

Senate Testimony: Cal-OSHA Excels

Federal OSHA's failure to measure up to Cal-OSHA has been spelled out by an official of the U.S. General Accounting Office in Washington, D.C.

William J. Gainer, GAO associate director in the Human Resources Division, testified as the Senate Committee on Labor and Human Resources continued its hearings into shortcomings of the federal agency.

Gainer told the committee members and their chairman, Sen. Edward F. Kennedy, of evidence that about 9.5 million California workers are at greater risk since

Gov. George Deukmejian shut down Cal-OSHA's private sector coverage last July 1 and handed responsibility over to federal OSHA.

"First, occupational safety and health standards and exposure limits under California rules are more comprehensive, are broader in scope and cover more potential worksite hazards than under (federal) OSHA," Gainer told the committee.

"Second, (California) state legislation is more stringent, with tougher sanctions for employers that violate the law," he testified.

Cal-OSHA standby bill advances.

Page 4

"Third, the number of safety and health inspections in California has decreased under (federal) OSHA and is expected to remain at about a third of the previous level at least through fiscal 1988."

Furthermore, Gainer testified, federal OSHA's programs in other parts of the country have been disrupted because of the diversion of staff to California.

"OSHA estimates that about a third of its 1,100 inspectors and supervisor staff will have spent some time in California on temporary tours of duty," the accounting official said. "To maintain the level of inspections nationwide in their absence, OSHA has curtailed other activities such as state monitoring and internal audits."

(In earlier testimony the committee members heard that federal OSHA had been piling up numbers by conducting sham inspections and by assigning a disproportionate number of inspectors to large construction sites where interviews

with subcontractors can yield large numbers of reports in a relatively short time.)

Gainer pointed out that the 9.5 million California workers turned over to federal OSHA by Gov. Deukmejian's budget veto action last July 1 amounts to approximately one-tenth of the American work force.

"Under (federal) OSHA, workers in California no longer have the benefit of all the occupational safety and health standards and exposure limits developed by and adopted in the state program,"

(Continued on Page 4)



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Comp Reform Quest Widens



Photo by Rick Gerharter

Bill Freitas, left, deputy director of SEIU Local 250's Convalescent Division, prepares to address rally on Capitol steps.

SEIU Pushes Patient Care

About 600 convalescent care workers from throughout Northern California and 100 allies from community action and patient rights groups rallied on the steps of the State Capitol Tuesday in support of bills aimed at improving patient care.

Many arrived at the Capitol aboard chartered buses, 11 of which came from points as distant as Fresno and Humboldt counties at the call of Locals 250 and 22 of the Service Employees International Union.

Delegations met with 80 legislators, according to Amado David, director of the Local 250 Convalescent Division. One group of more than 100 carried the unions' message to the

Department of Health Services.

They were lobbying for two bills, David said. One is SB 2423 by Sen. Art Torres, D-L.A., which would alter the method of calculating patient care requirements and encourage employment of more licensed personnel.

The other is SB 2572 by Sen. Bill Greene, D-L.A., which would require "ripple effect" wage adjustments for the many convalescent care workers who earn just above the new California minimum wage of \$4.25.

The workers and their backers also campaigned for stricter enforcement of existing state regulations concerning convalescent care facilities, David said.

The quest for common ground on workers' compensation reform continued with labor participation on two fronts this week at Sacramento.

Labor, employers and the insurance industry were present Wednesday as John O'Hara, the retired Los Angeles lawyer named by Gov. Deukmejian to seek a solution, began reviewing proposals put forward without success in recent years.

Elsewhere in the State Capitol, a legislative conference committee that hopes to shape an omnibus workers' compensation bill continued its series of hearings on key issues.

Labor was represented at the O'Hara session by John F. Henning, executive secretary-treasurer of the California Labor Federation; Tom Rankin, research director for the federation, and Gerry O'Hara, Teamsters Public Affairs Council.

The governor sat in briefly as the session was opened by O'Hara, who was appointed after Henning told a legislative committee that Deukmejian's intervention was needed.

Also present were Kirk West, president of the California Chamber of Commerce; Jose Hermosillo and Ed Magnifico of the employer-supported Californians for Compensation Reform, and Clay Jackson and Alan Tebb, insurance industry spokespersons.

The legislative conference committee heard the state federation representatives and other labor spokespersons during an examination Wednesday of the mental stress issue in workers' compensation.

The extent to which workers' compensation can raise emotions

(Continued on Page 4)

Court Set to Rule on Subminimum

The Third District Court of Appeals has announced it is considering swift action favorable to labor in Henning et al vs. the Industrial Welfare Commission, the suit to block a subminimum wage in California.

