

Tuesday, May 10, 2005

MISSOURIAN

Columbia, Missouri

Unions accuse subcontractor of exploiting workers

By SHEENA MARTIN

May 10, 2005

Union carpenters sat in lawn chairs Monday afternoon at Stadium Boulevard and Providence Road handing out fliers that read, "Beware Jayhawkers Invade Columbia!"

 [printer-friendly version](#)

 [contact us](#)

 [e-mail this story](#)

The flier claims Dynamic Drywall, a subcontractor from Kansas for the construction of the Southwest Campus Housing project, is exploiting workers and squandering tax dollars. These claims are being made by the United Brotherhood of Carpenters Local 1925 and the Carpenters' District Council of Kansas City and Vicinity.

Roger Roper, president of Dynamic Drywall, said the matter is simple: Dynamic Drywall has nonunion carpenters.

"(Union workers) take offense when people come and do work at places they want to do work at," he said. "Therefore, they make it as difficult as possible for us, and allegations are part of their tactics."

The allegations against Dynamic Drywall, as noted in the flier, include that the company uses "large numbers of vulnerable foreign workers and has employed a practice of paying workers indirectly through a middle man," which means the workers are provided no benefits and the contractor pays no taxes. Because the company pays no taxes, the flier said, "It deprives the community out of revenue much needed to maintain public services."

Roper said he's seen these types of allegations before.

"There's not a thing in it that's true," he said. "We're there by invitation, not by invasion."

Roper said the allegations against its workers cannot be true because Dynamic Drywall has a certified payroll, which means it submits the payroll to the general contractor for review.

In February, a similar conflict came into public view when the United Association of Plumbers and Pipefitters held an informational picket at the residence hall construction site because the subcontractor, Questec, was not associated with the union.

MU spokesman Christian Basi said that for large construction projects, the university hires a general contractor, in this case Walton Construction. Basi said it is that contractor's responsibility to finish the project.

"We have rules and regulations in place," Basi said, "and rules and policies to be followed to ensure that all construction workers are paid the prevailing wage for the state of Missouri, which concern the subcontractors."

Comments? [Contact us](#) or sound off on our [message boards](#)

[back to the top](#)

ADAMS & JONES

CHARTERED



MERITAS LAW FIRMS WORLDWIDE

P. O. BOX 1034
WICHITA, KANSAS 67201-1034
(316) 265-8591

OF COUNSEL

CLIFFORD L. MALONE
JOHN S. SEEBER
DIXIE F. MADDEN

SPECIAL COUNSEL

WILLIAM F. KLUGE

155 N. MARKET, SUITE 600
FAX (316) 265-9719
www.adamsjones.com

PHILIP L. BOWMAN
ROGER D. HUGHEY
MERT F. BUCKLEY
JOHN W. SUMI
MONTE VINES
KENNETH G. GALE
BRADLEY A. STOUT
PATRICK B. HUGHES
SABRINA K. STANDIFER
DAWN S. WAVLE

December 20, 2004

**U.S. Department of Labor
Occupational Safety and Health Administration**

Wichita Area Office
ATTN: Duty Officer
271 West Third Street North, Suite 400
Wichita, Kansas 67202

RE: Complaint No. 204909840

Gentlemen:

Please be advised that this firm is counsel for Dynamic Drywall, Inc., ("Dynamic") and our client has forwarded to us for response your letter of December 13, 2004. We understand the facts to be as follows:

1. On or about October 28, 2004, Dynamic received an OSHA Records Request from Martinlano Quintero. Mr. Quintero had never been an employee or even an applicant at Dynamic and Dynamic knew nothing about him.
2. The above-referenced letter bore the return address of one Jose Avila. Dynamic later learned that Mr. Avila is an organizer for United Brotherhood of Carpenters and Joiners of America.
3. Dynamic subsequently learned that on August 31, 2004, Mr. Quintero was an employee of Jose Amador, a drywall sub-sub-contractor. Dynamic further learned that Mr. Quintero had departed the United States and returned to Mexico on or about October 23, 2004.

