GHQ/SCAP Records (RG 331, National Archives and Records Service)

Description of contents

(1) Box no. 2809

(2) Folder title/number: (30)
No Title

(3) Date: Mar. 1946,-May 1949

(4) Subject:

Classification	Type of record
740	t

(5) Item description and comment:
"Industrial Monthly Bulletin" Prepared by New York State, Department of Labor

(6) Reproduction: (Yes) No

(7) Film no. Sheet no.

(Compiled by *National Diet Library*)

Industrial Bulletin

MAY, 1949

GOVERNOR DEWEY SIGNS SICKNESS AND DISABILITY INSURANCE BILL, MAINTAINING STATE'S LEADERSHIP IN SOCIAL PROGRESS

Monthly News Magazine

NEW YORK STATE DEPARTMENT OF LABOR

A New Publication

A Quick and Useful Reference Source for Labor and Management Officials and Others Concerned with Labor Affairs

DIRECTORY OF LABOR UNIONS IN NEW YORK STATE — 1948

Special Bulletin No. 223 (1948), 130 pages
New York State Department of Labor
Division of Research and Statistics

Presenting a complete listing of the names, principal officers and addresses of all national and international labor unions which have one or more local unions in New York State, all delegate organizations in New York State, and over 3,500 local labor unions within the State.

The listings are arranged for ready reference by trade or occupation. In addition, local unions are arranged under the city and administrative district in which their headquarters are located.

Included with the directory is a supplement containing a listing of government employee organizations in New York State.

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The INDUSTRIAL BULLETIN, official news magazine of the New York State Department of Labor, is published monthly in the interest of the public and for the advancement of labor-management relations.

Industrial Bulletin

Vol. 28 MAY, 1949 No. 5

DEVELOPMENTS IN union-management relationships in the next few decades are certain to have a greater effect on our lives than perhaps any other domestic issue. New York State furnishes reassuring evidence that the process of change in this most vital area of our economy is progressing soundly. For here we have, through government, approached basic issues with realistic solutions.

Besides enacting the State Labor Relations Act in 1937, New York crystallized the essence of this legislation into its constitution the following year by adding, "Employees shall have the right to bargain collectively through representatives of their own choosing." On a national level the United States Supreme Court has frequently reaffirmed this basic principle, and it is now generally acknowledged to be as fundamental as freedom of speech or worship.

Guaranteeing the benefits of this principle to the workers of New York is the State Labor Relations Board's sole function. This it accomplishes by providing machinery through which workers can choose their own collective bargaining representatives by secret ballot, and by curbing certain employer practices which interfere with independent union organizational activity.

The law compels an employer to recognize the bargaining agent certified by the Board, and imposes a clear duty on him to negotiate in good faith with that agent. It does not compel agreements between negotiating parties, nor does it attempt to dictate contract terms. The State Labor Relations Act is predicated on the belief that given full opportunity for free, sincere bargaining on equal terms, employer and employee will come to mutually satisfactory agreement.

In this belief, the Board encourages its staff members to promote voluntary settlements between disputants—thus reducing formal decisions and possible court action to a minimum. As a result of the Board's attitude, about 90 percent of all cases coming before it are closed through voluntary adjustment. This gratifying percentage of amicable settlements is a high tribute to the expert knowledge of labor-management relations and to the rare diplomacy of both Board and staff. The essential soundness of this approach is being demonstrated daily by the increasing number of union-management relations which, thus started on the road to harmony, no longer need State aid in maintaining peaceful relations.

Though recent legislation now places general administrative control of the Board in the Labor Department, it should be emphasized that as a quasi-judicial agency it will continue to be completely independent in its judgments, decisions and interpretations of the law. Its sole guide will continue to be the State Labor Relations Act. Its work in the future, as in the past, will serve to bring an increasing acceptance of the collective bargaining principle which has added vital strength to the State's thriving industry. Thus the same democratic principles which have made our nation politically great are effective in making our economy strong.

Industrial Commissioner

Bulletin BRIEFS

RULINGS • OPERATION STATISTICS • RESEARCH STUDIES • LABOR NEWS • LEGISLATION

NEW DISABILITY BENEFITS LAW

The New York State Disability Benefits Law, signed by Governor Dewey last month, establishes a system of cash benefits payable to employees disabled as a result of injury or sickness not arising out of and in the course of employment. Cash benefits to replace in part lost wages—not medical care—are provided by the law, which becomes fully effective on July 1, 1950, the date when benefit payments begin. In order to accumulate funds, however, a temporary assessment begins on January 1, 1950. An estimated 6,000,000 workers in the State are covered by the new law which is administered by the Workmen's Compensation Board of the State Department of Labor.

"This bill," said Governor Dewey when he signed it on April 13, "brings to the working men and women of the State of New York the benefits of social insurance against the hazards of sickness and disability not incurred in their employment. That advance alone makes it a most important achievement; but the manner in which this program of social insurance has been attained is as significant as its principal purpose.

"This new program will be administered without the creation of a new agency of government. It permits the continuation of existing voluntary plans. It encourages the establishment of new voluntary plans. It places the emphasis upon the use of existing private enterprise to support the benefits and to supply the insurance required under the bill. Consequently, the bill, in contrast to similar plans in other states, provides the very minimum of government intervention in the field of social insurance."

New York thus becomes the fifth state in the nation with a disability benefits law. In Washington, Rhode Island and California, three of the other such states, however, the whole burden of financing the insurance fund is on the workers. And while New Jersey employers are required to contribute to the fund, the New York bill places a heavier financial responsibility on employers.

"In the judgment of experts," Governor Dewey noted in his approval, "this is the finest bill for sickness and disability yet adopted by any unit of government."

• Principal Provisions — Outlined here are the principal provisions of the law dealing with employees covered and excluded from eligibility, benefits to employed and unemployed, contributions to cost of benefits, methods of providing payment, voluntary coverage and contested occupational disabilities. Later issues of the *Industrial Bulletin* will present in greater detail the various phases of the law, its regulations and administrative procedures.

Up to 13 weeks of benefit payments are provided by joint contributions of employers and employees. Employees' contributions are to be a one-half of 1 percent payroll tax up to 30 cents weekly, with the rest paid by employers. It is estimated that the cost to the employers, while not limited, is not apt to exceed 30 cents per week per employee. Benefits will range from $10 to $26 weekly, depending on salary.

Employers may carry policies either with private insurance companies, or with the State Insurance Fund; or they may set up their own plans. Existing private plans are recognized in the bill, provided they include certain standards.

Those employers who, after July 1, 1949, have four or more persons in employment on each of at least 30 days in a calendar year are subject to the law as a "covered employer." All their employees are entitled to benefits, except those specifically excluded as, for instance, when disabled by pregnancy, by any act of war, or when injuries are self-inflicted. Not entitled to benefits are employees of government agencies, religious, educational and charitable organizations and other types of workers listed below.

• Voluntary Provision—An employer exempt under the law may nevertheless voluntarily elect to provide disability benefits, subject to certain requirements. When effected, a voluntary coverage plan gives the employer the statutory status of a covered employer. Such status, however, may be discontinued by an employer on 90 days' notice, after one year in "covered" status.

The weekly benefit rate is 50 percent of the employee's "average weekly wage," the weekly minimum benefit is $10, and the maximum $26; but if the average weekly wage is less

THIS MONTH'S COVER

Governor Dewey approves the bill bringing the working men and women of New York State the benefits of insurance against sickness and disability not incurred in employment. Witnessing the signing are (l. to r.) Harry G. Waltner, Jr., of the Commerce and Industry Association of New York, Inc.; Assemblyman Lee B. Mailler, co-sponsor of the bill, Thomas A. Murray, president of the State Federation of Labor, and State Senator William F. Condon, co-sponsor of the bill.

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THIS MONTH'S PICTURES

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Published monthly by the New York State Department of Labor. Subscription rate $1.00 per year. W. H. Gaddis, Director of Circulation, 80 Centre Street, New York 13, N. Y.

than $10, then that wage figure is the amount of the benefit. (Average weekly wage is determined by dividing the wages paid by the employee's last covered employer for the last eight weeks preceding disability, by the number of weeks worked.)

There is a non-benefit waiting period of the first seven days of disability. Successive disabilities caused by the same or related injury or sickness are deemed a single period of disability with only one waiting period, if separated by less than three months.

• **Eligibility Details**—Both employed and unemployed wage-earners are eligible to receive disability benefits.

An employee of a covered employer is eligible during employment with a covered employer, after the first four consecutive weeks of employment; during a period of four weeks after termination of such employment; immediately upon employment with a covered employer, if such employment occurs within the aforementioned four-week period; and immediately upon employment with a covered employer, if such employment occurs when the employee is currently receiving unemployment insurance benefits or disability benefits.

An employee regularly in the employment of an employer on a work schedule less than the employer's normal work week becomes eligible for benefits on the 25th day of such regular employment.

Unemployed wage-earners eligible for disability benefits are those who, while still eligible for unemployment insurance benefits within the limit of 26 weeks, have become ineligible for the latter "solely because of disability." Also eligible is an unemployed person who is not eligible for unemployment insurance because of lack of qualifying wages, providing he was paid wages of at least $13 in the employ of covered employers in each of 20 calendar weeks during the 30 calendar weeks immediately preceding the last day he worked for a covered employer. He must also evidence his continued attachment to the labor market; show that he was not employed or working for remuneration or profit on the day his disability commenced, and is not entitled to disability benefits under any other provision of law.

Benefits payable to the unemployed disabled are paid from the Special Fund for Disability Benefits, and are governed by the same provisions applied to disabilities during employment.

ACKNOWLEDGMENT

Besides the helpful cooperation and advice of the chairman and members of the State Labor Relations Board, the editors are indebted to the following Board staff members whose technical assistance in preparing this issue was invaluable: A. H. Goldberg, Philip Feldblum, Alexander Grossman and Joseph Porper.

• **Exclusions and Disqualifications**—Employees not entitled to benefits include the following: The spouse or minor child of the employer; a minister, priest or rabbi or member of a religious order; employees performing services for the State, a municipal corporation, local government agency, or other political subdivision or public authority, or for religious, charitable, educational and non-profit organizations; employees subject to the Federal Railroad Unemployment Insurance Act; those performing service on or as an officer or member of the crew of a vessel on navigable waters of the United States or outside the United States; farm laborers; those in casual

In a ceremony at the Executive Chambers last month, Governor Thomas E. Dewey signed the State's sickness and disability insurance bill. Watching the Governor affix his signature, (l. to r.): Harry G. Waltner, Jr., of the Commerce and Industry Association of New York, Inc.; Mary Donlon, chairman of the Workmen's Compensation Board; Assemblyman Lee B. Mailler, co-sponsor of the bill; Betty Hawley Donnelly, vice-president of the State Federation of Labor; Thomas A. Murray and Harold C. Hanover, president and secretary-treasurer, respectively, of the State Federation of Labor; State Senator William F. Condon, co-sponsor of the bill; Industrial Commissioner Edward Corsi, and John C. Watson, counsel for the New York State Council of Retail Merchants, Inc.

State Labor Department's Marion P. Mack, Equal Pay Bureau head, visited Canada recently to address a meeting of the Status of Women Committee of the Cooperative Commonwealth Federation. Prior to meeting, Mrs. Mack (left) was interviewed by a leading radio commentator, Jane Weston.

employment and those not regularly employed during the first 45 days of extra employment; golf caddies; and those employed during all or part of the school year or regular vacation periods of a student.

And disability benefits are not payable under the following conditions: While the claimant is not under the care of an "authorized" licensed physician (physicians authorized to render medical care under the Workmen's Compensation Law are physicians whose certificates of disability are acceptable under this law); for disabilities caused by pregnancy; for injuries self-inflicted; for disabilities resulting from injuries or sickness sustained in the perpetration of an illegal act; while claimant is entitled to receive from his employer (or from a fund to which the employer has contributed) an amount equal to disability benefits; for any period during which the claimant is, or would be, subject to suspension or disqualification under the Unemployment Insurance Law; for disability due to any act of war that occurs after June 30, 1950; while claimant is performing work for remuneration or profit; and with respect to any period for which benefits are payable to the employee under the unemployment insurance law of any state or of the United States, or under any workmen's compensation act, any other disabilities benefit or similar law, the Federal employer's liability act, or under the maritime doctrine of maintenance, wages and cure.

• **Employee and Employer Contributions**—During the period January 1, 1950 to June 30, 1950, contributions will be assessed at the rate of 2/10 of 1 percent on wages paid by covered employers, such contributions not exceeding 12 cents per week as to each employee. Employees are liable for half the contribution, to be deducted from wages, while the employer pays the other half.

Permanent contributions, commencing on July 1, 1950, are ½ of 1 percent of wages by the employee not exceeding 30 cents per week; and the balance of the benefit cost over employee contributions by the employer. The employer contribution includes the cost of providing benefits during employment and the first four weeks of unemployment, support of the Special Fund to pay benefits to the disabled unemployed, and the costs of administration.

It is important to note that the aggregate cost of providing benefits under the law, both for employed and unemployed, will vary from year to year, depending on changing factors, such as epidemics and severity of unemployment. Hence, while the employee's contribution is constant and cannot exceed 30 cents per week the employers contributions in any given year will be whatever sum is needed in that year to provide benefits under the law.

• **Methods of Benefit Provision**—The employer is required to provide for payment of disability benefits by insuring, on a premium basis, with the State Insurance Fund or a stock or mutual company or reciprocal insurer authorized by the State Superintendent of Insurance to write accident and health insurance in New York State; or by approved self-insurance, or by a plan in existence on the effective date of the law (April 13, 1949) which continues in effectiveness on July 1, 1950, or by a new plan or agreement.

• **Self-Insurance**—Approved self-insurance is subject to the following requirements: Depositing securities or filing a surety bond. Amount of deposit or the penal sum of the bond shall be determined by the Workmen's Compensation Board Chairman, but shall be not less than one-half the estimated contributions of the employees during the ensuing year, or one-half of the contributions of the employees which would have been paid during the preceding year — whichever is greater. If an employer who becomes a self-insurer under the law is also a self-insurer for workmen's compensation, the amount of the deposit or the sum of the bond may be reduced, provided securities deposited for workmen's compensation are made available to secure disability benefits.

• **Existing Plans**—Under a plan already in existence providing disability benefits to employees, the employer is relieved of responsibility for making provision under the law until the earliest date on which he has the right to discontinue the provisions of his own plan.

Any plan or agreement may be extended by agreement or collective bargaining between an employer and an association of employees, in which event the period for which the employer is relieved of responsibility for making provision for benefits under the law will include such period of extension.

Any existing plan or agreement which the employer may, by his sole act, terminate at any time, or with respect to which he is not obligated to continue for any period to make contributions, may be accepted as satisfying the obligations of the law if the plan or agreement provides benefits at least as favorable as the disability benefits provided by the law.

Until the expiration of 90 days after

filing written notice of his election to terminate such a plan or agreement, or to discontinue making necessary contributions to its cost, the employer is required to continue to provide for the payment of benefits at least as favorable as those provided by the law with no greater employee contributions than those required under the law.

A new plan or agreement providing at least such equal benefits may be accepted as providing benefits under the law. Benefits under such plans may be provided either by insurance or approved self-insurance. Any such plan shall continue until the expiration of 90 days after written notice of intention to terminate; and any modification of such plan shall be subject to the written approval of the chairman.

• **Contested Disabilities** — The Disability Benefits Law provides benefits for non-occupational disabilities while workmen's compensation provides benefits for occupational disabilities. Whenever there is a dispute as to whether the disability is occupational in origin, the disabled employee will receive in the first instance the benefits provided under the new law, pending determination of his claim for workmen's compensation benefits.

In such cases, the carrier paying the disability benefits, or the chairman of the Workmen's Compensation Board, in case of payment to a disabled unemployed claimant, is given a lien on the proceeds of the compensation award.

• **Administration Expenses** — Annually after April 1, the total amount of expenses incurred by the chairman during the preceding fiscal year for administering the law shall be ascertained, and there shall be assessed upon and collected from each carrier (self-insured employer, insurance company, the State Fund, trustees under a plan or agreement, association or other agency permitted to provide benefits) the proportion of such expenses for the fiscal year ending the preceding March 31st that the total payrolls of the calendar year preceding assessment of employees who were covered by such carrier, bear to the total of all such payrolls for that calendar year.

• **Penalties**—An employer who fails to make provision for payment of disability benefits within 10 days following the date on which he becomes a covered employer shall be guilty of a misdemeanor, and upon conviction shall be punishable by a fine of not more than $250 or imprisonment for not more than one year or both.

When it has been determined that a carrier has failed to make prompt payment of disability benefits, a penalty, in addition to the amount of the benefits due, not in excess of 25 percent thereof, shall be imposed.

Any person who knowingly makes a false statement shall be guilty of a misdemeanor and shall not be entitled to receive benefits with respect to the disability claimed, or for any disability during the period of 12 calendar months thereafter.

Any physician who has been found after investigation to have submitted an untruthful or incomplete report in connection with a claim for disability benefits shall be removed from the list of physicians authorized to render medical care.

WAGE UNDERPAYMENTS

State Labor Department investigators uncovered a total of $91,440 in minimum wage underpayments affecting 2,006 employees during January. Underpayment collections benefiting 1,904 workers amounted to $61,285.

A total of $11,591 in wage claims was collected from employers during the month by the Department in behalf of 258 workers. At the end of January 1,638 wage claims were pending.

