

IMPEDIMENTS TO DEMOCRACY:
DEPARTMENT OF LABOR ENFORCEMENT OF
RANK -AND-FILE RIGHTS AND THE
BOILERMAKERS UNION
HEARING
BEFORE THE
SUBCOMMITTEE ON EMPLOYER-EMPLOYEE RELATIONS
OF THE
COMMITTEE ON EDUCATION AND THE WORKFORCE
UNITED STATES HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTH CONGRESS

FIRST SESSION

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United States House of Representatives Conducts Hearings on Boilermakers for Trampling Upon the Democratic Rights of Members of the IBB Transient Division

On April 15, 1999 the House of Representatives conducted a hearing to determine why members of the Boilermakers who belong to the Transient Division were not permitted the fundamental democratic rights to elect Local Lodge leadership and conduct the basic affairs of a Local Lodge. Simultaneously, the United States Justice Department was filing for an enforcement hearing in the Kansas City Federal District Court to compel President Jones of the Boilermakers to require that the Boilermakers Union honor the rights of these members to belong to and participate in a Local Lodge. The Congressional hearing and the Justice Department action are part of a twenty year struggle in which members of the transient division of the Boilermakers demanded to belong to a Local Lodge in which they could elect officers, handle their financial affairs, conduct meetings and handle fundamental lodge business. The Boilermakers have insisted, up until now, on handling these fundamental democratic freedoms through appointed representatives from the national union.

Excerpts from the Congressional hearing are listed below. An actual copy of the transcript can be obtained by contacting the Members First Committee at PO Box 60123, Philadelphia, PA 19102 or by going to the following web link at http://commdocs.house.gov/committees/edu/hedcew6-22.000/hedcew6-22.htm#_Toc4 from which a copy can be downloaded and printed.

Opening Statement of Chairman John Boehner, Subcommittee on Employer-Employee Relations, Committee on Education and the Workforce

"Today we will hold a discussion about the manner in which the Department of Labor, which is charged with enforcing Landrum-Griffin, goes about safeguarding the rights of the rank and file. Specifically, we are going to hear from a current and former member of the International Boilermakers Union. They have been involved in a battle for more than two decades to secure the basic right of electing officers of their local union. A right granted to them under federal law.

Our first witness will be Mr. Gary Boring of Indiana, Pennsylvania. Mr. Boring became a Boilermaker in 1969 and was a member for 21 years. He first filed charges to obtain free elections of the NTD officer in 1976. Our next witness will be Mr. Ernest "Skip" Patterson, of Mineral Point, Pennsylvania. Mr. Patterson has worked in construction trades since 1973. He became a union member in 1990 and was elected president of the National Transient Lodge in 1996. He doesn't know how many members he has because he does not have access to membership lists. He does not know how much money comes in. He has no access to financial records. He has no budget, no salary...In sum, rank and file members remain where they started some 20 years ago.

Testimony of Gary Boring, National Transient Lodge, International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths and Forgers, Indiana, Pa.

"Allow me to establish my point of view. I first went to the Union and asked questions about the NTD and was told not to worry about it. It was supposed to be none of my business. You have to consider that we were fighting on three fronts. We fought the International for the right to vote, against discrimination and for membership in a local in Pittsburgh, PA.

We were in a horrible position of no homeland, no representation, and no one to turn to with our problems. We only worked when they saw fit for us to work. We weren't supposed to make waves, and, in other words, we fell from grace.

We began internal Hearings, which resulted in predictable ways. We were shut down, no matter which direction we turned. During all this, we were trying to work in a hostile workplace, which became even worse. We were subjected to ridicule, discrimination, threats and intimidation.

Testimony of Ernest Skip Patterson, President, National Transient Lodge, International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths and Forgers, Mineral Point, PA

"My name is Skip Patterson and I have worked in the construction trades since 1973. My first years were non-union and very difficult. I had always desired to be a union member because of their benefits, working conditions, safety and craftsmanship. In 1990, I got the chance. That was the first of over 30 organizing campaigns that I was involved in, directly and indirectly. Men joined together to form a union have created more prosperity and self respect for the workforce than anything else can. Every benefit can be lost when corruption sets in. We want it right. I am testifying before you today because I have exhausted every other avenue conceivable to correct the illegal structure of the National Transient Lodge, the theft of our working dues and the misappropriation of our funds. I won the election, now it is time to get this mess straightened out. The International Brotherhood of Boilermakers was created by local lodges to service the Membership. Very shortly after being elected, I went to the 1996 Convention. It was the most blatant show of unrestrained power, intimidation and duress. I would like to see the union member made strong to balance the powers between the administrative comprised of union officers, intermediate bodies and Internationals, and the real union which is the working member. The union man can keep his union from corruption, but only if he is given the tools."

Statement of Congressman Andrews, Ranking Member, Subcommittee on Employer-Employee Relations, Committee on Education and the Workforce

"There are two questions in front of us. The first is whether the rights of Mr. Patterson and Mr. Boring, and the people they represent, have been violated. That question is going to be answered by the United States District Court in Kansas for the District of Kansas. Someone is going to win and someone is going to lose. The Department of Labor is in agreement with Mr. Patterson and Mr. Boring. If you read their complaint, they have basically taken the allegations that Mr. Patterson and Mr. Boring have made, reiterated those allegations and that is their position in a court of law."

Summary of the Litigation In the Federal District Court in Kansas

The Boilermakers operate the National Transient Division (NTD) as one of five divisions of the International Union. The NTD has approximately 8,000 members who travel throughout the country erecting steel tanks and related structures. NTD members have no separate local unions. Instead, the Division is managed by a national director and district representatives appointed by the International president and serve at his pleasure. NTD members have never had the opportunity to elect their own officers.

In the early 1980s the U.S. Department of Labor filed suit against the Boilermakers for numerous violations of the Labor-Management Reporting and Disclosure Act (LMRDA) in the operation of the NTD. After a decision by the trial judge and an appeal, the U.S. Court of Appeals for the Tenth Circuit ruled in 1984 that the NTD was a local labor organization and must comply with the LMRDA.

In response to the court decision, the Boilermakers created a National Transient Lodge (NTL) and allowed it to conduct elections. However, the elected NTL officers have no real power. They are not paid salaries, they do not have access to their own membership records or financial information about the Lodge. All power and authority remained with the NTD.

In April, 1999, the Committee on Education and the Workforce of the U.S. House of Representatives conducted hearings on the lack of democracy within the Boilermakers. At about the same time, the Department of Labor filed a new action in federal court in Kansas City, over the continuing violations of the Boilermakers in the operation of the NTD. In August 2000, the Boilermakers settled with the Labor Department and agreed to amend the constitution to provide for a democratic structure for the NTL, to be followed by new elections. That process is estimated to be completed sometime next spring.

VOTE NO IBB!

NO TAKEOVER!

Members First Committee/BMWE

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