been hired on. Out of a whopping 4000 applications, a total of 270 people have been hired to date, with 157 currently on the payroll (as mentioned above).

Of the Indian applicants who weren't hired, Lizzie Rhoan explained that "a lot of them were drop-outs—real young kids with no skills or real work experience."

She and Lloyd Smith, Sr., tribal personnel director, added that in the contract with A.S.C. the tribes could have required that all Indian applicants be hired. But, in terms of training time, the cost would have been prohibitive so the tribes said to hire only qualified Indians.

Lizzie also mentioned that when A.S.C. needs someone right away, they always check with her first.

The main question addresses the union council's charge that A.S.C. Constructors is "paying wages about \$8 to \$9 an hour below area rates." Robert Stanfill, executive secretary for the trades council, said this is

happening because A.S.C. is an "open shop." (Open shop means that workers don't have to be union members to be hired for a job at the hydro project).

However, Project Manager Jerry Dibble says A.S.C. is paying its workers the equivalent of prevailing area wage rates. "When we were negotiating the contract with A.S.C., they agreed they would pay on an equivalent basis as union rates."

A.S.C. employees at the hydro project are divided into four classifications: Skilled Craftsman (\$16.18/hour), Semi-skilled Craftsman (\$14.40/hour), Unskilled Construction Worker (\$12.05/hour) and Trainee (\$8.97/hour). At one time there were three trainees on the job, but they were upgraded. Foremen and those with special skills receive additional pay.

Included in the pay rates listed above are fringe benefits of \$2.97/hour. Of that hourly fringe amount, \$1.20 is deducted from each worker's check for medical insurance. The rest of the fringe benefit goes to the worker instead of to a union fund.

Dibble said that several months ago he took the rates people were being paid, the

deductions and fringe benefits, and found that the rates did come out to the amounts A.S.C. said they would pay.

"I got from the Federal Register the published wage rates for the Davis-Bacon Act (an act which requires certain contractors to pay minimum prevailing wages in the area), took the various classes and averaged them out. I found they to be approximately the same as A.S.C. is paying at the time the contract was signed."

He said the Tribe has watched to see that A.S.C. is living up to the contract as far as wages and the hiring of Indians. Dibble concluded that the contractor essentially carried out the terms of the contract and is abiding by the contract with the Tribes.

Dibble said that before the contract with A.S.C. was signed, the Tribes negotiated with two other union bidders. Neither got down to A.S.C.'s bid, he said. It was a question of the best bid from the Tribe's viewpoint.

It appears that, with construction at low ebb, the union is redoubling its effort to look good to union employees because union employees are hurting now, Tribal and A.S.C. sources figure.

"Trades Council incorrect"

(Reprinted from The Oregonian, letters to the editor)

Repeal Davis-Bacon Act

To the Editor:

I note with interest your article (Nov. 4) relative to the Building Trades Council seeking to compel A.S.C. Constructors, Inc. of Boise, Idaho, to follow the Davis-Bacon Act relative to prevailing wage and work rules on the Pelton Dam generator project.

I believe the Trades Council is 100 percent incorrect in its complaint that the contractor is profiting at the expense of taxpayers and workers. It is, in fact, the Warm Springs Indians who are profiting by getting the project done at low cost. We, the taxpayers, are benefiting by getting more project for the

dollars expended.

Our association has taken the lead toward repeal of the Davis-Bacon Act both at the national and state levels. We are gratified to see The Oregonian join editorially with many other newspapers across the nation in recognizing the wasteful use of our tax monies by limiting competition and supporting wage rates and work rules that do not reflect the true labor cost at the work place.

John Bentley,
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Tribes respond to the state wage law flap

by Sandy Rangila

It's common knowledge that the Confederated Tribes pay their employees equal to or higher wages and salaries than most other area employers.

So, naturally, the Tribes are confused about recent claims by the Labor Commissioner and State Wage and Hour Commission that the Tribes are ignoring state wage laws.

Statements by Labor Commissioner Mary Wendy Roberts and Paul Tiffany, administrator for the Oregon Wage and Hour Commission (which appeared in *The Oregonian* Nov. 4 and Nov. 15, respectively) have left tribal personnel director Lloyd Smith, Sr. scratching his head in disbelief.