STATE'S OLDER PEOPLE

More than 10 percent of the nation's population 65 years of age and over resided in New York State on July 1, 1948, according to information received by the State Department of Labor from the Social Security Administration. An estimate by the SSA placed the number of older persons in the State at 1,173,534—3.2 percent greater than on the same date in 1947 and 26.6 percent above the total on July 1, 1940.

New York State had 360,000 more older persons than Pennsylvania which had the second largest aged population of all the States. California ranked third with 790,239.

New York State's total population, excluding members of the armed forces overseas, was 14,165,000 on July 1, 1947, according to the U. S. Bureau of the Census. This is an increase of 5.1 percent since April 1940.

Job opportunities for youth in the printing industry is one of subjects discussed in "Your Career in Printing," published by the New York Employing Printers Association.

CAREERS IN PRINTING

"Your Career in Printing," a booklet published by the New York Employing Printers Association "in the interests of men seeking a career in industry," presents a concise and realistic survey of the facts about the printing industry and the many job opportunities available to youth in its varied occupations.

Thirty-two photographs accompany and amplify the text depicting the multifarious production processes whereby the writer's copy is transformed into the various products which make possible "the widespread, inexpensive distribution of ideas." Office positions in the printing industry receive equally detailed coverage.

The question and answer method used throughout the 24-page booklet provides the reader with a kind of ready reckoner whereby he can evaluate his aptitudes and qualifications for a particular position, and furnishes detailed information concerning the training necessary and available to equip him for employment and advancement in an industry hospitable to new ideas.

A sound vocational guidance project, having the endorsement of the Division of Education and Vocational Guidance of the Board of Education of the City of New York, this booklet offers an insight into the demands, duties, responsibilities and rewards of a craft which combines both mechanical and creative work.

CHILD CARE SERVICES IN MIGRANT LABOR CAMPS

Problems arising from the necessity for compliance with the labor laws of a state often focus public scrutiny on social maladjustments consequent on a particular labor situation and highlight human needs connected therewith. The Child Labor Laws of New York, designed to safeguard minors from exploitation and to protect their health and welfare, prohibit children under fourteen from work on industrial farms. Experts in agricultural economics point out that the need for seasonal farm labor, supplied in part by migrant workers, has existed in New York State for over 40 years. They predict that, despite increased mechanization, this need will continue for several years to come.

• **Migrant Children a Problem** — Migrant farm workers travel in families, bringing with them not only minors of working age who share their labors in the fields, but also younger children who may not legally work. Since the economic condition of the migrant family makes it imperative for both father and mother to be free to work in the cultivating, harvesting and processing of food, these younger children would lack adequate care were it not for the New York State Migrant Child Care Program. This provides child care centers where these children may receive day-time supervision under a trained staff, wholesome food and the attention which can give them a much-needed feeling of security.

• **A Year of Progress**—Better care, for more children, at lower cost per child—these were the achievements of the Migrant Child Care Program during the 1948 harvesting season, according to the annual report of the State Youth Commission, which supervises and administers the program. Sponsored for the third successive season by the New York State Federation of Growers' and Processors' Associations, Inc., and financed by the Federation, and by State aid granted to the Commission, supplemented by nominal fees paid by the parents of the children, the program operated from June 21 to November 3, the longest period in its history, with a total enrollment of 840 children, the largest on record. It gave 18,298 days of day care, or over 3,300 more days than in the previous year.

• **Growers Cooperate**—While excellent weather conditions and the large number of migrants employed on the farms last year contributed, the increased interest of the growers in the program and significant progress in its administration and operation were major influences in bringing about these satisfactory results. Canners and growers, many of whom feel that the family group is by far the most stable labor they can obtain to fill their seasonal needs, and who recognize that parents whose children are safely cared for are more efficient workers, not only indicated their need by asking for continued service but gave generous cash contributions toward the cost of operating the centers.

Each center provides for the needs of twenty or more children. If a single grower does not have enough children for a unit, a group of growers may set up a cooperative project. Of the 15 centers operated last season, six were cooperative units. The 15 centers served 10 counties, 56 camps and 128 growers and processors. The operation of all projects covered a period of 862 days. Eleven of the 15 centers were established in buildings provided by the growers, while four were set up in rented premises.

• **Specialized Care for Different Age-Groups**—Children eligible to enroll in child care centers range from infants to 14-year-olds. Last year the percentage of children under 2 years of age, 27.6 percent of the total, was much higher than in previous years. Children from 2 to 5 years old made up 42.4 percent, children from 6 to 9 23.3 percent and the 10- to 14-year-old group 6.7 percent of the enrollment.

As a consequence of this wide age-range, the centers conduct three different programs, one for the youngest group, one for children of pre-school age and a third for school-age children, each program specifically designed to meet the needs of the particular group.

• **Advance in Recruiting and Training**—New methods of selecting and training the staff in charge of these programs were introduced last year with gratifying results. Recruitment by personal interview was undertaken for the first time, the field representative of the project visiting 17 eastern colleges and selecting 46 of the 102 students who applied for positions. Others became interested through former staff members, thirty-one of whom received reappointments. The 82 staff members finally chosen represented 31 different colleges and universities.

Nearly 25 percent of the staff enrolled for a special course of training given under the auspices of the Family Life Department of the College of Home Economics at Cornell Univer-

State regards children of migrants as its wards. Those under legal working age receive expert care while adults gather crops. Centers cater to needs of different age groups.

sity. Held on the Cornell campus from June 14 to 25, this course included 90 hours of work of which 30 were devoted to lectures and discussion, 35 to observation and participation at the St. John's Child Care Center in Ithaca and 25 to reading, class preparation and the writing of two papers. Two hours of college credit were given for this course. Staff members completing it conducted a demonstration school for the remainder of the staff who received a week's training at the King Ferry general conference. Here three special courses were given geared to the infant, pre-school and school-age program. In addition to lectures and discussion, the training included workshops, first aid courses, movies and orientation concerning the migrant people and Rural New York.

So successful did this recruitment and training program prove that the Commission, in recommending its repetition in 1949, requested that in addition to the College Credit Course, an advance course be given.

CHILD LABOR LAW "TRIUMPH"

Unprecedented support by the courts in convicting persistent violators of the child labor laws affecting agricultural occupations is called "a signal triumph for Governor Dewey and Industrial Commissioner Corsi," in a recent editorial in the New York *Herald Tribune*.

"For twenty years," says the newspaper, "New York State child labor laws have been on the statute books. Last summer, following a three-year informational and educational campaign to inform growers on the big commercial farms, contractors and farm workers of their responsibilities and obligations under the labor laws, the State took to court some seven cases of persistent violators of the child labor law and won convictions and fines in all instances.

"This is the first time in the history of the State that the courts have thus backed up the efforts of the State to enforce the child labor laws in agricultural occupations. It is a signal triumph for Governor Dewey and Industrial Commissioner Corsi, who have long been concerned by the evidence of illegal child labor."

DPs DON'T TAKE YOUR JOBS

The misconception that immigration of Displaced Persons is depriving Americans of employment and housing was spiked by Leon Climenko, executive assistant to Industrial Commissioner Edward Corsi, at the National Resettlement Conference, held in Chicago last month.

Mr. Climenko, who is secretary of the New York State Commission on Displaced Persons, of which Mr. Corsi is chairman, told the conference delegates that New York has resettled 4,683 DPs since October 30, 1948.

"And up to date," he added, "we have had only one complaint from a worker who claimed her job was taken by an immigrant admitted under the Displaced Persons Law. Preliminary investigation of this complaint shows little or no foundation for the charge. In the housing of these 4,683 people we have had only one formal protest—from a resident of an upstate city. This case was adjusted to the satisfaction of all concerned. When you consider the misconceptions and prejudice that have dogged this program since it was first discussed, I think this is a record that speaks well for the administrators of the law."

Declaring that it is in keeping with the American tradition to accept DPs into the nation's communities, Mr. Climenko declared:

"We know that keeping potentially productive people in enforced idleness at a terrific cost to the American taxpayer is a shameful and unnecessary waste. We know that DPs will make good citizens. We want them in New York because they are the same kind of people whose brawn and brain have made New York one of the greatest industrial and agricultural states in the world."

SOCIAL SECURITY INSTITUTE

A special institute for administration in social security and related fields was held at the New York State School of Industrial and Labor Relations at Cornell University March 28 to April 1. The Institute was offered by the Cornell Industrial and Labor Relations School and other interested University departments in cooperation with the Committee on Education and Social Security of the American Council on Education. It was the first meeting of its kind ever to be held outside of Washington and brought together administrators of agencies in the field of social security to discuss problems of mutual interest.

Participating agencies included the Division of Placement and Unemployment Insurance and the Workmen's Compensation Board of the New York State Department of Labor; New York State Department of Social Welfare; New York Public Welfare Association; Bureau of Old Age and Survivors Insurance, Region II, Social Security Administration, Federal Security Agency.

The Institute consisted of three week-long, daily seminars and three one-session panel discussions.

The Labor Department representatives, Mary H. Donlon, chairman of the Workmen's Compensation Board, and Milton O. Loysen, director of the Division of Placement and Unemployment Insurance, participated in the panel on "Next Steps in the Development of a Career Service in Social Security."

URBAN AREA BUILDING

Permits for permanent building construction to cost $561 million in the urban areas of New York State were issued in 1948. Approximately 55 percent of this amount was for 40,698 new family accommodations, 32 percent was for other new buildings. The remaining 13 percent was for additions, alterations and repairs.

Of the new dwellings for which permits were issued, 20,724 were for structures of three or more units, 15,692 were for one-family houses, 4,282 for housekeeping units in two-family structures.

Of $177 million designated for other than housing, about 29 percent was for institutions with two large federal projects — a veterans' hospital in Albany and Navy hospital in Long Island—accounting for more than half of the institutional total. Stores and warehouses were valued at $32 million, factories at $31 million, educational buildings at $14 million, office buildings at $13 million. Commercial and private garages and gasoline and service stations accounted for $14 million, churches for almost $7 million, amusement buildings for $6½ million, public buildings and miscellaneous structures for about $8 million.

TOBACCO WORKERS INSURED

Philip Morris & Co. recently announced a new plan under which the company will bear all costs for group insurance, hospitalization and retirement income for all employees.

A total of 3,600 employees in Louisville, Ky., Richmond, Va., New York City and in the sales organization throughout the country will share in the benefits. The New York office headquarters employs 300.

Officials of the company regard the plan as one of the most progressive in

the tobacco business and one of the most comprehensive in industry at large.

Initial reaction from representatives of Richmond Locals 203 and 209 of the Tobacco Workers International Union, AFL affiliate, indicates that union members will regard this plan as another example of the teamwork spirit. These unions recently informed the management that they were pleased with "the fine spirit which seems to be increasing in good relationship and understanding between the Company and the Union."

Philip Morris is employing a unique method for presentation of the plan. A "personalized" booklet, which contains the individual's policies under the plan, is presented to each employee, inscribed with his name, as a permanent, personal possession. The booklet avoids the use of the usual legal terminology, and in simple, straightforward language outlines what each employee may expect under each plan. The booklet also makes use of numerous sketches and graphic charts to assure quick and complete understanding by all.

CIVIL SERVICE TRAINING PLAN

A training program which will penetrate ultimately into every arm of the State Civil Service has been launched in the State Apprenticeship Council of the State Department of Labor. The first session of the 32-hour course was held recently in the Labor Department's headquarters in New York City, attended by 15 field representatives of the Apprenticeship Council from all parts of the State. The subject was "Fundamentals of Supervision."

The program was termed by President J. Edward Conway of the State Civil Service Commission as "the initial move in an organized effort to improve the level of performance throughout the government service by training the supervisor who is responsible for planning and controlling the work of other employees." It will be extended to other departments and agencies of the State as they request it and tailored to meet their specific needs, he said.

"The supervisor in the State service, as elsewhere, should be expert in dealing with people," Mr. Conway declared. "He must be a good manager, able to plan his work effectively, budget his time, and maintain both quality and quantity production. He must be a good leader, and through this program we expect to help him develop the qualities that lead to maximum effectiveness."

The program was developed by the Civil Service Department's Division of Public Employee Training, headed by Dr. Charles T. Klein, in cooperation with John J. Sandler, Director, New York State Apprenticeship Council. Charles Meislin, administrative assistant in the Apprenticeship Council is discussion leader. The 16 two-hour units of instruction cover such subjects as planning and delegating work, organization of personnel, orientation of new workers, human relations, developing the worker, and handling grievances. At the conclusion of the program tests will be given, grades will be established and certificates will be issued to those who complete the course successfully.

Among those present at the initial session, in addition to Mr. Conway, were Industrial Commissioner Corsi; Regis O'Brien, Buffalo, Chairman of the New York State Apprenticeship Council; Messrs. Sandler and Meislin, and Dr. Klein. Also: Vernon Morrison, Training Assistant, Department of Civil Service, Albany; David E. Greelis, Chief Apprentice Training Representative, Albany; Victor J. Booth, Supervising Apprentice Training Representative, Metropolitan Area, New York City; Eugene Sullivan, Supervisor—Senior Apprentice Training Representative, Metropolitan Area, New York City; Bernard J. Lyons, Supervisor—Senior Apprentice Training Representative, Albany; Raymond C. Youmans, Supervisor—Senior Apprentice Training Representative, Binghamton; Thomas W. Crocoll, Supervisor—Senior Apprentice Training Representative, Buffalo; Robert R. Woods, Supervisor—Senior Apprentice Training Representative, Rochester; James E. Cooke, Supervisor—Senior Apprentice Training Representative, Syracuse; Frank J. Citro, Supervisor — Senior Apprentice Training Representative, Utica.

Discussing the new State Civil Service training program, launched in the Labor Department's Apprenticeship Council, are (l. to r.): J. Edward Conway, president of the Civil Service Commission, Industrial Commissioner Edward Corsi and Regis O'Brien, chairman of the Apprenticeship Council. The program will ultimately reach every branch of Civil Service.

INFORMING THE PUBLIC

The Labor Department's speaking program expanded substantially during the past month, Katherine S. Weidlich, head of the Speakers Bureau, reports. Institutions of higher education added to the lecture list included College of St. Rose, Albany; St. Lawrence University, Keuka College, Albany Law School, Hofstra College, Empire State School of Optics, Columbia University's School of Business and the College of the City of New York. The work of the State Mediation Board and the new disability insurance law were among the most frequently requested subjects.

Job opportunities for high school graduates were the subject of many

talks given by members of the Department's Division of Placement and Unemployment Insurance before secondary school audiences. The Division of Industrial Relations, Women in Industry and Minimum Wage supplied teen-age groups and school advisors with speakers on State labor laws affecting young people. Emphasis at this season is being given to the child labor laws covering summer work permits.

BERYLLIUM AND THE "BAZOOKA"

Two important developments in the State Labor Department's long investigation of the control of hazards caused by the presence of beryllium in fluorescent lamps, neon signs and cathode ray tubes took place last month.

Following publication in a recent issue of the American Medical Association Journal of an article by Dr. Leonard Greenburg, executive director of the Department's Division of Industrial Hygiene, dealing with beryllium, Division engineers last month unveiled their instrument for the safe disposal of fluorescent tubes.

Calling attention in his article to the danger of beryllium salts, Dr. Greenburg points out that in the manufacture of fluorescent lamps, neon signs and cathode ray tubes, the salts are a "serious hazard" to workers exposed to fumes or dust.

In order to prevent the liberation of the toxic material in disposing of wornout fluorescent lighting tubes, Dr. Greenburg warns, they should be smashed under water, and the debris not handled with bare hands. For the poisonous beryllium may be inhaled or it may enter the skin through a cut.

Applying the "under-water" principle, Arthur C. Stern, chief of the Industrial Hygiene Division's engineering unit, and Samuel Wilson, senior engineer of the Division, designed an instrument that safely disposes of burned-out fluorescent tubes. The device, which they have dubbed the "beryllium bazooka," was designed, they emphasize, to protect workers concerned with fluorescent lamp disposal in industrial establishments.

The "beryllium bazooka" is here seen in action. A fluorescent tube, after being shattered within the barrel under water, is released into the bucket, preventing liberation of the toxic dust.

The "bazooka" consists of a barrel into which the tube is inserted. The upper end of the barrel is closed by a cap and the lower end immersed in a bucket or large can of water. A pistol grip activates a toggle mechanism through a tension rod forcing a sharpened plunger against the wall of the tube and fracturing it. The hazardous burst is thus contained within the barrel of the "bazooka" while the water prevents dissemination of the toxic dust. The engineers suggest that if a wire mesh basket is inserted in the bottom of the water container, the glass fragments can be readily lifted out.

A demonstration of the "bazooka" in action was given last month in the State Office Building in New York City before an audience of reporters, and utilities, insurance and government representatives.

"With this device," said Industrial Commissioner Edward Corsi, "the Labor Department hopes to make a major contribution to combating the danger in the disposal of fluorescent tubes. In this, as in all its work of safeguarding the health of the State's working population, the Department wants to cooperate fully with all other agencies, public and private, in making available the results of its study of the problem."

NEW PUBLIC ASSEMBLY CODE

A new State Standard Building Code for places of public assembly, superseding the code which had been in effect since October, 1941, has been issued by the Labor Department's Board of Standards and Appeals.

Containing the rules relating to the equipment, arrangement and maintenance of all places of public assembly and the enforcement of the Standard Building Code, the new Code Rule, Number 36, covers more ground and sets higher standards than its predecessor.

