



Move to Use Prison Labor In Meat Industry Draws Fire

Labor and management have joined forces to denounce a state plan to use prison labor in competition with private industry in the meat, fish and poultry processing business.

Witnesses from both sides of the bargaining table told the Prison Industry Board at public hearings in Los Angeles and Sacramento that a proposal to staff two meat cutting enterprises with inmates in correctional facilities was "illusory" and "manifestly unwise."

They also complained it would further depress an industry which in the last three years has seen unemployment rise from one percent to 10 percent in California because

of plant closures and layoffs.

The state now spends \$14 million a year to buy meat, fish and poultry products for some 38,000 prison inmates and hospital patients at 35 institutions.

It proposes to spend more than \$2 million for a meat cutting plant in southern California. A second plant for northern California also is on the drawing board, the hearing was told by David H. Craig, executive director of the State Prison Industry Authority.

The proposal was attacked by James S. Byrd, Duane Ulrich, Preston T. Epperson, Austin Allen and Seymour Glassman, all chief executive officers of local meat-

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Canson, NAACP Leader, To Address APRI Parley

Virna Canson, regional director of the NAACP, and John F. Henning, executive officer of the California AFL-CIO, will be the opening speakers at the third annual state conference of the A. Phillip Randolph Institute to be held at the Fresno Hilton Hotel in Fresno March 1-4.

Scores of delegates have already signed up to attend the conference, which will focus on gearing up activities for a massive voter registration and get-out-the-vote drive in 1984 and stimulating greater interest in the Institute's ongoing activities.

The morning session of the opening day of the conference, which is co-sponsored by the California Labor Federation AFL-CIO, will feature workshops on "Women in the Work Force" and "Fund Raising."

Panelists taking part in the Women in the Work Force workshop will include: Kathleen Kinick, Director of Women's Activities of the California AFL-CIO; Mattie Jackson, business manager of the ILGWU; Mary Ann Isles, business agent of the Allied Services Division of the Brotherhood of Railway and Airline Clerks;

and Dorothy Smith, president of the National Council of Negro Women. It will be moderated by Gwen Johnson, a representative of CWA District 11.

Serving as discussion leaders for the workshop on Fund Raising will be Lorraine Darrington, vice president of CWA Local 11513, and Denise McGruder of the same CWA local.

Daniel Curtin, the California AFL-CIO's Assistant State COPE Director, will conduct a workshop on "Voter Registration and Voter Education" during the afternoon session.

On Friday, March 2, Mark Stechbart, research director of Operating Engineers Local 3 in San Francisco, and Lynette Jackson, business agent of IBEW Local 77, will lead a discussion on "Coalition Building and Community Involvement."

This will be followed by a workshop on "Motivation for APRI" led by Norman Hill, the Institute's president.

Percy H. Steele, Jr., president of the Bay Area Urban League, will address the luncheon session.

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Henning Hits Court Ruling As 'Invitation to Labor Strife'

A U.S. Supreme Court decision that will allow financially troubled companies to cancel collectively bargained contracts with their workers as soon as they file for bankruptcy—without any showing that the action was justified—was described as "an invitation to massive labor strife throughout the country" by John F. Henning, executive officer of the California Labor Federation, AFL-CIO, this week.

"The decision could well touch off a stampede by companies driven by greed for ever higher profits at their workers' expense to rush into bankruptcy when they are really facing only a normal business downturn," he warned.

In the decision handed down Wednesday, the court ruled unanimously that a bankruptcy court can free a company from its collective bargaining agreements with unions without requiring proof that the firm would otherwise face imminent failure.

In another section of the decision, a 5 to 4 majority held that it is not an unfair labor practice for a company to rip up its union contracts as soon as it files for bankruptcy without first persuading a bankruptcy court that the action is justified.

In dissenting to the latter section of the opinion, Justice William J. Brennan, Jr., said that

such a disregard of the collective bargaining system was not the intent of Congress and would "spawn precisely the type of industrial strife that the National Labor Relations Act was designed to avoid."

AFL-CIO President Lane Kirkland announced that the AFL-CIO will press Congress im-

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Fresno Demo Aids Growers' Move to Weaken ALRB

Assemblyman Bruce Bronzan, a Fresno Democrat elected in 1982 with strong labor support, has turned his back on the Democratic Party's platform pledge to support the Agricultural Labor Relations Board and joined the state's powerful agribusiness interests in a drive to turn the board over to grower-backed appointees.

In a letter dated February 10,

Bronzan parroted the agribusiness interests' standard complaint, claiming that "over the last few years we have seen the biased policies of the ALRB put growers in an intolerable position" despite the fact that more than 95 percent of the Board's decisions that have been appealed to the courts have been upheld.