The court notified all parties to the suit that they had until Friday, May 13, to file objections to issuance of a preemptory writ.

"This is the most favorable thing that could happen for us," said Charles P. Scully II, legal counsel to the California Labor Federation.

A preemptory writ would give the state federation and its coalition allies the order they seek prohibiting the subminimum wage. The court indicated it would schedule no further arguments after May 13.

"It is an extraordinary procedure, one that the court invokes

probably only three or four times a year in cases where the issues are clear-cut," Scully added.

Also this week, lawyers for two statewide employer groups asked the Third District Court to let them intervene as plaintiffs in the case along with the Industrial Welfare

Commission.

Littler, Mendelsohn, Fastiff & Tichey — by far the biggest union-busting law firm in California — filed that petition on behalf of the California Restaurant Assn. and the California Hotel and Motel Assn.

Attorneys for the coalition immediately responded with arguments that additional defendants would be superfluous. It was not immediately clear whether Littler, Mendelsohn would succeed in de-

(Continued on Page 4)

AFL-CIO News Wins Awards

The California AFL-CIO News has won awards to an editorial, photography, news and feature stories and general excellence in

competition sponsored by the Western Labor Press Association.

Story, Page 2.

Solidarity Pays Off In Teamsters' Strike

Labor leaders in Alameda County are calling a Teamster hotel strike settlement ratified last weekend the best demonstration of union solidarity since the reaffiliation of the IBT with the AFL-CIO.

When Teamster Local 856 housekeepers, front desk personnel and maintenance staff struck the Hyatt at Oakland International Airport three weeks ago, they had the picket line support of HERE Local 28 members employed in the kitchen, coffee shop, restaurants and bars.

"It was a win, a victory for the members of Local 856, and the culinary workers from Local 28 were a key factor," said Chuck Mack, president of Teamsters Joint Council No. 7.

"The Local 28 members provided terrific support," said Steve Martin, executive secretary of the Alameda County Central Labor Council. "We've always worked together in Alameda County, but this was special. Members of virtually every union in our council were on the picket line."

John Martin, executive secretary of Local 28, pointed out that support by his members grew stronger during the strike.

"More than 90 percent of our members were on the picket line by the time the strike ended," Martin said. "A few went in at first, but they stayed out and most of them were on the picket line as soon as they realized that it was their fight as well as the Teamsters'. Their

contracts will be open next year."

Ben Leal, secretary-treasurer of Local 856, said the culinary workers came through with "first-class support." He also praised help by Steve Martin and others from the central labor council.

The contract is the first negotiated by the Teamsters at the Airport Hyatt. Members of the local formerly were represented by an unaffiliated association.

Leal said the 26-month contract means pay parity with the nearby Oakland Airport Hilton. Workers will get three raises, Western Conference of Teamsters pension coverage and improved health benefits without co-payments that were required under their old plan.

Summer Labor School Set

A curriculum covering basic trade union subjects as well as current issues has been set for the annual, week-long Trade Union Summer School sponsored by the California Labor Federation July 10 through 15 at the Miramar Hotel in Santa Barbara.

The school is presented again this year in cooperation with the University of California-Berkeley and UCLA Labor Centers.

Training sessions, workshops and panel discussions are scheduled.

Topics include dispute resolution, strategies and techniques for collective bargaining, organizing, social insurance programs, family and worker security, preparation and conduct of strikes, labor history, foreign trade, the Cal-OSHA initiative and immigration reform.

The school starts with an orientation session at 7 p.m. Sunday, July 10. Registration will be held immediately prior to that, from 3 to 7 p.m.

June 10 is the deadline for making room reservations at the hotel with assurance of special rates and guaranteed accommodations. Rooms have been set aside at rates from \$51 to \$81, double or single. The hotel telephone is (800) 322-6983.

Affiliates of the state federation are invited to send as many participants as they wish, according to John F. Henning, executive secretary-treasurer.

Further information can be obtained from Kathleen Kinnick at the state fed office, (415) 986-3585.



Photos by Don Rotan

Jim Earp, left in photo at left, president of Western Labor Press Assn., presents journalism awards to Jim McVicar of San Diego. In photo above, three labor editors conferring during recess at WLPAs conference are, from left, Jim Perry and Dan Swinton, Los Angeles, and Jean Hughes Wright, San Francisco.

Bay FORUM Conference Set

Retired union members are being invited to the Bay Area FORUM Annual Conference 10 a.m. to 2 p.m. Thursday, June 23, at Teamsters Hall, 70 Hegenberger Road, Oakland.

