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Executive Secretary-Treasurer
151 THOS. L. PITTS

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Convict Labor Ban to Remain In Constitution

The California Constitution Revision Commission, which was established to modernize and streamline California's bulky constitution, voted unanimously last Friday against changing Paragraph 3 of Article 10 of the State Constitution.

This part of the consitution was the basis of the California Labor Federation's successful suit banning the use of convict labor on California farms.

The language, which will now continue to be in the constitution, states, "The labor of convicts shall not be let out by contract to any person, copartnership, company or corporation, and the Legislature shall, by law, provide for the working of convicts for the benefit of the state."

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Sugar Beet Hearing Set for San Francisco

The U.S. Department of Agriculture will hold a public hearing in San Francisco, December 1, in Room 15018 of the Federal Building, to determine what constitutes a "fair and reasonable" wage rate for workers covered under the Sugar Act of 1948.

The Sugar Act program heavily subsidizes the domestic sugar industry by protecting U.S. sugar producers from the going world price of sugar.

Part of the Sugar Act requires that sugar workers receive "fair and reasonable" wages. The present so-called "fair and reasonable" wage in California is pegged at $1.40 per hour even though the "adverse effect" rate set by the U.S. Department of Labor be-

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State's Top Court Bars Cutbacks in Medi-Cal

The California Supreme Court ruled on Monday that the Reagan administration's cutbacks in California's Medi-Cal program were illegal. The court upheld an earlier decision, by Sacramento Superior Court Judge Irving Perluss, prohibiting the substantial reductions in Medi-Cal services earlier ordered by State Health and Welfare administrator Spencer Williams.

"The court's ruling is a major victory for the California Labor Federation's affiliates, all union members and their families, and the state's welfare recipients," state AFL-CIO leader Thos. L. Pitts commented.

"Coming hard on the heels of the last week's decision by San Francisco Superior Court Judge Robert J. Drewes barring the use of convict labor to harvest California crops, both rulings vindicate the position

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Consumers Eye Meats at Struck South State Marts

Widespread consumer comment on "old looking" meats in some of the Southern California chain markets being picketed by members of six locals of the AFL-CIO meatcutters union and charges of price-gouging at some of the other chain markets were reported this week as union of-

ficials pressed for a settlement that would assure the worker of advance notice of the introduction of new methods.

Although daily bargaining sessions, some lasting well into the night, have been held ever since the strike began Nov. 13, the Los Angeles Food Employers Council has remained unyielding in its insistence on unilateral authority to intro-

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U.S. Jobless Rate Climbs to 4.3%

The nation's unemployment rate rose from 4.1 to 4.3 percent from September to October as the unemployment rate increased for the second consecutive month. The rise in the jobless rate, according to the U.S. Department of Labor, was

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Cal Teachers Win First Bargaining Agreement

For the first time in California a collective bargaining agreement has been formalized by a public school district and a local of the American Federation of Teachers.

Passing four resolutions Monday, November 2, the Peralta Junior College District Board of Trustees in Alameda County approved an agreement between the District and Local 1688 of the AFT. The agreement was the product of over two months of good faith negotiations by the union and district bargaining teams.

Provisions of the agreement

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U.S. Chamber Gears Up Push for Anti-Union Laws

The U.S. Chamber of Commerce, hoping that the 91st Congress, which will be elected next November, will be more conservative than the present Congress and will pass legislation to strip the National Labor Relations Board of virtually all its powers, is now drawing up a program it hopes to have enacted. The Chamber, and its labor relations manager, Peter J. Pestillo, euphemistically call both their short and long term goals of emasculating the NLRB, "labor law reform." At the same time, however, Gerald Brown,, a current NLRB member, has called for new, improved ways of dealing with the anti-union tactics of some employers.

