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**AFSCME Local 420 (NY)\*\***

**AFSCME Local 1246 (OR)\*\***

**AFSCME Local 1489 (MA)\*\***

**AFSCME Local 2620 (CA)\*\***

**AFSCME Local 2831 (OR)\*\***

**AFSCME Local 3038 (FL)**

**AFSCME Local 3327 (OR)\*\***

**AFSCME Local 3342 (FL)\*\***

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**SEIU Local 250 (CA)**

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**SEIU Local 535 (CA)\*\***

**SEIU Local 616 (CA)\*\***

**SEIU Local 660 (CA)\*\***

**SEIU Local 790 (CA)\*\***

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PETITION TO THE UNITED STATES TRADE REPRESENTATIVE  
TO REVIEW THE LABOR RIGHTS RECORD OF EL SALVADOR

Prepared by the National STISSS Support Committee

May 1989

As trade union leaders who have with grave concern monitored the treatment of the members of STISSS, the Union of Workers of the Salvadoran Social Security Institute, and having recognized a serious pattern of violations of the internationally-recognized labor rights of STISSS, we do hereby submit to the United States Trade Representative this petition documenting certain of these violations, pursuant to Section 502 (b) (8) of the Trade and Tariff Act of 1984, and do further request a formal public review of the labor rights situation in El Salvador.

The incidents documented below are, in our opinion, in violation of the labor rights of STISSS, as defined by the Trade and Tariff Act of 1984 and as detailed by the International Labor Organization (and as concurred with by the AFL-CIO); specifically, the right to free association; the right to establish and join organizations of the employees' own choosing; the right of the organization to function free from government or employer interference; the right of union members to choose their own representatives; the right to have their organization acquire legal status; the right to protection against anti-union discrimination and protection from any prejudicial acts against the employees' representatives; the right to conduct negotiations and conclude collective bargaining agreements excluding government-enforced obstacles of all kinds; the right to strike; the right to security of persons engaged in trade union activity, guarantee of due process and right to free movement; the freedom of assembly; and the right to reasonable conditions of work, including wages sufficient to meet the needs of the employees and their families.

- Labor Solidarity Knows No Borders -

\*Organizations listed for identification purposes only

\*\*STISSS "Sister Unions"



THE RIGHT TO FREE ASSOCIATION,  
THE RIGHT TO PROTECTION AGAINST ANTI-UNION  
DISCRIMINATION AND PREJUDICED ACTS AGAINST  
WORKERS' REPRESENTATIVES

1. The "disappearance" of Eliseo Cordova Aguilar:  
During a December 1988 delegation sponsored by the National STISSS Support Committee, we met with the family of Eliseo Cordova Aguilar.

Cordova had been an official of STISSS, which was about to enter contract negotiations with the semi-autonomous government agency, ISSS.

A week before his disappearance, four men in civilian clothes had attempted to abduct Cordova, but were prevented by other hospital workers who were able to protect him. In the scuffle, the STISSS members recognized one of the assailants as a member of the Treasury Police.

On July 12, 1988, Eliseo Cordova Aguilar was kidnapped from his home by armed men in civilian clothes; his whereabouts remain unknown. His wife, Dina Solita Cordova, told us, "My husband was in the leadership of STISSS for the last three years, holding different offices. He participated actively in three strikes, including the last one. As of last December, he was no longer on the Executive Committee, but remained a union representative and President of the STISSS Cooperative. On July 12 he was kidnapped, on Tuesday evening, coming back from work."

Eliseo Cordova's nephew, Enimias Cordova Hernandez, was abducted with him. He gave us the following account: "When I came home from work, I was standing on the steps talking to my friend, about 7:45. At 7:55 my uncle came home from work, parked his car and began chatting with us. He went back to the car to look [for the registration]. Three men appeared, in civilian clothes, wearing ski masks, heavily armed. They told us to put our hands up, if we moved they'd kill us. They then patted us down. My uncle gave them the car keys, thinking it was the car they wanted. But they said, "No, we came for you." They put him in the back seat, put our neighbor Dr. Hernandez [a government prosecuting attorney] and me in the same back seat. One of them got in my uncle's car and started it, then another got in. The third fired into the air, then got in. We drove to the highway, toward Lake Ilopango. They pulled off the highway and blindfolded us."