The sponsoring Alameda County Federation of Retired Union Members (FORUM) has announced an agenda that includes support of legislation to protect pension plans, protect Social Security, establish national health care, restore Cal-OSHA, and provide less money for the military and more for people.

The speaker list, not yet complete, includes legislators, union leaders and activists. Coffee and sandwiches will be served from noon to 12:30.

Information can be obtained by calling Alameda County FORUM at (415) 632-4242.

Union Publications Take Awards

The California AFL-CIO News is co-winner of the best overall newspaper award in its category of the 1987 competition sponsored by the Western Labor Press Assn.

Awards were announced last weekend during the WLPAs annual meeting at Seattle.

The newspaper, published by the California Labor Federation, shared first place with Northern California Labor in competition among newspapers publishing eight pages or less per edition.

The award for best editorial or column among all labor publications went to John F. Henning, executive secretary-treasurer of the state federation, for his editorial published June 12 in the California AFL-CIO News under the headline, "Fascism Along the Potomac." The editorial denounced a Reagan Administration proposal for federal control of the International Brotherhood of Teamsters.

The California AFL-CIO News won also in news story competition with an article written by Floyd Tucker and published Dec. 4 concerning dismissal by state officials of fines levied against employers found guilty of violating Cal-OSHA safety standards.

The paper took a second-place award for a feature story concerning the life and death of a worker on the Golden Gate Bridge as depicted in photos collected half a century ago by the worker and his parents. The article, by Tucker, was published June 26 during the

50th anniversary of the completion of the bridge.

Greg Castillo of the state federation staff won third place photography honors among all labor publications for a picture that appeared on the front page of California AFL-CIO News last Sept. 18.

Castillo's photo, taken at the climax of a stormy hearing before the California Industrial Welfare Commission, showed a self-supporting high school student who had testified in favor of an increase in the minimum wage reacting with emotional dismay upon hearing the commissioners announce they intended to impose a new subminimum upon workers like him.

California labor publications dominated the awards. Here is the list of winners:

Newspapers, Eight Pages or Less:
Best Overall Publication — First, tie between Northern California Labor, published by the San Francisco Labor Council and edited by Jerry Holl, and the California AFL-CIO News; Second, Los Angeles Fire Fighter, IAFF LOCAL 112, Jim Perry editor; Third, The Outlook, UFCW Local 1105, Seattle, Sandi Hubler editor.

Best News Story — First, tie between The Outlook and California AFL-CIO News; Second, UFCW Worker, UFCW Local 428, San Jose, Ron Lind editor; Third, Federation News, Los Angeles County Federation of Labor, Dan Swinton editor.

Best Feature Story — First, Northern California Labor; Second, tie between Hawaii Laborer, Laborers Local 368, Honolulu, Venny Villapando editor, and California AFL-CIO News; Third, a three-way tie among The Outlook, Federation News and Dialog, Los Angeles AFTRA, Pam Fair editor.

Best Series — First, The Outlook, Sandi

Hubler; Second, Northern California Labor, Jerry Holl; Third, tie between AFSCME Advocate, Oregon State AFSCME, Mary Botkin writer, and City Employee Report, SEIU Local 347, Los Angeles, Michelle Buehler editor.

Special Recognition — First, Pipelines, Plumbers Local 38, San Francisco, Chris Donnelly editor; Second, Southern California Teamster, Joint Council 42, Paul Mihalow editor; Honorable Mention, Desert Edge, UFCW Local 1167, Bloomington, Bill Sauriol editor; 588's Voice, UFCW Local 588, Sacramento, Jack Loveall editor; Voice of Local 19, UFCW 19, San Jose, Donald N. Freitas editor, and Diallog.

Newspapers, More Than Eight Pages:
Best Overall — First, tie between Voice of 660, SEIU Local 660, Los Angeles, Don Nakamoto editor, and United Worker, SEIU Local 790, San Francisco, Ed Herzog editor; Second, Northwest Labor Press, Oregon Labor Press Assn., Mike Gutwig editor; Third, Colorado Labor Advocate, Colorado AFL-CIO, Mark Herwig editor.

Best News Story — First, 751 Aero Mechanic, IAM Lodge 751, Seattle, Jack Daniels editor; Second, Colorado Labor Advocate; Third, tie among The Rap Sheet, Portland Police Assn., Jeff Barker editor; The Voice, National Assn. of Letter Carriers 214, San Francisco, Dave Welsh editor, and Voice of 770, UFCW Local 770, Los Angeles, Ricardo Icaza editor.

Best Feature Story — First, Colorado Labor Advocate; Second, United Worker; Third, 751 Aero Mechanic.