Number 36 is probably the first building code of its kind in the country to include circuses in its requirements, which also apply specifically to other outdoor places of public assembly, such as sports stadia, fairs and drive-in movie theaters. Indoor movie theaters also receive improved and more detailed requirements in the new Code Rule.

To a far greater extent than the old code, Number 36 follows "performance" standards in its requirements, rather than those of specified construction. The new code, which became effective May 1st, received not only the usual public hearings before final approval, but supplementary hearings.

Copies of the new Code Rule may be obtained through the Printing Bureau, Labor Department, State Office Building, Albany, or office of the Secretary, Labor Department, 80 Centre Street, New York City, at a cost of 10 cents each.

FIVE UNIONS GAIN BENEFITS

The same basic wage structure as at present, plus company-paid group hospitalization for employees and their families, and one more paid holiday, are major provisions of uniform new contracts negotiated between Lever Brothers Company and five unions—four AFL and one CIO—representing more than 3,000 hourly employees, it has been announced by the management.

Present wage rates averaging $1.58 an hour, which remain unchanged in the contracts, are among the highest in every area where Lever plants are located. The new hospitalization and holiday provisions further extend a

TARDY ACKNOWLEDGMENT

Basic material research for the article titled "Hotels Offer Many Careers" in the March *Bulletin* was incorrectly ascribed to Thomas H. Shaw, faculty member of the State Institute of Applied Arts and Sciences in New York City. A major portion of this article was taken from a publication of the Federal Security Administration's *Labor Market Information* booklet on Hotels.

Omission of proper acknowledgment of the use of this source is sincerely regretted.—The Editors.

long-established program under which Lever hourly-rate employees receive benefits costing an average of 41 cents an hour, paid entirely by the company.

The one-year contracts have been ratified by AFL International Chemical Workers' locals of Lever's soap and shortening manufacturing plants at Cambridge, Mass.; Edgewater, N. J.; Baltimore, Md.; and St. Louis, Mo.; and by the CIO United Gas, Coke and Chemical Workers' Union at the Hammond, Ind., plant.

INTERNATIONAL LABOR INDEX

The 800-page "International Labor Directory," containing a "complete index to all labor organizations and their executive personnel from international offices right on down to the nation-wide level," is announced for early publication by the Claridge Publishing Corporation of New York City. Major sections of the volume will include North American labor organizations, labor people, labor press and government agencies dealing with labor and labor problems.

SAFETY PARLEY PARTICIPATION

In keeping with its policy of cooperating with programs for safety in all its aspects, the State Labor Department was a participant in the 19th annual convention and exposition of the Greater New York Safety Council, held in New York City from March 29th to April 1st, inclusive. The Department was represented at the convention by three officials of its Division of Industrial Hygiene and Safety Standards.

Chairman of the session on Industrial Health-Engineering Phases was Arthur C. Stern, chief of the engineering unit of the Industrial Hygiene Division.

Robert Crowley, industrial hygiene engineer of the Division, spoke at that session on the control of excessively high effective temperatures. His discussion dealt with how to obtain the best use of supply and exhaust ventilation, how to utilize radiation shields, how to control humidity, how to insulate and how to control high temperature exposures in industry by special clothing.

Dr. John E. Silson, senior industrial hygiene physician of the Industrial Hygiene Division, was chairman of the session on Industrial Health-Medical Phases, where discussions were heard on cancer hazards, industrial dermatitis and non-siliceous dust hazards.

SHOW GOES ON, THANKS TO AGREEMENT REACHED VIA STATE MEDIATION BOARD

Artists, by tradition at least, are temperamental people, more concerned with creating beauty than acquiring money. But they do have to eat. The members of United Scenic Artists, Local 829, AFL, claimed they could no longer eat well on their base pay of $3.75 per hour, with double time for overtime. This rate looked good on its face, the union admitted, but pointed out that most scenic artists actually earned less than $2,000 a year because of irregular employment, and added that they had not had a pay increase in two years. Their contract with the Theatrical Contractors Association had expired September 30, 1948 and negotiations over a four-month period had produced no settlement when the parties came to the State Mediation Board's offices at 270 Broadway for a conference with mediator Irving Weinzweig.

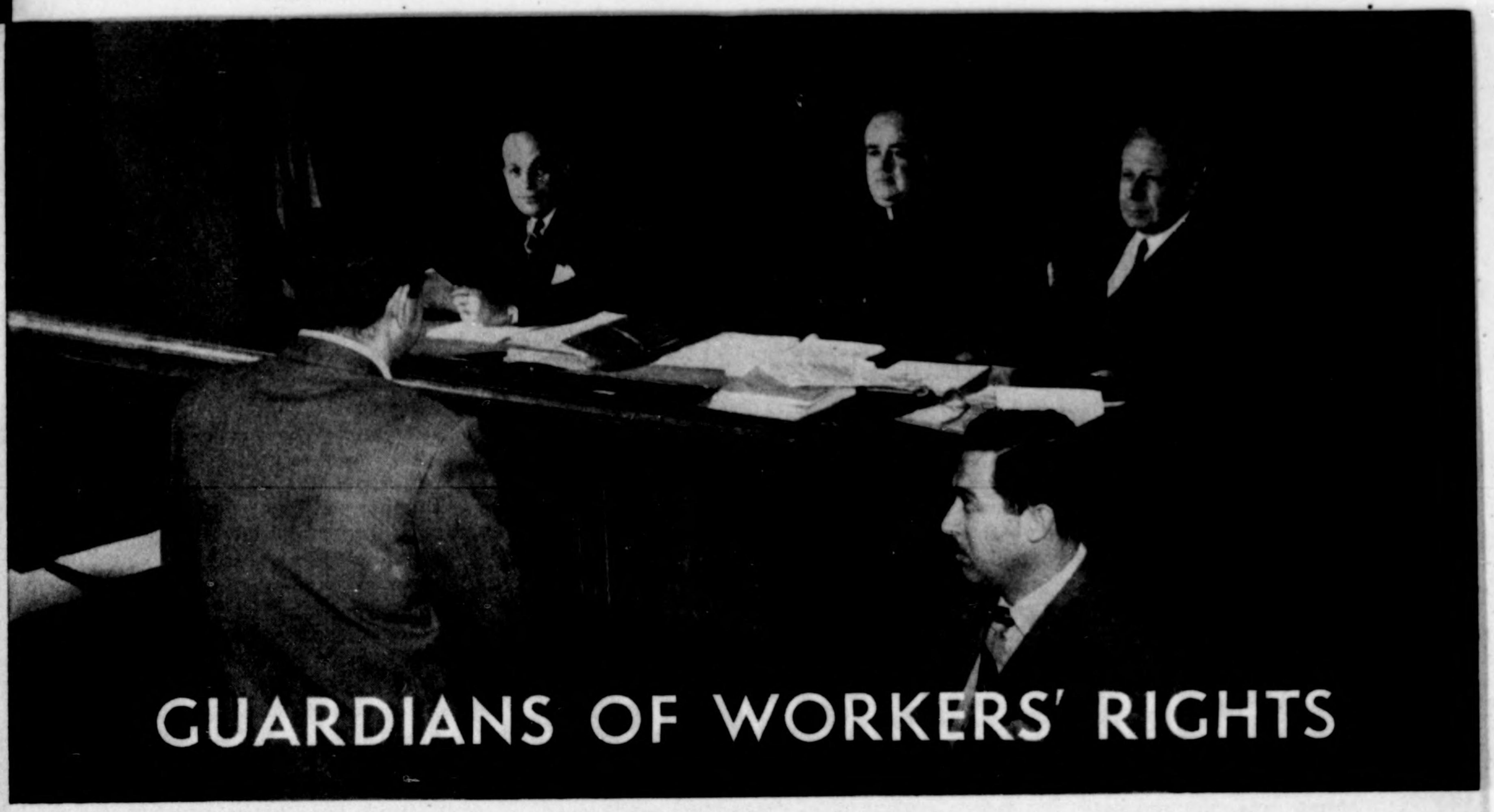
At this first conference the union asked for a flat increase of 50 cents an hour. The Contractors' Association replied, in effect, "We're very sorry, but no increase. Only the producers with whom we contract can make it possible to raise your pay." In an effort to break the apparent deadlock mediator Weinzweig suggested to the contractors that they make some reasonable offer of an increase. After a brief private conference the Association offered a 2½ cent raise, which so disturbed the artists that they started reaching for their hats and moving towards the door without bothering to say goodbye. The contractors upped their offer to 5 cents but the artists kept walking. As they filed through the door their spokesman stopped and said, "These offers are insulting. Obviously we've been too lenient with you since the contract expired. There will definitely be a stoppage."

Before the union committee left, however, Mr. Weinzweig got their promise to notify the Board of Mediation before any strike action was taken. The mediator then warned representatives of the Association that the union would probably vote to strike. The representatives stated that they believed the union was engaging in a war of nerves.

When the artists voted to strike the next evening they informed Mr. Weinzweig of the decision and promised to hold off the walkout over the weekend. Upon being informed of the union's vote, the Contractors' Association agreed to an immediate conference with the mediator, but stated that they did not see their way clear to raising their offer appreciably. This conference broke up when the Association made an offer of 7½ cents after the union had indicated its willingness to settle for less than the original 50 cents asked, provided the employers made a reasonable offer.

On January 28 the artists walked out. At three successive mediation conferences early in February the Contractors offered additional 5-cent increases but the aroused artists were unimpressed. Meanwhile show business along Broadway was beginning to worry about the shortages of scenery and sets. It became clear that scheduled openings would have to be postponed while theatre rents and other expenses began to snow-ball. Finally, on February 11, the Contractors' Association threw in the sponge and agreed to a 50-cent hourly increase for the members of United Scenic Artists, Local 829, AFL.

However, before the artists would lift a paint brush, they insisted that the new pay rate be made retroactive to October 1, 1948, the day following expiration of their old agreement. The contractors' indignant refusal to concede this point provoked another row which threatened to wreck the new agreement before it was born. The contractors said they positively would not pay the new rate for work done before January 1, 1949. The artists said they positively would not accept the old rate for work done after December 1, 1948. Which made a perfect opening for Mediator Weinzweig to suggest that the parties compromise on December 15, 1948 as a good date for beginning the new pay rate. With this agreement the new contract was signed—and New York City's show business was back in business.



SLRB Guarantees Employees' Rights to Organize and to Bargain Through Own Agents

Twelve years of successful operation have shown the State Labor Relations Board to be a potent factor in New York State's superior industrial relations record. . . . Long established common law rights to form unions and bargain as a group are given real substance and effect in the State Labor Relations Act. . . . Nine out of every ten cases filed with the Board are settled informally following conference with staff members. . . .

New York State's enviable record in the field of labor relations has been well publicized, both locally and nationally. For several years the nation's leading industrial state has lost a smaller percentage of production hours to labor disputes than any other leading industrial state. This remarkable structure of peaceful labor-management relationships is bedrocked on the firm legal foundation of the State Labor Relations Act. The State Labor Relations Board, which derives its administrative and quasi-judicial powers from the Act, will have completed twelve years of highly effective operation on July 1 of this year.

• **Progress Under SLRB** — Analysis of nearly 19,000 cases filed with the Board since 1937 indicates that both employers and employees in New York State are fast realizing that peaceful settlement of labor disputes is vastly preferable to the two-edged weapons of strike and lockout, which, in the past, have frequently wounded wielder as well as victim. Increasingly, employers are accepting the principle of collective bargaining as a simple fact of economic life rather than a monstrous institution calculated to bankrupt them. Unions, which once settled their rivalries with picket lines and boycotts, are turning more and more to the sensible, democratic use of the ballot. This growing acceptance of the policy that collective bargaining between employers and the freely chosen representative of their employees promotes industrial peace is being clearly reflected in the State's production tally sheets.

Although it cannot yet be argued that New York employers and unions have reached such a stage of mature organization and experience in collective bargaining that they no longer need the services of the State Labor Relations Board, their sober progress in that direction is highly encouraging. Successful experience in collective bargaining over the past ten years has convinced many labor relations experts that some day those turbulent twins, strike and lockout, may themselves be locked out.

• **Labor Relations in Common Law** —A brief look at the background of the State Labor Relations Act may aid in a better understanding of its usefulness and application. The Act embodies a totally different concept of economics and labor relations than was

In photograph above: The State Labor Relations Board is seen in action. From left to right, Meyer Goldberg, Member, Rev. William J. Kelley, O.M.I., Chairman, and Keith Lorenz, Member, listen to presentation of an oral argument. (Early last month Governor Dewey accepted Father Kelley's resignation as Board Chairman, to be effective May 15.)

prevalent in the United States scarcely more than a century ago. Before 1842, if two or more workmen got together and talked over the possibility of making a joint demand on their boss for a pay raise they ran the risk of arrest and trial for conspiracy—conspiracy to raise wages. Some states had special conspiracy statutes, while others punished "conspirators" under the common law. The general doctrine of treating labor unions as illegal conspiracies was finally reversed in Commonwealth vs. Hunt, a Massachusetts case now considered an important milestone in labor history. This decision in 1842 removed the stigma of criminality from unionization by holding that it was not illegal to organize, but no positive rights were given to unions.

• **Theoretical Rights**—Labor's struggle for court recognition of the right to organize, to bargain as a group with employers on matters of wages, hours and working conditions, and of the right to strike to enforce their demands, was long and hard. For many years courts were reluctant to decide anything in labor's favor, and were quick to use the injunction to break strikes. By 1933, destined to be a fateful year in labor history, unions had already won their fight against the injunction by securing passage of the Norris-LaGuardia Act, and had clearly established their legal right to organize and strike. A similar statute was enacted in New York State in 1935. Chief Justice Hughes of the United States Supreme Court said, "The right of employees to associate for purposes of collective bargaining is a fundamental right long recognized at common law." But these rights were often more theoretical than real. They were rights without remedies since there was no law compelling employers to recognize unions or to discuss terms of employment with them. And worse, there were no laws to prevent the employer from using threats, discrimination and other pressures to discourage organization, or even labor spies and strong arm squads to break up unions. When employers fought a union with such tactics or refused to admit its existence, the union's only effective recourse was the strike—a violent and often a boomeranging weapon.

• **Legal Guarantees** — The Federal Government's first attempt to guarantee to labor generally the right to organize and bargain collectively was set out in section 7A of the National Industrial Recovery Act of 1933. This Act, intended as a general depression panacea, was later declared unconstitutional but the propositions relative to labor relations contained in section 7A were preserved and expanded in the National Labor Relations Act of 1935, popularly known as the Wagner Act after New York State's Senator Robert F. Wagner.

Bowing to a wave of approving public sentiment based on broadening humanitarian considerations and the economic belief that greater strength for unions meant greater purchasing power for workers who would then provide better markets for industrial products, the Supreme Court upheld the Wagner Act in April, 1937, with a series of 5-4 decisions. Convinced that intrastate workers in New York should have the same protection afforded by the Wagner Act to workers in interstate commerce, the State Legislature quickly enacted the State Labor Relations Act, which became effective July 1, 1937. The State Act followed the National Labor Relations Act in the main, although in some respects it was more specific and comprehensive.

• **The State Law** — The State Labor Relations Act is contained in Article 20 of the Labor Law and consists of sections 700 through 716. The first section of the Act contains the findings of the Legislature and sets forth its policy with respect to industrial relations. The Legislature found:

"When some employers deny the right of employees to full freedom of association and organization, and refuse to recognize the practice and procedure of collective bargaining, their actions lead to strikes, lockouts and other forms of industrial strife and unrest which are inimical to the public safety and welfare and frequently endanger the public health."

The Legislature further found that:

"Such denial creates variations and instability in competitive wage rates and working conditions within and between industries and between employees and employers engaged in such industries, and by depressing the purchasing power of wage earners and the profits of business, and tends . . . to increase the disparity between production and consumption, (c) to create unemployment with its attendant dangers to the health, peace and morale of the people, and (d) to increase public and private expenditures for the relief of the needy and unemployed." Continuing its findings, the Legislature said:

"Experience has proved that protection by law of the right of employees to organize and bargain collectively, removes certain recognized sources of industrial strife and unrest, encourages practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages, hours, or other working conditions, and tends to restore equality of bargaining power between and among employers and employees, thereby advancing the interests of employers as well as employees."