"Then we drove to a place where they took Eliseo out and put him in another car that was behind us. I heard them say they wanted to chat with him, about unions, about salaries, but I didn't hear anything else. The

other car started up and we waited about 15 minutes. The other car came back; at least, it sounded just like the other car. It was there about 5 minutes, then both cars started up and got back on the highway. We drove 15 minutes and stopped. They took us out and put us into the other car, where my uncle had probably been. They abandoned my uncle's car and we returned to the highway. They left us at Canton El Tigre, between Sonsonate and San Salvador."

The evening of the abduction, the police told Dr. Hernandez's wife, "Don't worry, your husband and the boy will appear. The other one, we don't know."

A few days afterwards a nurse who is a member of STISSS came to the union's office. She reported that her husband, who was a physical trainer for the Treasury Police, had seen Cordova in a cell at Treasury Police Headquarters. Cordova, who also recognized her husband, called him over to borrow a cigarette. No one has seen Cordova since.

2. The attack on the ISSS ambulance at Zacatecoluca: During the 1987 strike ISSS Director Bustamante publicly announced that ISSS ambulances were being used by STISSS members to transport "dangerous people." On December 19, 1987, three days after the STISSS General Assembly, employees (STISSS members) at the Zacatecoluca Regional Health Center held an end-of-the-year party. With the approval of the local director, they borrowed a well-marked ISSS ambulance to travel to the beach.

On their return, they saw two vehicles with polarized windows following them. One of the vehicles intercepted the ambulance and cut it off. Three men in civilian dress got out and began spraying the ambulance with automatic weapons fire. The other vehicle began to shoot from behind and passed the ambulance shooting. Both cars drove off. Two nurses, Lidia Esther Herrera de Castellanos and Victoria Canenguez de Escobar, were killed in the attack. Ten other employees were wounded, some seriously.

3. The assassination of Francisco Climaco: Francisco Climaco, an active rank-and-file member of STISSS, disappeared March 11 on his way to work. His badly-tortured body, bound at the wrists and ankles, was found 3 days later in a field far from his home; his body showed multiple cigarette burns and his eyes were missing. He had been shot three times in a manner consistent with death squad killings. Climaco, employed in a Social Security Institute (ISSS) supply department, had been an active participant in last summer's strike.

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4. The abduction and torture of Fredy Torres: Executive Committee member Fredy Torres was abducted April 21, 1988 at 7:30 P.M. by heavily armed civilians. He was held by the Treasury Police, and physically and psychologically abused. During the course of his "interrogation", Torres was subjected to death threats, beatings and was questioned extensively about his union activities. His captors threatened STISSS with further attacks.

His abduction was publicly denounced in El Salvador and emergency telegrams were sent by trade unionists in the U.S. He was released after 72 hours "for lack of evidence."

On September 13, 1988, Torres was again attacked on the street by heavily armed men in civilian dress. His assailants shouted, "This time we're going to kill you." Torres, who is a member of El Salvador's Olympic Judo team, fought them off, tore open his shirt, and shouted back, "If you're going to kill me, do it here and get it over with." By that time a crowd had gathered and the assailants chose to leave in their vehicle.

Interviewed by the Latin America Press (October 6, 1988), Torres stated he had received many death threats in the past year, adding, "They were trying to scare me into not returning [from the Pan American Games in Indianapolis] so they could weaken the union....They accuse us of being with the guerrillas. But what motivates us is our inadequate living conditions, not the guerrillas...."