While the Chamber of Commerce has acknowledged that conservative management groups looked with favor on the National Labor Relations Board during the Eisenhower Administration, spokesmen now say that business opinion has "matured" and realizes that a

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U.S. Chamber Gears Up Push for Anti-Union Laws

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change of administration can bring a change in NLRB policy. The Chamber of Commerce advocates amending the National Labor Relations Act in the following ways:

- Placing further, even more stringent, curbs on picketing and boycotting.
- Imposing sharp restrictions on actions the National Labor Relations Board can take to remedy employer unfair labor practices.
- Banning union recognition on the basis of card checks.
- Curbing internal union disciplinary powers, including banning union fines against members who cross a picket line in a strike situation.
- Allowing employers to subcontract work without consulting the union with which they have a collective bargaining agreement.
- Assuring employers that a so-called "take it or leave it" offer, which the Chamber of Commerce describes as a "fair firm offer" but which sounds like a Boulwarism to anyone else, would not be considered a refusal to bargain in good faith.
- Giving employers even greater rights than they now have to say whatever they want, short of open coercion and bribery, in trying to persuade workers in an organizing campaign to vote against a union.
- Permitting employers to initiate a decertification election of the bargaining agent and to call for a strike vote or a vote on acceptance of an employer's offer in collective bargaining.

The Chamber of Commerce and the National Association of Manufacturers recently held a series of meetings and conferences in cities from coast-to-coast to drum up support for the above forms of legislative proposals to curb unions.

Interestingly, while the Chamber of Commerce and its conservative management allies continue to state the National Labor Relations Board is pro-union and anti-employer, one NLRB board member recently stated that "it is time for a change," and that unfair labor practices remedies are now "too little and too late" to help workers victimized by anti-union employers.

Addressing the Southwestern Legal Foundation's 14th Annual Labor Law Institute in Dallas, Gerald Brown, an NLRB member since 1961, said that changes involving firings and other unfair management treatment of workers exercising their rights to union representation have for 32 years continued at a rate of nearly 70 percent of all unfair labor practice charges.

Brown said that remedies prescribed by the Board are not only inadequate in many cases but, far worse, they also "fail to encourage compliance with the law."

The need to concentrate on the prevention of unfair labor practices is clear, Brown noted, because "our steadily rising unfair practice case loads prove that too many parties find it advantageous to defy the law."

A committee of the New York Bar Association buttressed Brown's views when it found, in a recent study, that "there is a considerable premium on delay. A recalcitrant party can gain the advantage of time solely because of the backlog in the Board's own enforcement docket." The bar committee also went on to note that there is "no justification for permitting a respondent to profit" from his own unlawful conduct.

Brown also stated that the need for developing more effective remedies is most acute in the area of job discrimination. In 1936, the first full year of NLRB operation, for example, charges of unlawful employer discrimination against workers accounted for some 69 percent of all charges filed. Last year this percentage was nearly the same, at 66 percent.

The NLRB has tried to tailor remedies to the facts involved, Brown said. Besides ordering payment of lost wages with interest pegged at six percent, the NLRB has in some cases ordered employers to give the union the name and addresses of employees in the bargaining unit. A recent suggestion in this regard was that the NLRB order reimbursement for workers who have lost a home, an automobile, or some other possession because of an unlawful discharge.

In the Ex-Cell-O group of cases, still under NLRB study, the unions involved have asked that employers found gulity of refusing to bargain in good faith be ordered to pay their employees for benefits they might have won had true collective bargaining actually taken place.

Declaring that the NLRB's standard order to cease and desist from unfair practices and to post notices "often seems inadequate to offset the effect of an employer's unlawful campaign to prevent employees from selecting" a union, Brown said the NLRB has "made some effort to furnish more realistic remedies."

Brown concluded, however, that while "compliance with the law will eliminate the remedial problems," that "the answers are not easy and the results may not be impressive."

New Apprenticeship Program Launched

A $1.5 million tripartite program has been launched to recruit and train 1,500 apprentice plasterers, cement masons, and shopmen. Signing of the agreement formally setting the national apprenticeship drive into action took place at the recent convention of the Plasterers and Cement Masons in San Francisco.

The agreement was announced by Hugh Murphy, Administrator of the U. S. Department of Labor's Bureau of Apprenticeship and Training. It was signed by President Edward J. Leonard for the union and by James Piper, senior vice president of the Portland Cement Association. The apprenticeship program was undertaken against the background of growing demand for journeymen, Murphy noted.

Leonard said the contemplated program "is the biggest shot in the arm this industry has ever received."

12 Million To Be Eligible To Vote In State In 1968

The number of persons in California old enough to vote in the 1968 Presidential election is expected to total 12,052,000, according to U.S. Census Bureau estimates.

Between November 1964 and November 1968, it is estimated that 1,270,000 persons will reach voting age in the State, that is, they will be old enough to vote for President for the first time.