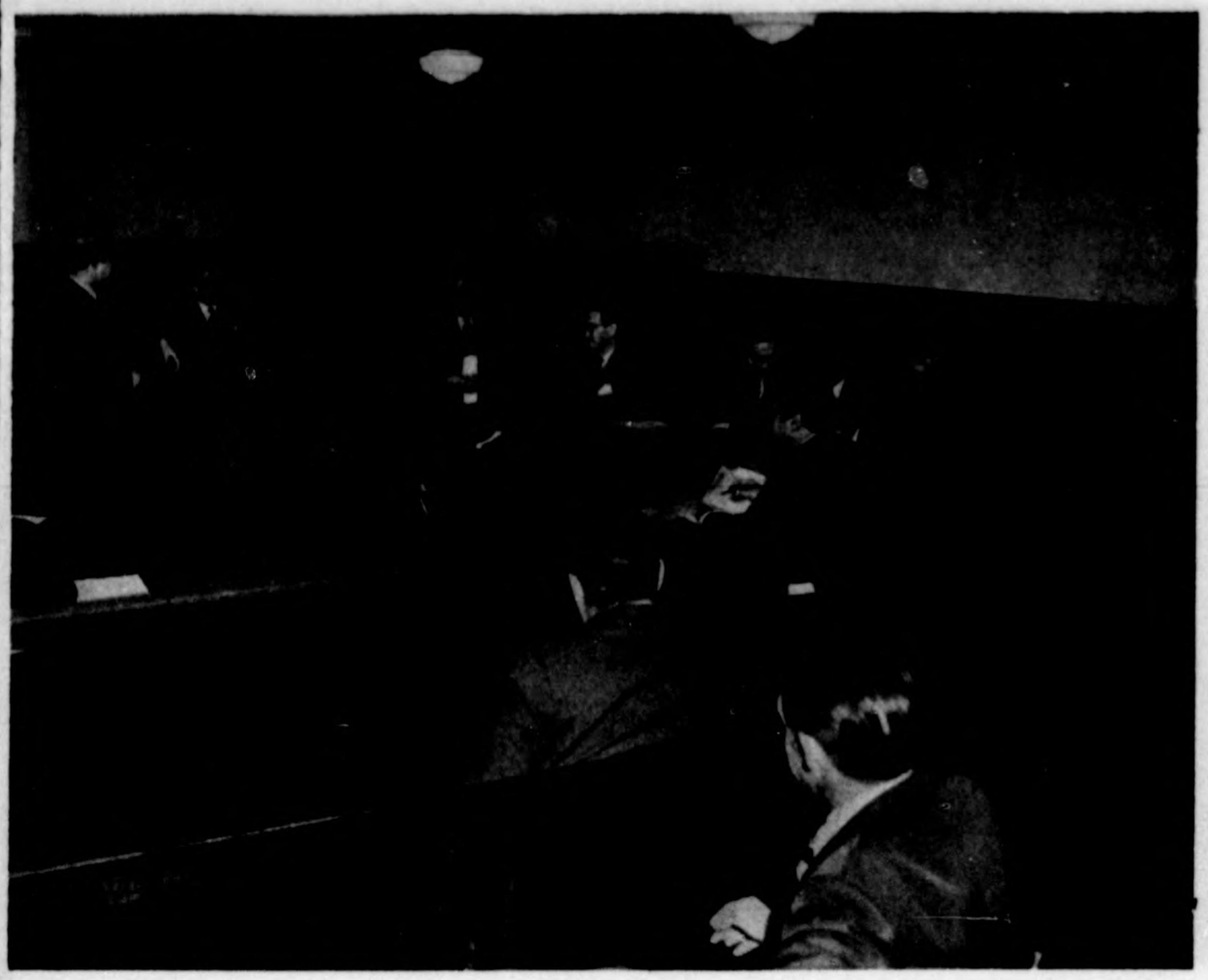
The Act includes the statement that all its provisions should be construed liberally to the accomplishment of its over-all purpose. (This is a general rule of construction which courts usually apply to remedial statutes.) The Act is declared to be an exercise of the police power of the State for the protection of the public welfare, prosperity, health and peace of the people of the State.

To carry out the State's declared policy, the Act creates the State Labor Relations Board, defines its jurisdiction and establishes regular procedures to be followed. The Board's activities are directed to two related objectives. First, the Board must make effective those rights of employees defined in Section 703 of the Act:

"Employees shall have the right to self organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection. . . ."

These rights of working men are considered so fundamental that the principle was made a part of the State Constitution: "Employees shall have the right to bargain collectively through representatives of their own choosing."

• **Unfair Practices**—To effectuate the policies of the Act and to lend real support to its guarantees, the Legislature defined certain specific practices on the part of employers which tend to injure or destroy the rights of workers, as "unfair labor practices." These practices are expressly forbidden. They include blacklisting, spying, discrimination against or discharge of workers for joining unions, the creation of or support of company unions to compete with or exclude genuine unions, the refusal to bargain collectively with the representatives or workers or any other acts which interfere with, restrain or coerce workers in the exercise of their rights. The Board is charged with the duty of pre-



Procedure at Board's formal hearings before a Trial Examiner is similar to that followed at civil court trials. Witnesses are subpoenaed and sworn, examined and cross-examined. Board is not bound by legal rules of evidence but generally adheres to them.

venting these unfair labor practices and is empowered to grant appropriate relief where it is found that such practices have been engaged in. (For full discussion of unfair labor practices and protection against them furnished by the Board, see pages 16-22.)

This Section of the Act does not operate to compel agreements between employers and employees, but it does impose a clear duty to negotiate. Thus, the theory of the State Labor Relations Act is that free opportunity for honest negotiation between employers and accredited representatives of employees will generally result in the settlement of differences and will tend to promote industrial peace.

• **Representation** — The Board's second principal function is to determine, by election or otherwise, the representatives (if any) designated by employees as their collective bargaining agents. Either a union or an employer may petition the Board for the use of the election machinery provided by Section 705 of the Act. The Board has a broad authority to determine what groups of employees may most appropriately bargain together. The desires of the employees are usually ascertained by means of secret ballot. When the majority of employees in an appropriate unit designate a representative for collective bargaining the Board is authorized to certify such representative as the exclusive bargaining agent for all the employees within the unit. Representation and election procedures are described in detail in an article beginning on page 23.

• **New Rights For Employers** — By its activities in these two related spheres the State Labor Relations Board guarantees the right of employees to organize and associate, and imposes a clear duty on employers to negotiate with the duly designated bargaining representative of such employees. This peaceful establishment of equality at the collective bargaining table serves to eliminate the industrial strife inevitably resulting from the refusal of employers to negotiate with the representatives of employees. In addition to guaranteeing rights to the employee which he already had at common law, the Act establishes a new and important right for the employer. For the first time in industrial relations history he has a forum which will furnish him with a legal clarification of his problem when two rival unions each claim to be the sole bargaining representative of his employees. Formerly such disputes were often resolved by costly strikes about which the helpless employer could do nothing but wait.

• **Independence of Board**—Although the State Labor Relations Board is a board in the Department of Labor, the terms of the Act give it almost complete autonomy by specifically denying the Industrial Commissioner or any other agency of the Labor Department any right to direct, review, modify or reverse any decision of the Board. The Department is forbidden to supervise or exercise any control over the Board in the performance of its duties.

The State Labor Relations Act provides for a board of three members and such subordinate personnel as the board may find necessary for the proper discharge of its duties under the law. These members are appointed by the governor, by and with the consent of the Senate, to serve six-year terms which are arranged so that one term expires every two years. The only qualifications for Board members are that each shall be a citizen of the United States, a resident of the State of New York and a qualified elector in the state for a period of at least one year next preceding his appointment. The Chairman of the Board is designated by the governor. Any two members may constitute a quorum. The membership of the Board has been diversified in character. It has been drawn from the bar, the clergy, engineering and newspaper fields.

• **Upstate Offices**—To make its services as accessible as possible throughout the State, the Board has divided the State into three regions and established a regional office in each. The Act designates Albany as the location of the Board's principal office, but the extremely high percentage (93%) of cases originating in the Southern region requires the Board to concentrate its activities and most of its staff in the New York City office at 250 West 57th Street.

At present, the Southern region comprises New York City and the counties south of the northern boundaries of Sullivan, Orange and Dutchess Counties. The Western region consists of all the counties west of the western boundaries of Oswego, Onondaga, Cortland and Broome Counties and the Central region is the rest of

the State. A single regional attorney and a stenographer make up the staffs of each of the offices located in Albany and Buffalo.

• **Staff and Functions**—Principal staff members of the Board are the General Counsel, the Executive Secretary and the Associate General Counsel. The Division of Labor Relations Examiners is supervised by two Senior Labor Relations Examiners, who operate under the general direction of the Executive Secretary. This division conducts the informal investigations which are the first procedural steps for handling either representation or unfair labor practice cases. These preliminary investigations include the conduct of informal conferences between employers and employee representatives, the interview of witnesses and the obtaining and analyzing of evidence. At this stage of a case the examiners advise parties of their respective rights and aid them in effecting amicable settlements of their disputes. This Division disposes of about 90 percent of all cases filed without the necessity of formal proceedings. A discussion of informal settlements is contained in an article on pages 27-29 of this issue.

At the conclusion of their investigations, the Examiners prepare and submit their reports through one of the Senior Examiners to a Board member with recommendations as to whether withdrawal requests shall be approved, formal proceedings instituted, or cases dismissed. The Examiners also arrange for elections among employees to determine their wishes as to choice of bargaining agents. In the Albany and Buffalo offices, the regional attorney serves as Labor Relations Examiner, conducting investigations and conferences and arranging elections.

The Board's legal division is comprised of the Litigation and Review sections, which are separate sections physically and functionally. Litigation Attorneys work under supervision of the Associate General Counsel and handle primarily unfair practice cases. After a Labor Relations Examiner has investigated a case and recommended that a formal complaint be issued and a hearing conducted, and upon approval by a Board member, the Associate General Counsel assigns the case to a Litigation Attorney, who prepares the case for hearing, drafts the complaint and other necessary legal documents and presents the case at formal hearing. Litigation Attorneys may also be assigned to the more complicated representation cases to assure the obtaining of a complete and understandable record.

Review Attorneys, functioning under general supervision of the General Counsel, through an Assistant General Counsel, are assigned records of unfair practice and representation cases after hearings are concluded. These records of evidence presented in formal hearings vary in length from 50 to 2000 or more pages. The Review Attorneys review and analyze testimony, exhibits, etc., introduced at formal hearings, conduct required legal research and assist in drafting final decisions in accordance with Board findings and conclusions.

The Trial Examiners, who operate under a Supervising Trial Examiner, are the presiding officers at formal hearings of both unfair labor practices and representation cases. They function generally like judges in civil court trials, controlling the conduct and procedure of the hearings, admitting testimony or other evidence, and ruling on motions and objections. After the close of hearings in unfair practice cases, Trial Examiners prepare intermediate reports containing discussions of the evidence, findings of fact and their recommendations for submission to the parties. In representation cases, no intermediate reports are issued, but Trial Examiners prepare confidential reports for the Board's use and may be called in to report orally to the Board and to assist in the preparation of decisions. In addition to the full time Trial Examiners on the regular staff the Civil Service Commission has established a panel of outside examiners who may serve as required on a per diem basis.

The Election Division conducts secret ballot elections among employees to determine their collective bargaining representatives. Elections are held under supervision of a Labor Elections Supervisor, with such assistance as may be required from other staff members or outside agents. Full discussion of election machinery and procedure is contained in an article on pages 23-26. The remainder of the Board's staff is composed of hearing reporters and transcribers (who record verbatim all formal proceedings), stenographers, file clerks, mail clerks and other clerical personnel. The entire administrative staff is under the general supervision of the Executive Secretary.

Speaking generally, the State Labor Relations Board's jurisdiction is limited to industrial and commercial establishments who do all of their business within the borders of the State of New York. Formerly, when the Wagner Act was in force, the Board and the National Labor Relations Board allocated cases between them pursuant to a working agreement. The enactment of the Taft-Hartley Act, however, has altered the situation. The question of jurisdiction is extremely complex and a full discussion is beyond the scope of this article. The Board is not a "self-starting" agency; it has no jurisdiction in a labor dispute until either the employer or the employee files a formal petition or charge for its aid.

• **Rules of Procedure** — In order to perform its prescribed functions in the most expeditious manner possible and to grant full protection to the rights of the parties, the Board has established procedural machinery based upon the provisions of the Act. Pursuant to the authority vested in it by the Act, the Board has issued its General Rules and Regulations to govern procedure, which are circulated by enclosing a copy with each notice of hearing or by supplying copies to interested persons upon request. Parties to a formal hearing are given full protection for their legal rights. For example, an employer charged with an unfair practice may be represented by counsel and has full opportunity to present his side of the case in open hearing, to present witnesses in his favor and to cross-examine opposing witnesses. After the hearing he is entitled to court review of the Board's interpretation of the law, questions of constitutional rights, of the fairness of the proceedings and whether the Board's factual findings are supported by substantial evidence. The courts of New York State have given full approval to the Board's basic procedural patterns, and reversals of Board decisions by the Courts have been rare.

The Board's orders are remedial rather than penal in nature. They are

SLRB DATA AVAILABLE

The State Labor Relations Board announces that, as in previous years, its detailed report of activities for the year 1948 will be published and made available separately. This and previous Annual Reports, as well as bound volumes of formal decisions may be obtained at the Board's office, 250 West 57th Street, New York 19, N. Y.

Labor Relations Examiners meet periodically to discuss highlights of problems presented in recent cases. Pertinent matters of current interest are weighed for value as guides in the solution of future problems.

not self-enforcing and the Board can compel action only by obtaining a decree from the Supreme Court enforcing its order and by contempt proceedings if there is continued failure to obey the order.

• **Information and Reports** — Although the Board may not act on its own initiative and thus obtains jurisdiction only when a case has actually been filed with it, it is often called upon for information concerning the Act and its operation. Requests by mail are answered promptly and persons calling in person at the New York office are interviewed by a staff attorney or labor relations examiner who has been specially designated to handle inquiries. Regional attorneys in Albany and Buffalo answer labor relations questions as part of their regular duties.

The Board's formal decisions now constitute a substantial body of administrative common law which supplements and interprets provisions of the Act. They include, in both unfair labor practice and representation decisions, a number of expressions of general policy relating to both procedural and substantive points which could be characterized as additions to the Rules. Because familiarity with these decisions is essential to a full understanding of the Board's work, they are mimeographed and sent to all persons or organizations who ask to be placed on the mailing list. To date the Board has published 10 volumes of decisions covering cases from 1937 through 1947, and decisions of 1948 are now being prepared. In each annual report there is included a summary and analysis of significant rulings and decisions for that year.

• **Cooperation With Other Agencies** —The State Labor Relations Board cooperates with other State and Federal agencies in the labor relations field. Sometimes investigation of a case will reveal that the issues involved are outside the scope of the State Labor Relations Act. In appropriate instances such cases may be referred to the Mediation Board for mediation or possible voluntary arbitration. Conversely, the Mediation Board will refer a case to the Labor Relations Board when it believes that the root of the problem is some unfair practice or uncertainty as to the authority of a union to represent the workers.

• **The Record** — From July 1937, when the State Labor Relations Board was established, until the end of March 1949, it has processed 18,756 cases affecting over 650,000 employees in various trades and industries throughout New York State. Almost nine out of every ten cases were closed without the necessity for formal hearing, having been settled, withdrawn or dismissed before hearing, following informal conferences with the Board's staff of Labor Relations Examiners. Unfair labor practices were charged in 36 percent of all cases, and the remainder, 64 percent, were petitions filed by unions or employers for the investigation and certification of collective bargaining representatives.

The number of petitions to determine employee's choice of representative has risen steadily over the number of unfair practices charged. The proportion of election petitions to all cases filed has risen from 52 percent in 1938 and 63 percent in 1942 to 69 percent in the first quarter of 1949. From its establishment until the end of March, 1949, the Board conducted 3,730 elections affecting almost 225,000 employees, of which 80 percent were held with consent of the employers and unions, and the remaining 20 percent ordered after formal hearing. Of the total employees eligible to vote in these elections, about 90 percent appeared at the polls and cast their ballots.

• **Toward Industrial Peace** — The record of its twelve years of operation has proven the worth of the State Labor Relations Board in fostering good labor relations in New York State. A number of the State's trades and industries owe their present stability to an intelligent acceptance and application of the principles of collective bargaining. In many instances this amiable relationship between employers and unions has followed Board investigation and determination of cases filed in earlier years. The rising percentage of election petitions over unfair practice charges reflects the increasing acceptance of collective bargaining in Empire State industry. By providing legal safeguards for the workers' right to organize and to bargain and by setting up the machinery for determining employee representation, the State Labor Relations Board is effectively removing the biggest stumbling block along the road to industrial peace.—R.C.G.

UNFAIR LABOR PRACTICES

Law Gives Workers Protection Against Actions That Interfere With Self-Organization Rights

Certain specific practices which employers had come to use in contesting their workers' desire to organize have been labeled "unfair" and declared unlawful. . . . The State Labor Relations Board is thus provided with a ready reference list upon which to base its decisions. . . . Interpretations have served to clarify some general applications of the "unfair practices" provisions. . . .

As defined in the State Labor Relations Act, an unfair labor practice would include generally an act by an employer which serves to intrude upon the employee's right of organizing or the peaceful process of collective bargaining through intimidation, discrimination or other forms of interference.

Prior to enactment of legislation providing such protection for workers, an attempt by employees to form a union constituted a situation to be met by individual employers as expediency dictated. In some cases, expediency and wisdom in human relationships not always teaming up, the results ran the disastrous range from slightly ruptured employer-employee relationships to open industrial warfare.

• **Act Provides for Danger Signs** — In the establishment of statutory recognition of workers' rights to organize and to engage in collective bargaining, it was necessary, therefore, to set up some signposts for all who would travel this newly-opened roadway toward economic and industrial amity. The listing of specific unfair labor practices in the law may thus be seen as a spelling-out of forbidden routes with which to guide employers in the conduct of their labor relations (see accompanying excerpt from the act).

• **The Board's Procedure**—The procedure followed by the Board in effecting this guide is outlined in its general rules and regulations.

A charge that an employer has engaged in, or is engaging in any unfair labor practice may be made by any person or labor organization. The charge must be made in writing and sworn to. The signed original and two copies must be filed with the Board (which supplies forms for this purpose upon request). Such a statement must include, in addition to the full names and addresses of both the person or organization making the charge and the employer or employers against whom the charge is made, information sufficient to offer a general picture about the employer's business, and a statement of the acts alleged to be unlawful.