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Judge Throws Out Coors Suit Against Union Activists

A significant victory for the right of workers to engage in consumer boycott activities against anti-union employers was scored late last week when a federal judge in San Francisco dismissed a \$145,000 anti-trust suit filed in 1982 by the Adolph Coors Co. against Howard Wallace and David Sickler of the Coors Boycott Committee (CBC).

The suit resulted from the Coors Boycott Committee's successful efforts to get KQED, a publicly-supported TV station, to cancel a planned "Coors Day" on its annual teleauction on May 29-31, 1981.

The Coors Boycott Committee has carried the issue all over the country, charging Coors with union busting and with requiring

its employees to submit to lie detector tests and other invasions of the employees' rights.

In dismissing the suit, U.S. District Court Judge Spencer Williams said that the defendants' activities are protected by the labor exemption provided by both the Clayton Act and the Norris-La Guardia Act and that the injury for which the Coors Company sought redress is not covered by anti-trust laws, namely the Sherman Act.

The Coors Company had offered to "donate" \$13,000 to the TV station in exchange for what it later claimed was \$84,000 worth of "lost promotional and advertising opportunity afforded by the 1981 auction."

The decision noted that the boycott of Coors Beer has been in progress since a 1977 brewery workers' strike at Coors' Golden, Colo., bottling plant over non-monetary (human rights) issues.

Sickler, a field representative of the AFL-CIO and national coordinator of the Coors Boycott Committee who along with Wallace, coordinator of the Northern California CBC, was personally named in the suit, said that the

lawsuit was "frivolous" from the outset and charged that it was "designed from the very beginning to accomplish two goals for Coors:

"1—To intimidate community organizations and citizens who were volunteers to make them refrain from supporting the boycott or face being sued; and,

"2—Through the discovery processes of the lawsuit, to find out what ingredients were making this boycott tick, what was making it successful."

The decision pointed out that the boycott effort was not undertaken to drive Coors out of business and would end "if Coors would halt (its current offensive) practices," Sickler noted.

It also declared that the CBC "is entitled to immunity from plaintiff's far-fetched theories both because plaintiff's lack of standing to sue under either the damage provision...or the injunctive relief provision...of the Clayton Act, and because it is squarely within the statutory 'labor group' exemption to the anti-trust laws provided by the Clayton and Norris-La Guardia Acts."

The decision also rejected

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REAGAN OPPOSES IT

Women's Pay Equity Seen As Key Election Issue in '84

If the Reagan Administration backs continuing discrimination in the Washington State comparable worth case, it could turn pay equity into a major election issue

in 1984, according to Gerald W. McEntee, president of the American Federation of State, County & Municipal Employees union.

McEntee said Justice Dept. in-

volvement in the case on the side of the state would be not only an unwelcome intrusion in the legal process, but also a signal to working women that the Reagan Administration thinks pay discrimination is permissible.

The AFSCME president spoke at a news conference in response to hints from the Justice Dept. that Assistant Atty. Gen. William Bradford Reynolds will recommend that the Administration side with the state in its appeal of a federal court verdict last December finding Washington guilty of sex-biased wage discrimination in the state's employment practices.

In the case brought by AFSCME, Judge Jack Tanner of the U.S. District Court for West-

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Ward Named as Legislative Rep. Of State Building Trades Council

William Ward has been named legislative representative of the State Building and Construction Trades Council of California to succeed Paul Radford who has been appointed to the staff of the Laborers' International Union.

Ward, who is also a vice president of the California Labor Federation, AFL-CIO, has served as business representative / secre-

tary-treasurer of the Alameda County Building and Construction Trades Council since 1976 and has been credited with working hard to strengthen the unity among council affiliates and encouraging the development of housing and other facilities to create jobs throughout Alameda County.

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How to Find Out All You Need To Know About Apprentices Jobs

An all-day series of activities to inform potential apprenticeship applicants about the way the construction industry works and familiarize them with the tools, materials and skills used in construction crafts will be presented at the Carpenters' 46 Northern California Counties Apprenticeship Training Center at 2350 Santa Rita Road in Pleasanton on **Saturday, March 17.**

The event, which starts at 8:30 a.m., will include illustrated pre-

sentations that describe individual trades, including carpenters, cabinet makers, electricians, plumbers, sheet metal workers, cement masons, plasterers, dry wall/lathers, pile drivers, operating engineers, iron workers and other apprenticeable trades.

The aim of the program is to bring together employers, tradespersons and representatives of the apprenticeship committees with community agencies and their

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Fresno Demo Aids Growers' Bid to Weaken ALRB

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He also attacked the Board's rulings on the "make whole" provisions of the Act which are designed to prevent agribusiness interests from profiting at the expense of farm workers for violating the law.

Bronzan, who was one of the eight Democrats denounced by the California AFL-CIO earlier this month for sending a letter to Governor Deukmejian last month suggesting that the Governor encourage current members of the Board to accept other jobs to enable the Governor to name all five members of the Board, also announced in his letter that he would push for labor-opposed legislation to conform California's historic 1975 Agricultural Labor Relations Act to the National Labor Relations Act.

