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THOS. L. PITTS  151
Executive Secretary-Treasurer

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Labor at the Legislature Starts Next Week

From the Capitol Office
of the Executive Secretary

"Labor at the Legislature," the well-received weekly column on legislative activities affecting organized labor initiated by the California Labor Federation's Sacramento office last year, will be resumed next week, according to Thos. L. Pitts, the Federation's Secretary-Treasurer.

Although the make-up of the upper and lower house committees and their meeting schedules has not yet been completed, Pitts said it is already evident that Assembly Speaker Robert Monagan is intent on streamlining Assembly committees and speeding up the legislative process. The Speaker indicated this week that he hopes the Assembly will complete its work by June 1.

"This means that the splendid support and cooperation accorded the Federation by its affiliates during the 1968 session which was vital to the attainment of some of labor's goals as well as to the defeat of a number of punitive anti-worker and anti-union measures will be all the more necessary this year," Pitts said.

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Critical Senate Seat at Stake In Contra Costa Co.

During the next six weeks or so Contra Costa County will be the battle ground for a key state senate seat that could affect the political complexion of the California legislature for the next 10 or 12 years.

At issue is the seat vacated by the untimely death of veteran State Senator George Miller, Jr.

Miller's death on January 1 gave the Republicans a one vote edge in the upper house where there are now 20 Republicans, 19 Democrats and one vacancy. With reapportionment of the

Court Upholds Validity of Post-Harvest Wage Orders

Thousands of women and minors who have worked in California's after-harvest industries during the past five years are entitled to back pay and overtime thanks to a decision just reached by the state's Court of Appeals but it may be some time before they start collecting it.

The appellate court decision, a signifi-

cant victory for the California Labor Federation which participated in the case as a friend of the court after fighting earlier for the Wage Order improvements, reversed a superior court decision in 1964 that had barred enforcement of the two wage orders of the State Industrial Welfare Commission.

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Assembly OKs Monagan's Committee Revamp Plan

Creation of a new Assembly Committee on Urban Affairs and Housing to help provide "decent housing for low income people" along with reduction of the number of Assembly committees from 25 to 21 won Assembly approval this week.

The lower house reorganization plan was developed by the Assembly's new GOP Speaker Robert T. Monagan and calls for some committees to be merged, some eliminated entirely and some new committees to be created.

Appointment of committee chairmen is expected to be announced within the next 10 days, Monagan said.

Here is a rundown of Assem-

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Dinners To Honor T. J. O'Sullivan

Two testimonial dinners to honor Terence J. O'Sullivan, new General Secretary-Treasurer of the Laborer's International Union, for his years of service to the labor movement and in community affairs will be held in San Francisco and

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Fed Bill To Curb Strikebreakers Is Introduced

At the request of the California Labor Federation, AFL-CIO, Assemblyman David A. Roberti (D-Los Angeles) introduced legislation this week (AB 119) to establish misdemeanor penalties for the use of professional strikebreakers to replace regular employees on the job during strikes or lockouts.

"The use of professional strikebreakers, persons who repeatedly offer themselves for employment during strikes, has become a grave problem in the

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Legislators Issue Memos On AP Strike

Both Governor Reagan and the new Speaker of the Assembly as well as Lower House Democratic leaders have advised their staffs not to cross the picket line set up by striking members of the AFL-CIO Wire Service Guild at the State Capitol office of the Associated Press in Sacramento.

This was disclosed in a memo issued to all Assembly secre-

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Dinners To Honor T. J. O'Sullivan of Laborer's Intl.

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Anaheim next week.

The San Francisco dinner will be held in the Grand Ballroom of the Fairmont Hotel Friday, January 24 and the Anaheim dinner will be held in the Embassy Room of the Disneyland Hotel at 1441 South West Street, Anaheim on Saturday, January 25.

O'Sullivan joined the Construction and General Laborers Local 261 in San Francisco in 1947, was appointed dispatcher in 1952, elected business representative in 1954 and became head business representative in 1959.

In 1961 he joined the union's international staff as a representative and three years later became assistant regional manager. In 1965 he succeeded the late Lee Lalor as vice president and regional manager.

