

Local union officials say:

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Seaside Co. resists union drive

By PAUL BEATTY

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SANTA CRUZ — The Seaside Company refuses to recognize a five-month old labor union at the Cocoanut Grove, and is moving for a recall election of the year-old union at nearby Casa Del Rey Retirement Hotel.

Local union officials say the Seaside Company, which owns the Cocoanut Grove, retirement hotel and Boardwalk, is engaging in "union busting."

Company officials say they won't comment until after the April 19 referendum election at the retirement hotel which the company took over in January.

Employees say they're afraid to be identified in the press, but say privately they feel the company went back on its word after telling them it would sit down

at the bargaining table if the union was voted in.

Workers at the Cocoanut Grove restaurant and bar say they make \$3.75 to \$4.50 an hour, with some making modest tips. Bartenders were promoted in recent months to jobs that pay \$5.50. Employees also say there's no guarantee of a fair distribution of work. They say they have no benefits, such as sick leave, vacations, health or insurance coverage.

They claim a basic problem is that the company operates the bar and restaurant as it does the Boardwalk. They say the company doesn't understand that good cooks, bartenders and waiters and waitresses make up a different workforce than young people who work for a summer in the non-union Boardwalk booths.

They say there's continued support for a

union, but they also are saying more and more that Local 438 of the Hotel Employees and Restaurant Employees union is letting them down. Some critics say the union is failing to protect them while the labor battle is fought at the state and federal levels of the National Labor Relations Board.

Union organizer Joan Ward at HERE's headquarters in Pacific Grove says she is aware of the workers' fears and understands their loss of faith in the union.

"I know how they feel. This is union-busting. One hundred percent. Absolutely. The company treats them like throw-away people and it's in the hands of the labor board right now. There's not much we can do."

However, her claim that "many of our
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key people at the Cocoanut Grove have been lost through company pressure or firing" has been dismissed by Region 32 of the NLRB in Oakland. The union is appealing the regional decision to full NLRB in Washington, D.C.

The regional NLRB has issued one complaint against the company, saying it is unfairly refusing to bargain. The independent prosecutor of the regional NLRB is calling on the five-representative NLRB to issue a summary judgment that would find the company guilty of unfair labor practices.

Union leaders say it's a stalemate until the federal board reaches a decision, expected in two to three months.

Even after that, the company, union or NLRB can take the case to the appeals court and ultimately to the U.S. Supreme Court.

Union attorney Eugene Miller in Monterey says, "What the company is doing is a typical approach to take advantage of the weakness of the U.S. labor laws. They don't want the union in there and they can stall maybe for another year and hope the sentiment of the employees will have died and the union will go away. "If they can buy a year's time, it pays for a company to take an unfair labor practices judgment."

Local 438 Vice President Mike Kissell says, "The overall picture is delay, delay, delay and hope the union will go away."

Seaside Company hired the San Francisco law firm of Littler, Mendelson,

Fastiff and Tichy to handle its appeals with the Cocoanut Grove bargaining unit and negotiations with the Casa Del Rey unit.

Colleen Hart of the NLRB regional office in Oakland says of Littler, et al., "They are probably one of the largest firms that represent employers in the Bay Area and we have many, many cases with them."

Kissell says the Littler firm is the one he negotiates with for a master contract for unionized hotels in Monterey. He claims, "They're the third largest union-busting firm in the country and what they're doing at Cocoanut Grove and Casa Del Rey is typical."

The short history of the union at the Cocoanut Grove officially began in April, 1983, about two years after the remodeled Cocoanut Grove opened for banquets and other bar and restaurant business.

On April 7, the NLRB received requests from employees at the Cocoanut Grove and Wellington's restaurant nearby to hold a union election.

The company challenged the request, saying the bargaining unit should include all of the Boardwalk workforce, which would add about 300 employees who run the food and game booths and rides at the amusement park.

Pro-union employees say they didn't want that because they had done no organizing along the Boardwalk and they would lose the election.

The regional NLRB held hearings on the issue May 4, 11, 12 and 16 at Santa Cruz

City Hall and came to the decision that the Cocoanut Grove and Wellington's were a legal bargaining unit.

Election day was set for Aug. 28 and the union won 42-29, with seven votes challenged and not counted.

Employees say the company promised to live by results of the election.

A company letter dated Aug. 3 from General Manager Ed Hutton states: "I sincerely hope the union does not win our NLRB election, but if it does win, our company will bargain in good faith with the union."

Another letter from Hutton on Aug. 18 reads: "If Local 483 wins the election, the law requires that your company bargain in good faith with it."

The company went ahead with its appeal, again claiming the bargaining unit was inappropriate. They also listed six other complaints, mainly saying the union had made promises to workers it couldn't fulfill.

The regional NLRB investigated, dismissed the company's seven complaints and certified the election Oct. 25.

The union demanded collective bargaining, but the company refused, saying it was still an inappropriate bargaining unit. The regional NLRB ruled the company's defense had already been thrown out.

The regional general counsel then moved for a summary judgment from the full board, asking it to declare the company guilty of unfair labor practices.

At the Casa Del Rey, there are from 35 to 40 workers and they voted for the union

21-7 in September, 1982. The then-owner appealed, but lost and the election was certified in March, 1983.

Negotiations were held and a contract was signed with the union in August.

On Jan. 1, Seaside took over and gave the staff a wage and benefit package worth \$261 a month, union leaders say.

"They just went in and gave the employees an executive package of wages and benefits that included dental and vision care," union manager Kissell says.

Two months later, on Feb. 29, company attorneys informed union attorney Miller that the hotel's employees had requested the company petition the NLRB for a new election, Miller says.

Company attorneys told him they had come to doubt that the union was still supported by a majority of the hotel's workers.

Kissell says the company's wage-benefit offer is to influence workers to dump the union.

"Even if we win the election," he says "the company's appeals will begin and Casa Del Rey will be right where Cocoanut Grove is today."

Miller says, "The law required the Seaside (Company) to bargain with us at Casa Del Rey and there were three meetings with their attorneys. The law also requires that one year pass before an election can be held to decertify. They waited that one year and filed."

Company officials were asked for an interview by the press and initially a meeting was agreed to. It was canceled

the day before it was to be held.

Glenn LaFrank, public affairs officer for Seaside, said officials called off the meeting "because at the time I scheduled it, I didn't think about the election coming up."

"We're concerned there be no outside influence in this election process," LaFrank said. "We'll be glad to talk (to the press) after the election."

Colleen Hart from regional NLRB says, "I don't think the facts are disputed in this case; it's just a matter of the employers going to the bat with the full process he has available."

Union organizer Ward says one thing Cocoanut Grove workers have going for them is a high level of commitment and awareness. Many of them are college educated, coming out of UCSC and other schools, she says.

Union attorney Miller says, "The only thing different about this case is that the employees at Cocoanut Grove and Wellington's have kept their enthusiasm. That may be flagging at Casa Del Rey, but it hasn't happened at the Grove."

Union leaders agree the company has them in check, and the only local move open would be a strike.

Employees are not enthusiastic about that.

One said, "We're not interested in having a strike and then a party to celebrate it. There's got to be another option."

Another said, "I think we should do our own union. Just the workers here."