The NLRA was severely weakened by the Taft-Hartley Amendments that were passed over President Truman's veto by a reactionary Congress in 1947 and spawned the proliferation of anti-worker compulsory open shop or right-to-work-for-less laws that now exist in 20 states across the nation to the detriment of workers' rights.

Repeated studies based on fed-

eral data have found that per capita income in most RTW states—16 out of 20—is below the national average. The five states at the bottom are all RTW states.

Just two days before Bronzan's letter went out, Peter Kelly, state chair of the California Democratic Party, expressed his "shock and outrage" over the letter the eight Democrats sent to Deukmejian suggesting he offer the existing Board members other jobs.

Kelly termed that action "a breach of faith with California farm workers and all workers in California" and noted that "the just adopted platform of the California Democratic Party pledges our strength and support in maintaining the ALRB." (See text of letter below.)

Since David Stirling was appointed as General Counsel of the ALRB last year, the backlog of charges filed but not yet resolved has doubled from 500 to more than a thousand, a 100 percent increase.

Cesar Chavez, president of the AFL-CIO United Farm Workers Union, said the union has submitted documentation of dozens of unfair labor practice charges against growers to the ALRB that have been dismissed without rea-

son and without allowing the Board to review the charges.

During Stirling's confirmation hearing last month, Chavez said that Stirling "has acted as an advocate for the employers on many occasions, has dismissed many significant cases and has very effectively, very completely shut us off from the Act."

Other Assemblymen who signed the letter to the Governor urging him to replace the current ALRB members were: Norman Waters of Stockton; Steve Peace of Chula Vista; Patrick Johnston of Stockton; Rusty Areias of Salinas; Gary Condit of Modesto; Steve Clute of Riverside; and Jim Costa, who like Bronzan, maintains offices in Fresno.

In denouncing the letter sent to the Governor by these eight Democrats earlier this month, a statement issued by the California Labor Federation, AFL-CIO, said:

"By signing such a letter these eight assemblymen have demonstrated a total disregard for the hopes of California's more than 230,000 farm workers for an opportunity to negotiate fair wages and working conditions with their employers through free collective bargaining without the threat of intimidation and coercion by

growers or their agents.

"They also demonstrate a shockingly undemocratic willingness to cast aside the traditional checks and balances written into the historic 1975 Agricultural Labor Relations Act in the form of the staggered terms of the five ALRB members which were designed to curb abrupt political shifts in the administration of the Act.

"It appears clear that the heavy hand of California's 14 billion dollar agribusiness interests are lurking in the shadows behind this latest attempt to stack the ALRB against workers' rights in an attempt to return to the days 20 years ago when growers mercilessly exploited the state's farm workers with impunity and falsely claimed that any increase in farm

worker wages would cause food prices to soar in an attempt to scare consumers.

"This state's agribusiness interests have been claiming for eight years that the ALRB is unfair. If that were true, then they should have been able to overturn most of its decisions in higher courts. But the truth is that out of 121 ALRB decisions that have been appealed to the courts and ruled on, 115 or 95 percent have been upheld by the California Appellate Courts, the State Supreme Court or the U.S. Supreme Court.

"The only 'difficulties with agricultural labor relations' in this state is the refusal of growers to recognize, accept and cooperate with the Act that gives farm workers the rights most other U.S. workers have enjoyed for nearly half a century."

Report on Public Workers Union Contracts Published

"Provisions of County and City Negotiated Labor Agreements in California, 1982,"—the second in a series of biennial reports—has just been released by the Department of Industrial Relations', Division of Labor Statistics and Re-

search.

The publication summarizes contract provisions collectively bargained for in selected cities and counties in California, according to Jean E. Powers, assistant chief of the division.

These include union security, management rights, union rights, grievances, compensation and pay practices, hours, overtime, leave (vacation, sick leave, and holidays), insurance, health and welfare benefits, retirement, layoffs, and strike clauses.

Data for the 1982 report are based on 772 agreements within 154 jurisdictions.

The agreements covered 279,570 workers, or 88 percent of the employees in bargaining units and 73 percent of all full-time city and county employees in California.

A similar report on collective bargaining provisions in the private sector, "Provisions of California Collective Bargaining Agreements, 1981," is also available.

Copies of either of these reports can be obtained by writing directly or calling the Division of Labor Statistics and Research, P.O. Box 603, San Francisco, CA 94101, (415) 557-8034.

McCarthy Renamed To ALRB Position

John P. McCarthy has been re-appointed to the five-member state Agricultural Labor Relations Board by Governor Deukmejian.

McCarthy had been the presiding mediator for Northern California for the state Mediation and Conciliation Service prior to his initial appointment to the board in 1978. Earlier he was vice president and personnel director of the Garin Company, a Salinas-based grower-shipper from 1962 to 1973.