O'Sullivan, a strong supporter of political action, served as a member of the California Commission on Manpower, Automation and Technology and on the State Manpower Advisory Committee during Governor Brown's administration.

In addition he helped establish a job training program for construction laborers in Santa Rosa and has served as a vice president of the Northern California District Council of Laborers, vice president of the California State Building and Construction Trades Council as well as the San Francisco Building Trades Council and as a member of the San Francisco Housing Appeals Board.

Reservations for the San Francisco dinner are \$35 per person. Checks should be made payable to the "Terence O'Sullivan Testimonial Dinner Committee" and sent to 350 Fremont Street, San Francisco, Ca. 94105, Attn: M. C. Garcia, Auditor.

Reservations for the Anaheim dinner are \$10 per person and may be made by sending checks payable to the "Terence O'Sullivan Testimonial Dinner" to 520 South Virgil Ave., Suite 102, Los Angeles 90005 or by phoning 213-380-8720.

The San Francisco dinner will start with a cocktail hour at 6:00 p.m. with dinner at 7:30.

Assembly OKs Monagan's Committee Revamp Plan

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bly committees under the reorganization plan:

- 1—Agriculture.
- 2—Commerce and Public Utilities.
- 3—Criminal Procedure.
- 4—Education.
- 5—Elections and Constitutional Amendments (merging the Constitutional Amendments with that of the Elections and Reapportionment Committee).
- 6—Finance and Insurance.
- 7—Government Organization.
- 8—Government Administration (a new committee which would take over some of the functions of the former Governmental Efficiency and Economy Committee).
- 9—Health and Welfare (resulting from the merger of the Social Welfare and Public Health Committees).
- 10—Inter-Governmental Relations (new).
- 11—Judiciary.
- 12—Labor Relations.
- 13—Local Government.
- 14—Natural Resources and Conservation (merging the formerly separate committee of Conservation and Wildlife with that of Natural Resources, Planning and Public Works).
- 15—Public Employment and Retirement.
- 16—Revenue and Taxation.
- 17—Rules.
- 18—Transportation.
- 19—Urban Affairs and Housing.
- 20—Water.
- 21—Ways and Means.

The reorganization program scraps the former committee on Legislative Representation as well as the Engrossment and Enrollment Committee.

Monagan said that the new Urban Affairs and Housing Committee would be charged not only with developing "specific proposals to provide decent housing for low income people" but also with opening

Further information on it may be obtained by calling Area Code 415—EX 7-5600.

The Anaheim dinner is scheduled to get underway at 7:00 p.m.

"direct channels of communication with minority groups regarding 'core city' problems and reviewing the need to develop a state urbanization policy."

Similarly, the intent in merging the Public Health and Social Welfare Committees into the new Health and Welfare Committee is "to better integrate policy dealing with the basic needs of low income people," Monagan said.

"From the standpoint of legislation to improve the lot of California's wage and salary earners, no assessment of the Speaker's reorganization plan can be made until the composition of the various committees is known but the new Speaker's expressed concern for the vast unmet housing, health and welfare needs of the state's low income citizens is both heartening and constructive," Thos. L. Pitts, Secretary-Treasurer of the California Labor Federation, said.

The new Speaker also disclosed this week that the Assembly will report to the public monthly on its activities, including progress in passing bills, major proposals currently under consideration and issues still awaiting action.

Referring to this as "an excellent idea," Pitts said "it could contribute substantially toward stimulating public interest and participation in the state's legislative process."

RCIA Election Charges Dismissed

The Labor Department has dismissed all challenges to the June, 1968, election for officers of the Retail Clerks and in effect certified the results.

RCIA Pres. James T. Housewright said the dismissal of charges brought by defeated candidates "confirmed our judgment" that the balloting was legal and democratic. The union now can step up its organizational activities "with this burden removed," he said.

Winning candidates in the June election at more than 7,000 polling places were chosen by margins of more than 40,000 votes.

Labor at The Legislature Starts Next Week

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Pitts, currently working on the introduction of the Federation's 1969 legislative program, said the Federation's year-round Sacramento office is already gearing up for what could well be one of the most intensive legislative sessions in recent years and pledged to keep affiliates posted on the progress and pitfalls confronting the Federation's legislative program.

