

Representation Elections

'No Union' Wins Over Carpenters, Painters In NLRB Election at Utah Construction Firm

Workers at Okland Construction Co. in Salt Lake City chose "no union" over representation by the Carpenters and Joiners of America and the Painters and Allied Trades in a National Labor Relations Board representation conducted Jan. 20, according to a company announcement.

Of 121 ballots cast, no votes were cast for the Painters, 32 votes were cast for Carpenter locals 184 and 1498, and 89 votes were cast for no union representation.

"In our opinion, our carpenters sent a clear message that they do not want [the Southwest Regional Council of Carpenters] to represent them. They are happy being nonunion," John McEntire, chief financial officer for Okland, said Jan. 23. Okland remains signatory with local unions of the Laborers' International Union and the Operative Plasterers and Cement Masons, he said, "who are decent people to work with."

McEntire said that while he hopes the Carpenters will now "leave Okland alone," he said the union still has a banner in front the company's headquarters protesting its nonunion labor policies, at least with regard to its carpenter employees.

Dan Shanley, with the Los Angeles law firm of DeCarlo & Connor and counsel for the Southwest Regional Council of Carpenters, could not be reached for comment.

Dispute Dates to Early 2004

The election may bring to an end a protracted and bitter dispute between the Carpenters and Painters over representation of workers performing carpentry and drywall work at Okland.

In a dispute dating back to 2004, Okland withdrew its voluntary recognition of the Carpenters in Utah as the bargaining representative of its carpenter employees. Okland said this occurred after control of the Carpenters local in Salt Lake City was "taken away from the Utah membership," according to a statement issued by the company, and given to the Southwest Regional Council of Carpenters, the regional parent body headquartered in Los Angeles.


What ensued was a "vicious campaign of retribution against Okland" by the regional council, Okland said, "under the guise of an alleged unfair practice strike."

Although the regional council filed a petition with the NLRB for an election in a bargaining unit of Okland's carpenter employees, Okland said the regional council "consciously blocked the processing of that election petition for more than one and one-half years" with the repeated filing of unfair labor practice charges with the NLRB.

Material posted on Okland's Web site documents alleged illegal acts by regional council representatives, including police reports, in the course of making public their objections to company labor policy.

Union Alleges Unfair Practices

In arguing that Okland has treated its carpenters unfairly, the regional council prepared and distributed a 51-page booklet containing those allegations, according to a copy of the booklet obtained by BNA. In a cover letter, the regional council said information about Okland was being offered "as a professional courtesy to assist you in selecting the most qualified and responsible general contractor for your projects." The regional council said Okland's unfair practices caused Carpenter locals 185 and 1498 to go on strike against the company.

NLRB's assistant regional director in Denver last year said that more than 40 complaint petitions had been filed in the dispute over creation of a new union--the Utah Carpenters Association--by about 120 carpenters at Okland and New Star construction who had been members of Carpenter locals 184 and 1498. The regional council accused Okland officials of "dominating" UCA and interfering in its operation (50 CLR 635, 7/14/04) .

The U.S. District Court for the District of Utah in September 2004 refused to issue a temporary injunction against Carpenter locals 184 and 1498 under the National Labor Relations Act Section 10(l), finding that members of the union holding protest banners near a construction site in a dispute with Okland and New Star Construction were not engaging in illegal secondary boycott activity.