

Excluding Kingston kin votes OK'd

Co-Op Mine: On voting for a union, the labor relations board says only 7 of 142 ballots cast by the polygamous clan are eligible

By Bob Mims

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Union organizers claimed victory Thursday after the National Labor Relations Board (NLRB) upheld the exclusion of votes cast by kin of the polygamous Kingston clan in December's union vote at the family-owned Co-Op Mine in Emery County.

But if the ruling by the federal agency's Washington, D.C., office was a victory, it was small and indecisive.

When the NLRB's Denver office opens Thursday, agency staffers will count just seven of the 142 ballots cast two months ago at the mine near Huntington.

Of those total ballots, 108 - identified as cast by members of the Kingston family's Davis County Cooperative - were impounded as ineligible, because of their linkage to the mine's management. Of the remaining 34 votes, cast by mostly nonfamily, Latino miners fired before the union election, 27 remain under challenge by Kingston-owned C.W. Mining Co.

In addition to those voters' employment status, the mine's owners have questioned whether they were in the United States legally.

So, what do the seven ballots left mean to the United Mine Workers of America, which has been trying to represent the Co-Op Mine since late 2003?

"Well, it's a start," acknowledged union spokesman Doug Gibson. "It will be a very long process. This is just the first step and a number of steps remain until there's a final, final vote."

Charles Reynolds, C.W. Mining's manager, agreed the dispute is far from over, but would not comment on what the Kingstons' next move may be.

"I will say, though, that seven votes doesn't really seem to represent all our employees," he said.

Reynolds said the coal mine continues to operate, though at a reduced level. Just one of its two sections are being worked.

Both sides will have to wait for the outcome of the NLRB's ongoing investigations into whether the pre-vote terminations of more than 30 miners were legitimate or carried out illegally to snuff the union's chances. NLRB spokesman Wayne Benson offered no estimated completion date, saying only the probes are progressing as "a great priority."

As for Thursday's count results will be released immediately. "But we will still have, unquestionably, an indeterminate number of challenges even then," Benson predicted. "And even when we count those seven, we will not have determinative results for the election."

In a statement, UMWA International President Cecil Roberts chose a more positive spin, characterizing it as a successful opening salvo en route to "winning the battle for the Co-Op miners."

"It is clear that including the votes of the Kingston family members would have stacked the deck heavily against the workers who risked a lot to finally be able to exercise their right to vote for union representation," Roberts said.

UMWA interest in the Co-Op Mine was first piqued in September 2003, when C.W. Mining allegedly fired more than 70 miners for union activities. Many came back to work in July 2004 under an NLRB order.