Just this week Monagan announced appointment of Assemblyman W. Craig Biddle (River-side) as GOP Majority Floor Leader and Assemblyman Frank Lanterman (La Canada) as chairman of the Assembly Ways and Means Committee. Lanterman, 68, served as vice chairman of Ways and Means last year.

Fed Bill To Curb Strikebreakers Is Introduced

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State of California," Roberti said.

"Many law-abiding, taxpaying Californians are losing their jobs to out-of-state transients, often with questionable backgrounds, who make a habit of seeking employment during labor-management disputes," the Assemblyman declared.

"The need to protect the Californian on the job has become so important that the City of San Francisco passed legislation which has served as a guide for my bill," he noted.

"This proposed legislation is intended to protect the California working man on his job. In no way is it intended to curtail the collective bargaining rights of employers," Roberti concluded.

The measure, AB 119, was introduced by Assemblyman Roberti at the request of Thos. L. Pitts, the Labor Federation's Executive Secretary.

"More than 100 communities across the nation have already enacted laws to protect their citizens from such professional strikebreakers," Pitts pointed out.

Five Unions Plan To Build Joint HQ Office in D.C.

Five international unions pooled their resources to find a site for a joint headquarters building in downtown Washington, D.C., and will erect an eight-story building at 18th St. and New York Ave., N.W., a block from the government's Executive Office Building.

The property, owned by the federal government, was obtained through the General Services Administration in an exchange of property plus an undisclosed amount of cash.

The five union landlords have incorporated themselves in the District of Columbia as United Unions, Inc. They are the Painters, Iron Workers, Fire Fighters, Bookbinders and Sheet Metal Workers. All now occupy rented quarters in Washington.

Construction is expected to begin some time this year for occupancy in 1970.

Food Caravan To Delano Set For January 25

The next food caravan to Delano to help sustain farm workers in their drive for full collective bargaining rights and union recognition is set for Saturday, January 25.

Trade unionists and other concerned citizens who want to take a positive step to help stamp out the "Grapes of Wrath" working conditions that still persist in a number of California's rural areas may phone 655-3256 in Oakland (Area Code 415) after 7:00 p.m. or between 8:00 and 9:00 a.m. for information on what foods to bring and how to join the caravan.

The caravan will leave in two sections: the first at 7:00 a.m. from 568 47th Street, Oakland and the second at 8:00 a.m. from the San Francisco Labor Temple at 2940 16th Street, at Capp near Mission Street.

All participants are invited to bring sleeping bags and stay overnight in Filipino Hall.

Cars are needed to help carry the food.

State Legislators Issue Memos on AP Strike

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taries and messengers by Assemblyman Eugene A. Chappie (R-Cool), Assembly Rules Committee chairman, this week.

The memo said:

"The following policy will be observed by the Assembly staff in connection with the labor dispute involving the Capitol office of the Associated Press.

"A. No staff member will be asked to cross the picket line against his or her will.

"B. The messenger service will make no deliveries across the picket line unless specifically requested to do so by individual members.

"For your information, the Speaker and the Governor have instructed their staffs not to cross the picket line. The above policy is designed to assure each the right to establish individual guidelines and to protect both members and staff from embarrassment.

Earlier, in a memo distributed to all 39 Democratic Assemblymen shortly after the

strike began late last week, Assemblyman Minority Leader Jesse M. Unruh and Democratic Caucus Chairman George Zenovich of Fresno called on their colleagues to:

"Please inform your secretaries and staff members not to cross that picket line for any purpose whatsoever, nor should press releases be sent to the Associated Press. Members should not conduct news interviews with persons representing the Associated Press until the strike has been settled."

Late last week the San Francisco-Oakland Newspaper Guild, which like the Wire Service Guild, is an affiliate of the AFL-CIO American Newspaper Guild, issued a memo to West Coast news sources reminding them that:

"Any person who represents himself or herself as a reporter, photographer or editor performing services for the Associated Press is a strikebreaker."

The SFONG memo pointed

out that AP management has refused to agree to even a modified form of union shop contract although "the vast majority of Guild contracts everywhere provide for such basic union security."

It also noted that the AP's best offer to date would require AP staffers to work more hours for lower wages than newspaper reporters in major AP cities including San Francisco for the next three years.