Each such case is docketed and referred to a Labor Relations Examiner for investigation. The Examiner interviews parties and persons having knowledge as to the charges. During this informal stage of the procedure, cases may be disposed of either by withdrawal, dismissal or settlement. Withdrawal of a charge, in whole or in part, is subject to approval of a Board member. Dismissal before hearing requires concurrence of a majority of the Board. Settlement or adjustment before hearing results in withdrawal of the charge. An average of almost 90 percent of the Board's cases annually are closed before the formal hearing stage. (See page 27 for details on informal dispositions).

• **Issuance of Complaint** — Where the charge is not withdrawn and no adjustment made, the full results of the investigation, together with recommendation as to disposition, go through a Senior Labor Relations Examiner to a Board member, who either approves dismissal of the charge or authorizes issuance of a complaint. The issuance of a complaint merely affirms that basis exists for full and formal examination of the question as to whether or not there has been a violation.

If a complaint is authorized, the case is referred to the Associate General Counsel for assignment to a member of the Board's litigation staff for the drafting of a complaint and preparation for trial. (The assigned staff member, an attorney, may recommend revocation of the authorization and dismissal of the charge prior to hearing.) Once drafted, the complaint is signed by the Associate General Counsel and served on all parties, together with notification of the hearing date assigned. The employer may file an answer, setting forth a statement of his defense.

• **Public Hearing** — The hearing is open to the public and is presided over by a Trial Examiner designated by the Board—the procedure is substantially that followed in court proceedings. An attorney from the litigation staff presents the Board's case, representing the public interest. Counsel for all parties have the right to call, examine and cross-examine witnesses and to introduce evidence into

Discrimination against a worker for union membership or union activity may take several forms. In some cases the transferring of such a worker to an assignment drawing lower pay or involving unpleasant conditions has resulted in an unfair labor practice charge.

the record. The attendance of witnesses and the production of evidence may be compelled by subpoena. Although not so bound by the Act, the Board follows the general policy in its hearings of abiding by the common law rules of evidence.

The full record of the hearing is reviewed by the Trial Examiner. His Intermediate Report, containing an analysis of the testimony, findings of fact, conclusions of law and recommendations as to the remedy, is served upon all parties with notice of their right to file exceptions to the Intermediate Report with the Board, to submit briefs and to argue orally before the Board. At every stage, even after formal proceedings have started, the parties have full opportunity to settle the case in compliance with the law.

• **The Board's Decision** — After oral arguments on exceptions to the Intermediate Report, the Board analyzes the complete record and may, if deemed necessary, take further testimony. The Board's decision, prepared in collaboration with one of its Review Attorneys, and containing a detailed analysis of the evidence, rulings on objections and exceptions, findings of fact and order, is served upon all parties.

The Board's order may dismiss the complaint, in which event the case is normally closed. If the employer is found to have engaged in an unfair labor practice, the order includes a requirement that the employer notify the Board within a specified time of the steps taken to comply. All orders are, of course, subject to court review.

• **Court Review Procedure** — If the employer is unwilling to comply and does not himself seek review of the order by the courts, the Board petitions the appropriate Supreme Court for enforcement of its order and files the entire record with the court. The action of the court, contained in a decree which either enforces, modifies or sets aside the Board's order, is a final order, subject only to appeal to higher courts.

Enforcement by court decree places responsibility for obtaining compliance on the Board. The employer's efforts to comply are investigated and if failure to abide by the requirements of the court order is found, the Board may petition the court to hold the employer in contempt of court. A court order for remedial action and imposition of sanctions by the court may follow.

UNFAIR PRACTICES DEFINED

The following provisions are contained in Section 704 of the State Labor Relations Act:

"It shall be an unfair labor practice for an employer:

"1. To spy upon or keep under surveillance, whether directly or through agents or any other person, activities of employees or their representatives in the exercise of the rights guaranteed by section seven hundred three.

"2. To prepare, maintain, distribute or circulate any blacklist of individuals for the purpose of preventing any of such individuals from obtaining or retaining employment because of the exercise by such individuals of any of the rights guaranteed by section seven hundred three.

"3. To dominate or interfere with the formation, existence, or administration of any employee organization or association, agency or plan which exists in whole or in part for the purpose of dealing with employers concerning terms or conditions of employment, labor disputes or grievances, or to contribute financial or other support to any such organization, by any means, including but not limited to the following: (a) by participating or assisting in, supervising, controlling or dominating (1) the initiation or creation of any such employee organization or association, agency, or plan, or (2) the meetings, management, operation, elections, formulation or amendment of constitution, rules or policies, of any such employee organization of association, agency or plan; (b) by urging the employees to join any such employee organization or association, agency or plan for the purpose of encouraging membership in the same; (c) by compensating any employee or individual for services performed in behalf of any such employee organization or association, agency or plan, or by donating free services, equipment, materials, office or meeting space or anything else of value for the use of any such employee organization or association, agency or plan; provided that, an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay.

"4. To require an employee or one seeking employment, as a condition of employment, to join any company union or to refrain from forming, or joining or assisting a labor organization of his own choosing.

"5. To encourage membership in any company union or discourage membership in any labor organization, by discrimination in regard to hire or tenure or in any term or condition of employment: Provided that nothing in this article shall preclude an employer from making an agreement with a labor organization requiring as a condition of employment membership therein, if such labor organization is the representative of employees as provided in section seven hundred five.

"6. To refuse to bargain collectively with the representatives of employees, subject to the provisions of section seven hundred five.

"7. To refuse to discuss grievances with representatives of employees, subject to the provisions of section seven hundred five.

"8. To discharge or otherwise discriminate against an employee because he has signed or filed any affidavit, petition or complaint or given any information or testimony under this article.

"9. To distribute or circulate any blacklist of individuals exercising any right created or confirmed by this article or of members of a labor organization, or to inform any person of the exercise by any individual of such right, or of the membership of any individual in a labor organization for the purpose of preventing individuals so blacklisted or so named from obtaining or retaining employment.

"10. To do any acts, other than those already enumerated in this section, which interfere with, restrain or coerce employees in the exercise of the rights guaranteed by section seven hundred three."

• **Board's Decisions Set Standards**— Familiar as a generality, the term unfair labor practice has many facets. In its administration of this portion of the law during the past 12 years, the Board has clarified many points of interpretation of what constitutes an unfair labor practice. Thus, crystallized concepts of unfair labor practice have emerged from the crucible in which the Board fuses sound industrial relations. The exhaustive investigations which are a part of the Board's regular case work have built up a mass of informational material on which it has been possible to predicate forward-looking decisions in the development of a wider understanding of the nature and operation of the Act, and of the rights and obligations of both employees and employers thereunder.

The act by an employer, either directly or through agents, of spying upon his employees (or keeping them under surveillance), or their representatives in the course of their organizational activities is declared by the law to be an unfair labor practice. Cases involving such an activity have been very few, the Board's records show. Illustrative of the Board's approach to this particular question is its decision in the case involving the operator of a large chain of stores who was charged with espionage. The record revealed that a meeting of the store managers was called shortly after the effective date of the law, and instructions issued to report to the management any union activities taking

place in the stores. In following out these instructions, managers stationed themselves outside the stores whenever union leaflets were being distributed, noted which employees accepted the literature and reported whether the employees' reaction was favorable or unfavorable. One manager eavesdropped on a conversation between a union representative and an employee; in another store, company representatives opened the lockers of individual workers and removed union literature. On the basis of this evidence, the Board found that the company in question had violated the law's provision against surveillance of the union activities of its employees.

In a case where it was shown that two waiters in a large restaurant, regarded by their fellow workers as "stool pigeons," had in fact reported to the management numerous incidents involving other waiters, the Board held that the record failed to show that the two waiters had acted at the request of or pursuant to the instructions of their superiors. And in another instance, the mere hiring of private detectives by an employer was found to be no violation where the detectives were not employed for the purpose of spying upon the organizational activities of the workers.

• **Company Unions** — Cases alleging employer domination of, or interference with, employee organizations (company unions) have revealed a definite similarity in the situations in which company unions have been created. Usually, as in the cases involving a drug store chain and a distributing firm, the employee organization brought under scrutiny comes into being shortly after an outside union launches an organizational drive among the firm's workers. In the case of the drug store chain, supervisory employees holding the power to hire and fire began individual discussions with their subordinates about forming an independent organization. Through these supervisory workers, plans for the organization were drawn up and printed membership cards distributed to all employees, accompanied by statements from the supervisors indicating either directly or by implication that the management approved the organization and would take a dim view of an employee's refusal to join.

In the case of the distributing company, one supervisory employee who was extremely close to the management was found to be the guiding spirit in the formation of the company union. It was he who selected certain other supervisory workers to help spread the idea of the organization, and who arranged a meeting on company time and property to establish the association. The management even accorded recognition to the group before it had adopted a constitution! And subsequently, the firm designated the same person who had been responsible for formation of this "company union"—as its representative to deal with it.

• **Consent Election Set Aside**—The drug store chain company union had won a consent election from an outside union. But when it was also shown that a supervisory employee and an attorney he hired had directed activities of the organization without consulting the membership, and had conducted an intensive campaign in the consent election under circumstances of which it was impossible for the management to be unaware, the result of the election was set aside after formal proceedings before the Board, and the association was disqualified as a company union.

In cases of this sort the Board has consistently held that it is immaterial that the employer professes to be serving the best interests of the employees and that a well-intentioned violation of the Act is none the less a violation. The prominent roles of supervisory employees known to be close to the management, in the formation of such organizations, translated the employer's own part in the employees' group into a dominant one. In such cases, although the final picture appeared to be one of harmonious industrial relations achieved through collective bargaining with employee representatives, actually each employer possessed an alter ego subject to his will, by means of which he could sit on both sides of the conference table at the same time.

• **Board Takes Over-all View** — In weighing the validity of alleged violations of the Act the Board has also developed the importance of viewing the entire picture of the relations between employer and employees, including the employer's attitude toward union organizations. In a case in point, the Board's decision read in part, "All the facts in this case must be considered in conjunction with one another. . . . Events which may appear innocent taken by themselves assume a different aspect when the entire history of the relations between this respondent and its employees is considered. . . ."

Where violations involving company unions are found, the Board orders the employer either to disestablish the company union or to cease and desist from dominating or interfering with the existence or administration of the organization, and to withdraw all recognition from and refrain from bargaining with it. Where a contract

The State Labor Relations Act provides protection for workers against interference by the employer in the carrying on of any union activities. Any attempt by the employer to interfere would be an unfair labor practice.

has been entered into, the Board directs the employer to cease giving effect to such contracts.

• **Discouraging Union Membership** —In its decisions on cases in which employers have been charged with discouraging union membership by discriminatory practices, the Board has emphasized repeatedly that the prohibition in no way authorizes any general interference with the normal exercise of an employer's right to hire and fire employees as he sees fit. Only where this power is used to foster a company union, or to prevent workers from joining or assisting a labor organization does the law operate.

This protection extends to all workers, whether or not they hold union membership. In the case of a large restaurant where several waiters were discharged for activity on behalf of a union, a violation was found even though none of the waiters had yet joined the union.

Discharge for union membership or union activity is the most common type of case arising under this part of the law. In most instances, however, the circumstances surrounding the discharge must be examined thoroughly in order to evaluate the reasons offered by the employer as cause for the dismissal. An example is the case of a shop where the most skilled mechanic, with eight years employment there, was fired shortly after he was elected to the executive board of the union of which he was an extremely active member and for which he had served as an assistant shop steward.

The employer insisted the firing was an economy measure, that the man had worked on a commission basis and had been replaced by another worker on a salary basis. However, no showing was made that any economy had actually been effected and, in addition, the employer had never proposed either a commission adjustment or straight salary arrangement to the man before dismissing him. The Board held that "it is hard to believe that the respondent would have discharged one of its best mechanics without first attempting to retain him by some adjustment of his wages. It is more likely, and we find, that the discharge . . . was intended as an example to the rest of the employees and was designed to discourage union activities."

• **Guard Against Misuse of Act** — On the other hand, the Board has maintained equally consistent vigilance to prevent use of the act to protect workers who may believe that joining a union gives them license to disregard rules and regulations or whatever other standards of conduct they are required to maintain. In the case of a large furniture store which discharged an employee who was an active union member after he made derogatory and obscene remarks to a supervisor in the presence of other employees, the Board found no violation, declaring, "It is apparent from all the evidence that (the employee) was guilty of insubordination. . . . This Act, designed to protect employees in the exercise of their rights to organize and bargain collectively, cannot be utilized as a device to protect employees when they engage in actions which reasonably justify their discharge, quite apart from any consideration as to union activity."

Use by employers of key supervisory personnel to organize company unions is a practice at variance with the purposes of the law and is defined therein as an unfair labor practice. Cases before the board have confirmed this stand.

• **Justification of Discharge** — In a case involving the alleged discharge of a group of workers because of their activities on behalf of a union, voluminous testimony was introduced by the employer concerning the conduct of the discharged employees during the period of a year prior to their dismissal. It was also brought out, however, that this evidence was gathered by supervisory employees at the instructions of the employer, after the firings. In finding a violation, the Board pointed out that such an approach "manifests a misapprehension as to the basic question involved. The Board is not empowered to and does not review the discretion of the employers in retaining or discharging employees. The sole question before the Board is whether that discretion was exercised in such a manner as to 'discourage membership in a labor organization, by discriminating in regard to hire or tenure. . . .' . . . The problem is one of motive at the time of discharge."

In finding an employer guilty of this unfair practice, the Board insists on proof, direct or circumstantial, not only that the employees involved were union members or actively participated in union activity but also that such activity was known to or suspected by the employer or to those acting in his behalf.

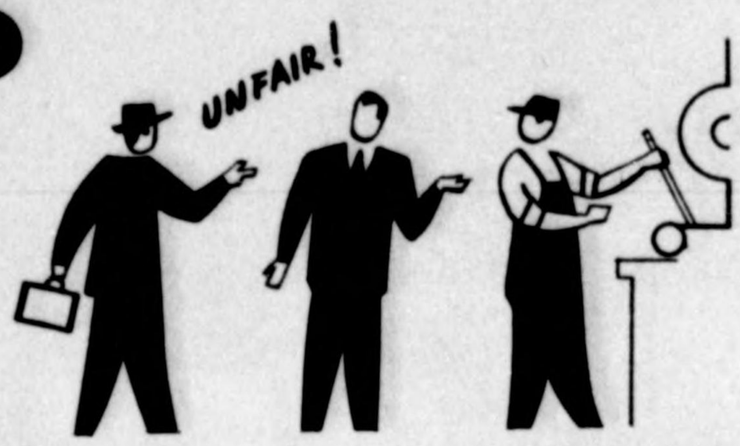
The Board has held that knowledge may be shown by testimony that the employer obtained information of union activity directly by asking the employee if he is a union member. Knowledge may also be shown by circumstantial evidence. In a case which involved this question, the evidence showed that the union activity of the employees was common knowledge in the town and on the employer's premises. In addition, a supervisor testified that he reported everything that took place in the mill to his superior and to the employers. He also testified that he had seen an employee, subsequently discharged, accept a union application card from another employee. The Board believed that the supervisor must have relayed this information to his superiors. These were some of the factors entering into the Board's determination that the em-

HOW THE STATE LABOR

in Cases of . .

UNFAIR LABOR PRACTICE

1

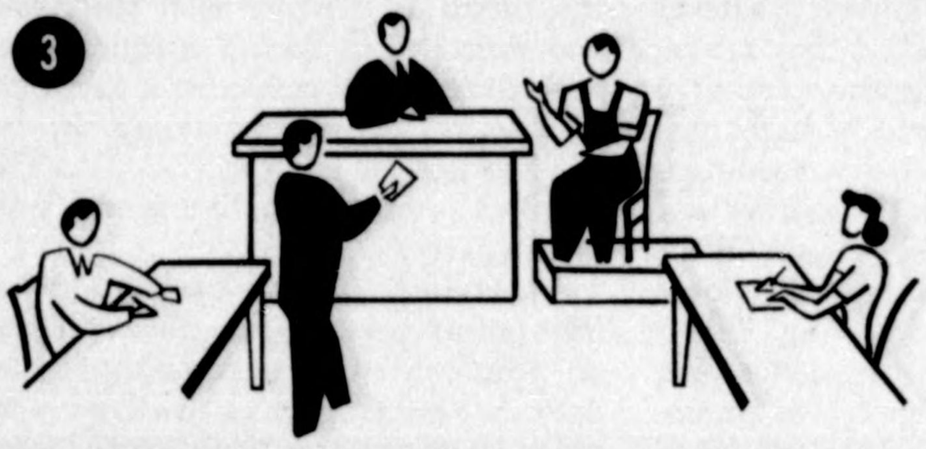


THE CHARGE—A charge is filed with the State Labor Relations Board that an employer has engaged in an unfair labor practice. The charge is filed by any person or labor organization. A staff member (labor relations examiner) is assigned to examine the circumstances surrounding the charge, so as to determine its validity.