His reappointment to the post will require Senate confirmation.

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February 8, 1984

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MIKE GORDON
Executive Director

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Executive Secretary-Treasurer
California Labor Federation, AFL-CIO
995 Market Street
San Francisco, CA 94103

Dear Jack:

I share your shock and outrage over the recent letter from eight of our loyal Democratic legislators to Governor Deukmejian requesting that the current members of the Agricultural Labor Relations Board be replaced by offering them other jobs.

This is a breach of faith with California farm workers and all workers in California. The labor movement in this state and especially the United Farm Workers have been a vital source of strength to the California Democratic Party. To attack their interests is inconceivable.

The just adopted Platform of the California Democratic Party pledges our strength and support in maintaining the ALRB.

I pledge to do everything in my power to assist you in maintaining the strength, integrity and fairness of the ALRB. I remain in solidarity,

Cordially yours,

Peter D. Kelly

PDK:cs
cc: Mary Curtin
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Judge Throws Out Coors Suit Against Union Activists

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Coors' contention that since CBC joined with other entities in this boycott effort, it loses the protection of the statutory labor exemption because it has conspired with 'non-labor groups,'" Sickler noted.

Wallace hailed the decision saying:

"This is a demonstration once again that when working people band together they have tremendous might. Corporate bullies don't always win.

"I'm elated by the decision. It's

a far reaching one. It appears to be making landmark law and reinforcing both First Amendment rights and free speech and free association rights.

"The Coors boycott goes on. It's stronger than ever and I'd like to thank the tremendous moral support we've gotten from the labor movement and organizations like the National Organization of Women, the Latino community and the gay community.

Wallace also said that "Coors sales have plunged from 50 percent of the California beer market

to 16 percent since the boycott began."

The Coors suit also claimed that the Boycott Committee's appeal to KQED to cancel the Coors contract involved threats of implied violence, a charge that was flatly denied by Wallace.

A number of activist organizations across the nation have endorsed the boycott because of the Coors family's support of radical right wing causes and organizations such as the Council for a Union Free Environment and Phyllis Schlafly's anti-ERA campaign.

REAGAN OPPOSES IT

Women's Pay Equity Seen As Key Election Issue in '84

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ern Washington found that the state violated civil rights law by setting lower pay for state jobs held mostly by women than for jobs held mostly by men even though the tasks require comparable education, skill and responsibility.

Judge Tanner ordered the state immediately to raise the pay of about 15,500 state employees to levels based on the worth of the jobs they hold. The cost could total \$700 million.

Reynolds has said the landmark case upholding the principle of comparable worth "sets a dangerous precedent."

McEntee told reporters that for millions of working women—including AFSCME's 400,000 female members—the Reagan Administration's role in the case "is an important litmus test."

He pointed out that for more than 20 years and a number of administrations, the federal government was a supporter of people who fought pay discrimination.

"The Reagan Administration should be in the business of enforcing the law, not questioning it. We believe that the government ought to be assisting the litigants in the case, not resisting them," he said.

Administration's position on comparable worth to support of pay equity by Walter Mondale and other Democratic candidates for the presidential nomination and warned that AFSCME wants to "send a signal to the Reagan Administration in the only language it understands—reelection politics."

Earlier this year, at a conference on pay equity, AFL-CIO President Lane Kirkland stressed that the federation would continue to help affiliates in efforts to achieve pay equity on the job, through bargaining and grievance procedures as well as through judicial, legislative and political action.

How to Find Out All You Need To Know About Apprentice Jobs

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members, especially minorities and women interested in preparing to enter apprenticeship.

Invited to participate are employer associations, unions, apprenticeship committees, high school and junior college counselors, students and women's groups interested in non-traditional occupations and groups or individuals of all ethnic identities seeking information on apprenticeship in the construction trades.

The event is sponsored by the Carpenters' 46th Northern California Counties Joint Apprenticeship and Training Committee in concert with the Bay Area Apprenticeship Coordinators' Association, Advocates for Women, Chinese for Affirmative Action, and the National Association for Women in Construction.

For further information phone (415) 462-9640 or (408) 249-3871 or (707) 546-8304.

Canson, NAACP Leader, To Address APRI Parley

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Ruth Jernigan, an international representative of the United Auto Workers Union, will be the final speaker at the conference, following the state APRI election which will get underway at 2:00 p.m.

The Institute was established in 1965 to create a permanent structure for the ideals and goals exemplified by Randolph who organized the Brotherhood of Sleeping Car Porters, served as its president for 43 years and was the first Black elected to the Executive Council of the AFL-CIO in 1955.

Since his death in 1979 at 90, scores of local APRI Chapters have been set up in states throughout the country to encourage Black trade unionists to play a more active role in the nation's political process.

