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Guard offered job back in union case

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An El Paso security guard removed from his job a year ago because he refused to join a union or pay union dues has been offered his job back.

The security guard, Juan Vielma, has yet to decide whether he will accept the reinstatement offer, which came last week. A federal administrative law judge ruled in his favor June 13 and ordered his employer to reinstate him and pay him back wages.

The International Union, Security, Police and Fire Professionals of America is appealing the decision, said Dave Hickey, president of the union based in Roseville, Mich.

Meanwhile, the Texas attorney general's office is investigating whether a joint venture of New Mexico-based Akal Security and Minnesota-based Deco Security violated Texas right-to-work laws, and has requested information from the companies about Vielma's case and other Texas employees of the joint venture, according to a June 26 letter sent from the Texas attorney general's office to the joint venture's lawyer.

A spokesman for Akal Security said the company is not commenting on the case.

The joint venture offered Vielma full reinstatement to his job, the National Right to Work Legal Defense Foundation reported. The foundation represented Vielma in his case.

Vielma, 58, has not been working since June 2006, when the Deco-Akal joint venture suspended him without pay for not joining a union or paying union fees as stipulated in a union contract with the joint venture.

The case revolves around whether Vielma's work site -- a U.S. Immigration and Customs Enforcement facility at 8915 Montana -- is exempt from the state's right-to-work laws because it is a federal facility.

An administrative law judge for the National Labor Relations Board ruled no proof was shown that the federal government has "exclusive jurisdiction" at the facility, and the state's right-to-work laws apply in the case.

Hickey, the union president, said the judge's ruling was a "terrible decision," and the union proved in this case and others around the country that federal facilities, including the one Vielma worked at, are "federal enclaves" where federal laws apply. That means the union contract which requires employees to pay union fees for union representation is legal, Hickey said.

Vielma could not be reached Tuesday for comment. But Vielma's daughter and John Powell, a spokesman for the National Right to Work Legal Defense Foundation, said Vielma had not yet decided whether he would take the reinstatement offer. Vielma has told the El Paso Times that the loss of his job caused him financial and health problems.

The foundation has pressed the Texas attorney general's office to prosecute violations of Texas right-to-work laws. The attorney general's office released a statement last month that it would "aggressively pursue any allegations of wrongdoing" in regard to the state's right-to-work laws.

In its June 26 letter, the attorney general's office said its "immediate concern is his (Vielma's) continued suspension based on what appears to be a violation of Texas right-to-work laws."

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