Best Series — First, Colorado Labor Advocate; Second, The Voice; Third, Overture, Musicians Local 47, Los Angeles, Serena Kay Williams editor.

Special Recognition — Local 660 Voice. Magazines:

Best Overall — First, Screen Actor, SAG, Hollywood, Mark Locher editor; Second, Food & Justice, United Farm Workers, Victor Aleman editor; Third, UFC Worker, UFCW Local 135, San Diego, Tom Vandeveld editor.

News Story — First, Food & Justice; Se-

cond, Trade Winds, IAM Lodge 1781, Burlingame, Dennis Hitchcock editor.

Feature Story — First, UFC Worker, Jim McVicar managing editor; Second, Screen Actor, Mark Locher; Third, Food & Justice, Victor Aleman and Fr. Ken Irrgang.

Best Series — First, Food & Justice, Aleman and Irrgang; Second, UFC Worker, Tom Vandeveld; Third, Trade Winds, Dennis Hitchcock and Bradley Cleveland.

Special Recognition — UFC Worker.

Mimeo Newsletters:
Best Overall — Dateline San Francisco, AFL-CIO Community Services, Lou Webb editor.

Print Newsletters:
Best Overall — First, tie between Open Mike, San Francisco AFTRA, Jean Hughes Wright editor, and San Francisco Actor, Screen Actors Guild, also edited by Jean Hughes Wright; Second, Nevada Letter Carrier, Las Vegas, Joseph F. Assadlone editor; Third, Serving America, HERE Local 1681, Long Beach, David Shultz editor.

Best News Story — Nevada Letter Carrier, Phyllis Barry.

All Publications:
Best Column or Editorial — First, California AFL-CIO News, John F. Henning; Second, UFC Worker, Tom Vandeveld; Third, tie among 751 Aero Mechanic, Jack Daniels; Los Angeles Firefighter, Jim Perry; Voice of 770, Ricardo Icaza; Honorable Mention, Federation News, Dan Swinton.

Best Photograph — First, Hawaii Laborer, Venny Villapando; Second, Screen Actor, Mark Locher; Third, California AFL-CIO News, Greg Castillo; Honorable Mention, Los Angeles Fire Fighter, Jim Perry, and Food & Justice, Victor Aleman.

Best Cartoon — United Worker, Ed Herzog; Second, Southern California Teamster, John Maloney; Third, Local 502 News, Air Transport Workers, El Segundo, Larry Roberts.

Datebook

Joint Legislative Conference: May 22-25, Capitol Plaza Holiday Inn, Sacramento.
Distillery, Winery & Allied Workers National Convention: May 23-27, Sheraton Palace, San Francisco.
Executive Council Meeting: June 14-15, Capitol Plaza Holiday Inn, Sacramento.
AFSCME National Convention: June 20-24, Bonaventure Hotel and L.A. Convention Center, L.A.
American Federation of Teachers National Convention: July 1-6, Hilton Hotel and Towers, San Francisco.
Trade Union Summer School: July 10-15, Miramar Hotel, Santa Barbara.
United Food & Commercial Workers International Convention: July 25-29, Fairmont Hotel and Moscone Center, San Francisco.
Executive Council Meeting: October 5, Hyatt Regency, Los Angeles.
Seventeenth Biennial Convention, California Labor Federation: Oct. 10-13, Hyatt Regency, Los Angeles.

Publisher's Notice

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WLPAs

LABOR CHANGES

Honors for 395 Union Volunteers

Sacramento's Volunteer of the Year award has gone to 395 members of 19 unions affiliated with the Sacramento-Sierra Building and Construction Trades Council who built the community a new baseball stadium.

Volunteers are honored each year in four categories by the Volunteer Center of Sacramento, a United Way agency. One of the four winners is singled out for Volunteer of the Year honors.

This is the first time the top award has gone to a group of any description, let alone a group numbering 395 individuals.

Bruce Wallace, director of the Volunteer Center, called the baseball stadium project a demonstration that has "instilled pride of accomplishment throughout the labor community and once again has demonstrated... the strength and capacity of people to make things happen through volunteerism."

Bill Meehan, secretary of the Building and Construction Trades Council, said:

"It's mind-boggling, what's been done."

The new 1,500-seat stadium and playing field, located on the campus of Sacramento City College, will be available to community colleges, high schools, recreation departments and such organizations as Babe Ruth, American Legion and Colt leagues. Baseball camps aimed at helping youngsters learn the fundamentals of the game will have access as well.