Registration for the conference will be open from 6:30 to 8:00 p.m. Wednesday, February 29 and will reopen at 8:30 a.m. Thursday, March 1. The conference will con-

vene an hour later.

Registration fee for the conference is \$30 and registration checks should be made payable to the California Labor Federation, AFL-CIO, and sent to the federation's San Francisco office at 995 Market Street, Suite 310, San Francisco, Ca. 94103.

Hotel accommodations have been arranged with a special rate of \$40 single and \$50 double. Reservations must be made directly with the Fresno Hilton at 1055 Van Ness, Fresno, Ca. 94721. (209) 435-9000.

The state APRI conference will be combined with the Western Regional APRI conference which begins March 2.

Registration for the latter conference, which involves a separate registration fee and form, will open on Friday, March 2.

For further information, contact Don Hightower at the California AFL-CIO's San Francisco office at (415) 986-3585.

Henning Hits Court Ruling As 'Invitation to Labor Strife'

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mediately to tighten federal bankruptcy law to repair the damage done by the court's decision.

"Employer abuse of the bankruptcy process to break union agreements has the gravest implication for the collective bargaining system," Kirkland said in discussing the ruling with reporters during a break in the AFL-CIO's Executive Council meeting in Bal Harbour, Fla., Wednesday.

Within hours after the court's decision was handed down, House Judiciary Committee Chairman Peter W. Rodino, Jr. (D-N.J.) introduced legislation to reverse the court's misreading of the intent of Congress.

And the AFL-CIO Executive Council announced that the Federation was committed to an all-out effort "to assure that Congress corrects the Supreme Court's mistake and vindicates national

labor policy."

Under the Supreme Court's unanimous decision, the justification required by a bankruptcy judge for the abrogation of a collective bargaining agreement would be somewhat greater than that required for cancellation of a business contract but not much.

Too strict a standard of justification would be at odds with the "flexibility" that Congress intended for the bankruptcy process, the decision said.

But it concluded that the only strictures of federal labor policy that need to be served is that the bankrupt company make "reasonable efforts" to reach a voluntary agreement with the union. It would not be necessary for the parties to have "bargained to impasse" before the contract could be cancelled, the court said.

The National Labor Relations Board had maintained that negoti-

ations should be required before firms unilaterally abrogate union contracts. The AFL-CIO had filed a friend of the court brief supporting the NLRB position in the case.

William Winpisinger, president of the Machinists Union reacted to the decision saying:

"It's outrageous. It's inconsistent with the intent of the bankruptcy law and we will just have to go to Congress for relief."

The decision came in a case involving a 1980 bankruptcy filing by a building supply company, Bildisco & Bildisco in Avenel, N.J. The firm declared bankruptcy in 1980 and cancelled its wage agreement with a local of the Teamsters Union.

The New Jersey firm had failed to pay a scheduled wage increase just one month after filing for bankruptcy but eight months before it received a court's permission to end its labor contracts.

The NLRB had ruled that the company's unilateral action was an unfair labor practice but the Appellate Court refused to enforce the NLRB's order.

Robert Hughes, a federal bankruptcy judge, noted that the decision does call for a stricter review of the company's finances but said:

"It certainly will open it up to additional filing by employers who have labor contracts that they consider to be burdensome. And I think that's the thrust of the decision today that the test for rejecting the labor contract is that it be burdensome."

Associate Justice William H.

Move to Use Prison Labor In Meat Industry Draws Fire

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cutter unions in California.

Ulrich, a member of the State Apprenticeship Training Commission, testified that prison inmates trained as "institutional meatcutters" would find "almost no job opportunities on the outside, a frustrating and disillusioning situation."

Byrd, a former member of the Trade Advisory Committee at Chino Institute for Men, said at least 100 union meatcutters would face a loss of their jobs immediately if the plan were activated.

Byrd said that in the jurisdiction of his local union, which extends from Pasadena to the Arizona-Nevada borders, unemploy-

ment in the industry has leaped to 10 percent.

"We can't stand additional and unnecessary pressure on our people," he said.

Similar proposals in the past to use prison labor have met high controversy and stiff opposition.

During the recent Edmund G. Brown, Jr. Administration the idea was sidetracked. How it will fare in a different administration is uncertain.

Prison Board vice chair Earlie A. Mays of Ontario, a United Auto Workers representative, said the Board had been mandated by the legislature to provide employment for inmates. About 2800 of the state's 38,000 inmates are now engaged in productive work.

Rehnquist, who wrote the unanimous decision, said that the lower court was correct in choosing a standard below that of imminent failure.

It would be sufficient, he said, if the company showed that the labor contract "burdens the estate" and if the bankruptcy court found after "careful scrutiny" that "the equities balance in favor of rejecting the labor contract."

Rehnquist maintained that the standard urged by the NLRB and the union, namely that the firm would fail if required to honor its labor contracts, was "fundamentally at odds with the policies of flexibility and equity built into Chapter 11 of the Bankruptcy Code."

