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55 CLR 953

AFL-CIO

Ayers Says Building Trades Will Act On AFL-CIO Resolution Only if Instructed

A resolution urging the Carpenters and Joiners of America to re-affiliate with the AFL-CIO, and which allows the AFL-CIO's Building and Construction Trades Department to establish a new union for carpentry workers, would only be acted on if the 13 affiliated unions instructed the department to do so, Building Trades President Mark Ayers told BNA Sept. 22.

During the AFL-CIO convention in Pittsburgh Sept. 16, delegates approved by voice vote Resolution 70, which accused the Carpenters of raiding the members of other building trades unions. Proponents of the resolution said the Carpenters had "acted in a manner inconsistent with the principles of solidarity, to the detriment of other building trades unions and the organized construction industry," (55 CLR 913, 9/17/09).

BCTD Affiliates Sponsored Resolution

James Williams, president of the Painters and Allied Trades, and Michael Sullivan of the Sheet Metal Workers spoke on behalf of what they say was a near uniform majority of Building Trades affiliate unions who urged the AFL-CIO attendees to approve the resolution they sponsored. Representatives from the American Federation of State and County Municipal Employees and the International Association of Machinists and Aerospace Workers also expressed solidarity with the Building Trades unions who were prepared to vote for it.

Williams said at the convention that he would welcome a decision by the Carpenters to reunite with the federation and Building Trades Department, but tempered the statement by describing McCarron as "a guy who does not want to belong" to any federation "and does not want to pay per capita fees" for his members. Sullivan expressed his contention that the Carpenters would not ever come back to the federation and that the years-long effort to encourage them to do so was a "shameful waste on an enterprise that I realize is impossible."

But the vote to adopt the resolution as an amendment to the federation's constitution drew sharp rebukes from International Union of Operating Engineers President Vincent Giblin, in separate letters, obtained by BNA, to incoming AFL-CIO President Richard Trumka and the general presidents of the Building Trades Sept. 21. The Operating Engineers, which are also not currently affiliated with the Building Trades, are partners with the Carpenter's in the National Construction Alliance, which frequently bargains on project labor agreements for parallel contracts along with the Building Trades.

'Raiding' Led to Resolution, Ayers Says

In an e-mail statement, Ayers said, "The atmosphere that led to the passage of Resolution 70 was created through the direct result of the 'raiding' practices embraced by the UBC. No man, or organization, is an island unto themselves."

But Ayers also said, "The Building Trades Department will always have the door open and we look forward to the day when we can welcome the UBC back into the Department. Having a fragmented building trades is counterproductive to all the good things that America's Building Trades Unions are accomplishing...and will accomplish."

Ayers said, "Our immediate focus is on a collective effort to get our members back to work, while also working to create new opportunities and careers for a new generation of skilled craft professionals." He said the department wanted to focus its efforts on assisting in the AFL-CIO's organizing initiatives.

Operating Engineers Accuse AFL-CIO of Hypocrisy

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Giblin said in his letter to Building Trades' affiliate unions, the establishment of an organizing committee for the carpentry trades would have a greater chance of starting a destructive union war than resolving the Building Trades' solidarity problem. He called the resolution "a case of selective punitive action."

Giblin accused the Laborers International Union of negotiating bargaining agreements in New York, Washington, D.C., and Virginia that "openly claim not only Laborers work but that of other crafts as well." He said, it was interesting that the Carpenters were taken to task, "while silence prevailed over the actions of the Laborers."

The Laborers could not be reached for comment on Giblin's accusations.

In his letter to Trumka, Giblin said the United Mine Workers of America had been disaffiliated from the federation for 34 years before Trumka who served as UMWA president from 1982 to 1995 made the decision to reaffiliate with the AFL-CIO. "You did so because it was in the best interests of the UMWA—not because someone threatened to charter a new union for mine workers," he said.

Giblin told Trumka the resolution was "hypocritical, counterproductive, and dangerous." He added, "Authorizing the establishment of a Carpenters' Organizing Committee or chartering a new union (or threatening to do so) for Carpenters is not going to force or bring them back into the Federation—it will more likely prevent them from returning."

In response to complaints that the Carpenters' organizing tactics were forcing Building Trades affiliate unions to expend millions of dollars to defend their membership representations, Giblin said Service Employees International Union President Andy Stern's actions in challenges against UNITE-HERE "make [Carpenter's President] Doug McCarron look like Gandhi."

Giblin said the SEIU has aided and abetted the plunder of the assets of UNITE-HERE in order to limit that union's ability to progressively act on behalf of, and to protect, their members "while at the same time using its deep pockets to finance raid after raid."

UNITE HERE left the AFL-CIO in 2005 to form the Change to Win federation. UNITE HERE President John Wilhelm, who has similarly accused Stern of conducting membership raids against UNITE HERE, announced during the convention that UNITE-HERE is rejoining the AFL-CIO. Giblin said in the letter that a resolution condemning SEIU's alleged raiding was shelved.

Carpenters Stand By Previous Comments

In response to a request for additional comment on the resolution, a spokesman for the Carpenters said the union would stand by its original statement made to BNA immediately after the vote and statements about the possibility of reaffiliating with the Building Trades that McCarron made in a recent interview with BNA in July (55 CLR 701, 7/30/09).

In a Sept. 16 statement about the vote, McCarron had said "The United Brotherhood of Carpenters believes that the men and women working in the carpentry trades, or any trade within the industry, are best represented by the organization with the knowledge, resources and commitment to serve their needs." He said, "We firmly believe that the energies of the Building and Construction Trades unions should first be directed to organizing the craft workers in the markets they used to represent, before they divert their member's hard earned dues in efforts to reach out to workers they lack the knowledge to represent and the skills or resources to train."

He told BNA during a July 20 interview in which he was generally complimentary of several of the officers of the Building Trades that he had talked with Ayers a couple of times and was impressed with what Ayers was doing. McCarron also said the decision to reunify was not necessarily the Carpenters' to make since the union had been kicked out of the federation, a move he said he had not expected.

Nevertheless, during the interview McCarron maintained his ongoing objection to the Building Trades' use of the *Plan for the Settlement of Jurisdictional Disputes*, also referred to as the "Green Book." He called it outdated and too static to effectively serve as a jurisdictional dispute resolution tool.

By Sheila R. Cherry

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