The first joint negotiating session since the strike began January 9 was held in Washington last Monday but no progress was reported.

The WSG represents some 1300 reporters, deskmen, photographers, cartoonists, messengers and business office personnel.

The strike is against the Associated Press only. Newsmen for United Press International are not on strike and are protected by a newspaper guild contract.

Critical Senate Seat at Stake In Contra Costa Co.

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has apparently been designated as the unity candidate for the GOP in the race.

Another potential Republican candidate, former GOP Assembly Speaker Luther (Abe) Lincoln, has already indicated he would support Nejedly.

In contrast, on the Democratic side, there are already five announced candidates, including:

George Miller, III, the late Senator's son; Thomas J. Coll, of Concord, a Contra Costa County supervisor; Elton Brombacher, Richmond, operator of a printing business; Marcelino Vasquez, Mayor of Pittsburg; and R. William Voge, of San Ramon, a civil engineer.

This week a special election for the seat was set for February 25 by Governor Ronald Reagan. If no candidate receives a majority of all votes cast on February 25, a runoff election will be held March 25.

The last date for candidates to file for the post is January 24.

While voter registration for the February 25 election is al-

CONTRA COSTA VOTERS

If you've moved within Contra Costa County, failed to vote in the 1968 general election, or failed to register for that election, be sure to register before January 30, 1969 so you'll be able to vote in the critical run-off election in the Seventh State Senate District on March 25, 1969.

ready closed, voters have a little less than two weeks to register to be eligible to vote in the

run off election on March 25.

Current registration in the Seventh State Senatorial District totals 225,001, including 122,406 Democrats and 89,560 Republicans.

A comparison of these registration figures with those eligible to vote in the November 1968 general election indicates that nearly twice as many Democrats failed to vote in November 1968 as did Republicans. The figures indicate that more than 20,000 Democrats were purged from voter registration rolls for failure to vote in the last general election while only 11,000 Republicans were purged.

U.S. Workers' Buying Power Drops

The purchasing power of the Nation's rank-and-file workers declined sharply in November, the U. S. Department of Labor's Bureau of Labor Statistics has reported.

A reduction in average weekly hours and the continued rise in consumer prices accounted for the decrease.

Gross weekly earnings fell

from \$110.38 to \$109.21 between October and November, due entirely to a four-tenths-of-an-hour decrease in average weekly hours.

After adjustment for price increases, gross weekly earnings were 1.5 percent below the October level; all industries except mining registered declines, with the largest drop occurring in construction.

Court Upholds Validity of Post-Harvest Wage Orders

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The lower court had upheld the contention of the California Grape and Tree Fruit League that the IWC had acted improperly in boosting minimum hourly wages from \$1 to \$1.25 effective August 30, 1963 and to \$1.30 effective August 30, 1964 for workers in after-harvest industries covered by the IWC's Wage Orders 8 and 13 on grounds that the IWC had received no majority recommendation from the Wage Board on the hourly rate issue and had no statutory authority to set up a wage escalator.

APPROACHES ABSURDITY

In rejecting the League's contention, the court held that the League's position "approaches absurdity."

Noting that the IWC had fulfilled all the Wage Board report and public hearing requirements necessary, the court said:

"We must assume that the Legislature . . . considered the obvious probability that employer and employee wage board representatives would often disagree under circumstances where the chairman could conscientiously agree with neither side. If we concur with the League . . . we must conclude that the Legislature intended that a Wage Board's failure to agree would result in the Commission's inability to pursue further the statutory goal of proper minimum wages, hours and working conditions for women and minors.

"This conclusion would place in 'advisory' wage boards, often made up of discordant, intransigent factions, the power to nullify the beneficent purpose of the statute. Such a conclusion is unacceptable. It is manifestly unreasonable and contrary to the intent of the Legislature. It approaches absurdity."

The IWC had appealed the superior court's decision which had granted the League a writ of mandate to prevent enforcement of the two wage orders.

On the appeal, the Grape and

Tree Fruit League which, the court noted represents the growers, packers and shippers of more than 85 percent of California's fresh deciduous fruits, challenged the IWC's power to adopt provisions requiring premium rates of pay for overtime.

