

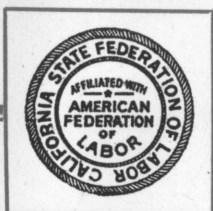
# WEEKLY NEWS LETTER

FROM

## CALIFORNIA STATE FEDERATION OF LABOR

402 FLOOD BUILDING

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SAN FRANCISCO,  
CALIFORNIA

February 18, 1948

### DANGEROUS DECISION DENYING UNEMPLOYMENT BENEFITS ISSUED BY UNEMPLOYMENT INSURANCE APPEALS BOARD

(CFLNL)SAN FRANCISCO.--Maintaining that an unemployed individual is eligible to receive unemployment insurance benefits in any week only if he is throughout or during the continuance of such week able to work and available for work, the California Unemployment Insurance Appeals Board ruled a claimant to be ineligible because she was not available for work during parts of several weeks. This is contrary to the practice that has been followed up to now, which qualified any individual for unemployment insurance if such an individual was available the biggest part of the week.

The case involved a claimant, Tessie L. Moyer, who filed a claim on December 24, 1946, against California, through the New York office of the New York Department of Labor, where she had moved. On February 28, 1947, the Department issued a determination holding the claimant ineligible for benefits from December 24, 1946 through January 19, 1947, on the ground that she had not been available for work, as required by Section 57(c) of the Unemployment Insurance Act.

The claimant appealed to a referee, but prior to the issuance of the Referee's decision, the Appeals Board took the case itself, under the provisions of the Act.

During a portion of each of the weeks, with the exception of one week, the claimant was ill and unable to work, but she was available the majority of the time in practically every week. The Board ruled that if an individual is unavailable for work during a portion of a week, such person is therefore ineligible for unemployment insurance benefits. The Board refers to an opinion issued by the Attorney General November 1947 in substantiation of their position.

Following this opinion, the Appeals Board seems to subscribe to the same opinion, which is so extreme that if, normally, ordinarily, the work week consists of seven days, then such an individual must be available to work each day of the week. The opinion is liberal enough to concede that if the work week consists of six days, then being unavailable on the seventh day would not make a claimant ineligible. Such liberal interpretation is hard to appreciate.

The Federation will seek to obtain a test on this interpretation, since it is counter to what has been the practice and what can rightfully be interpreted under the Act. The present decision sets a precedent which would work an extreme hardship on many workers due to circumstances beyond their control.

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ASSOCIATED FARMERS SEEK DESPERATELY TO BLOCK ORGANIZATION  
OF UNORGANIZED FARM WORKERS

(CFLNL)SAN FRANCISCO.--Using every possible device to block the drive to organize the 100,000 farm workers in the rich San Joaquin Valley, the Associated Farmers are seeking to redsmear the leadership of the National Farm Labor Union with unfounded and unsubstantiated charges and with the rankest and crassest kind of innuendo, for inexplicable reasons.

H. L. Mitchell, President of the National Farm Labor Union, and Hank Hasiwar, Western Representative of the Union, have been requested to testify before the Tenney Committee on Un-American Activities regarding the strike of 1100 farm workers at the Di Giorgio Ranch. Kern County union officials, Harold Hodson, Secretary-Treasurer of the Kern County Labor Council, Ray Conley, President of the Building Trades Council, Robert Pentzer, Secretary-Treasurer of the Teamsters Local 87, and James Price, Di Giorgio Strike Committee Chairman, each wired Senator Jack B. Tenney requesting that they be subpoenaed in order to aid in the investigation.

Hodson's telegram said, in part: "...if this is to be a fair and impartial investigation of the Di Giorgio situation, why are the representatives of the Kern County Labor movement being denied their constitutional rights of representation?"

H. L. Mitchell, President of the National Farm Labor Union, charged that "this red scare on the part of the Associated Farmers of California will backfire. The Associated Farmers are responsible for the plight of the agricultural workers in the Valley and they are using every means to keep the American Federation of Labor from organizing. Agricultural organization is long overdue. The American Federation of Labor has chartered the National Farm Labor Union to do the job. Our people will not be scared off by trumped-up charges of communism."

