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## Fluor Daniel to pay \$12 million for antiunion hiring practices

*Settlement resolves two decades of litigation, largest case of its kind*

KANSAS CITY, KS, October 14, 2009 — Four construction unions announced today they have reached a record-setting settlement with Fluor Daniel Inc. over the company's practice of discriminating against union organizers who apply for work. Under terms of the agreement, Fluor Daniel will pay \$12 million in back pay and interest, which will be allocated to 167 union members who were victims of hiring discrimination. Individual members will receive between \$8,000 and \$217,000.

(MORE)

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The settlement agreement resolves multiple cases brought before the National Labor Relations Board dating back to the early 1990s by the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers, and Helpers; the International Brotherhood of Electrical Workers; and the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry. The United Brotherhood of Carpenters also is party to the litigation as an intervener. The unions charged that Fluor Daniel intentionally refused to hire qualified union members to work on utility maintenance projects in Kentucky and Arizona, and on an Exxon refinery job in Louisiana.

Presidents of the four unions joined together in issuing this statement: "This settlement is unprecedented for this type of case. It is the largest in terms of back pay, and it is the longest. The combined cases took nearly 20 years to litigate through the Labor Board and the appeals process. Today marks a huge victory for the union construction trades — and for the individuals who were unfairly treated by Fluor Daniel.

"Sadly, more than a dozen of the discriminatees have passed on in the years since these charges were filed, illustrating the need for labor law reform in the United States, beginning with passage of the Employee Free Choice Act. The legal right of workers to organize is routinely abused. It should never take two decades for workers to receive justice under the law."

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[See relevant NLRB/appellate court case numbers on next page.]

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## Relevant legal filings by unions and rulings of the NLRB and Sixth Circuit Court of Appeals

### Case Reference: Fluor Daniel II (Big Rivers Electric Company power generating facilities, Kentucky): NLRB Region 26-Memphis

- 26-CA-13842: Unfair Labor Practice charges in 1991 by Boilermakers, NLRB Region 26
- 311 NLRB 498: NLRB decision as to charges
- 161 F. 3d 953: Decision of Sixth Circuit Court of Appeals enforcing/remanding NBLRB decisions
- 350 NLRB 702: Rulings of NLRB

### Case Reference: Fluor Daniel III (Exxon refinery, Baton Rouge, La., and Palo Verde Nuclear Generating Station, Wintersburg, Ariz.); NLRB Regions 15-New Orleans and 28-Phoenix

- 28-CA-12750 and 28-CA-13357: Unfair Labor Practice charges in 1994 by Boilermakers, NLRB Region 28
- 15-CA-12544, 15-CA-12666, 15-CA12723, 15-CA-12852, 15-CA12936, and 15-CA-12938: Unfair Labor Practice charges in 1995 by the International Brotherhood of Electrical Workers and the United Association in Region 15
- 333 NLRB 427: NLRB decision as to charges
- 332 F. 3d 961: Decision of Sixth Circuit Court of Appeals enforcing/remanding NBLRB decisions
- 09-0891-ag and 08-4754-ag: petitions for review
- 09-0368-ag: petition for enforcement