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4. The abduction of Jorge Alberto Albeño: Jorge Albeño, First Secretary of Conflicts, was abducted from the streets of Soyapango by members of the Air Force at 5:00 P.M. on April 22, 1989. His whereabouts were unknown for one week and no one acknowledged his capture. He finally turned up in the prison at San Vicente, where he remains.

Albeño was one of four leaders, including General Secretary Guillermo Rojas, who were abducted by security forces during the 1985 strike, following a military invasion of the hospitals, in a government attempt to break the strike. The STISSS leaders were held for four days and tortured.

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5. The attempted assassination of Douglas Marroquin: Douglas Marroquin, a STISSS activist, had been under surveillance for one week prior to the attack, by men in civilian clothes driving jeeps with polarized windows. Marroquin was shot as he went to board a bus in downtown San Salvador April 23, 1988, by two men in civilian clothes; Marroquin had just left a demonstration at the ISSS Primero de Mayo Clinic, called by STISSS to demand the release of Fredy Torres, recently abducted.

Threat

6. Other attacks on STISSS activists: Rutilio Tejada was taken from his home March 15, 1988 by armed and uniformed men and found the next day seriously beaten, shot and left for dead.

On February 27, 1988 a bomb exploded in the carport of the home of rank-and-file activist Armando Miranda Navas. He and his family had been receiving threatening phone calls since the previous December, related to his union activity.

Rene Amilcar Zamora was abducted by uniformed members of the Treasury Police on March 3, 1989 at 4:25 P.M. near the ISSS General Hospital, as he was leaving work. He was released after two days.

Wilfredo Galdanez was abducted March 19, 1989 and remains imprisoned.

Seven STISSS members, including two General Secretaries, have "disappeared" since 1980.

The Salvadoran government tolerates, if not encourages, these attacks. For example, the Ministry of Information publicly labels leaders of STISSS as "subversives", justifying death squad actions. No one has ever been prosecuted for these actions and the death squads are widely known to operate within and at the orders of the Security forces.

Their employer, the Social Security Institute (ISSS), during the 1987 strike placed paid advertisements in the newspapers accusing STISSS leaders like Cordova and Torres of terrorism and taking direction from Nicaragua, Cuba and Russia. The Minister of Information began a publicity campaign directed against STISSS. Jorge Bustamante (Director of ISSS) accused the ambulances of transporting "dangerous people".

Prior to the abduction of Fredy Torres, Bustamante had launched a campaign "linking" STISSS and the FMLN, including television spots of STISSS activists, among them Torres.

We believe that this constitute a clear and consistent effort to terrorize the members of STISSS and prevent them from participating in union activities. This is a violation of their internationally-recognized labor rights to association, establish and join and participate in an organization of their choosing, and the right to protection against anti-union discrimination and protection from any prejudiced acts against the workers' representatives.

These attacks are carried out by individuals known to be associated with the government. The government has made no effort to prosecute or prevent these attacks. In fact, the government promotes these attacks by publicly

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accusing STISSS leaders and activists of membership in the FMLN. That these attacks are related to STISSS members' union activities can be seen for example, in the questions asked Eliseo Cordova and Fredy Torres, as well as the attack on Douglas Marroquin following a union demonstration.

THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY,  
THE RIGHT TO STRIKE

1. **The 1985 Strike:** In May 1985, facing a 54% drop in their standard of living, STISSS began a peaceful strike, demanding salary adjustments, improved staffing levels and an end to anti-labor government harassment, while continuing to provide emergency care in the hospital. On June 2, 1985, in an attempt to break the strike, the government ordered the National Police of invade the ISSS General Hospital in San Salvador.