It started as a dream conjured up



Photo by Rita Carroll, Sacramento Valley Union Labor Bulletin

Bill Meehan, center, secretary of the Sacramento-Sierra Building and Construction Trades Council, accepts Volunteer of Year award on behalf of 19 unions from Mona Mansfield, United Way labor liaison director, and Bruce Wallace, wearing dark coat, of the Sacramento Volunteer Center. Pictured, from left, are: Dan Pickens, Bricklayers

by Jerry Weinstein, baseball coach at Sacramento City College and a leader in introducing Sacramento area kids to the game.

Originally, Weinstein envisioned a facility that would have cost about \$300,000.

Today, thanks to more than 12,000 donated hours of skilled labor and contributions of materials that union members solicited from their employers, the community has a facility valued at about \$2 million to serve as the focus of its amateur baseball program.

"The key element was the labor

unions who came in and said, 'We'll build it for you,'" Weinstein declared. "The camaraderie that has grown around this project has been amazing."

"Bill (Meehan) and his people have come after work, on weekends and on holidays to help us build this stadium that will be utilized by the entire amateur baseball community. Union members also have helped secure much of the material that is being used," the coach added.

Said Mickey Mynsted, business agent for Iron Workers Local 118

Local 9; John Capogreco, Sheet Metal Workers Local 162; Red Franklin, Roofers Local 47; Bill Rhoten, Plumbers Local 447; Mansfield, Meehan, Wallace, Dave Marshall, Operating Engineers Local 3; Harry Rotz, Plumbers 447; Bill Koller, Laborers Local 185, and Ohnie Oakley, Cement Masons Local 582.

and one of the first labor leaders to take up the cause of the stadium project two years ago:

"None of us realized this was going to grow as big as it has. Most of the work has been done on Saturdays, but a lot of guys are down here working every day in their spare time or between jobs."

There are facilities for tournament play as well as for training and practice. Included are locker rooms, coaches' office, training room, equipment storage, umpires' room and a VIP box behind home plate.

The 19 labor organizations whose members have participated are:

Asbestos Workers Local 16, Bricklayers 9, District Council of Carpenters, Carpenters 586, Carpet & Linoleum Installers 1237, Cement Masons 582, Electrical Workers 340, Operating Engineers 3, Glaziers 767, Iron Workers 118, Laborers 185, Lathers 109-L, Painters 487, Plasterers 295, Plumbers 447, Roofers 47, Sheet Metal Workers 162, Tile Layers 19 and Tile Helpers 126.

Biggest Equity Trial March 14

California State Employees Assn. goes to trial March 14, 1989, with the biggest pay equity lawsuit in the history of the U.S. Civil Rights Act.

The trial date was set last week in San Francisco by Federal Judge Marilyn Hall Patel, who will preside during the trial.

CSEA — Local 1000 of the Service Employees International Union — is pushing the suit on behalf of about 70,000 current and former state employees who were shunted over the years into low-paying "female jobs" under California civil service.

"We look forward to our day in court and the end of sex-based wage discrimination," said CSEA President Patrick Monahan.

"Time showed that the state wasn't going to end this discriminatory practice on its own, so we are in court on behalf of the women we represent," Monahan added.

The March date is a compromise worked out between CSEA and the state, according to Mel Dayley, lead attorney for the plaintiffs. The union wanted to go to trial as soon as possible. The state was holding out for a date no earlier than next June of next year.

CSEA has invested more than three years of research and preparation in the case.

The union filed its class action suit in November of 1984 in the names of 10 CSEA members and on behalf of all women who were paid low salaries by the state without regard to the skills, training, responsibility or other work requirements.

The state's first attempt to get the case thrown out of court failed in February of 1985, and the time-consuming fact-finding process began in April of that year.

CSEA won another preliminary victory the following September when Judge Patel ruled

that the case could proceed as a class action. The judge also ruled in CSEA's favor in a dispute over access to state records, permitting the union to examine all documents deemed relevant to the suit.

Another preliminary legal skirmish lasted from July of 1986, when the state sued for summary judgment to close the case without trial, until May of 1987, when Judge Patel ruled that the case should proceed to trial.

Last December the union won another round, turning back another state petition for dismissal and winning approval for a sweeping inquiry into state personnel practices and salary-setting methods.

In March, Judge Patel told both sides to agree upon a trial date between January and March of 1989, and last week the March 14 trial date was approved.

Retirees Get Fed Invitation

Members of retiree groups affiliated with the California Labor Federation are getting special notices of the annual AFL-CIO Legislative Conference May 23-25 at Sacramento.

Local union retiree groups and Federation of Retired Union Members (FORUM) chapters sponsored by central labor councils are being reminded that they are entitled to full participation in state federation events.