2

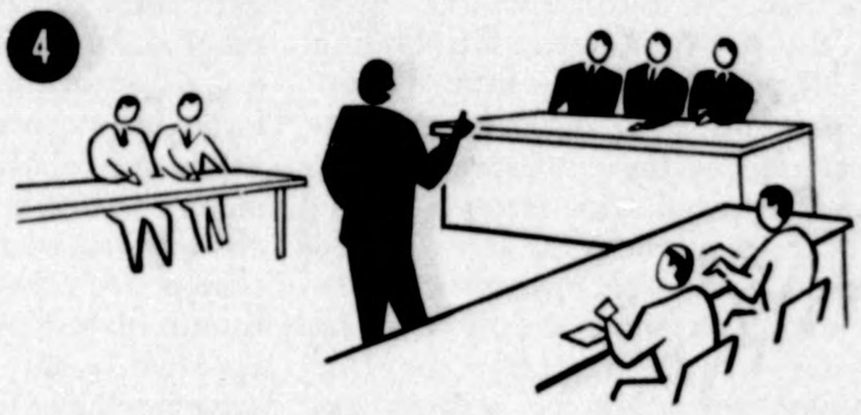
INFORMAL CONFERENCE—An informal off-the-record conference is held where all pertinent evidence is obtained and the examiner seeks to bring about voluntary agreement between parties. In most cases he succeeds, obviating Board determination. If not, he submits a report and recommendation to Board for issuance of a complaint or dismissal of charge.

3



FORMAL HEARING—At the formal hearing before a trial examiner, all interested parties have a right to appear and to examine and cross-examine witnesses. Evidence in support of the complaint is presented by a Board attorney, and the employer (or respondent), usually represented by his attorney, presents his side.

4

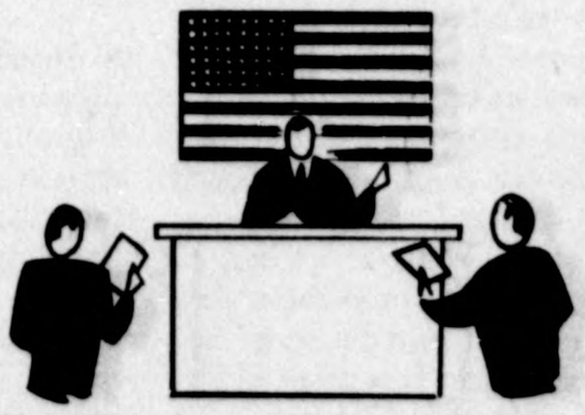


ARGUMENT BEFORE BOARD—After the formal hearing, the trial examiner issues his intermediate report, which includes his recommended decision, to the interested parties. The parties may file exceptions to the report and may, as a matter of right, present oral argument on the entire case before the Board itself.

5

BOARD'S DECISION—On the basis of all the evidence presented at the formal hearing and of the entire record, the Board, after review and deliberation, either finds that the respondent has not engaged in an unfair labor practice and thus dismisses the complaint; or it decides that the respondent has been guilty of such practice.

6



COMPLIANCE OR COURT ACTION—When the Board finds that an unfair labor practice has been committed, it orders the respondent to cease and desist, and may also direct him to remove the effects of the unlawful act. Should he fail to comply, court action is required either to enforce the order or set it aside.

RELATIONS ACT WORKS

in Cases of . .

DETERMINATION OF BARGAINING AGENT

1

PETITION—A union or an employer petitions the State Labor Relations Board to determine the employees' choice of a collective bargaining agent. The act confers full authority upon the Board to certify, after investigation, the agent chosen by a majority of a given group of employees.

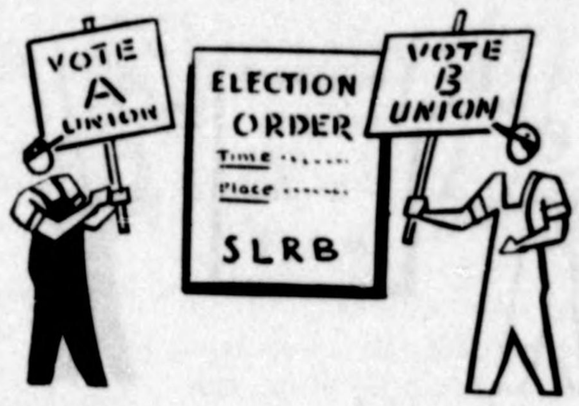
2

INFORMAL CONFERENCE—At an informal conference of all interested parties, a Board labor relations examiner tries to work out an agreement on the issues, including appropriate bargaining group, eligibility, etc. In most cases the parties agree upon issues, waive a hearing and consent to holding of an election by the Board.

3

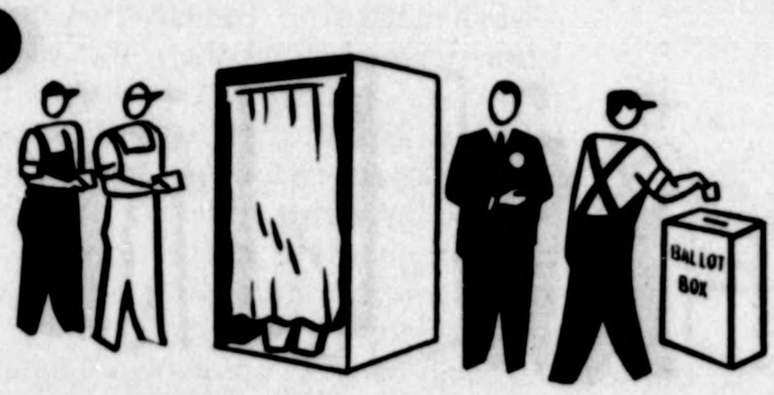
FORMAL HEARING—When the parties fail to agree and the petition is not withdrawn or dismissed, one of the Board's trial examiners holds a formal hearing to receive testimony concerning the union's claims to representation and testimony concerning the appropriate bargaining unit, eligibility, and other issues.

4



ELECTION ORDER—Following the formal hearing, the Board may order an election by secret ballot and direct the conditions under which it is to be conducted. Or it may dismiss the petition if, in its judgment, an election would not effectuate the purposes of the Act.

5



HOLDING OF ELECTION—By secret ballot eligible employees vote on whether or not they wish to be represented by the union involved. In an instance where a choice is to be made between two or more unions, the employees may elect a union; or they may vote against both or all "nominee" unions. If necessary, run-off elections are held.

6

"MAJORITY WINS"—When a majority of employees has selected a union, the Board issues a certification that such union is the exclusive collective bargaining agent. (Certification ordinarily remains in effect for at least a year.) If no bargaining agent is selected by a majority, the petition is dismissed by the Board.

In reviewing the complete record of a formal hearing prior to rendering its decision, the Board analyzes and weighs all the evidence and arguments. Here the Board listens to Staff Attorney Richard J. Horrigan (back to camera) presenting his findings on a case. From left to right: A. M. Goldberg, staff member; Board members Keith Lorenz and Meyer Goldberg; Chairman Rev. William J. Kelley, O. M. I.; William E. Grady, Jr., General Counsel; and Irving T. Bergman, Executive Secretary.

ployee was discharged in violation of the Act.

• **Discriminatory Refusal to Rehire**—Discriminatory refusal to reinstate strikers because of their efforts on behalf of a union are also held to be an unfair labor practice. In a case involving a stone and supply firm, the employer's refusal to rehire two of the most active union men — the shop steward and a spokesman for the union members—after a strike caused by the employer's unfair labor practices, was found to be a violation. In another case, the employer's refusal even to discuss reinstatement of the strikers was held to be a violation. Where the strike is caused by the employer's unfair labor practices replacement of the strikers by new employees is not accepted as justification. When an employer advanced this argument, the Board declared:

". . . under the terms of the Act employees who have ceased their work as a result of an unfair labor practice on the part of the respondent remain employees of the respondent. Accordingly the respondent could no more discriminate against such employees with regard to hire and tenure of employment because they joined or assisted the union, or engaged in concerted activities, than it could discriminate against employees who continued working for it." On the other hand, when the strike was for economic reasons only, the employer is under no duty to reinstate strikers who have been replaced.

• **Refusal to Bargain**—When an employer is charged with refusing to bargain collectively the Board must often determine questions of unit and majority status. For example, it may examine an employer's contention that the union does not represent a majority of the workers in the group or plant. A wealth of decisions have established that the Board's acceptance of the union's status as representative may be attained in a number of different ways, among them: membership application cards, a prior certification, a recognition agreement, the employer's admission that he knew the union represented his employees, or by the testimony of employees at the hearing. Also, a stipulation made by the parties as to representation has been accepted.

An employer's insistence upon Board certification through an election even though the union had presented sufficient proof of its status as representative, was rejected by the Board, which declared, ". . . there is nothing in the Act or policy of the Board which requires, as a condition precedent to bargaining, that the labor organization seeking to negotiate, in all cases present a Board certification to the employer. It is sufficient if the union has in fact . . . been designated as the representative of a majority of the employees in an appropriate unit and can present, and is willing to present, proof of such designation."

Board decisions have always pointed up an employer's responsibility to bargain during a strike. And in respect to bargaining in good faith, a Board decision has declared: "Bargaining is more than the rejection of terms. It is more than a flat assertion that business conditions make it impossible to sign an agreement. Bargaining means negotiations with an honest and sincere effort to reach an agreement by discussing and exploring each and every disputed item."

• **Columbia Valet Doctrine**—In addition to defining certain unfair labor practices specifically, the law prohibits "other acts" of interference. Interpretations of this "catch-all" section, as reflected in decisions of the Board, have adhered closely to the premise that a violation of any other subsection is not necessarily a violation of this one. The precedent-setting rationale for this position emerged in a Board decision, in 1941, in the case of a valet service and has subsequently been known as the Columbia Valet Doctrine. In that case, the Board stated, in effect, that evidence used to establish an act as a violation of one section of the law is not acceptable as the sole basis for proving the same act a violation of the "catch-all" clause. Thus, in another case, the Board found the discharge of a restaurant worker was discriminatory but rejected the argument that the employer's remarks to the worker before firing him constituted a separate violation.

Primary objective of the Board is always removal of the effect of unfair labor practices upon the rights of employees to organize and to bargain collectively. No attempt is made to punish employers found to have violated the law, but rather to restore the status quo and to bring about or stimulate the friendly adjustment of industrial disputes through establishing acceptance of the equitable standards dictated by public policy. By thus discharging its duties within the framework of the law, the State Labor Relations Board operates to maintain an equal basis for collective bargaining procedures between employers and employees, and thereby advances the interests of all segments of the economy.—S.T.B.

MAJORITY REPRESENTATION

State Labor Relations Board Safeguards Workers' Freedom In Choice of Representatives

Through determination and certification of collective bargaining representatives, the State Labor Relations Board helps to promote industrial peace. . . . Investigation of controversies concerning representation clears the way for the will of the majority to find free expression. . . . Elections by secret ballot solve knotty problems of workers' interests and union rivalry. . . .

Fundamental to the progress of industry and the welfare of the worker in New York State are the laws which have as their objective the elimination of certain causes of industrial strife. These laws serve to promote a healthy working relationship between labor and management in which controversial issues arising between them can be resolved peaceably, without the explosive violence of strikes or the costly breakdown of the process of production.

Basic to the creation of this climate of worker-employer understanding and cooperation is the establishment of a sound basis for the conduct of collective bargaining.

By the passage of the State Labor Relations Act, and through the functioning of the State Labor Relations Board, the Legislature has set up machinery whereby this basis may be established and maintained. The preamble to the Act makes it abundantly clear that "the denial by some employers of the right of employees to full freedom of association and organization," and their refusal "to recognize the practice and procedure of collective bargaining, constitute hazards to industrial peace." It adds that "the protection by law of the right of employees to organize and bargain collectively, removes certain recognized sources of industrial strife and unrest . . . and tends to restore equality of bargaining power between and among employers and employees," to the advantage of both. The act thus recognizes the hazard, and proposes the remedy.

• **Representation Essential**—The history of the labor movement in this country, as in other industrial nations, has shown that the individual worker has little or no ability to affect the working conditions under which he earns his livelihood. Only by merging his desires as an individual with those of his fellow workers who have like interests and presenting a solid front, can he attain "bargaining power." He can exercise that power effectively only through a body representative of the majority of the workers in a group linked by mutual needs, and having authority to act for the group as a whole. The worker's renunciation of his individual desires, in so far as they differ from the interests of the majority, is as essential to the process of collective bargaining as is the willingness of the employer to recognize, and enter into negotiations with, his workers' representatives.

Thus the question of representation becomes a major issue in collective bargaining—representation of the majority through representation of those workers who have interests in common. It is obvious that a non-representative body, or one which "represented" diverse or conflicting interests, would be not only ineffective as a bargaining agency but also disruptive of industrial harmony. The Board's task of determining "who, if any one, has been designated by the majority of the employees as their collective bargaining representative" is therefore a highly important one.

• **Major Work-Load**—Since the beginning of its history, representation cases have constituted the major part of the Board's work load. As the practice of collective bargaining has gained wider acceptance on the part of New York employers, and the activities of rival labor unions have increased, the number of unfair labor practice cases reaching the Board has tended to decline, whereas the number of representation cases has relatively increased. A summary of all cases reaching the Board between July 1, 1937, and February 28, 1949, shows that out of a total of 18,601 cases, 11,846, or 64 percent, were representation cases.

• **Initiative Lies With Workers** — Though the Board's objective is to promote collective bargaining as a means to industrial peace, it has no authority to initiate such action on the part of the workers. They may organize or not, as they choose. The Board steps into the picture only when a petition has been filed with it, either by the employer, the employees or their representative, alleging that a question or controversy has arisen concerning the representation of employees by a given union, or unions, and requesting investigation on the part of the Board and certification of the representatives designated or selected by the employees.

On receipt of such a petition, the case is assigned to a staff Labor Relations Examiner for investigation and conference with all interested parties. He obtains information and the contentions of the parties relating to the issues presented—such as the petitioner's proof of interest or representation, the unit appropriate for collective bargaining purposes and the existence of a question or controversy concerning representation.

• **Evidence of Controversy**—The first task in the Board's investigation, therefore, is to examine the evidence produced by the petitioners in support of their allegations that a question or controversy concerning representation does exist. To this end conferences are held with all parties mentioned in the petition, either separately or at joint informal meetings. If the evidence produced at these preliminary conferences is insufficient to establish the fact that a controversy exists, the Board will dismiss the case. If, for instance, an employer confronted with evidence produced by a union, admits that that union represents a majority of his employees, or if one of two unions mentioned in a petition disclaims representation and the employer declares his willingness to bargain with the other, or if it is disclosed that he has already recognized a union by entering into a valid collective bargaining agreement with it, the Board

The initial step in an election. Two Board agents, with official observers representing labor and management, witness the signature of the prospective voter before he receives the ballot.

rules that there is no controversy. On the other hand, if a single union claiming to represent a group of the employees fails to offer sufficient evidence of the desire of the workers to organize under its leadership—in the form of employee union membership cards or petitions — dismissal generally follows. The evidence presented by the union need not show that it has the adherence of the majority of the workers, but, as a matter of administrative policy, it is required to show that interest on the part of the workers is sufficient to justify further investigation leading to an election.

• **The "Appropriate Unit"** — The Board has the sole authority to determine the appropriateness of the bargaining unit. So many and varied are the ramifications of this issue, that the question of the "appropriate unit" is always one which may result in controversy, whether between rival unions or between the employer and the group of workers seeking representation. When the Board finds that the unit sought by the petitioner is grossly inadequate for collective bargaining purposes, it will dismiss the petition for the reason that "no question or controversy exists with respect to the representation of employees *within an appropriate bargaining unit.*"

Thus the Board would probably dismiss a petition in which a union claimed as appropriate a unit limited to male service workers in a hotel, but excluded the female service workers, who performed similar tasks, were paid on a similar basis, worked during the same hours and under the same general conditions. Likewise a union's petition seeking certification as representative of all the barbers in a barbershop save one, the one thus ostracized being outspokenly opposed to unionization, met the same fate.

In the above instances, where the inappropriateness of the unit is readily apparent, the unit sought was smaller than the Board would have deemed appropriate. Conversely, when the unit desired is larger than that which the Board finds appropriate for the purposes of collective bargaining, the same result will ensue. An employer may seek to have supervisory personnel, having either the authority to hire and fire employees or to recommend appointments, promotions and discharges, included in the unit, or, in a unit covering clerical personnel, he may seek to include confidential employees, workers who may have knowledge of the labor relation policies of management. The Board takes the position that such employees should not be included in a unit representative of rank-and-file workers. Again, a union requesting collective bargaining status may seek to represent workers in varied job classifications having little in common in matters of wage rates, hours and other working conditions. Thus while a unit including the elevator operators, starters, porters and maintenance men in an office building might be considered appropriate, a unit which would cover both these groups of workers and the cleaning women and attendants employed in the same building on a part-time basis, at different hours, paid according to a different method and scale, might be adjudged inappropriate.

• **Mutuality of Interest** — Lack of contact between groups of workers having essentially similar functions, by reason of the geographical separation of their working places, might also be considered sufficient reason for a determination by the Board that a unit including all workers in similar job classifications hired by the same employer but employed in different localities throughout a wide area and having little opportunity for discussion of their common working problems, would be inappropriate. Such a ruling was handed down by the Board in the case of a petition filed by two unions seeking to represent all the sales personnel of a chain store company having stores in the five boroughs of New York City and in outlying rural areas. In this case, however, the Board also gave due weight to evidence that the city workers had demonstrated their endorsement of organizational activities and that the workers in rural districts had evinced little interest.

