

## **UWMA applauds labor relations board decision about voter eligibility at Co-Op**



Richard Rosenblat, attorney for United Mine Workers of America, discusses legal issues with representatives from C.W. Mining Co., Carl Kingston, lawyer, and Charles Reynolds, personnel manager, at a labor hearing in Price last July.

United Mine Workers of America president Cecil Roberts applauded a Jan. 31 decision by the National Labor Relations Board to reject an appeal by C.W. Mining.

The appeal would have allowed the ballots of over 100 member of the Kingston family to be counted in a recent union representation election at the Co-Op mine near Huntington.

The Co-Op mine is owned and operated by the Kingston family under the C.W. Mining Company name.

“The UMWA is pleased that the national NLRB has indicated its agreement with the Denver NLRB decision by rejecting C.W. Mining’s appeal,” said Roberts. “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. This is a first step in winning the battle for the Co-Op miners, but there is much more to do.”

In November 2004, the regional NLRB office in Denver ruled that the defined bargaining unit at the mine could not include Kingston family members because of their ties to mine management.

C.W. Mining and the company union, the IAUWU, challenged the Colorado panel’s decision, appealing it to the full NLRB in Washington.

In December 2004, a representation election was conducted at the mine and Kingston family members voted. The ballots in question were challenged and not co-mingled.

All votes cast in the election were then impounded, pending a decision by the full NLRB.

In the weeks prior to the December election, C.W. Mining fired approximately 30 workers at the mine, claiming that they did not have additional proof of eligibility to work in the United States, according to the UMWA official.

Mine management also fired other workers-both before and after the election-for what it termed "disciplinary reasons." All the fired workers voted in the election. But the terminated employees' votes are being challenged, too.

The UMWA has filed unfair labor practice charges against the company, which must be resolved by the NLRB before the fired workers' ballots can be counted.

"The Co-Op miners have shown tremendous courage throughout this struggle and they can be proud of what they have achieved so far," said Roberts. "The UMWA will continue to help them try to obtain the true union representation they desire. These workers were, in the UMWA's opinion, unjustly fired because they wanted to join the UMWA."

"The law says these workers have a right to belong to a union just like anyone else who works in America. It also says it is illegal to fire them for wanting to exercise that right. We intend to see that their rights are upheld," concluded the UMWA official.