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NLRB Seeks Injunction Against Massey

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CHARLESTON, W.Va. — The National Labor Relations Board wants a federal court to force Massey Energy Co. to rehire 85 United Mine Workers members and negotiate a new union contract at a coal mine it bought out of bankruptcy in 2004.

The NLRB contends in a petition filed Thursday that Massey and its Spartan Mining subsidiary will keep violating federal labor laws at the eastern Kanawha County mine. The petition asks the U.S. District Court in Charleston for an injunction.

An NLRB administrative law judge ruled last November that Massey violated federal labor laws by refusing to rehire the miners after acquiring the mine. The injunction would force Massey to abide by the decision, which the Richmond, Va.-based company is appealing. The injunction also would force Massey to recognize the UMW at the mine.

Without an injunction, "a serious flouting" of labor laws will continue, the NLRB said in its petition.

Massey reopened the mine as a nonunion operation after acquiring it from bankrupt Horizon Natural Resources in September 2004. Massey contended before the NLRB that former employees weren't hired because better qualified replacements were found. Massey also argued that it did not have to bargain with the UMW because the subsidiary that acquired the mine was not a legal successor to Horizon's operation.

A Massey spokesman did not immediately return a call Thursday.

The vast majority of Massey's employees are not represented by a labor union. As of Dec. 31, 2006, the company said 2.4 percent of its 5,517 employees were union members. Six coal preparation plants, which handled approximately 29 percent of Massey's production, and one surface mine had union employees at the time, according to the company.

The UMW issued a statement praising the NLRB and saying the decision sends a clear message the union was right all along when it said Massey's actions at the mine were wrong. "The day when these miners can walk back into that mine and reclaim their rightful jobs has drawn even closer," President Cecil Roberts said.

The UMW had represented employees at the mine since at least the 1970s.

Massey is the nation's fourth-largest coal producer by revenue, and operates 19 mining complexes in West Virginia, Kentucky and Virginia. Its stock rose \$1.32, or 3.7 percent, to \$37.06 Thursday.