"I don't know what they are talking about," he said. "We've always abided by state and federal wage and hour laws. The Tribes have always at least paid the minimum wage."

In response to Tiffany's Nov. 15 claim that the Tribes are "ignoring most of our state wage and hour laws," Smith had this to say.

"The tribal organization itself adheres to federal and state laws, and in some cases we're higher." Smith said that generally the Tribes stick with federal guidelines, not the state's, because often state standards are lower.

He said this is especially true in the case of the Tribe's Summer Work Program for youngsters. "And," he added, "no one under 18 can work here without a work permit and a Social Security number. Those work permits all have to be approved by the State Department of Labor."

In an effort to get some kind of clarification as to what Tiffany is talking about, Spilyay Tymoo attempted to reach him at his Portland office. He was on another line so we left word for him to return the call, collect if necessary. He never called back.

As far as the Tribes are concerned, the Confederated Tribes are in compliance with state and federal wage and hour laws.

Burglary prevented

"Due to the efficient work the Warm Springs police stopped a burglary in progress," according to assistant U.S. attorney William Youngman.

In the evening hours of Oct. 19 the Warm Springs police arrived upon the scene of an apparent burglary at the Gift Shop/Information Center. At that time they took into custody an individual they found at the scene.

The person taken into custody was identified as Michael Massad, Deschutes

Trailer Court. Massad, an unenrolled Indian was taken to U.S. Federal Court following an investigation by the Warm Springs police and the FBI. He was indicted by the federal grand jury on October 20 for burglary in the 1st degree.

At this time Massad is being held by the U.S. Marshall's office in Portland Bail has been set at \$10,000.

Massad's trial date has been set for December 15. The prosecuting attorney will be Youngman.

Atkinson retires, to relax?

Retired over a month now Francis Atkinson former insurance manager for the Warm Springs Confederated Tribes, is relaxing at home, in a manner of speaking. Part of his relaxation, according to his wife Rose, is remodeling their mobile home and winterizing it.

Asked how Atkinson likes retirement, Rose mentioned that he as all too used to getting up and going to work. Retirement takes practice.

Atkinson spent eight years with the tribes beginning in June of 1973 as an accountant. Over the years he became known for his punctuality, knowledge of accounting, his wit and for wearing a beaded tie.

In January of 1975 Atkinson became accounting manager. His position as assistant controller became effective in January of 1979 and two years later in 1981 he became the tribe's first insurance manager. Pat Metke, insurance agent from Lumberman's Insurance Company in Bend quipped, "He's the best insurance manager the tribe has ever had—the only one."

Many tribal employees who worked with Atkinson throughout his years with the tribe gave short speeches reflecting on life at the office with him. Personnel manager Lloyd Smith Sr., addressed Atkinson saying, "Francis is the only one who constantly, daily, wears a beaded tie. Now with his leaving I will be the only one to have that distinction."

Fiscal manager Doug McClelland reviewed Atkinson's work with the Tribe by commenting, "Not everything is spelled out on a work record. Francis has done a good job and has been respected for the job."

Controller Jim Sizemore brought up the impact Atkinson has left on the Warm

Springs community. He mentioned Atkinson being very active in the Lion's Club and in reforming the Veteran's of Foreign Wars Warm Springs post. Atkinson remains very active in the VFW, according to Rose.

Visitor and former employee Cliff Yarnell expressed joy in being able to celebrate the beginning of Atkinson's retirement with him. Having recently retired from tribal work himself, Yarnell avowed the fact that retirement opens a new life. He stated, "Each of us looks forward to this time. It opens up new goals and roads

for new achievements and things to do."

In return for all the expressions of appreciation from fellow employees, Atkinson had a few words to say regarding the time he has spent at Warm Springs. "It has been a complete joy for me to work with the staff and the people here. If I had my life to live over again I'd do it again. The people on the reservation are tremendous."

He went on to say, "This is my home. The Tribes didn't adopt me. I adopted them. I hope to continue to be of benefit to the people here."



Francis Atkinson