Where basis exists for finding a unit other than that sought as appropriate, the Board has considered requests for the alternative unit rather than dismiss the petition. To do otherwise might deny representation to an appropriate group of workers. The Board, at its discretion, excluded from the unit employees whom the union, or the employer, sought to include, and included those whom they sought to exclude. Thus when there are alternative unit contentions by the petitioner and the employer, or between rival unions, the practice is to find the existence of a question or controversy, determine the appropriate unit, and continue the investigation with the ultimate purpose of ascertaining the desires as to representatives of the majority of the workers in such unit.

• **Craft Units**—The Board's authority to determine the appropriate bargaining unit is limited by a clause in the Labor Relations Act which states that "in any case where the majority of employees of a craft shall so decide, the Board shall designate such craft as a unit appropriate for the purposes of collective bargaining." This clause recognizes the mutuality of interest existing among so-called "craftsmen" and arising out of their common background and training. However, training is not the sole, nor necessarily the major, criterion in the determination of a craft unit. Of great importance is the relationship of one group of employees to others in the employment or production set-up. Thus the Board has found apprenticeship and experience, special skills, lack of interchange of functions with other employees, and organizational activity

along craft lines good and sufficient reasons for the recognition of a craft unit.

The Board recognized the butchers employed by a chain-store company as constituting a craft, and allowed them to vote as to whether they desired to bargain separately as a craft unit or to cast their lot with the other employees. In a department store case, it was asserted that women's shoe sales people constituted a craft. The Board ruled that these employees were a homogeneous group and constituted an appropriate unit. It was unnecessary, therefore, for it to resolve the craft issue.

• **Informal Conferences**—The above discussion of the Board's approach in representation questions indicates the course which such investigation will be likely to take. After a petition is filed, all of the interested parties are invited to attend an informal conference. The contentions of the parties relating to the issues are obtained. Adjustment of the dispute, or agreement between the parties on the course of action necessary to bring about adjustment, may occur, and indeed most frequently does occur, at this stage. For instance, where a single union claims to represent the majority of the workers in an appropriate unit, and the employer contends that no such majority representation exists, examination of union membership cards or petitions signed by his employees may convince the employer that his position is untenable. As soon as a representative of the majority of the workers has been designated the employer has a duty to bargain collectively with that representative, whether or not it has been certified by the Board. The employer may then and there agree to recognize the union and to enter into bargaining negotiations. Or, if there is doubt or a denial of the union's claim to majority representation, the employer and the petitioning union may agree to abide by the results of an election by secret ballot, conducted under the supervision of the Board. Such an election is termed a *consent election.*

Similarly a consent election may also be agreed to when two or more rival unions contend for recognition. Although the Act provides that the Board may determine the desires of employees as to representation by "any other suitable method," it considers election by secret ballot the best means of removing any doubt and the fairest method of determining the choice of collective bargaining representatives.

Moreover, the use of the ballot in representation matters secures for the result the wide acceptance and respect generally accorded the successful candidate in a political contest and ends pre-election rivalry.

The Board has established the practice of posting on a public docket lists of election petitions filed each day. The purpose of this practice is to afford unions which may have representation among the employees involved an opportunity to establish their interest and intervene in the proceedings. In instances where it develops that some other labor organization may have an interest, direct notice is sent to it.

In those situations where the interested parties do not agree to the holding of a consent election or are in dispute as to the matters relating to the appropriate unit, eligibility, etc., the case will proceed to a formal hearing before a designated trial examiner.

It is, however, a matter of great satisfaction to the Board, and credit to the interested parties that almost 90 percent of all representation cases filed with the Board are resolved without the necessity of formal hearing. The work of the Board in bringing about such satisfactory results at this informal stage is discussed more fully on pages 27-29.

• **Formal Hearings** — Whenever the parties in representation cases fail to dispose of the issues by mutual agreement, a report of the informal conference is submitted to a member of the Board. The Board then orders a formal hearing on the petition and fixes the hearing date. Notices are sent to the employer, the petitioning union or unions, and to any other labor organization shown during the course of the informal conferences to be an interested party. Notice of the hearing is usually accompanied by subpoenas directing the respective parties to furnish specified documents, such as payroll records and classification of employees, copies of labor-management contracts and evidence that the employees involved have designated the petitioning union, and the intervening union, if any.

Hearing of the case is before a Trial Examiner. Representation cases are usually tried by the legal representatives of the employer and the union or unions concerned, though occasionally the employer may appear in his own behalf and the union may be represented by one of its officers or its business agent.

The purpose of the hearing is to obtain a full formal record of the material issues from which the Board renders its decision. It is not unusual during the hearing stage for the parties to reconcile their differences and consent to the holding of an election.

The provision of the Act that the Board is not bound by technical rules of evidence applies both in unfair labor practice and representation hearings. However, rules of evidence as applied in the courts are generally followed. Witnesses are examined and cross-examined similar to court procedure, and documents (except for those revealing the names of employees who have designated a union) are subject to examination and scrutiny.

After the hearing, the Board reviews and analyzes the formal record, and makes its final determination. Its decision and order either directing that an election be held, or dismissing the proceeding is served on all interested parties.

• **Election by Secret Ballot** — An election, whether ordered by the Board or agreed to by the parties involved in the controversy, is in reality a continuation of the investigation, for it is the next-to-the last phase, leading either to the certification of the union polling the majority of votes, or to the dismissal of the petition when no majority is obtained either by a single petitioner or by one of two or more contenders.

Preparations for either a consent or an ordered election proceed swiftly, since the Board's purpose is to put an end to an industrial controversy with all speed, particularly when the dispute over representation has led to a strike called by the supporters of one or more rival unions. The Board's decision and direction of election sets forth the appropriate unit, defines eligibility, and directs the holding of the election within a reasonable time. Eligible voters are employees within the appropriate groups who were on the payroll of the employer during the payroll period fixed by the Board.

Where strikers are involved, the Board is required to determine their eligibility to vote. Generally, those strikers whose employment has ceased because of a current labor dispute and who have not obtained any other regular or substantially equivalent employment are permitted to vote.

• **Voting Percentage High** — The percentage of eligible workers appearing at an election held under the auspices of the Board is usually high. Actually 90 percent of persons eligible

This maintenance worker studies the official ballot before entering the curtained booth. His X will be a vote for or against union representation.

to vote in the more than 3,700 elections held during the Board's entire existence have appeared at the polls and cast their ballot. In the election depicted on these pages, 79 of the 87 eligible employees cast their ballots, 75 voting for the union, four for no union. Cases where a single union fails to get the support of the majority are not rare, however. Where two or more unions are involved and the total of the votes in their favor constitute a majority, without one of them receiving a clear majority, provision is made for a run-off election.

• **Certification Establishes Representation**—When the tally shows that the majority of the voters are in favor of representation by a particular union, the Board certifies that union as the sole collective bargaining representative for all the employees in the voting unit, authorized to enter into negotiations with the employer concerning wages, hours and other working conditions. This certification ordinarily remains in effect for one year, and "until such time as it shall be made to appear to the Board that the certified representative does not represent a majority of the employees within an appropriate unit." The Board is not concerned with the perpetuation of the power of any particular bargaining representative as such. It *is* concerned, however, with the continuance of the collective bargaining process. If after the end of the certification year, the functions and interests of the workers in a particular group may have changed, or if its bargaining representatives can no longer claim its allegiance, then the Board will accept a petition for investigation of the resulting controversy. The Board's certification usually institutes a long-term bargaining relationship. It is the initial step which management and labor may take toward an amicable, effective and continuing worker-employer relationship.

A list of eligible voters is posted prior to the election in the employer's place of business. An opportunity is thus provided for the deletion of the names of those not eligible to vote and the addition of other names inadvertently omitted. An official notice of election, setting forth the purpose of balloting and all pertinent instructions as to eligibility, time and place of election, etc., is also posted and copies of this notice are distributed to all eligible voters together with a sample of the ballot.

The balloting is so conducted as to ensure the fairness and secrecy of the election. Each of the interested parties is allowed to have one or more observers present at the voting place. The Board's agents in charge of the election have available a list of the authenticated signatures of all eligible voters. As he enters the polling place, the voter is required to identify himself, usually by means of a Social Security Card, and to sign a register. The Board's agent checks his signature against the list of authenticated signatures. If the identification is satisfactory, he receives an official ballot from the Board's agent who instructs him to put an X in the box on the ballot which represents his choice, but not to sign his name, to fold the ballot before leaving the curtained voting booth, and to place it in a sealed ballot box in full view of all observers. After the election time has elapsed, the polls are closed and the Board's agents tally the ballots in the presence of the observers.

Official ballots vary according to the number of unions seeking representation. In the election pictured on these pages, where only one union was involved, ballots contained only two ruled off spaces or "boxes," permitting the voter to register his choice either for the specified union or for no union at all. Where more than one union is concerned, appropriate boxes are provided for the choice of Union A, Union B, etc., or for no union.

During the balloting, the observers for the interested parties have the right to challenge the eligibility or identity of any person who presents himself to vote. Such voter may be permitted to cast a challenged ballot, which is placed in a sealed envelope before being deposited in the ballot box. Only where the number of challenged ballots may affect the outcome of the election, will the Board conduct a hearing and take testimony to determine the validity of the challenge. Should the Board overrule the challenge and find that the voter was eligible, it will direct the opening and counting of the ballot.

• **Geared to Speed**—The Board's machinery is geared for quick determination of industrial disputes within its jurisdiction (both in the informal and formal stages) where the issues involved and the positions of the parties permit such handling. For example, in a representation proceeding in which a union claimed majority representation of approximately 1,000 employees in the employer's main office and various branches throughout the city, the parties at a preliminary conference indicated their readiness to agree upon the factors necessary to a consent election. The employer, however, preferred to have the Board direct the election rather than grant its consent. Both the union and the employer were anxious for a quick election and joined in a request to the Board for a speedy determination. The parties adjourned from the conference to a hearing room, a Trial Examiner was assigned, the parties waived their right to receive a notice of hearing, and the required record was obtained. The Board's Decision and Direction of Election was issued within 48 hours following the close of the hearing and the election conducted shortly thereafter.

Another representation proceeding

(Continued on page 29)

For or against? No one can tell how this elevator operator cast his vote. The secrecy of the ballot assures him against reprisals and safeguards his freedom of choice.

SOLUTIONS BY AGREEMENT

Informal Methods Used By Board Help to Settle Large Majority of Cases

Voluntary agreements save time and money for both disputants and State, and, more important, save hard feelings between employers and employees.... Believing that informal settlements by agreement are more consistent with the spirit of the State Labor Relations Act, the Board encourages parties to resolve their differences by voluntary compliance. . . . Such settlements are conducive to improved employer-employee relationships. . . .

The fact that roughly 90 percent of all cases coming before the State Labor Relations Board are closed without necessity for formal hearing is a clear reflection of the Board's staunch policy that settlements by voluntary agreement between the parties are preferable to settlements based on Board orders. This policy, frequently evident even in the course of the Board's formal proceedings, is kept constantly in mind in the Board's dealings with disputants in labor controversies. An obvious advantage in informal settlements is the tremendous saving in time and expense. If every case filed with the Board had to be formally adjudicated, ten times the Board's present staff would still be inadequate.

• **Mediatory Approach**—But there is another still more important advantage in settling labor disputes informally. It lies in the simple human principle that people normally prefer their own decisions to those made by an outside force and imposed upon them. When an employer and a union reach a voluntary agreement each will abide by it with a better will than if the agreement had been dictated by a third party. Experience has shown that this type of agreement provides a firmer basis for future harmonious relationships between employers and employees. The Board strongly encourages informal settlements of the cases filed with it because it considers these settlements more consistent with the bargaining principle which the Act is designed to promote. Actually, when a case has to be resolved by a formal Board order, there is an element of compulsion and unless good faith exists on both sides, the chances are that future disputes may arise.

Although the State Labor Relations Act specifically forbids the Board or its staff to mediate, conciliate or arbitrate labor disputes, it states clearly that the prohibition is not intended to prevent the Board from seeking to obtain voluntary adjustments and compliance with the Act in accordance with its purposes and policy. Thus, in the preliminary investigation of a case there may be used mediatory techniques such as persuasion and suggestion, consistent with established policy, as will aid in obtaining settlements.

• **Investigations** — Initial conferences to investigate election petitions or unfair labor practice charges may be between a Board's staff member and either party, or, more often, with both parties. There are no rigid rules for conducting investigations and there is wide latitude in the choice of techniques. The parties present their positions and submit such documentary evidence as they may deem pertinent. Admissions and discussions at these informal meetings are "off the record," being inadmissible as evidence in any formal hearing which might thereafter be held. This assurance that nothing they might say will be used in formal hearing encourages the disputing parties to talk more freely and greatly increases the chances of obtaining a voluntary settlement.

Investigations are more than mere verifications of petitions or examinations of evidence. They may be compared to the pre-trial conference proceeding adopted by the courts. The evidence is sifted in order to evaluate the true positions of the respective parties. In the course of the investigation, each party will have opportunity to examine his opponent's real position, so that he may re-appraise his own position and form some idea as to his chances of success in a formal hearing. It is at this stage of a case that a union may decide to withdraw its charge of unfair practice when it is shown that supporting evidence is too flimsy, or an employer may become convinced that such evidence is conclusive and agree to correct his objectionable actions.

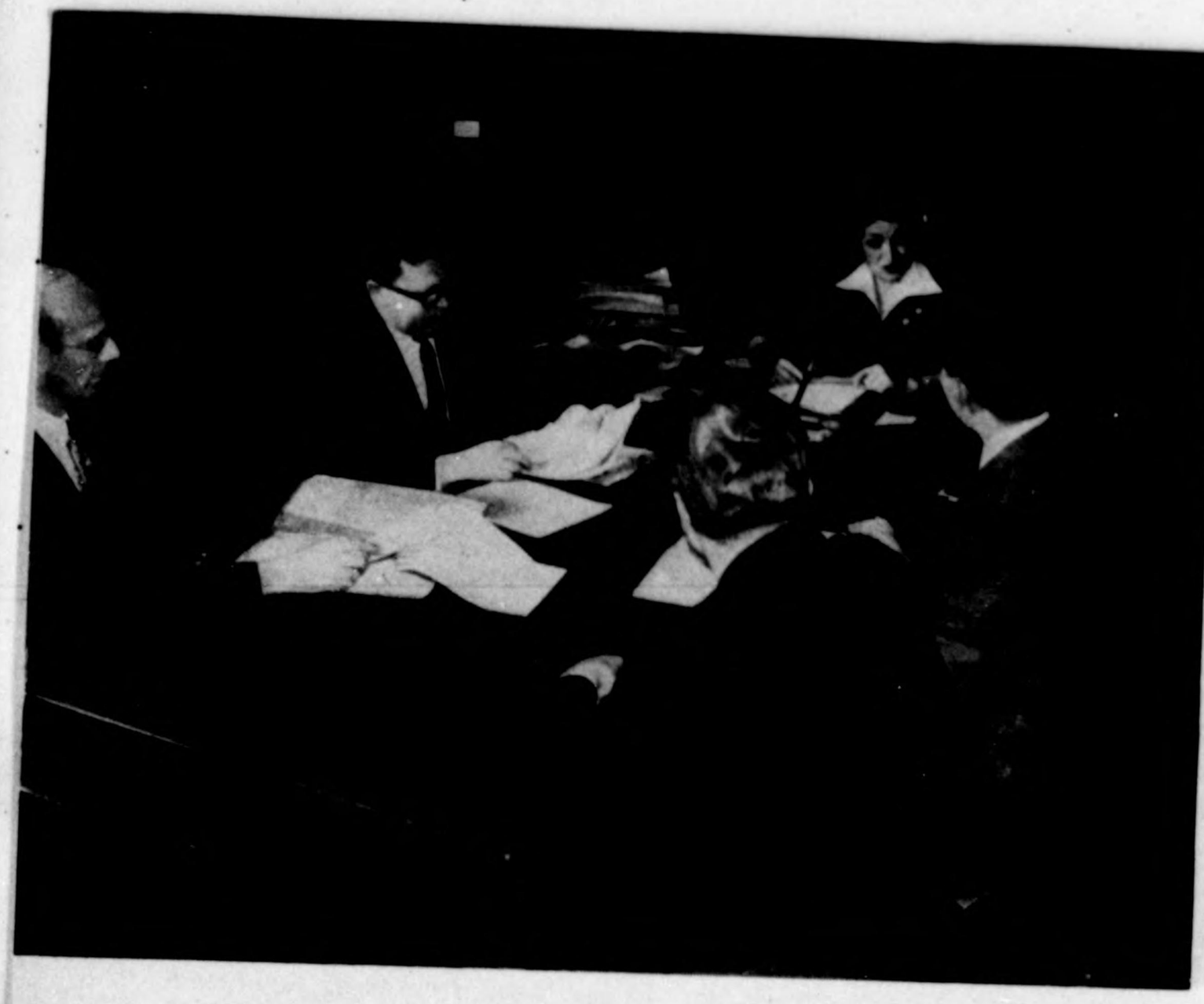
• **Importance of Informal Procedure** —From the foregoing it is easy to conclude that the informal procedure is an important phase of the Board's work. Approximately 90 percent of all cases filed with the Board are disposed of in this stage and, consequently, the parties involved form their opinions of the State Labor Relations Board from their experiences in this stage. Frequently, the handling of a case requires the rare combination of psychologist, economist and diplomat. And in addition to these essential qualifications, familiarity with Board and court decisions is necessary, as is a thorough knowledge of labor and management problems which can be acquired only through practical experience in the field.