In the 1964 Presidential election 65 percent of the California population of voting age cast ballots, and in the 1962 general election, the percentage casting ballots for candidates for the U.S. House of Representatives was 54 percent.

The U.S. voting age population is expected to reach a record 120.0 million for the 1968 Presidential election.

Data for the U.S. and each State are shown in the complete Bureau of the Census report "Projections of the Population of Voting Age, for States: November 1966 and 1968," Series P-25, No. 342.

U.S. Jobless Rate Climbs to 4.3%

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triggered by a larger than usual increase in the labor force rather than in reductions in employment. Teenagers and adult men accounted for the increase.

Total employment at 74.6 million was about the same in October as in September and up 1.4 million over the previous year. The civilian labor force, however, has increased more rapidly. At 78 million, it was up by 200,000 over the month and 1.9 million over October, 1966. The number of unemployed persons totaled 2,951,000 in October. This is an increase of 500,000 over October, 1966, when the jobless rate was only 3.8 percent.

The unemployment rates for adult and married men— at 2.5 and 1.9 percent respectively— showed little change over the year and were close to their average levels over the past 12 months.

Convict Labor Ban To Remain In Constitution

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One year ago the Constitution Revision Commission voted to delete this language. This action was strenuously opposed by the State AFL-CIO in testimony before a legislative hearing in Sacramento two weeks ago. At that time a statement in behalf of California Labor Federation Secretary-Treasurer Thos. L. Pitts declared:

"We strenuously object to any change in the constitution which would allow the use of prisoners to undercut or circumvent the free labor market by contracting out prisoners to any private employer."

The Federation statement noted that if Paragraph 3 of Section 1 of Article 10 of the State Constitution were deleted such a move "might well open the flood gates to just such unscrupulous action."

The successful effort at last week's Constitution Revision Commission meeting to keep the language of Paragraph 3 intact was lead by State Federation President Albin J. Gruhn, himself a Commission member, who offered the notion that was adopted unanimously reversing the prior Commission action.

Top State Court Bars Medi-Cal Cuts

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taken by this Federation and by other interested groups that despite the feelings of the administration in Sacramento, it cannot ride roughshod over laws enacted by this state's legislature and over our state's constitution," Pitts observed.

In the convict labor case, Pitts pointed out, the Federation instituted the legal action against the state. In the Medi-Cal case, the Federation and the Los Angeles County Federation of Labor filed amicus curiae briefs following the initial action taken by California Rural Legal Assistance in opposing the unwarranted Medi-Cal cuts on behalf of welfare recipients in Modesto.

Governor Reagan, expressing "disappointment" over the State Supreme Court ruling, said the court had "substituted its policy views for those of our medical experts" and as a result, "must now bear the burden for disruption of the Medi-Cal program."

Commenting on the Governor's statement, AFL-CIO leader Thos. L. Pitts noted:

"It seems that whenever the courts take a dim view of the arbitrary actions of the present administration the Governor claims that the courts are venturing into the legislative policy arena. Nothing could be further from the truth.

"It has been our position all along that the actions of this administration in cutting back the Medi-Cal program clearly violate statutes enacted at both the 1965 and 1967 sessions of the legislature and the court action simply reflects the fact the Legislature has set policy in the Medi-Cal field."

Pitts noted that Justice Raymond L. Sullivan, in writing the lengthy, 47-page decision, said for the court majority that, "Our function is to inquire into the legality of the regulations, not their wisdom."

"Nor do we superimpose upon the (Health and Welfare) Agency any policy judgments of our own," Sullivan added.

The majority opinion went on to point out, "Administrative regulations that violate acts of the legislature are void and no protestations that they are merely an exercise of administrative discretion can justify them. They must conform to the legislative will if we are to preserve an orderly system of government."

"The battle to keep low income families in the mainstream of modern care, unfortunately, is not over," Pitts said. "The court decision stated the administration could have eliminated some 160,000 medical indigents from the program. The Governor now apparently intends to take this drastic step and blame it on the Supreme Court."

"The time has come to stop tampering with the health of the medically needy people of this state. The medical needs of anyone, rich or poor, are far too serious a matter to be tossed around like a political football. It is time to stop playing games. Instead, the administration should concentrate its energies on enhancing the health of our state's poor," Pitts said.

The Court ruling came on a 5 to 2 vote. The majority opinion, written by Justice Raymond L. Sullivan, said that the restrictive regulations set by Health and Welfare Administrator Williams violated mandatory requirements of the Medi-Cal Act.