The aim of Chapter 11, the Justice said, was the successful rehabilitation of the company, which might be thwarted by too strict a standard of relief from labor con-

tracts.

Prior to granting a firm's request for release from its contracts, the decision said, the bankruptcy court should assure itself that the company has made "reasonable effort" to work out a "voluntary modification" with its unions.

The bankruptcy court "must make a reasoned finding on the record why it has determined that rejection should be permitted," Rehnquist said.

Chuck Mack, president of the Joint Council of Teamsters in northern California labeled the decision "disastrous" and declared:

"What they're going to do is return labor relations to the law of the jungle. We are going to see more strikes if employers try to hide behind the Bankruptcy Act and unilaterally dismiss agreements."

Ward Named as Legislative Rep. Of State Building Trades Council

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Ward was appointed to the post by Jerry Cremins, president of the State Building & Construction Trades Council with the approval of the council's executive board. He is expected to take up his new duties in May.

Joseph P. Egan, secretary-treasurer and business representative of Plasterers Local 112 who has served as a vice president of the

Alameda Council for the past seven years, has been named to succeed Ward as the council's business representative/secretary-treasurer.

In accepting his new post, Ward said:

"Paul Radford has done an excellent job. I am excited about my chance to carry it on and I am looking forward to it."

THE CALIFORNIA AFL-CIO's

DIGEST OF BILLS

The measures below introduced in the 1983-84 regular session of the California Legislature are classified by the California Labor Federation as "Good," "Bad," or "Watch†". An asterisk (*) indicates a bill sponsored by the California Labor Federation. A "Watch†" designation indicates that the Federation will defer to the wishes of affected affiliates on the ultimate classification of the bill. Such bills are printed in the digest to inform affiliates involved. No bill may be taken up until 30 days after the date of introduction indicated in the digest, except by a three-quarters vote. When the abbreviation (H.A.D.) appears in the digest following the author's name, it means that the measure has been held at the Speaker's desk in the House of origin and has not yet been assigned to a committee.

ASSEMBLY BILLS

AB 2262—Margolin (Aging & L.T.C.)—Existing law requires the State Department of Health Services to adopt regulations setting forth the minimum number of equivalent nursing hours per patient required in skilled nursing and intermediate care facilities.

This bill would require the State Director of Health Services to establish an advisory committee to the department, consisting of 5 members with specified qualifications appointed by the director, to determine workload measurements, based on patient need, for purposes of establishing minimum staffing requirements in skilled nursing facilities.

This bill would provide that the department regulations setting forth the minimum number of equivalent nursing hours per patient required in a skilled nursing facility be utilized until a system of staffing, determined by patient need, is developed, as specified. It would revise the definition of "nursing hours" to the calculation of 2 times the number of hours worked per patient day by registered nurses and licensed vocational nurses, making the hour calculation for these positions the same as for aides, nursing assistants, and orderlies.

This bill also deletes the requirement of utilization of a registered nurse at all times if the department determines that the services of a skilled nursing and intermediate care facility require the utilization of a registered nurse. January 4, 1984.

Health—Watch †

AB 2263—Molina (Aging & L.T.C.)—Under existing law, every health facility which has been issued a license or special permit is required to be periodically inspected by the State Department of Health Services.

This bill would permit an abbreviated inspection for skilled nursing facilities which employ or contract with a nurse practitioner or a gerontological nurse specialist, as specified, and which meet certain other criteria. January 4, 1984.

Health—Watch †

AB 2264—Moorhead (Aging & L.T.C.)—Under existing law, the State Department of Health Services is required to conduct specific annual inspections of long-term health facilities.

This bill would provide that the state department, to the extent permitted by federal law or after obtaining an appropriate federal waiver, shall develop and implement a program to divide the annual inspections into 3 or more segments in order to provide for more frequent visitation. January 4, 1984.

Health—Watch †

AB 2265—Moorhead (Aging & L.T.C.)—Existing law authorizes the superior court of the county in which a long-term health care facility, as defined, is located to appoint a receiver, who is a licensed nursing home administrator and who has sufficient background and experience in management and finances to ensure compliance with orders issued by the court, to temporarily operate the facility for not more than 3 months, upon petition by the State Director of Health Services whenever circumstances exist indicating that continued management of the facility by the current licensee would present a substantial probability or imminent danger of serious harm or death to the patients.

This bill would add to the list of circumstances for which a petition for receivership may be brought, to include the existence in the facility of a condition in substantial violation of state law or rules and regulations respecting long-term health care facilities, a pattern or practice of habitual violation of such state law or rules and regulations, or, if the facility is closing or intends to terminate operations as a licensed long-term health care facility, adequate arrangements for the relocation of residents have not been made at least 30 days prior to such closure or termination.