Orlando, a shop steward in the General Hospital at the time of the strike, described the invasion to a visiting delegation of U.S. trade unionists, "The army came at 2:30 A.M. Our leaders [including Guillermo Rojas and Jorge Albeño] were taken. All the workers were brutalized, like how you would treat an enemy. The attack came by air and ground. They were hitting, beating everyone. The workers realized they had to be united and not succumb. The military, who were masked, killed 2 of their own by accident. There were 2 groups of military differently dressed, as provocation and justification for the attack. They put in the newspapers that "the people had arms"--to confuse international opinion, so people around the world would think it was worker against worker. Four people died. One mother died in childbirth because she got an infection after the army entered a sterile area. One patient died in the operating room. They captured the people working there. They took the patients from their beds, knocked them off to the floor, to "look for guns" under the mattresses, even in the delivery rooms. They took newborns out of cribs, too. They left the patients without help and took the workers to the auditorium. They tied them up face-down; they had a list of union leaders and asked for them one by one. The workers said "they're not here". But the Army identified two and took them. There were 5-6 lines of masked soldiers around the hospital, 400 soldiers."

The government used military force in an attempt to end the strike, in violation of the STISSS's internationally-recognized rights to bargain collectively and strike, as a legitimate means of defending and promoting their occupational interests.

2. **The 1987 Strike:** The 3-month long 1987 strike, which began June 1, 1987, was called over demands for contract compliance, salary increases, improved benefits and reconstruction of the earthquake-damaged hospitals.

On June 10, the strike was declared illegal by a labor judge. Given that there have been only 3 legal strikes since 1980, according to the U.S. Embassy's Labor Attache Bruce Thomas, this ruling was hardly surprising and speaks more to the manipulation of El Salvador's labor laws by the government than to the legitimacy of STISSS's actions.

They returned to work following three months of threats, firings, militarizations of worksites, physical attacks, public defamations and arrest of its leaders. The government had sought to strip over 60 STISSS leaders and activists of their rights as union members and officers. On August 31, a judge ordered all 11 STISSS top leaders detained for "abusing the free exercise of the right to strike and the right to work"; they were allowed to post \$1000 bond per person.

The strike ended September 4, under threat from the Minister of Labor of immediate decertification of the union. STISSS itself was fined \$1000, 76 employees were fired and over 300 suspended (despite a management agreement that there would be no reprisals).

All STISSS members that we asked about last year's strike saw it as unavoidable, given the intransigence of ISSS management, management's failure to abide by many contract clauses and the severely deteriorating economic situation. They denounced ISSS and government repression, including threats of and the actual use of force by the military, as well as economic reprisals against union members.

At Santa Ana, the union representative explained "We were subject to a lot of harassment [by management]. At the same time we were worried about the economic situation. We asked for a wage raise, improved benefits, because, despite our contract, many clauses have been violated. So we went on strike demanding better benefits for us, as well as those coming here for medical care [eg. rebuilding the hospital destroyed by the earthquake]."

Carlos Roberto Cruz Umanzor, records clerk and shop steward La Union Regional Health Center, told our December delegation, "I starting working here directly from high school. When I first started here, the union called some work stoppages, demanding salary adjustments. I saw how important the union was in defending us. I've been a steward now for four years."

"The biggest problem we face is fear. Fear of the bosses. They don't listen to us, punish us arbitrarily

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and in violation of the contract. They discriminate against union activists; for example, by giving negative work evaluations. People fear withheld wages, suspensions and firings for participating."

"There is a psychological fear of belonging to a union; there is an anti-union campaign in the public media."

"And fear of the Army. During the last strike, the Brigade Commander came here to say we had to return to work. He accused us of links to the guerrillas. He threatened to physically harm us if we didn't return to work. We began to work but not happily."

In Sonsonate, Colonel Natividad de Jesus Caceres accused strikers of membership in the FMLN and threatened them with imprisonment if the strike continued.

On July 8, troops fired on strikers attempting to hold an assembly at the ISSS Administration Building. Pedro Cruz, current Secretary General of STISSS, described the situation, "The employees had marched many times from the Clinic to the Administration Building to hold assemblies. On the day of the attack, we marched to the Administration. When we arrived, the police let 20 enter. After that they closed one entrance but let people enter from the other side. The police then began to beat the employees trying to get in and those already inside. Those outside, seeing this, tried to push their way in. A shoving match developed. Women outside began throwing rocks at the police."

