

SEPTEMBER STRIKE FALLOUT

28 farm workers sue Auvil Fruit

By WENDY HARRIS
Of the Herald-Republic

A group of farm workers is suing Auvil Fruit Co., a prominent Eastern Washington apple grower, alleging they were punished for participating in a strike during last year's harvest.

Twenty-eight farm workers filed the suit in U.S. District Court in Spokane last Friday, said Guadalupe Gamboa, state director of the Sunnyside-based United Farm Workers of America.

The complaint alleges that Auvil Fruit Co. officials harassed and intimidated workers during a four-day strike at the company's orchards near Vantage last September.

The complaint further alleges that after the strike, workers who participated in the strike were laid off earlier than others, some were not rehired and others were given lower-paying jobs. Also, workers living in company-owned housing were also threatened with eviction, the complaint charges.

The company, which is based in Orondo, is also accused of recruiting and hiring replacement workers without telling them about the strike, a violation of federal law, the lawsuit says.

Grady Auvil, owner of Auvil Fruit Co., declined comment Thursday, saying he

didn't know enough about the lawsuit to discuss it. He deferred comment to senior vice president Mel Hansen, who could not be reached Thursday afternoon.

About 130 workers struck Sept. 1 with the backing of the UFW. The workers, who were upset after eight fellow workers were laid off, were protesting what they considered lack of job security and the ability of foremen to fire workers for petty reasons.

At one point during the first day of the four-day strike, 26 patrol cars from Grant and Kittitas counties and the Washington State Patrol responded to complaints that workers were blocking the roadway. Several sheriff's deputies displayed rifles and the UFW leaders filed a complaint against the State Patrol accusing troopers of racist and aggressive tactics. A subsequent investigation by the State Patrol concluded the troopers acted lawfully.

Gamboa said retaliation against unionizing efforts is common in the agricultural industry.

"It's very easy to camouflage it in agriculture," he said. "They wait for the workers to get laid off and then find ways to not hire them back."

Auvil, who founded Auvil Fruit with his wife in 1928, was recently awarded the Washington Medal of Merit by Gov. Gary

■ See **SUIT**, Page 2C

Suit/ Auvil complaints not new

■ Continued from 1C

Locke. The medal, which is considered the state's highest honor, recognizes citizens whose achievements have benefited others and has been awarded to just 14 people.

Gamboa said workers' complaints at Auvil's ranches are nothing new. Formerly an attorney for Evergreen Legal Services, Gamboa represented 17 workers who sued Auvil Fruit Co.

in 1993 for similar complaints.

In that lawsuit, workers claimed they were fired in retribution for attempting to organize a union. The suit also alleged that management evicted some workers from the company-owned housing, reduced pay levels arbitrarily and restricted access to drinking water and bathrooms.

The company eventually reached a confidential out-of-

court settlement with the workers, though it did not admit fault.

As part of the settlement, the company also agreed to comply with federal and state labor laws and to maintain non-discriminatory employment practices in the future.

The workers in the latest lawsuit are being represented by Michael McCarthy and Erik Kerzee of Davies, Roberts & Reid, a Seattle-based labor law firm. They have taken the case without pay.