The court held specifically that the Reagan administration had cut back the level of services to all the 1.5 million recipients of the state's Medi-Cal program, without first eliminating the medically indigent. The court said that the administration had eliminated some services in their entirety even though a bill passed by the 1967 legislature had stated that to the extent any cuts might be necessary, all services were to be reduced proportionately.

Joining with Justice Sullivan in the majority decision were Chief Justice Roger Trayner, and Justices Raymond E. Peters and Matthew O. Tobriner and Stanley Mosk. Justices Marshall J. McComb and Louis H. Burke dissented from the majority opinion.

The cuts, ordered by the Reagan administration last September 1, included limiting hospital stays in private hospitals to eight days, limiting psychiatric care, cutting back completely on dental care except to control pain or treat infection, terminating all hearing examinations, all non-life-saving drugs, food care, non-life-saving surgery, speech and phyiscal therapy, chiropractic, eye glasses, wheel chairs, artificial limbs and other prosthetic devices, sick room supplies, traction, and home care services after 14 days.

Eighty Months of Expansion Produce Nine Million New Jobs

The nearly eighty months of unbroken economic expansion since John F. Kennedy became president in 1961 have added nine million new jobs to the United States economy and brought a wide range of other basic improvements to workers' lives, according to the Secretary of Labor W. Willard Wirtz.

Ticking off the many advances that have occurred in the U.S. economy over the past seven years, Secretary of Labor Wirtz also noted that there has been a sharp decline in the nation's unemployment rate, higher wages, and major improvements in "real" spending power over the past seven years.

In noting that the country's unemployment rate has dropped from nearly seven percent in 1961 to only about four percent this year, Wirtz pointed out that "in 1961 there were three-quarters of a million people in this country who had been out of work for 27 weeks or more. Now, that number is down to 155,000."

Other dramatic gains resulting from some 80 months of steady economic expansion include:

- The average weekly cash earnings of workers in manufacturing have increased by $28, from $89 to $117 a week.
- While prices have risen, the average weekly pay check today buys 17 percent more than it did only six-and-a-half years ago.
- The "real" purchasing power of all citizens, that is, pay after taxes are deducted and after an adjustment for inflation, now averages 28 percent more than it did six-and-a-half years ago.
- The minimum wage for most workers covered by the federal Fair Labor Standards Act has increased from $1 an hour to $1.40. Next February 1 it will go to $1.60. In addition, more than ten million new workers are now covered by the law.

Wirtz noted that the true significance of this unparalleled economic expansion goes beyond mere statistics, observing:

"Perhaps the largest gain of all in these 80 months is in the confidence that we can do whatever we set out to do—that we are not the prisoners of laws of boom and bust—that the proper measure of accomplishments is not in a comparison with previous achievements but in the vision of the full use of the human competence."

Cal Teachers Win First Bargaining Agreement

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include exclusive recognition of Local 1688 as "the negotiating agency representing the faculty of the East Bay Skills Center," located in Oakland and run by the district as a community service.

A grievance procedure guaranteeing on-site representation is part of the newly won agreement. The procedure's last step is advisory arbitration, the union having the right to approve or veto any hearing officer selected.

The traditional shop steward is replaced by "area representatives." Wage increases ranging from 6 percent upward were won for the instructional staff. Paid vacations and generous sick leave accumulation are provided for in the agreement, as well as an extension of medical insurance coverage to all dependents in an employee's family.

Seniority, a concept generally considered foreign to teacher personnel procedures, is included in the agreement.

The agreement is in force for one year. Either party must notify the other 60 days in advance of the contract's expiration, should it wish to alter the agreement.

Sugar Beet Hearings Set for San Francisco

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fore growers can import temporary foreign farm labor is now $1.60 per hour. The state's minimum wage for women in agriculture will be $1.65 an hour on February 1, 1968.

Needless to say, $1.40 per hour, which is less than $3,000 a year, does not fill the bill by any objective definition of the term "fair and reasonable."

The heavily subsidized growers are expected once again to oppose any increase in the sugar beet minimum wage and to rally around the banner of letting the so-called "free market" determine wages. Who's kidding who?

Consumers Eye Meats at Struck South State Marts

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duce "new methods" without advance notice and to require any disputes subsequently arising to be settled by compulsory arbitration.