"Policemen began firing into the air, then in various directions. I saw a policeman aim at me, but I ducked, and he wounded a journalist. When the shooting started, those outside hit the dirt. The police began shooting at the windows so that glass would fall on those outside, but they moved out of the way. Seventeen people were wounded and 47 beaten."

Cruz continued, "ISSS began taking out ads in the papers accusing us of terrorism and taking direction from Nicaragua, Cuba and Russia. The Minister of Information began a campaign directed against STISSS. People received death threats. Bustamante (Director of ISSS) accused the ambulances of transporting 'dangerous people'."

On July 29, the ISSS hospital in Sonsonate was occupied by soldiers and all union leaders were prevented from entering. The ISSS hospital in Santa Ana was occupied by 200 soldiers of the Second Brigade on August 4; leaders were interrogated, accused of belonging to the FMLN and turned over to the Governmental Human Rights Commission on condition they not attempt to enter the hospital and not talk to the press. Strikers were photographed the troops. The hospital in Ahuachapan was



Threat (D)

occupied that day, as well. On August 13, soldiers militarized the hospital in San Miguel, and medical facilities in Atlacatl, San Jacinto and Santa Anita. On August 20, ISSS took out a newspaper ad, proclaiming, "The FMLN Becomes the Armed Wing of the Leadership of the Union of ISSS Workers".

Cruz said, "Beginning in July, STISSS sought the intervention of the Church, as well as the labor representatives on the ISSS Board of Directors (named by the Minister of Labor to represent those insured under ISSS), and the Minister of Labor as well. Some meetings were held with the then Vice-Minister. But the government appointed a new Minister of Justice who was anti-STISSS."

Threat (U)

"Finally, we managed to end the strike, but there were arrest warrants against our leaders and the government was threatening decertification. This led STISSS to end the strike, to conserve our legal certification. After many negotiating sessions in the Labor Ministry, the union accepted the fine. We negotiated an agreement that there would be no reprisals (firings, suspensions) but the Ministry of Labor has not complied."

The union went back to work after three months, but despite government agreements that there would be no retaliation, many union members were fined or disciplined and 76 dismissed for participation in the strike. Five hundred employees were docked between 15 days and 3 months pay following the 3-month-long strike last fall. Vacation and Christmas bonuses were denied. Seventeen were suspended for more than 3 months.

After the strike ended, ISSS management representatives, apparently acting under Director Bustamante's authority, offered to reinstate these 76 fired workers if the STISSS Executive Committee and 50 other shop stewards resigned and agreed not to run for re-election, in violation of their right to function free of government or employer interference and elect their own representatives.

Currently the STISSS main grievance is over the illegal firings of these 76 employees, fired for participation in the strike; some of those fired were off on sick leave during the strike; others continued to provide essential services. The case is now in the Labor Courts.

Since the strike, ISSS and the Labor Ministry have attempted to manipulate these blacklisted workers with promises of their jobs back if they will denounce the union. A few have taken them up; a "Committee of Fired Hospital Workers" was mysteriously formed.

This "Committee of Fired Hospital Workers" was apparently well funded, having access of offices, phones and media, greater than that available to some long-

standing unions.

This committee published newspaper ads attacking STISSS. They also appeared on television to denounce leaders of STISSS and other unions as "subversives" and members of the FMLN. Four of these fired workers made a tape at COPREFA (The Armed Forces Press Corp) accusing some of STISSS leaders of being subversives. A few days after this was broadcast, Fredy Torres (Secretary of Culture) was abducted and tortured.

Apparently, ISSS and the Labor Ministry hoped to use this committee in an orchestrated campaign to deny credentials to the new Executive Committee elected December 16, 1987. Individuals associated with the "Committee of Fired Workers" attempted to disrupt the STISSS Assembly and later challenged the validity of the election. The Ministry delayed granting the credentials and ordered the elected leaders back to work, in violation of the contract. Under intense pressure from other Salvadoran unions, the Ministry backed down and granted credentials February 3, 1988. Dues checkoff, guaranteed under the contract, was also refused by ISSS for some time during this period.

