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FYI

## **RULING: SOME WTC WORKERS CAN'T STRIKE**

**SPORADIC WALKOUTS MUST STOP IF THEY ARE FORBIDDEN BY AGREEMENTS SPECIFIC TO THOSE PROJECTS, AN ARBITRATOR DECIDES. UNIONS OFFICIALS, WHO MISSED THEIR CHANCE TO ARGUE THEIR CASE, WILL ARGUE ON APPEAL THAT THE AGREEMENTS ARE AMBIGUOUS.**

By Daniel Massey

An arbitrator late Tuesday ordered striking concrete workers back to their jobs at four sites across the city, ruling that their walkout violated a no-strike provision in labor agreements covering the projects.

The order covered walkouts at Madison Square Garden, the Barclays Center in Brooklyn, World Trade Center Tower 2 and a luxury residential development on West 57th Street. A separate hearing is set for later today on the walkout at a new Weill Cornell Medical College research center on East 69th Street.

It does not affect the strike at the World Trade Center's Tower 1 and transit hub, which are not covered by so-called project labor agreements. On Wednesday morning, workers remained out at those sites. The agreements were negotiated between the industry and construction unions to jumpstart construction in the face of the economic downturn.

A source close to the building trades said the Cement and Concrete Workers District Council would appeal the ruling. The source said the union's counsel was not properly notified about Tuesday's hearing and therefore did not know about it in time to show up. Had officials known about the hearing, they would have argued that the no-strike provision was no longer in effect because the workers' contract expired at the end of June.

In public-sector project labor agreements, the no-strike provisions unambiguously cover expired deals, but in the private-sector deals, they are open to interpretation, the source said.

The walkouts at the sites with no-strike provisions have been sporadic. Workers had already returned to their jobs at Madison Square Garden and Tower 2 before the ruling, which was handed down by Richard Adelman, a veteran arbitrator. By Wednesday morning, they were back on the job at all four sites covered by the arbitration ruling, said Steven Spinola, president of the Real Estate Board of New York.

“When we got the [project labor agreement], the main thing we got out of it was the no-strike clause,” said Mr. Spinola. “The fact that we had the PLA and enforced it, and they're back working today demonstrates there was a value to the PLA.”

Officials from the Cement and Concrete Workers District Council did not return calls seeking comment. Strikers have not set up formal picket lines and union officials have not commented at all.

More than 500 union workers from other trades have lost work due to the concrete walkout, including carpenters and metal lathers, industry sources said.

“The longer this dispute continues, the more jobs and other trades people will be laid off and impacted,” said Louis Coletti, president of the Building Trades Employers' Association. “If this goes into next week, you can expect that you can have 1,000 to 2,000 members out of work simply because of one union's actions.”

Talks are continuing between Laborers' Locals 6a, 18a and 20 of the Cement and Concrete Workers of New York and the Cement League, an industry association. Progress has been made on most issues in the quest for a new contract covering some 2,700 workers, but management's demand for a 20% wage reduction on residential and hotel projects has been the main sticking point. Contractors say they need the pay cut because nonunion builders are gaining market share.

“There's a lot of anger now,” said Kieran O'Sullivan, a Local 18a delegate. “Guys see the cost of living and they're asking, ‘How can you ask us to take a 20% pay cut?’”

Two other trades are also working on new deals. The carpenters, who extended their contract until Aug. 15, are holding an emergency meeting of delegates and executive board members Wednesday night to discuss negotiations, according to John Musumeci, a carpenter who runs a blog on the union. Sheet metal workers, who voted down a deal their leadership had negotiated, extended their negotiations until mid-September.