California's was one of the first state AFL-CIO federations to provide full voting participation to retirees. The retirees also will be able to participate fully in the state federation's biennial convention starting Oct. 11 at Los Angeles.

The three-day legislative conference will open at 9:30 a.m. Monday, May 23, at the Capitol Plaza Holiday Inn.

Delegates will review labor's 1988 legislative program and hear from Assembly and Senate leaders that day.

Tuesday, May 24, will be taken up with visits to the offices of legislators for discussions of key bills. Delegates will report the results of these meetings during closing sessions of the conference on Wednesday, May 25.

Wednesday also is the opening day of the 18th Annual Rally of Seniors in Capitol Park.

That event, sponsored by the California Legislative Council for Older Americans with the backing of 20 other groups, will be held from 10 a.m. to 3 p.m. in Capitol Park.

Buses will bring participants from many parts of the state. Information can be obtained from the council at 330 Ellis St., San Francisco 94102, telephone (415) 771-0226.

AFT Sets Leadership Institute

The American Federation of Teachers has scheduled its annual Western States Union Leadership Institute for July 31 - Aug. 5 at University of California-Santa Cruz.

The week-long event is sponsored also by the California Federation of Teachers for local and state federation leaders and members in Oregon, Washington, Idaho, Nevada, Utah and California.

Workshops, providing in-depth training, are focused on specific areas selected in response to requests.

Registration forms have been mailed to local federations. Additional information can be obtained from Julie Minard of CFT at 1777 Hamilton Ave., Suite 21, San Jose 95125. The phone is (408) 265-7126.

May 6, 1988

Supreme Court Upholds Free Speech for Labor

The recent U.S. Supreme Court decision upholding the right of unions to peacefully handbill at shopping centers is an important affirmation of labor's right to free speech, an AFL-CIO legal expert has pointed out.

David Silberman, AFL-CIO, associate general counsel, said unions would have had lesser rights than other groups if the court had ruled otherwise. The 8-0 ruling will be a powerful precedent in thwarting future legal challenges to legitimate union activities, Silberman said.

The Edward J. DeBartolo Corp., one of the nation's leading builders and operators of shopping malls, contended in the case that the Florida Gulf Coast Building and Construction Trades Council had violated secondary boycott prohibitions of the Taft-Hartley Act by passing out handbills in the East

Lake Square Mall of Tampa in 1980 urging consumers to boycott mall stores until the owner promised that future store construction would be done by contractors paying fair wages.

Edward J. DeBartolo, Jr., an officer of the corporation, is owner of the San Francisco 49ers.

De Bartolo Corp. claimed that handbills urging customers to protest the non-union work by withholding their business constituted coercion. The current, Reagan-appointed National Labor Relations Board agreed.

However, the Supreme Court ruling, written by Justice Byron White, held that no element of coercion was involved.

"The handbills involved here truthfully revealed the existence of a labor dispute and urged potential customers of the mall to follow a

wholly legal course of action, namely not to patronize retailers doing business in the mall."

Customers heeding the union plea were persuaded to act voluntarily and were not "intimidated by a line of picketers," the court held.

The union's message on dangers of inadequate wages is entitled to the full protection the Constitution guarantees to free speech, the justices agreed.

A pre-Reagan NLRB dismissed the DeBartolo secondary boycott charge, leading to a long trek through the courts and a 1983 Supreme Court decision sending the case back to the NLRB.

This time, a Reagan-appointed NLRB ruled against the union position. That action was appealed through the courts, resulting in oral arguments on the free speech issue last January before the Supreme Court.

Cal-OSHA Standby Bill Advances

Legislation to keep intact the matching fund mechanism that provided federal support to Cal-OSHA was approved this week by the Senate Committee on Industrial Relations.

The measure, AB 867 by Assemblymember Richard Floyd, D-Lawndale, goes next to the Senate Appropriations Committee on its way to the Senate floor. It already has been approved by the Assembly.

The measure will assure Cal-OSHA the same level of federal support after restoration by voters

in November that it had before Gov. Deukmejian vetoed state funding and turned the agency's private sector functions over to federal OSHA as of last July 1.

AB 867 states the Legislature's intent to maintain the same services and priorities that Cal-OSHA had prior to last Jan. 1, when the governor announced his plan to shut it down. The measure also would oblige the state Director of Industrial Relations to notify federal officials that California intends to operate the program and to take all

steps necessary to secure the federal funds.

The bill has wide labor movement support. It is opposed by Deukmejian Administration officials in the Department of Industrial Relations and Department of Health Services.