*Threat ①*

The government, in both 1985 and 1987, employed force and the threat of force, threats of arrest and bodily harm, discipline and firings, militarizations of worksites, physical attacks, public defamations, the threat arrest of its leaders and the threat to revoke legal certification of the union to prevent STISSS members from joining an organization of their own choosing, having their organization function free of government or employer interference (including the right to elect representatives of their own choosing), to conduct negotiations and conclude collective agreements excluding government-enforced obstacles of all kinds, the right to security of persons engaged in trade union activity and guarantee of due process of law and free movement, the freedom of assembly and the right to organize public meetings. Following the 1987 strike, government and management have connived with, if not created, a parallel organization, the "Committee of Fired Workers", to provide the legal justification to decertify STISSS, in violation of the employees' right to establish an organization of their choosing.

#### FREEDOM OF ASSEMBLY

*Threat ①*

Early in the morning of April 24, 1989, fifty armed security forces surrounded the offices of STISSS, and maintained some presence there, intimidating union members. STISSS offices were not the only offices to be



militarized in April.

## THE RIGHT TO WAGES SUFFICIENT TO MEET THE NEEDS OF UNION MEMBERS AND THEIR FAMILIES

The average wage of STISSS members is 700 colones a month (\$120 U.S.). Wages are less than one-half of what the Salvadoran government determines to be the minimum necessary for a family's basic survival.

### SUMMARY

We believe that these examples of violations of the trade union rights of STISSS represent a pattern of such violations. Disappearances, murder, torture, arbitrary arrest and detention interfere with the ISSS employees right to free association; ie. to establish and join an organization of their own choosing and to have that organization function free of government or employer interference (through the creation of terror and intimidation), their right to protection against anti-union discrimination and protection from any prejudicial acts against workers' representatives, and the right to the security of persons engaged in trade union activity. That these attacks documented above are related to the victims' trade union activities can be shown by the statements of the perpetrators themselves, in the cases of Eliseo Cordova Aguilar and Fredy Torres, and by the attack on Douglas Marroquin following his participation in a union-sponsored demonstration.

The government exhibited a pattern of interference in the union's right to conduct negotiations and conclude collective agreements excluding government enforced obstacles of all kinds; the ILO recognizes the right to strike as a legitimate means of defending and promoting occupational interests. Twice, the government has attempted to break strikes through military attacks on strikers, in 1985 and 1987. During the 1987 strike, the military occupied worksites and threatened strikers unless they returned to work. These, and the other means of harassment, threats and intimidation documented above, limited and interfered with the unionists' right to strike.

Militarization of worksites and banning of union leaders from these sites violated the right of free movement of trade union representatives, as well as their right to freedom of assembly and the right to organize meetings and protection against prejudicial acts against workers' representatives.

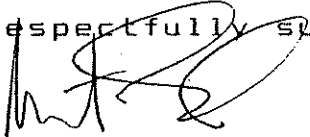
Offers to rehire the blacklisted employees and the use of the "Committee of Fired Employees" to interfere in

the union elections are violations of the members' right to elect representatives of their own choosing.

Government threats to decertify the union (during the 1987 strike) violate their right to acquire legal status.

We hope you will seriously consider the information provided in this petition and formally review the labor rights record of El Salvador, towards STISSS in particular and the Salvadoran labor movement in general. We are well aware that the STISSS is not alone in experiencing violations of its internationally-recognized labor rights, as defined by the Trade and Tariff Act of 1984 and the International Labor Organization. We are also aware that other organizations, including Americas Watch, has or will be submitting similar petitions. We support all efforts to improve the dangerously deteriorating labor rights situation in El Salvador.

Respectfully submitted,



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