Such new methods could include the use of centralized cutting and packaging plants that could reduce the availability of freshly cut meat to the consumer, result in more "doctoring" of the meat to make it look fresher than it is, and increase the possibility of short-weighting the buyer through shriveling and evaporating, the union has warned.

The union's efforts to bring the real issues involved in the dispute to the consumers were hampered Monday when the employers were granted an injunction limiting the union to two pickets at each market entrance or driveway by Los Angeles Superior Court Judge Ralph Nutter.

Earlier, after employers began using armed guards carrying sawed off shotguns on scab trucks going through the picket lines, Oliver Holmes, chief negotiator for the 10,000 unionists on strike, charged that the employers were either trying to provoke or intimidate the pickets. Noting that he knew the pickets "weren't about to be intimidated," Holmes urged them not to let themselves be goaded into a fight.

"That's just exactly what the Food Employers Council would like to see happen," he said, "because it would play right into their hands."

"Don't let them do it. The stuff in those trucks may be as old as gold but, believe me, pound for pound, it's hardly worth a fraction of the real stuff."

Holmes, secretary-treasurer of Local 551 San Pedro, pointed out that the drivers of the armed trucks were scabs, not members of the Teamsters union.

"The Teamsters are behind us in this fight one hundred percent," he said, "and we appreciate it. Many of the picket captains have reported that they have even been bringing coffee and doughnuts to our men and women on the line."

Last Friday the Los Angeles County Federation of Labor, the Los Angeles Building and Construction Trades Council, and the Southern California Joint Council of Teamsters pledged the butchers their full support.

Another union official charged that some supermarkets are taking advantage of the strike to sell meat at fantastically inflated prices.

"One chain, Mayfair, is selling meat that was packed and transported under unusual conditions at prices far above what other markets are charging for regular, government-inspected meat," Max Osslo, secretary business manager of Local 229, said.

And pointing out that "the company bosses say the union is causing meat prices to increase," Osslo observed:

"It's interesting to note that meat prices have skyrocketed only in markets that have hired non-union butchers."

He said price labels had been collected from meat packages sold in Mayfair Markets over the weekend which showed common cuts of meat to be selling for as much as 75 percent more than in non-chain markets with union butchers.

Mayfair, for instance, charged $1.49 a pound for ungraded sirloin tip, while Menlo Farms Markets, a San Diego firm, charged 79 cents for the same cut, but it was USDA Grade choice, he said.

Osslo also charged that Mayfair is selling meat that was packed in a makeshift plant in Los Angeles employing non-union butchers and transported in non-standard vehicles, some without refrigeration.

"We have photographs of meat being hauled to Mayfair markets in private cars with no refrigeration," he said, adding that the photos have been turned over to Dr. J. B. Askew, director of the San Diego city-county health Department.

Late last week the union's negotiating team and strike efforts were strengthened by the arrival of Harry Poole, executive vice president of the International union, the Amalgamated Meatcutters and Butcher Workmens Union of North America. He has been sitting in on negotiating sessions since arriving from Chicago Thursday.

Other staffers from the international union and from the California Labor Federation have also been brought in to assist in coordinating strike efforts.

The national significance of the key issues involved in the strike was also underscored by the arrival of the executive officers of three east coast unions having contracts with some of the same employers involved in the Southern California strike.

While some progress was reported in the negotiating sessions held early in the week, the union was clearly gearing up for a long fight if necessary.

"We are prepared to maintain this strike just as long as it takes to make sure the public gets good, freshly cut meat and that our workers are guaranteed a voice in changes in the meat industry that may seriously affect public health and safety as well as the safety of our members and their jobs," Holmes declared.

Appeals Court Rejects Bar On Use of Bullhorns

Bullhorns may be used by pickets or union officials to direct strike activities.

This was the substance of a decision handed down by presiding Justice Philip Conley of the 5th District Court of Appeals in Fresno recently which reversed the decision of a lower court that had issued a preliminary injunction barring pickets of the AFL-CIO United Farm Workers Organizing Committee from using bullhorns to inform other workers employed at Giumarra Vineyards in Kern County of their grievances and strike activities.

The decision, concurred in by Justice Roy J. Gargano, held that the trade unionists' use of bullhorns is proper and in line with their right to freedom of speech.

A third justice, E. Frederick Stone, disqualified himself from the case.