

Construction Labor

REPORT

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News

Carpenters

NLRB Issues Unfair Practices Complaint Against Carpenters in Salt Lake City Dispute

The Southwest Regional Council of Carpenters and two of its locals in Salt Lake City are facing an unfair labor practices complaint filed by the National Labor Relations Board's regional office in Denver over alleged physical and verbal abuse by union pickets (*Southwest Regional Council of Carpenters and New Star General Contractors*, N.L.R.B., Case 27-CB-4598-1, complaint issued 6/30/04).

New Star General Contracting Inc. of Salt Lake City charged that the regional council and Carpenter locals 184 and 1498, by the alleged picket line actions of their members, restrained and coerced company employees in the exercise of their Section 7 rights in violation of Section 8(b)(1)(A) of the National Labor Relations Act.

This is the first formal complaint issued in a dispute that has been brewing for more than a year. Wayne L. Benson, NLRB's assistant regional director in Denver, July 8 said that more than 40 complaint petitions have been filed in the dispute over creation of a new union--the Utah Carpenters Association--by about 120 carpenters at New Star and Okland Construction Inc. who had been members of Carpenter locals 184 and 1498.

Local sources reported that in April employees at the two companies represented by the Carpenters had become dissatisfied with the union and formed their own union, independent of the Southwest Regional Council.

Carpenters Call UCA Company-Dominated

Benson said charges filed by the Southwest Regional Council allege that the Utah Carpenters Association is an illegal "company-dominated" labor organization. Charges filed by the companies against the regional council and locals 184 and 1498 also allege unlawful bannered activities and physical intimidation against UCA members and employees of neutral employers who have crossed picket lines.

In leaflets distributed by pickets and in letters to Okland clients obtained by BNA, locals 184 and 1498 said New Star and Okland engaged in unfair labor practices by "dominating and assisting a phony union going by the name 'Utah Carpenters Association' and unlawfully coercing employees to sign up with or participate in that fraud." Any contract signed "with that phony union is illegal," the local unions asserted.

Representation petitions have been filed by the two Carpenter locals and the **Painters and Allied Trades** as an intervenor, for an election among workers who had been members of locals 184 and 1498 seeking to re-establish recognition of the locals at New Star and Okland. Benson said the election petitions were being held in abeyance "pending disposition of the unfair labor practice charges."

Daniel M. Shanley, an attorney with the Los Angeles law firm of DeCarlo, Connor & Selvo

representing the regional council, did not respond to telephone inquiries about the dispute.

Neither Mike McCarron, executive secretary-treasurer for the regional council, nor any union officials could be reached for comment.

About 40,000 carpenters in Arizona, Nevada, Southern California, and Utah are represented by the regional council.

Meanwhile, the Southwest Regional Council has filed a trademark infringement suit in federal court asserting that the Utah Carpenters Association, also referred to in the suit as Carpenters Local 1769, is using "Carpenters" in their name "to cause confusion, obstruct [Local 184 and 1498's] pursuit of its business, and thereby obtain an advantage in attempting to organize and represent carpenters in Utah" (*Carpenters Local Union 184 v. Utah Carpenters Local Union 1769*, D. Utah, No. 2:04-CV-00481, *complaint filed 5/25/04*).

The regional council seeks damages and injunctive relief.

Alleged Misconduct by Union Pickets

In its NLRB complaint, New Star alleged that representatives of the regional council and members of locals 184 and 1498 in April and May maintained picket lines at the company's Ironwood condominium project near Park City and its Research Park project in Salt Lake City.

Alleged misconduct by the pickets included damaging employee and company vehicles as they entered job sites, spitting on a worker leaving a job site, using mirrors and other devices to obstruct the view of employees operating heavy equipment at a job site, and physically assaulting and verbally threatening employees entering job sites.

A hearing before an administrative law judge on the picketing complaint is scheduled for Sept. 28 in Salt Lake City.

Richard Thorn, president of the Associated General Contractors of Utah, said New Star and Okland are two of the largest employers of Carpenters in the state. According to Thorn, picketing on construction job sites in Utah is relatively rare.

AGC's chapter in Utah disbanded its multiemployer bargaining unit a number of years ago, leaving union contractor members free to negotiate individually with building trade unions, Thorn said.

No Longer 'Had a Voice.'

John McEntire, corporate secretary-treasurer for Okland, July 10 said his company has been signatory to Carpenter agreements for decades. According to McEntire, since restructuring of the international union was imposed, members of the locals complained that they no longer "had a voice" in their union.

When these dissatisfied members of the Carpenter locals "came to us" seeking advice on what to do, McEntire said the company referred them to the regional office of the U.S. Department of Labor. After working with a DOL field attorney, McEntire said, the employees created the Utah Carpenters Association. Okland negotiated a three-year agreement with UCA in April instead of negotiating a new agreement with the Carpenters, a development McEntire said that did not please the regional council.

Section 8(f) of the NLRA gives signatory employers the option not to negotiate another agreement with a union.

A copy of the UCA agreement obtained by BNA shows that the journeyman wage is \$18.50

per hour plus \$3.48 to the health and welfare fund, along with an annuity-Section 410(k) pension plan.

Under the agreement between Okland and the Utah Rocky Mountain Regional Council of Carpenters, which represented locals 184 and 1498, the journeyman wage was \$17.95 per hour plus \$3.22 to the health and welfare plan and contributions to a pension and annuity plan. That agreement expired Oct. 31, 2003.

Hourly wages for all carpenters in Utah range between \$12 and \$16 per hour, according to a survey conducted for a local newspaper, McEntire said.

Baffled by Regional Council Actions

Union representation of carpenters in Utah is weak, according to McEntire. Of the between 8,000 and 10,000 carpenters in the state, he said about 350 are active based on benefit contribution reports. Okland and New Star employ about 150 union carpenters, McEntire said, with the remainder working on interior drywall projects.

"We're the last two employers in the state working union," McEntire said, adding that he is baffled that the regional council "treats us and its members so badly." Picket line misconduct and poor treatment of the union's few remaining members in the state "kills any chance of signing up new contractors for the foreseeable future," he said. When other employers see how the regional council treats New Star and Okland, "they want nothing to do with you," McEntire said of the union.

"If I wanted to get more market share and sign up new members in the state, I would take care of my current employers by providing the best workers and services possible," McEntire said.

McEntire confirmed reports by William Hayden, business manager for **Painters Local 77** in Salt Lake City, that the regional council was bringing in people from out of state to stage picket lines.

McEntire and Hayden estimated that less than 10 percent of Carpenters carrying pickets at New Star and Okland projects were local.

Hayden said his union's interior drywall jurisdiction and members performing this work "has been under attack" from the Southwest Regional Council of Carpenters.

Regarding circumstances leading to creation of the Utah Carpenters Association, Hayden said "it doesn't take long for a union member used to a voice and a vote to leave a union" when those rights are denied. Hayden was referring to restructuring in the Carpenters that calls for voting on contracts and other union matters by delegates chosen by the members instead of a direct rank-and-file vote. Such changes undermine union democracy in a union and lead to member unrest, he said.

"The big difference between our two unions," Hayden said, "is that our members get to vote."

By Brian Lockett

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