

Charleston, W. Va.—A tremor of wildcat strikes has shaken the coal fields of northern West Virginia.

The target is the industry's most hardline owner—Consolidation Coal Co.—and the mine grievance procedure, which is being turned into an iron-clad no-strike agreement.

Over the last month, UMW District 31 miners at Consolidation's Four States Mine have broken the myth of a new era of labor peace in the coalfields.

The current dispute broke out when Consolidation fired Local 4060 President Mike Zemonick along with two committeemen. The three were charged with instigating a one-day work stoppage against a seniority violation.

The firings triggered a walkout on Feb. 21, this time spreading to surrounding mines and idling 6,000 miners. It was the largest strike since the unionwide contract shutdown of 1978.

On March 2, a federal arbitrator upheld the firing of Zemonick and suspended the two committeemen for 30 days. A federal judge also ruled that stiff fines would be levied against the locals and the officers if the wildcatters did not go back. The possible penalties prompted the miners to return, and all but two Local 4060 officials to resign their union posts.

"The way it stands, the local officers are way out on a limb. If the mine strikes, you get fined. If you go

# Wildcats target coalfield firings

to work, you're no good in the eyes of your union brothers," said one union officer.

Then Consolidation fired 12 more men. Again the Four States miners went out, with the action spreading to eight other Consolidation pits in District 31. When federal arbitrators upheld seven of the firings, reinstating two, and leaving three cases unsettled, the 3,500 wildcatters stayed on strike even though the union's fines were mounting at a rate of \$3,000 for each shift missed.

At the heart of the dispute is a new grievance procedure, the Arbitration Review Board (ARB), a product of the 1978 contract. The three-member ARB, designed to curb widespread wildcat strikes, is a virtual Supreme Court with the power to review all arbitration decisions. The edicts of the ARB (there have been 400 so far) take precedence over the 29 articles of the UMW contract, even though many of them have flown in the face of

union contract provisions.

Decision 108 is particularly damaging to the miners' right to strike. It gives any mine operator the right to fire any miner who is identified as picketing any signatory of the industry-wide contract. Decision 108 saddles local officers with the duty to order men back to work and to personally cross picket lines or be fired.

Burdette Crowe, District 31 president, told Consolidation strikers to return, saying, "They have nothing to gain, as I see it, by staying out." Another district official said, "We have always had a good relationship with Consol and the other big employers in District 31. We've never had the troubles that 17 and 29 have had." Consol's Bluefield, West Virginia, manager explains the relationship this way, "The company can do anything it wants to. The union has the right to file a grievance."

The ARB was the subject of debate at the recent UMW conven-

tion in Denver where a recommendation to maintain the Board was turned down by an almost unanimous vote.

"All [the ARB] has left of the contract we struck for is two green covers with nothing in between," summed up one convention delegate. Several delegates pointed out that the procedure allows the companies to channel every grievance into arbitration, stripping locals of the power to settle safety, seniority, and other beefs at the mine level.

As a result of the new rigamarole, it was pointed out, Districts 17 and 29, the union's largest, have been brought to the edge of bankruptcy by arbitration costs.

At the convention, union President Frank Church said he had received the members' message on the ARB. But, considering that he was chief negotiator in the '78 contract, many miners are skeptical. They worry that his contract priorities may have more in common with

Consolidation than with the rank and file.

Consolidation's hard-line stance is in keeping with the maneuvering they have done in the Bituminous Coal Operators Association (BCOA). The company pulled out of the association in May of last year charging that smaller operators were "too influential" in the bargaining talks. Consolidation, a division of Continental Oil Company, in alliance with U.S. Steel and other mine-owning steel companies, threatened to go its own way until the BCOA approved a new bargaining structure in which the largest producers will control the 1981 talks, set to begin soon. When the set-up was changed to favor the large producers, Consolidation rejoined the BCOA.

## BARGAINING TACTICS

In the 111-day strike of '78, the smaller independent operators began to hurt much sooner than the "captive mines" owned by stockpiled steel giants and the capital-rich oil companies. And settling with the independent operators in order to force the steel company subsidiaries to come to terms has been an effective bargaining tactic of the UMWA since the days of John L. Lewis.

So, as the companies prepare for some tight-fisted bargaining using the ARB to break down union resistance beforehand, the miners at Four States are already taking up the challenge.