It would permit the receiver to be any responsible person or entity, determined by the court and would prohibit the owner, licensee, or admin-

KEY TO SENATE ABBREVIATIONS

Committee Abbreviations	Committee
(Agr. & Wat. Res.)	Agriculture and Water Resources
(B. & C.)	Banking and Commerce
(B. & P.)	Business and Professions
(C. A.)	Constitutional Amendments
(Ed.)	Education
(E. & R.)	Elections and Reapportionment
(E. & P. U.)	Energy and Public Utilities
(Fin.)	Finance
(G.O.)	Governmental Organization
(Health & H.S.)	Health & Human Services
(H. & U. A.)	Housing and Urban Affairs
(I. R.)	Industrial Relations
(Ins., Cl. & Corps.)	Insurance, Claims and Corporations
(Jud.)	Judiciary
(L. Gov.)	Local Government
(N. R. & W.)	Natural Resources and Wildlife
(P. E. & R.)	Public Employment and Retirement
(Rev. & Tax.)	Revenue and Taxation
(Ris.)	Rules
(Trans.)	Transportation

KEY TO ASSEMBLY ABBREVIATIONS

Committee Abbreviations	Committee
(Aging & L.T.C.)	Aging and Long Term Care
(Agri.)	Agriculture
(C. P. & T. M.)	Consumer Protection and Toxic Materials
(Crim. Law & P. S.)	Criminal Law and Public Safety
(Econ. D. & N. T.)	Economic Development and New Technologies
(Ed.)	Education
(E. R. & C. A.)	Elections, Reapportionment and Constitutional Amendments
(Fin. & Ins.)	Finance and Insurance
(G. O.)	Governmental Organization
(Health)	Health
(H. & C. D.)	Housing and Community Development
(Human S.)	Human Services
(Jud.)	Judiciary
(L. & E.)	Labor and Employment
(L. Gov.)	Local Government
(Nat. Res.)	Natural Resources
(P. E. & Ret.)	Public Employees and Retirement
(Rev. & Tax.)	Revenue and Taxation
(Ris.)	Rules
(Trans.)	Transportation
(U. & C.)	Utilities and Commerce
(W. P. & W.)	Water, Parks and Wildlife
(W. & M.)	Ways and Means

ASSEMBLY BILLS (Cont'd)

istrator of the facility from being appointed as the receiver.

Under existing law, the receiver of a long-term health care facility is required to honor all leases, mortgages, and secured transactions affecting the building in which the facility is located and all goods and fixtures in the building of which the receiver has taken possession, but only to the extent of payments which, in the case of a rental agreement, or for the use of property during the period of receivership, or which, in the case of a purchase agreement, came due during the period of receivership.

This bill would provide that a receiver may not be required to honor any lease, mortgage, or secured transaction or other wholly or partially executory contract entered into by the owners or operators if certain criteria are met. It would permit the receiver to petition the court for a determination of reasonable rent, price, or rate of interest to be paid during the duration of the receivership. . . . January 4, 1984. **Health—Watch †**

AB 2275—Peace (Health)—Existing law prohibits any person conducting a pharmacy unless a permit has been obtained from the State Board of Pharmacy and prohibits any person from dispensing drugs unless the person is a licensed pharmacist, with limited exceptions.

This bill would provide authorization for licensed nonprofit community clinics and free clinics, as defined, to purchase drugs at wholesale for administration or for dispensing, under the direction of a physician and surgeon, to patients registered for care at the clinic, provided the clinic obtains a permit, as specified, and maintains records, as specified. . . . January 5, 1984. **Labor Unions—Watch †**

AB 2295—McAlister (Jud.)—Existing law provides that each municipal and justice court has original jurisdiction of civil cases and proceedings in, among other actions, all actions to enforce and foreclose liens of mechanics, materialmen, artisans, laborers, and all other persons to whom liens are given under provisions relating to mechanics' liens, as specified, where the amount of the liens is \$15,000 or less.

This bill would extend the jurisdiction of the municipal and justice courts to include actions to enforce and foreclose assessment liens on a condominium, where the amount of the liens is \$15,000 or less.

Under the existing Attachment Law and the Enforcement of Judgments Law, a creditor who seeks to levy on a deposit account or a safe-deposit box which stands in the names of both a debtor and third person or in the name of a third person is required to furnish an undertaking to the financial institution at the time of levy.

This bill would provide that a lien may be obtained on any cause of action of the defendant for money or property that is the subject of the other action or proceeding, if the money or property would be subject to attachment if the defendant prevails in the action or proceedings. The bill would also provide that a lien may be obtained on the rights of the defendant to money or property under any judgment procured in the other action or proceeding, if the money or property would be subject to attachment.

The bill would also require the plaintiff to file a court order permitting creation of the lien.

This bill would provide that if property of the judgment debtor was attached in the action but was transferred before entry of the money judgment in favor of the judgment creditor, the property is subject to enforcement of the money judgment so long as the attachment lien remains effective.

