

Featherbedding is strike's unsettled issue

Highway contractors balk at filling jobs they call obsolete, but unions say are needed

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Dennis C. Enser/Buffalo News Main Street in North Buffalo is one of the construction sites idled by the 6-week-old Operating Engineers strike.

Taxpayers ultimately bear the cost of antiquated union rules that create unnecessary "featherbed" jobs on highway projects in Western New York, a contractors' group claims.

The decades-old rules create jobs for crane oilers, master mechanics and other obsolete tasks that add thousands of dollars to project costs, according to the Associated General Contractors or AGC, a builders' group.

The charges surfaced while the contractors are embroiled in a six-week strike by the operating engineers union, which is fighting to preserve the rules. The union's members run bulldozers, backhoes and other machinery used in highway construction.

"The equipment today is not what it used to be . . . you don't need two men operating equipment," said A.J. Castelbuono, president of the AGC's New York chapter.

Local 17 of the International Union of Operating Engineers represents construction equipment operators in Erie, Cattaraugus, Chautauqua, Orleans, Wyoming, and western Genesee counties. Between 200 and 300 of its 1,000 members work for the 21 area contractors in the AGC, the union said. The labor contract with the group expired March 31.

Defending the rules, Mark Kirsch, business manager of Local 17 in Hamburg said: "No one's sitting around doing nothing. If there's nothing for them to do, they get on a piece of equipment."

Other employer groups have recently signed tentative contracts with the union that contain the work rules being criticized by the AGC, he said.

The dispute comes at a time when Thruway tolls are going up and state finances are drawing taxpayers' ire. Unionized contractors perform the majority of highway work in the Buffalo region.

The jobs required by the union contract are necessary for the safe completion of construction work, Kirsch said. He called the employers' charges a pressure tactic designed to shift the tasks to lower-paid unions.

Operating engineers in the Buffalo region make about \$28 an hour plus benefits, according to the state Labor Department's prevailing wage schedule, 20 percent more than a highway laborer.

But two former construction workers on union projects, now in the non-union sector, supported the contractors' charges. Some equipment operators have little work to keep them occupied through the day, they said. The men spoke on condition that their name not be printed, saying they feared retaliation.

For operators who tend automatic equipment, "there's nothing for them to do . . . they go around and talk to

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their fellow workers," said one of the men, a former member of Local 17.

Among the rules called wasteful by contractors is one requiring a worker to operate automatic machinery such as pumps, compressors and lights. The worker handling this task has little more to do than switch the equipment on in the morning and turn it off at night, contractors said.

"That affects us every day of the week - we have to pass the cost on to the state," said Bob Hill, president of Union Concrete & Construction Corp. in West Seneca and a member of the contractor group's bargaining committee.

Kirsch said the operators set up the equipment, maintain it and ensure it runs safely. The requirement only applies to projects over \$10 million, and the union has agreed in negotiations to raise the threshold.

Contractors also railed at the requirement for "crane oilers," saying the antiquated task has long been obsolete. The requirement applies to cranes with a lifting capacity greater than 40 tons.

Kirsch responded that the job's original mission has evolved into a helper-trainee who learns the exacting task while acting as a spotter for the crane operator.

"Crane work is very dangerous - if they could find a better way to train crane operators, I wish they'd tell us," he said.

can hardly be repaired on a construction site if it were to break down, the contractors said. Equipment is serviced by maintenance companies that are largely unionized.

Kirsch responded that mechanics can operate equipment as well as repair it.

Other rules restrict the number of times workers can switch equipment and require them to be paid for 40 hours over seven days, the contractors said.

Do the same rules apply in other parts of the state? Castelbuono said the AGC has negotiated away obsolete jobs in many jurisdictions, but union leaders disputed that.

An official of the operating engineers unit in Syracuse said his contract with the AGC contains the same disputed rules, and he backed Kirsch's argument that the required tasks are necessary.

"If equipment has to be monitored, it has to be monitored," said Terry Hogle, business manager of Operating Engineers Local 545 in Syracuse. The same contractor who complains about having an extra worker will blow his stack if a neglected pump jams and burns out, he said.

Union companies' ability to win highway projects in competitive bidding demonstrates that work rules aren't wasteful, Kirsch said. Of \$18.8 million in highway contracts let in Erie County on March 17, nearly all went to union companies, he said.

The AGC responded that non-union contractors are chipping away at smaller jobs and cutting into the union industry's market. The contractors are digging in their heels against waste in this contract negotiation to halt further erosion of their market share, according to a bargaining memo.

Another reason union firms win so many highway jobs is because non-union firms avoid bidding on them, fearing picketing by construction unions, companies said.

What's mechanics' role?

Master mechanics, whose job is to keep machinery repaired, have little to do with modern equipment, which

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"Not just in Western New York, . . . (contractors) won't do public works jobs because they don't want to be a target of the unions," said Rebecca Meinking, president of the Associated Builders and Contractors, Empire State Chapter in Syracuse. Non-union firms fear not only picketing, but also a bureaucratic thicket of state requirements that surround public works jobs, she said.

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DOT can't get involved

The state Transportation Department sees the contractors' charges of unproductive rules as part of a labor dispute in which the agency has no role to play, said John Kowalski, regional construction engineer in Buffalo.

"These are issues they need to work out themselves," he said, noting that highway projects are open to competitive bidding by union and non-union builders.

The operating engineers' strike that began April 4 is beginning to affect seasonal road repairs, but it's too soon to tell if projects awarded to strike-bound firms will have to be canceled, Kowalski said.

Emergency road repairs necessary for safety have been carried out despite the strike, including one on Route 305 near Olean that was picketed by equipment operators, he said.

"We do have a number of non-union contractors who are working at present," he said. In addition, projects in Niagara County, which lies outside the territory of Local 17, are unaffected.

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