The picket line was quiet this week, after Joe Hickman, President of the Kern County Labor Council, wired California Attorney General Fred Howser to give the pickets protection from the Di Giorgio strikebreakers. The 1100 union strikers turned out in great numbers to hold their picket line against the strikebreakers hired by the company. Strike headquarters was busy, with committees being set up to handle and distribute the 100 tons of food and clothes brought by the AFL caravan.

The Kern County Farm Labor Union started its organization program in Shafter, the potato center of Kern County, last week. The workers in the Shafter area are acutely aware of the need for a union to forestall a wage cut in the potato crop this year.

PLEASE NOTE. Correction: In the article, "Pickets on Di Giorgio Ranch Attacked by Strikebreakers," appearing in the News Letter of February 11, the sentence on Page 3 should read: "Forty or more strikebreakers, led by Kelly, rushed out of the main gate armed with clubs."

RISING UNION MEMBERSHIP IN CALIFORNIA --  
UNION SECURITY PROVISIONS ANALYZED

(CFLNL)SAN FRANCISCO.--A total union membership of 957,601 was reported in 1946 by the 2,021 union locals cooperating in the California State Department of Industrial Relations, Division of Labor Statistics and Research survey on union membership in California, according to the Division's report "Union Labor in California - 1946." The survey does not, however, cover all union members in the state since not all locals filled out and returned their questionnaires.

Among locals reporting both in 1940 and 1946, an increase of 70 percent in union membership occurred; locals reporting in both 1945 and 1946 showed an increase of 2 percent. Northern California accounted for about 47 percent of the total 1946 membership, compared with 54 percent in 1943. The building and construction industry had the largest number of union members among the industry groups. Cut-backs in war production were reflected in 1946 union membership; in 1943 approximately 47 percent of all union members were in non-manufacturing industries; by 1945 the percentage was 54, and in 1946, 65 percent of union members were in non-manufacturing industries. Larger locals were particularly important; those with over 500 members accounted for 79 percent of all union members.

Send in questionnaires: All locals are urged to send in the State Division of Labor Statistics and Research questionnaire on 1947 membership as soon as possible, so that the report on 1947 membership may be issued promptly and show the real strength of organized labor in California.

Union security: The second section of the Division of Labor Statistics and Research report states that 86 percent of the 1,107 collective bargaining agreements on file with the Division in 1946 contained closed shop or union shop provisions. An additional 9 percent included maintenance of membership clauses, so that 95 percent of all agreements contained some requirement for union membership as a condition of continued employment.

Approximately 50 percent of the contracts analyzed contained closed shop clauses requiring that the employer hire all employees through the union or hire only union employees. Closed or union shop provisions were predominant in the shipbuilding industry, food and tobacco manufacturing; printing and publishing; construction; machinery manufacturing; trucking; wholesale and retail trade; automobile repair; hotels, eating and drinking places; amusement and recreation; miscellaneous services; and agriculture, forestry, and fishing (primarily fishing).

In northern California, 90 percent of the agreements had either closed shop or union shop provisions, while in the south 80 percent contained such provisions. Ninety-three percent of all AFL contracts contained closed shop or union shop clauses, compared with 51 percent for the CIO.

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EVERY UNION MEMBER IS OBLIGATED TO BE A REGISTERED VOTER

(CFLNL) SAN FRANCISCO.--Many anti-labor legislators are encouraged in their drive to sponsor and support restrictive legislation because of the sordid facts disclosing that a majority of the membership of the trade unions are not registered voters. As long as this appalling and disheartening situation exists, it will be futile to expect congressmen to be impressed with labor's legislative position on questions

A great many union members seem to feel that once they have expressed their indignant opposition to certain anti-labor laws, their obligation ceases. Such an attitude will accomplish precisely nothing. There is no excuse whatsoever for any member of the organized labor movement, who is a citizen, not to be a registered voter and cast his ballot in the elections.

The time is getting short for people to qualify as voters. Once again the Federation wishes to impress, with the strongest emphasis possible, every trade union member and his friends with the need to become registered voters and to vote in the coming elections.

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