Existing law does not authorize a registered process server to issue an earnings withholding order in the case of a wage garnishment.

This bill would so authorize. . . . January 5, 1984. **Liens—Bad**

AB 2300—Robinson (Fin. & Ins.)—Under existing law, any person, as specified, who, as a part of any business, advertises as, or holds himself out as, qualified to advise the public concerning insurance or qualified to administer worker's compensation for employees and who in connection with or as part of that business also (1) suggests or recommends to an employer, or advises an employer, that the employer purchase aggregate excess or aggregate stop-loss worker's compensation insurance or (2) names or suggests to an employer, or advises an employer of, a nonadmitted insurer from whom the aggregate excess or aggregate stop-loss worker's compensation might be purchased, is guilty of a misdemeanor.

This bill would repeal those provisions.

The bill would further provide that nothing in the bill or any other provision of the Insurance Code would authorize or be deemed to authorize the sale or arranging for sale of aggregate excess or stop-loss worker's compensation insurance. January 9, 1984. **Insurance—Bad**

AB 2302—Robinson (C.P. & T.M.)—(1) Existing law requires that, with specified exceptions, materials in the possession of governmental agencies are to be open to public inspection.

This bill would additionally exempt from this requirement the informa-

tion required to be reported to a city or county, pursuant to an ordinance, which concerns the possession, storage, use, or disposal of hazardous waste, substances, or materials. The bill would specify that the release of this information to emergency response agencies does not waive this exemption.

(2) The bill would take effect immediately as an urgency measure. January 9, 1984. **Safety—Bad**

AB 2327—Stirling (Ed.)—Existing law authorizes the governing board of a school district to adopt a resolution designating certain positions as senior management of the classified service of the district. Existing law defines the term "senior management employee" as either: (1) an employee in the highest position in a principle district program area, as determined by the governing board, which does not require certification qualifications, and which has districtwide responsibility for formulating policies or administering the program area, or (2) an employee who acts as fiscal advisor to the district superintendent.

This bill would clarify the provision relating to the determination of which employees may be senior management employees. January 10, 1984. **Education—Watch †**

AB 2328—Stirling (Ed.)—Existing law provides for the establishment of California leadership institutes to provide site and central school district administrators ongoing opportunities to improve their management and leadership skills.

This bill would delete the requirement that the institutes be operated in conjunction with teacher education and computer centers. . . . January 10, 1984. **Education—Watch †**

AB 2329—Stirling (Ed.)—Existing law governing public school employer-employee relations requires the public school employer and the exclusive representative of certificated employees to meet and negotiate upon the request of either party regarding causes and procedures for disciplinary action, including a suspension of pay for up to 15 days.

This bill would specify that this disciplinary action would include a suspension of pay for up to 15 working days, rather than 15 days. January 10, 1984. **Education—Watch †**

AB 2330—Bane (G.O.)—Existing law requires each racing week to have a minimum of 5 racing days, except that until January 1, 1984, the California Horse Racing Board could allocate racing weeks of less than 5 racing days to lessees of the California Exposition and State Fair if the association conducting the racing and the organization representing the horsemen agree to the allocation.

This bill would restore the exemption for racing weeks of less than 5 racing days to lessees of the California Exposition and State Fair.

The bill would take effect immediately as an urgency statute. January 10, 1984. **Labor Unions—Watch †**

AB 2335—Vicencia (G.O.)—Existing law prohibits the delivery of alcoholic beverages on Sunday and except between the hours of 6 a.m. and 8 p.m. on any day other than Sunday.

This bill would authorize the delivery of alcoholic beverages at any time of day during the period of July 18, 1984 to August 18, 1984, in a specified area of Los Angeles County.

This bill would take effect immediately as an urgency statute. January 11, 1984. **Labor Unions—Watch †**

AB 2339—Bader (L. & E.)—Existing law provides that if, upon the preponderance of the testimony taken, the Agricultural Labor Relations Board is of the opinion that a person named in a complaint has not engaged in, or is not engaging in, any unfair labor practice, the board shall state its findings of fact and shall issue an order dismissing the complaint.

This bill would delete the requirement that the board's opinion be based upon the preponderance of the testimony taken. January 11, 1984. **Labor Code—Bad**

SPECIAL NOTES

*AB 1139, as amended in Assembly January 17, 1984-Floyd, printed in last week's Digest of Bills, was printed as originally introduced in the Digest of June 10, 1983. AB 1399, as amended in Assembly January 3, 1984-Floyd, also printed in last week's Digest, should have appeared in the June 24, 1983 issue to be in its proper numerical order. AB 1916, as amended in Assembly January 4, 1984-Elder, also published in last week's Digest, was carried in the August 19, 1983 issue as originally introduced. Its rating changed from "Watch†" to "Bad."