The Industrial Relations Committee also approved a labor-backed measure that would prevent employers who ignore the Labor Commissioner's hearing process from later going to court to appeal actions the commissioner takes against them.

SB 1778 by Sen. Bill Greene, D-L.A., is aimed at patching a hole in the Labor Commissioner's procedures that was pointed out two years ago by a state court of appeal.

The court ruled that an employer was entitled to launch fresh appeals in court even after ignoring complaints, hearings and penalties by the Labor Commissioner because state law does not specifically state otherwise.

Backers include the California Labor Federation, Teamsters Public Affairs Council, State Building

and Construction Trades Council of California and California Rural Legal Assistance.

A bill sponsored on behalf of the Brotherhood of Locomotive Engineers was sent to the Assembly floor this week by the Assembly Finance and Insurance Committee.

The measure, AB 4532, carried by Assemblymember Phil Isenberg, D-Sacramento, would amend existing laws to permit the BLE to provide insurance to California members through a company separate from the union.

U.S. Eases Up On Homework

The U.S. Labor Department has eased up on the throttle of the administrative express train with which it hopes to transport a 46-year-old ban on homework in fashion and garment industries into oblivion before Ronald Reagan leaves the White House.

The department announced this week that it will accept public comment on its proposal to end the homework ban until May 13, two weeks later than originally planned.

It said the delay "reflects the extensive interest in homeworker employment."

That could qualify as the Reaganite understatement of the year, according to union leaders and others who have raised voices in a nationwide protest against the proposal.

Homework prohibitions went into effect in New Deal days when it became clear there was no way to control exploitation of child labor and impoverished mothers working cruelly long hours for sweatshop pay as long as employers were

allowed to have employees take piecework home.

President Jay Mazur of the International Ladies' Garment Workers Union said the proposal "puts the Reagan Administration squarely on the side of a resurgence of sweatshop conditions for American workers and a rebirth of the industrial dark ages."

His union and others, including the Clothing & Textile Workers and the Service Employees, have called for congressional investigation and have threatened legal action to block the proposal.

This week's Labor Department announcement insisted that elimination of the ban would "add teeth to enforcement capabilities to ensure that workers are protected...."

But the announcement indicated enforcement would be left largely to the very employers against whom the homework ban originally was directed.

Labor Secretary Ann McLaughlin, when asked last April 6 in San

Labor Sec'y: What Child Care Crisis?

Labor Secretary Ann McLaughlin has disclosed a Labor Department report that she says shows no need for federal child care and family support legislation that the Reagan Administration opposes.

McLaughlin said her announcement would "bring a healthy dose of reality to the table" as policymakers address the child care problem.

She said the report shows that employers are taking care of the problem "in ever-increasing numbers," and that there is also a "tremendous amount of activity at the state and local government level."

She said there is a mistaken perception of a child care availability crisis "of national proportions." The reality, she said, is "one of spot shortages."

McLaughlin also said the federal government already is spending "nearly \$7 billion for child care," but that statistic becomes less impressive when it is disclosed that she has lumped in the cost of many child-related programs, including the embattled Head Start.

McLaughlin made it clear April 6 in San Francisco during a speech and subsequent news con-

ference that the Reagan Administration was adamantly opposed to any of the labor-backed child care and family support bills now working their way through Congress.

She said then that she would provide Congress with "enlightenment." The Labor Department public relations department apparently took her at her word. Its press release concerning the new report is headed:

"McLaughlin Separates Myth from Reality of Child Care."

The news release quotes McLaughlin as saying the Labor Department will continue to "focus public attention on workforce implications of child care."

To that end, the news release says, McLaughlin has directed the department to launch a number of "initiatives."

These are said to include special recognition for employers and unions that develop innovative approaches to child care, providing labor, management and government the chance to "exchange ideas," and "a comprehensive review of all departmental laws and regulations to evaluate impact on work and family."

Francisco how the proposal could strengthen worker protections, responded:

"I think we can protect the worker in the sense that we can participate with the employer."

The Labor Department this week repeated that theme. The department said there would be "certification of homework employers," "revised recordkeeping requirements," and "require-

ments for establishing piece rates so that minimum wage standards can be enforced."

Labor leaders found none of these persuasive.

Probers Hear Cal-OSHA's Strengths

(Continued from Page 1)

Gainer testified.

California, he pointed out, has more than 2,400 occupational safety standards not counting those governing mines and tunnels. This compares with about 700 federal standards.

It means many fewer activities and industries are regulated, he said.

"For example, petroleum drilling, a major hazardous industry in the state, is covered by comprehensive California standards but is not covered specifically by any federal standard."