OVERTIME RATES OK'D

But the appellate court rejected this challenge and concluded that overtime rates are applicable after 8 hours in a day and 48 hours in a week. It pointed out that:

"Overtime pay for women and minors relates but incidentally to wages. Its purpose is to regulate hours of employment, insuring that overtime privileges granted employers will not be abused. Premium pay for overtime has for almost 50 years assured reasonable and safe working hours and conditions in certain industries without placing on employers the burden of maximum overtime hours."

The court's decision, written by Judge J. Elkington and concurred in by Judges J. B. Molinari and J. Sims, was handed down Jan. 9. It held that the IWC "may, when reasonably found necessary for the health and welfare of the women concerned, regulate the conditions under which overtime hours are worked. Any other construction would allow uncontrolled long and arduous hours of employment without regard for the health and welfare of the subject women workers—an intent which we are unable to impute to the Legislature."

CONTENTION REJECTED

The decision also rejected the League's contention that the IWC could concern itself only with minimum wages yet Wage Orders 8 and 13 provide for overtime pay based on regular wages.

"Overtime pay based on minimum rather than actual wages paid would obviously not have the desired effect of discouraging overtime employment. The fact that such an order incidentally affects

wages other than minimum does not invalidate it," the court said.

Principal beneficiaries of the court's decision will be the thousands of workers in packing shed operations on and off the farm. Such workers may be due retroactive pay, including overtime, of 25 cents an hour from August 30, 1963 to August 30, 1964 and 30 cents an hour from August 30, 1964 to February 1, 1966 when the federal minimum wage was increased to \$1.40.

The overtime provisions of the two wage orders fix pay for overtime at one and a half times the employees' regular rate of pay for all hours worked in excess of eight up to and including 12 hours in any one day and for the first eight hours worked on the seventh consecutive day and each day thereafter until the employee is given 24 hours off.

The provisions further state that employees covered by the orders shall receive double their regular rate of pay for all hours worked in excess of 12 in any one day and for all hours worked in excess of eight on the seventh day and each day thereafter until the employees are given 24 hours off.

The decision in this case came only a few months after the Grape and Tree Fruit League and other grower groups lost in their court efforts to overturn the IWC orders revised in 1968 covering farm workers and other workers in farm-related industries.

The Division of Industrial Welfare of the State Department of Industrial Relations which enforces the IWC's orders is expected to prepare a notice to be distributed to all affected employers late next month or early in March.

The Sulzer Act

The Labor Department became a cabinet-level department on March 4, 1913, when President William Howard Taft signed the Sulzer Act nearly 56 years ago.

Decision Backs NLRB in Union Card Check Case

The right of the National Labor Relations Board to order a "flagrantly unfair" employer to recognize a union on the basis of cards signed by employees was upheld by the 6th U. S. Circuit Court of Appeals, in Cincinnati.

A three-judge appeals panel enforced a 1966 NLRB order compelling Priced-Less Discount Foods, Inc., doing business in Springfield, O., as Pay Less, to bargain on contract terms with Retail Clerks Local 1552.

The issue before the court was whether an NLRB bargaining order is the "proper remedy . . . for law violations which had the effect of dissipating the union's card majority and which destroyed the conditions for a fair election."

"In this case the usual cease and desist order could hardly be truly remedial," the judges said in a decision noting that the employer solicited his employees to withdraw their authorizations, helped them to prepare the letters, got their signatures in company offices and mailed the letters to the union after claiming to have a good faith doubt that Local 1552 had a majority.

The judges declared that "when an employer resorts to such flagrant unfair practices," the board acts within its authority in ordering the unfair employer to recognize the union even though no election has been held.

The decision related that on Jan. 20, 1965, RCIA had 23 valid cards signed by employees and offered to prove its majority status by a cardcheck through an impartial third party.

The company refused, claiming it had a sincere doubt that the union had a majority. In the meanwhile it prevailed on 12 workers to repudiate their signatures, the record showed. The judges said:

"Although the letters contained language that the request . . . was made of the employees' own free will and with no outside pressure, the evidence to the contrary is substantial. Solicitation, pressure and coercion are proved by convincing evidence."