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'Shame' banners aren't a welcome sign

A carpenters union is 'bannering' an Arroyo Grande ice cream parlor because it plans to open a store in a mall where a nonunion drywall firm 'does not meet area labor standards.' It's a divisive move.

February 11, 2010 | By Steve Chawkins

Reporting from Arroyo Grande, Calif. — For years, the owner of Arroyo Grande's old-fashioned ice cream parlor has likened the Central Coast community to Bedford Falls, the friendly little burg in the Jimmy Stewart film "It's a Wonderful Life."

So he bristled when an out-of-town labor union unfurled a 15-foot-wide banner -- "Shame on Doc Burnstein's Ice Cream Lab" — across from his business on cafe-lined West Branch Street.

Even more upsetting to Greg Steinberger was the flier showing a rat gnawing on a tattered American flag: It charged him with "desecration of the American way of life."

And most galling to the 46-year-old Navy veteran was that the United Brotherhood of Carpenters and Joiners of America had targeted him over the allegedly low wages of a company he says he had never even heard of.

"I don't know what it'll take to get them to go away," said Steinberger, who, in labor jargon, has been "bannered" since Oct. 30. "I've got customers coming in here asking, 'Are you in trouble? Aren't you paying minimum wage?'"

In recent years, such banners and fliers have become fixtures on the national labor landscape, though huge, inflatable rats are no longer in vogue. "Shame" banners have gone up outside countless businesses big and small, from housing projects in Phoenix to a bowling alley on Long Island. Many of the targets have used general contractors who hired nonunion subcontractors.

Sometimes the links have been more indirect: A Tulsa, Okla., country club was bannered because a member headed a nonunion contracting firm. In Bakersfield, banners declared "Shame on Tony Bennett" and "Shame on the Fox Theater" when the singer performed there in 2006. The event was a fundraiser for a medical center with subcontractors unacceptable to the union.

In Arroyo Grande, paid sign-minders stand beside the banner across the street from Doc Burnstein's four days a week, sometimes shielded from the sun by blue-and-white umbrellas.

According to the fliers, the carpenters are bannering Doc Burnstein's because Steinberger plans to open an outlet in a renovated Santa Maria mall where a nonunion drywall company "does not meet area labor standards . . . including fully paying for family health benefits and pensions." A gymnastics studio in Santa Maria is getting the same treatment.

Some unions disapprove of bannering, which often targets businesses not directly involved in labor disputes. But by focusing on secondary businesses -- such as a store that sells goods made by a nonunion factory -- unions that use the tactic say they can draw public attention and even persuade the bannered companies to side with them. They contend the banners are expressions of free speech. But others — including attorneys for the National Labor Relations Board -- have argued that they are coercive, unfair and possibly unlawful.

Eleven bannering cases are awaiting judgment by the NLRB, but three of the federal agency's five seats have been unfilled for two years. Nobody knows when congressional gridlock over the appointments will end or whether a bannering ban would stand up. In a 2005 case involving a carpenters union local in Los Angeles, a federal appeals court declined to bar the practice.

Representatives of Camarillo-based Carpenters Local 150, which is bannering Doc Burnstein's, did not return phone calls. But the ice cream parlor's fans have been vocal about wishing the carpenters a rocky road.

"I told one of them, 'If you're not going to hell, I don't know who is,'" Lynette Navarro said. "Imagine hurting an ice cream guy whose crime is daring to sign a lease at the mall!"

Doc Burnstein's — the name combines Steinberger's and that of his original partner, Chuck Burns — is an unlikely setting for a labor drama. Norman Rockwell prints line the shop, and a toy freight train chugs around the walls. Steinberger, who has an MBA from UC Berkeley, awards "scholarships" each August to the college-bound young workers who dole out scoops of Caramel Explosion and Root Beer Marble. The Sunday after Thanksgiving, he co-hosts a free outdoor showing of "It's a Wonderful Life" and other Christmas movies.

After the bannering began, irate customers wanted to mount a counter-protest. Steinberger said he consented only because the union action continued through one of his bimonthly blood drives.

"That just really ticked me off," said Steinberger, who offers a pint of ice cream to every blood donor.

Some two dozen sign-wielding Doc Burnstein's supporters showed up. Navarro, owner of a Grover Beach awning company, donated a banner as big as the union's: "We [heart] Doc Burnstein's! No Labor Dispute!" A union representative came to heckle, according to Steinberger, and to videotape the protesters'

reactions.

It's hard to tell, Steinberger said, whether the bannering has slowed his business. But Gabe Segura, owner of the action's primary target -- United Drywall Systems -- said it's hurting his 10-employee company.

"They've threatened, they manipulated, they've gone to my employees' house at night, asking for copies of check stubs," Segura said. "They want to deter people from using us, and there's definitely certain jobs that don't want the publicity."

Segura said he'd have to nearly double his fees to match union pay rates. "In this economy, who's going to pay more for construction?" he asked.

Carpenters Local 150 is affiliated with the Southwest Regional Council of Carpenters, a 65,000-member union operating in five states.

Justin Weidner, its chief of staff, declined to answer questions about specific bannering campaigns.

"We believe it's an effective tactic," he said. "That's why we continue to use it."

Still, some campaigns have drawn critics even within union ranks.

"Labor is so restricted in getting its message out that bannering, if it's done right, can help," said Bob Oedy, an organizer for the International Brotherhood of Electrical Workers. "But it can also be very counterproductive."

The author of a handbook on organizing, Oedy has compiled tips for "better bannering," reminding workers -- he prefers volunteers -- to avoid high winds, never crease the banner, be enthusiastic and "connect with the public."

As for the bannering in Arroyo Grande, Steve Weiner, executive secretary-treasurer of the 7,000-member Tri-Counties Building and Construction Trades Council, decried the idea of unions demonstrating outside neutral businesses.

The carpenters union, he pointed out, is not a member of his council or the AFL-CIO.

"The labor movement is supposed to be advancing with the times," he said. "It's not the '30s anymore."

Weiner was busy preparing for a job fair, rounding up union reps to talk about apprenticeship programs and career prospects.

The event will be held Feb. 26 -- at Doc Burnstein's, where the labor group is footing the bill for anyone who drops by from noon to 6 p.m.

"It's a show of support," he said. "We're buying ice cream for everyone."

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