He pointed out that Cal-OSHA's health standards also far exceed those enforced by federal OSHA, citing the lists of regulated workplace toxics that the federal agency ignores and the toxics for which federal exposure limits are much higher than the state's.

"Of these ... substances with stricter exposure levels, 21 are car-

cinogens to which approximately one million California workers are exposed," Gainer said.

He also pointed out that civil penalties under Cal-OSHA can be twice as costly as under federal OSHA.

Gainer cited tougher criminal penalties and procedures under Cal-OSHA and displayed charts showing statistics that are becom-

ing familiar to Californians.

"California law permits criminal prosecution under a broader set of circumstances, which may be one factor explaining why over 250 cases have been prosecuted by California since 1973 for safety and health violations as compared to only 14 such prosecutions nationwide under federal legislation since 1970.

Court Set To Rule in Wage Case

(Continued from Page 1)

laying the preemptory writ.

The case is named for John F. Henning, executive secretary-treasurer of the state federation, which filed suit along with a statewide coalition of civil rights groups and community activists after the Industrial Welfare Commission voted for a subminimum last December.

The IWC voted to raise the California minimum wage from \$3.35 to \$4.25 effective next July 1, but added a \$3.50 subminimum for any worker receiving \$60 or more a month in tips.

The coalition filed suit March 23 to force the IWC to abandon the subminimum and abide by the California Labor Code, which specifically prohibits the taking of a worker's tips or the crediting of tips against wages owed.

When Attorney General John Van de Kamp declined to represent them, members of the IWC brought in Jan Chilton of the private law

firm of Severson, Wersen, Berke and Melchoir, which frequently represents employers in labor disputes.

Chilton immediately asked the state Supreme Court to take the case away from the Third District Court of Appeal in a move that labor leaders interpreted as an attempt to find a friendly forum.

Coalition lawyers responded that the state Supreme Court had ruled in labor's favor in 1980 in a case involving the same issues, and the current Supreme Court ruled without comment that the case should remain under the jurisdiction of the

Gainer also cited the Cal-OSHA provision for shutting down dangerous equipment by inspectors, the permit system for hazardous work that is credited with reducing ditch, trench and excavation cave-ins in this state, and the availability of Cal-OSHA to respond quickly to complaint without waiting for reports to filter through lengthy procedures.

Third District Court of Appeal.

Littler, Mendelsohn, Fastiff & Tichey urged the Supreme Court to take the case, but that firm did not attempt until this week to get involved as a party to the suit.

The coalition includes, in addition to the state federation, the Asian Law Caucus, Employment Law Center, Equal Rights Advocates, ACLU Foundation of Southern California, Western Center on Law and Poverty, Legal Aid Foundation of Los Angeles and a number of workers, both union and unorganized.

Wage Board Meets June 14-15

The Wage Board named two weeks ago to advise the California Industrial Welfare Commission on employer pleas for an end to eight-hour day protections in the transportation industry will convene June 14 and 15 in San Francisco.

The board consists of a neutral advisor and five members each

representing labor and management.

Employers covered by the transportation work order want to be allowed to keep bus drivers, truck drivers, mechanics and other employees on the job longer than eight hours a day without paying time and a half for overtime.

Comp Reform Quest on Two Fronts

(Continued from Page 1)

was demonstrated when the Sen. Bill Lockyer, the committee chair, called state police to escort attorney Kevin McCarthy out of the hearing room.

McCarthy, a Santa Rosan who failed in an attempt to place a workers' compensation initiative on the June ballot, appeared with several injured workers and challenged Lockyer on procedure.

Lockyer called in the state police when McCarthy refused to accept a ruling by the chair that he was out of order.

Next Wednesday, the conference committee is scheduled to examine the workers' compensation medical-legal evaluation process. The Wednesday after that, the panel is expected to consider proposals from the Deukmejian administration.

Benefits to injured California workers and to survivors of those killed on the job are among the lowest in the country. Disability payments generally fall far short of covering an injured worker's lost pay.

The costs of workers' compensation in California, fueled by expenses of litigation and medical-legal evaluation, have risen at the rate of about \$1 billion a year.

The state's Little Hoover Commission has said the system's overhead costs 52 cents for every \$1 paid in benefits.

Union Counseling Course to Open

Los Angeles area trade unionists are being urged to make plans now to attend the Union Counseling Course next fall at L.A. Trade Tech Community College.

Weekly classes start in September. Information can be obtained from Geri Stone, director of AFL-CIO Community Services, 621 South Virgil Ave., Los Angeles 90005. The phone is (213) 736-1300.