

WEEKLY NEWS LETTER

FROM

CALIFORNIA STATE FEDERATION OF LABOR

402 FLOOD BUILDING

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SAN FRANCISCO,
CALIFORNIA

February 25, 1948

MAJORITY OF THOSE VOTING DETERMINES BARGAINING AGENT UNDER NLRB ELECTION RULE

(CFLNL) SAN FRANCISCO.--The majority of those voting and not the majority of those eligible to vote is still the rule in National Labor Relations Board elections to choose a union as bargaining agent. This is not true, however, of an election to authorize a union shop contract. In such a case, the Taft-Hartley Law states clearly that a majority of those eligible to vote have to vote in favor of this question.

With regard to determining the bargaining representative, a majority of the vote cast decides the issue, even though the total number of voters in the election does not make up a majority of the workers in the bargaining unit. The Taft-Hartley Act provides that a majority of employees in an appropriate unit shall determine which union they want to represent them, but it says nothing about how the majority should be reckoned in an NLRB election.

In a very early case, the NLRB recognized only three ways it could figure a majority: (1) a majority of those eligible to vote; (2) a majority of those that voted, provided that a majority of those eligible to vote took part in the election; and (3) a majority of votes cast in the election, regardless of the fact that less than half of all eligible employees voted. This last alternative has been adopted by the NLRB, and with rare exceptions, it has stuck to it consistently.

The exceptions have been when the number of votes cast in proportion to the number of eligible voters has been so small as to be meaningless. In one case, an election was set aside when only 54 out of

540 cast a ballot, in another, because only one worker took the trouble to vote. Aside from these rare exceptions, the NLRB has taken the view that a majority of those voting, regardless of how small the number is in comparison to the total number of workers in the bargaining unit, determines the bargaining representative. Any other rule would permit a minority group to defeat the wishes of the majority by boycotting the election.

With regard to an election to authorize a union shop contract, however, the rule still applies that the majority of those eligible to vote must do so in order to obtain the union shop.

Renewal of Affidavits
by Unions

Union officers, under the Taft-Hartley Law, have to file new affidavits stating they are not communists after each union election, NLRB General Counsel R. N. Denham ruled recently. This is the first time that this point has been explained clearly by the Chief Counsel. The law itself merely states that affidavits have to be renewed each year. To tie in what the law says with his own interpretation, Mr. Denham says that each affidavit filed after an election will be good for a year. If a union filed in November 1946, then reelected officers in February 1948, these officers must file again, but their affidavits will be good until February 1949.

Unions who elect officers for terms longer than one year must be on their toes to prevent their cases from getting tossed out because new affidavits have not been sent in each year.

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NATIONAL FARM LABOR UNION CLEARED OF ANY COMMUNIST TAINT

(CFLNL)SAN FRANCISCO.--"We have never asked for Communist support, we have never received any Communist support, and we do not want Communist support," H. L. Mitchell, President of the National Farm Labor Union, AFL, told the Tenney State Senate Committee on Un-American Activities in Los Angeles.

Testifying in behalf of the 1100 Di Giorgio farm strikers, Hank Hasiwar, Western Representative of the Union, emphatically denied that the five-months old strike was led or backed by Communists, and stated that the American Federation of Labor had chartered the National Farm Labor Union to organize agricultural workers so that the Communists would not get a foothold in this most important field.

Tenney excused the leaders of the Kern County labor movement who were present to testify, and cleared the strike and the Union of any Communist taint.

While the Kern County labor leaders and the entire Strike Committee were present and anxious to testify, Joseph Di Giorgio, who, according to Los Angeles papers, had received a summons to appear before the Committee, did not show up. The union leaders were reminded of the Di Giorgio failure to appear before the state and federal mediation services in the early days of the strike. This arrogant attitude on the part of Mr. Di Giorgio reflects his bitter hostility to trade unionism and his apparent determination to oppose the right of his employees to enjoy collective bargaining.

Strike activities at Arvin headquarters went on as usual while the Committee was in Los Angeles. Tons of warm clothes brought by the AFL caravan were distributed to over one thousand strikers in the Arvin Community Hall last Sunday. After five months, the men and women of the 19½-mile picket line needed shoes and clothing badly.