The foregoing facts are documented in Dynamic's response to an EEOC Complaint filed by Pete Coyle, another Union organizer claiming to "represent" Mr. Quintero. Such Response is attached hereto and is incorporated herein by this reference.

Roger L. Roper, President of Dynamic, by letter dated November 18, 2004, advised your office that Mr. Quintero had never been an employee of Dynamic. Mr. Roper understood from your office that this matter was closed and so he did nothing further in this regard.

U.S. Department of Labor
Page 2
December 20, 2004

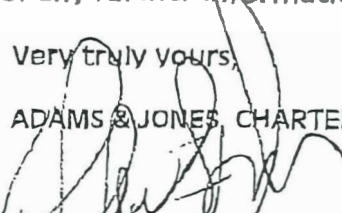
We believe that the foregoing and the enclosed clearly indicate that Union organizers Coyle and Avila are attempting to utilize the powers of government agencies to cause problems for Dynamic in an effort to obtain leverage in their Union organizational efforts. Mr. Quintero was never an employee of Dynamic and we do not believe that Dynamic has violated any OSHA regulations. Accordingly, we ask that the Complaint be summarily dismissed.

Even though Dynamic has not committed a violation, it has nonetheless reluctantly complied with your request and has posted your letter of December 13, 2004, in an accessible location in its office and the duly executed Certificate of Posting is also attached herewith. There are no representatives of any recognized employee union or safety committee at our client's facility.

Please feel free to contact the undersigned if you have any questions concerning the foregoing or if I may be of any further information to you. Thank you.

Very truly yours,

ADAMS & JONES, CHARTERED



William F. Kluge

WFK/dp

c: Dynamic Drywall, Inc.

PHILIP L. BOWMAN
ROGER D. HUGHEY
MERT F. BUCKLEY
JOHN W. SUMI
MONTE VINES
KENNETH G. GALE
BRADLEY A. STOUT
PATRICK B. HUGHES
SABRINA K. STANDIFER
DAWN S. WAVLE

ADAMS & JONES
CHARTERED

III MERITAS LAW FIRMS WORLDWIDE

P. O. BOX 1034
WICHITA, KANSAS 67201-1034
(316) 265-8591

RECEIVED
WICHITA AREA OFFICE
OF COUNSEL
L. MALONE
JOHN S. SEEBER
DIXIE R. MADDEN

05 JAN -4 PM 2:29
U.S. DEPT. OF LABOR
WICHITA, KS 67201
SPECIAL COUNSEL
WILLIAM F. KILGEE
MARKET, SUITE 600
FAX (316) 265-9719
www.adamsjones.com

January 4, 2005

HAND-DELIVER

Ms. Chris Lennox
U.S. Department of Labor
Occupational Safety and Health Administration
Wichita Area Office
271 West Third Street North, Suite 400
Wichita, Kansas 67202

RE: **Complaint Number 204909B40**

Dear Ms. Lennox:

Pursuant to your verbal request, I am delivering herewith on behalf of Dynamic Drywall, Inc., the following documents in connection with the above Complaint.

- A. OSHA's Form 300, OSHA's Form 300A, and OSHA's Form 301 for calendar year 2002;
- B. OSHA's Form 300, OSHA's Form 300A, and OSHA's Form 301 for calendar year 2003;
- C. OSHA's Form 300, OSHA's Form 300A, and OSHA's Form 301 for calendar year 2004;
- D. **Dynamic Drywall, Inc.'s Drywall Sub-Contract with Jose Amador, d/b/a A & A Drywall under date of July 16, 2004, covering the Johnson County Adult Residential Center.** I have obliterated the proprietary and confidential pricing information from paragraph 1(b) of the subcontract.

I am hopeful that the enclosed documentation will be sufficient for your office to complete its investigation and to close its file. Please feel free to contact me if I may be of any further assistance or information to you. Thank you.