The union will double the strength of the picket line around the Di Giorgio Ranch in preparation for a possible drive by the Associated Farmers of California to break the picket line. It has been reported that some of the men from the notorious G.I. Trucking Company are being used by the Di Giorgio Company to bring in strikebreakers at the Ranch.

Unions in the northern part of the state of California are planning another relief caravan to aid the Di Giorgio strikers on or about March 20.

President William Green of the American Federation of Labor, has accepted membership in Local 204 of the National Farm Labor Union. A mine worker by trade, and once Secretary-Treasurer of the United Mine Workers of America, AFL, President Green has been without AFL membership since the United Mine Workers disaffiliated themselves from the AFL.

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EMPLOYMENT IN CALIFORNIA

(CFLNL)SAN FRANCISCO.--Manufacturing employment in California decreased seasonally in January, according to Paul Scharrenberg, Director of Industrial Relations. Preliminary tabulations by the Division of Labor Statistics and Research indicate that the number of production workers in state manufacturing plants declined to 467,700 in January, from 480,300 the preceding month. A year ago 470,200 wage earners were at work in these industries.

The report states that despite a drop of approximately 9,000 in the nondurable goods industries division between December and January, the current employment level in this group of industries is at the highest January total on record. Nondurable goods plants employed 198,900 wage earners this January, compared with 196,800 in January 1947.

A seasonal decline in lumber and decreases in the machinery and electrical equipment groups brought production worker employment in durable goods industries to an estimated 268,800 in January, from 272,100 in December. The January level was 4,600 below that of a year ago. Most of the decrease during the past year has been concentrated in the aircraft and shipbuilding industries. Excluding these two groups, employment in the remainder of the durable goods division was 4,200 higher in January of this year than in January 1947.

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DISABLING INJURIES IN CALIFORNIA

(CFLNL)SAN FRANCISCO.--According to the Department of Labor Statistics and Research of the Department of Industrial Relations, a total of 11,714 disabling industrial injuries was reported during

December, of which 58 were fatal. The total of nonfatal disabling injuries for the year amounted to 148,985. Fatal accidents amounted to 744.

Of all the agencies involved in lost-time accidents in December, the group "working surfaces," reported the largest single number, with 2,205 nonfatal and 10 fatal injuries. Most of the accidents in this group were falls or slips, but the total included 40 vehicular collisions. In more than half, or 1,186, of the working surface accidents, there was sufficient evidence to indicate that an unsafe condition such as slippery, rough, cluttered up, or congested areas was the causal factor.

The second largest number of disabling industrial accidents in December involved hand tools--1,283--followed by accidents in which machinery of various types was the primary contributing factor--1,143.

In addition to the vehicular accidents involving working surfaces, there were 1,088 disabling injuries in which a vehicle was the principal agency. While vehicular accidents were responsible for the fourth largest group of nonfatal disabling injuries in December, they were responsible for the largest number of deaths, representing 23, or 40 percent, of the 58 fatalities reported for the month.

Injuries in which chemicals, dusts, flammable and hot substances were primary factors totaled 824.

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REAPPORTIONMENT ENDORSED BY COMMITTEE OF AMERICAN VETERANS

(CFLNL)SAN FRANCISCO.--A two-hour debate between Dr. Harry Girvetz, of the University of California at Santa Barbara, and State Senator Clarence C. Ward, of Santa Barbara, before the Resolutions Committee of the American Veterans Committee in their third annual convention at Santa Barbara last week-end resulted in:

Unanimous endorsement of the initiative measure for reapportioning the California State Senate by the Committee and the convention.

"We urge strong support of the initiative measure for reapportionment of the California State Senate in the coming election," is the wording of the plank adopted by the World War II veterans organization.

Dr. Girvetz presented the arguments in favor of the initiative measure for Senate Reapportionment. State Senator Ward vigorously opposed the measure.

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PROCEDURE TO REGISTER UNION MEMBERS SUGGESTED

(CFLNL)SAN FRANCISCO.--All unions are requested to place on their agenda the question of registering their membership. This point should be a regular part of the agenda of each meeting until the time for registration expires.

It is also strongly urged that the unions contact their members, by mail if necessary, urging them to register, as a double check on them, to fulfil this important obligation.

This point must be driven home time and time again, until the unions achieve a reputable showing of registration of their membership.