There is no set method for obtaining settlement of a labor controversy by voluntary agreement of the parties. Techniques used will be as varied as the personalities, facts and issues in different cases.

• **Unfair Practice Cases**—In accordance with the over-all objective of the Act—the creation and maintenance of a harmonious industrial climate—each individual case is approached with the realization that every labor dispute involves an actual or potential strike. In handling a case, the existence of tension between the parties is recognized and efforts will be made to allay this tension. It becomes a natural part of the activities to seek to dispel the distrust and suspicion existing between the disputing parties, and to develop mutual confidence and respect between them.

Out of these efforts come voluntary settlements which not only resolve the unfair labor practice charge but often the larger disputes of which the charge or charges are a symptom.

In one such case, wherein a key union worker was fired during a period of union organization in the



Conference being conducted by woman Labor Relations Examiner from Labor Relations Board staff. Many informal settlements result from conferences such as this.

establishment, the discharged worker refused to leave and 17 other employees stopped working in protest of the dismissal. All 18 left the premises when the employer summoned police, and the employer promptly fired the protesting 17, whereupon all the remaining workers in the plant but five struck. When the employer refused to discuss the issue with the union, a charge of unfair labor practice was filed against him.

During the ensuing conferences, the employer reconsidered his position. He reinstated all 18 workers, the charge was withdrawn with the approval of the Board, and harmonious employer-employee relations were restored.

The period during which a union is organizing the workers in an establishment frequently gives rise to incidents which reach the Board in the form of unfair labor practice charges. Informal settlement of these cases not only averts or repairs a potentially serious industrial relations rift but often brings unsolicited testimonial to the services of the Board. A welding company employer, charged with discriminatory firing while a union organizing drive was on, preferred to settle without going to formal hearing. He not only agreed to grant the dismissed worker back pay and preference in re-hiring but commended the Board's handling of the case.

The role of arbitrator in handling unfair labor practice cases is never assumed although the Board is often requested to do so. Frequently, however, its activities will resolve a dispute even after efforts by other agencies have failed. When negotiations between a restaurant chain and a union which had won certification reached an impasse and even efforts at mediation had proven fruitless, a charge of refusal to bargain in good faith brought the matter before the Labor Relations Board. In preliminary conferences the parties resolved their differences and the union withdrew its charge.

The renewal or renegotiation of collective bargaining contracts are also frequent sources of dispute from which unfair labor practice charges originate—as in the case of an engraving company where labor-management conferences on contract renewal stalled and defied all efforts of conciliation services. A strike occurred and a charge that the strikers were victims of discriminatory discharge brought in the Labor Relations Board. Without ever reaching the stage of formal hearing or even issuance of complaint, the matter was adjusted completely, including renegotiation of the agreement.

Speed in arranging conferences of parties to a dispute is another dividend paid through the informal adjustments of the Board. When the employer of a metal works rejected the union's bargaining demands and closed down the shop, charges of refusal to bargain and discriminatory lockout of 27 workers brought the parties together in conference at the Board's offices. In three days, the employer had agreed to recognize the union and to bargain —hence the charges were withdrawn and the strike was ended.

Not unusual also, are instances like the case of a cleaning and dyeing plant charged with discriminatory firing of one employee and interference during a union organization drive. A strike was called the day after the charges were filed with the Board. The parties were called together the same day and three hours after the conference opened, the strike was ended after the employer had agreed to rehire the worker and to post notices in the plant, affirming the employees' rights in regard to union activity and collective bargaining.

• **Representation Cases** — The initial step in representation cases is preliminary discussion of the nature of the "controversy" alleged in a petition and definition of the issues on which the employer and the union or unions involved disagree. This of itself is an aid to settlement. Submission of *evidence* in support of a claim made by any party and the sifting of that evidence may lead the protagonists to reexamine their respective positions. Informal conferences thus offer disputing parties a first opportunity to submit their arguments to the test of analysis. They do more. They provide the opportunity to enlighten contending parties as to their rights and obligations under the State Labor Relations Act. Moreover, the parties may be apprised of the action taken by the Board on like issues and of the legal precedents established by the courts in actions brought to enforce or to set aside orders issued both by the National and the State Labor Relations Board. The mere citing of such precedents often lead parties to deduce what might be the possible end result of formal investigation. This fact-finding and educational process has often led to speedy voluntary agreement.

• **Cornerstone for Cooperation**—Instances such as the following are illustrative of many amicable solutions which go far beyond the mere settlement of the immediate controversy and lay a firm foundation for future harmonious collective bargaining relationships.

The employer of an advertising dis-

play manufacturing company, who had long held out against the wishes of his employees for representation, sought the advice of the Board at 10 o'clock on the morning on which 300 of his employees went out on strike. Preliminary conversation led the employer to file the necessary petition, whereupon the representatives of the union involved were called to attend a conference in the afternoon. The preliminary interview with the employer revealed the probable motivation for the strike and made him aware of his obligation to deal with any organization representing the majority of his employees.

Proof of majority representation was furnished at the ensuing conference. The employer agreed to bargain with the union; the union agreed to call off the strike. Then and there a contract was drawn up agreeable to both parties. The conference was about to break up amid mutual congratulations when the employer received a phone call from his plant superintendent notifying him that the non-striking workers, who were about to leave the plant, were being threatened by the strikers. Should he call the police? Thereupon the union representatives contacted the strike leaders and persuaded them to assemble the strikers into the union hall, there to await the announcement of the contract. By 4.30 P.M. the case was closed.

• **Precedent Persuades** — While bargaining negotiations were in progress between management representatives of an oil company and representatives of Union A, which had organized its fuel oil service workers, Union B, an independent union, sprang into being. The employer thereupon suspended negotiations with Union A and filed a petition with the Board. Union A called a strike, picketed the employer's premises and demanded the discharge of workers who had joined the independent union.

Preliminary investigation disclosed that Union B had been formed with the blessing of management, by highly placed employees of the company, who had encouraged employees to abandon Union A. During a conference at the Board's offices, the employer was advised of a recent decision of the National Labor Relations Board in which the U. S. Supreme Court had ruled against an independent union formed under similar circumstances.

The ensuing conference between the employer and the representatives of Union A was one in which they needed no prompting. In short order the employer and the Union signed an agreement in which the employer pledged himself to resume bargaining negotiations and to rehire all Union A members, and the union agreed to withdraw its picket lines and call off the strike. For good measure, Union A volunteered to admit all former adherents of the independent union into membership, without discrimination.

• **Trial by Election** — The forceful logic and tactful guidance of the Board are also called into play when the controversy results from the rival claims of two unions. During the life of a contract with an independent union, employees of a Harlem department store organized by a local affiliated with the CIO, struck and picketed the store. The union having the contract filed a petition with the Board and threatened to cross the picket line. It claimed that the CIO affiliate had interfered with its bargaining relationships, while the latter charged the employer with favoring the rival union and refusing to bargain. Informal conferences revealed clearly that the contracting union could offer little evidence of majority representation whereas the CIO union presented substantial claims to the allegiance of the workers. The Board respects a contract and will not intervene except where it can be shown that the union having the contract did not represent the majority of the workers.

This balancing of claim and counter-claim and the searching examination of the facts was sufficient to bring both unions to consent to an election. The date of the election was fixed, both unions agreeing to carry on their organizing campaigns in the interim and the employer to maintain neutrality until after the election. So that the union winning the decision might have a clear mandate to bargain for the workers, all parties consented to shorten the life of the existing contract by one month, its termination coinciding with the election date. Agreement to shorten the life of a contract is extremely rare and doubtless resulted in this case from the clear indication of the weakness of the petioning union's case. The CIO union won the election and proceeded forthwith to negotiate a new contract.

• **Informal Dismissal** — A charge in an unfair labor practice case is no more than an allegation by the party filing that the employer has engaged in or is engaging in an unfair labor practice. In many cases, a careful evaluation of the facts produced in the preliminary investigation establishes that the charge lacks merit or that the evidence is insufficient to impel the Board to authorize a complaint. Such cases, if not withdrawn, are dismissed without formal hearing. Similarily, petitions for election are withdrawn or dismissed as a result of informal investigation. Not infrequently, the investigation of a charge or petition will result in withdrawal or dismissal for lack of jurisdiction or merit and the case closed, without the employer named therein having been notified of the filing of the case.

• **Ninety Percent Average** — Adjustment of a controversy concerning representation without formal hearing is the goal of the Board. This goal is attained in almost nine out of every ten cases handled by meeting every situation according to its merits, dissipating the confusion of those ignorant of the law, suggesting a face-saving solution to those unwilling to concede defeat in an argument, circumventing the evasive and making clear to the recalcitrant that the way of strike and litigation is a more devious, harder, more bitter road to tread than the peaceful highway of voluntary agreement.

MAJORITY REPRESENTATION

(Continued from page 26)

was accompanied by a strike of a number of employees engaged in repairing of electrical appliances. The principal issue in the strike concerned the question of recognition of a union which claimed to represent the striking employees. No agreement was reached at the Board's preliminary conference. In line with its policy of granting preference to strike cases, the Board scheduled an early hearing at which the parties shortened the formal record by stipulations. The Board expedited the issuance of its Decision—including a determination of the controversy between the parties concerning the right of the strikers to vote in an election. With the issuance of its Decision and Direction of Election within three days after the close of the hearing, the strike was ended and the employees returned to work.

By thus providing for clear-cut determinations which give genuine stability to subsequent collective bargaining negotiations, the State Labor Relations Board makes a vital contribution to the maintenance of industrial peace.—M.H.L.

SCHOOL FOR SALESMEN

Syracuse Firm's OJT Program Trains Veterans as Salesmen For Electric Tools, Machines

On-the-Job Training program for salesmen, climaxed by a ten-week cross-country field tour, prepared trainees to service, repair and sell portable electric hand tools and industrial machines. . . . Course included lectures by plant officials on evey phase of the manufacturing process, machine shop work, advertising, bookkeeping. . . .

A thumbnail description of the Porter-Cable Company's training plan for salesmen might read like an Army recruiting poster trumpeting the excitement of military life: "Travel, Adventure, Education, A Good Job."

The ex-GIs who, through the State Labor Department's On-the-Job Training program, learned how to sell the portable electric hand tools and industrial machines produced by the Syracuse plant, found a transcontinental jaunt included in the carefully planned training schedule.

The Syracuse-Los Angeles-and-return junket was no joy-ride, and you can take the word of the trainees for that. In the OJT program recently completed at Porter-Cable they toured abrasive plants, attended technical clinics, and got some practical experience in the demonstration of Porter-Cable machines at fairs, shows, and exhibits during the ten-week tour.

• **Lectures and Shopwork**—The trip marked the successful completion of a year's stiff training. The program included lectures by officials and foremen of the plant covering the entire process within the factory. Much of the classroom work was conducted by Edward Horton, methods engineer, who started the veterans out with a quick refresher course in physics. Then the machine shop became the focal point of training, and for long days the men learned by practice the set-up and operation of the various machine tools, die assembly, use of measuring instruments, and some instruction in blueprint drawing and reading.

Porter-Cable salesmen must be able to trouble-shoot, repair and service the equipment they sell, and this phase of training fitted them for that aspect of their job objective. An intensive course in the comparison of Porter-Cable methods and the uses and limitations of their machines with the products of competitors rounded out the shop-work and laid the first foundations for the sales training phase of the training schedule.

The next step in the program involved the analysis of the machines with much stress on their disassembly and reassembly. Porter-Cable models were demonstrated and their uses described. Training films, showing the machines in practical operation, were used, and the student was carefully examined on each machine before moving on to the next one.

An extensive salesmanship phase, covering sales psychology, promotion and follow-up was next on the training agenda. Types of selling including exhibits, phone, direct mail, clinics, surveys, mass selling—filled in some more pieces in the jig-saw of a successful salesman. Advertising, an important aspect of selling, came in for its share of the training limelight.

• **Records, Reports, Tests** — Service work is extremely important in the Porter-Cable scheme of things, and the men correlated their shop training with some schooling as to records and reports for service work.

Winding up the formal part of their training, the men were lectured on their responsibilities to the home office in the matter of reports and bookkeeping, and were given their territorial assignments.

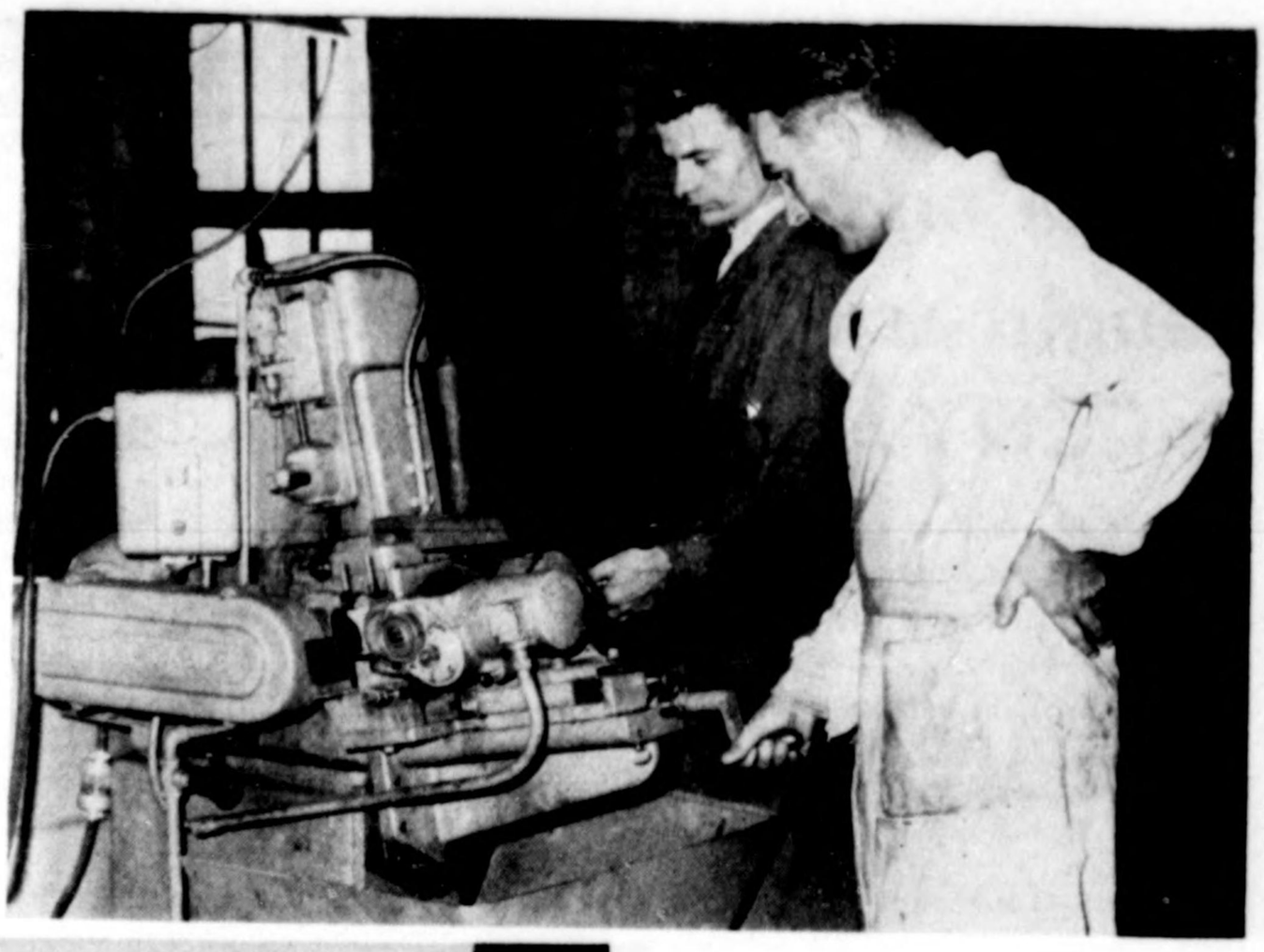
Checking the retention capacities of its trainees, the company put them through three weekly written tests per month. A monthly examination covering the entire month's training was given, and a final examination, both written and oral, finished up the course.

This program, processed through the Labor Department's Syracuse District On-the-Job Training unit and approved by Assistant Commissioner Joseph Teatom, is only one of a great variety of OJT programs through which Syracuse area veterans have prepared themselves for contribution to the State's economic life.

The Syracuse District is second only to New York City in the number of approved OJT programs now in operation. Its economy is made up largely of many small, flourishing industries whose operations are especially adaptable to the OJT plan, benefitting both employer and employee.

Edward Horton (center), instructor for many of the training steps, demonstrates a portable handsaw to trainees. Trainees learned to disassemble, repair or replace defective parts, and reassemble every machine they sell.

Familiarity with all Porter-Cable products was a must for trainees. Their On-the-Job Training program for salesmen featured lectures by plant officials on the Porter-Cable Company's factory process. A refresher course in physics followed by intensive machine shop training with some instruction in blueprint reading introduced the program. Prospective salesmen were prepared to repair and service the machines and tools they sell. Shop training was tied in with schooling on reports for service work. The salesmanship phase of the course included discussion of sales psychology, promotion, various types of selling. Here, trainees Harold Hickey and Joseph Diamond learn operation methods on a Porter-Cable grinder. The program completed, they received territorial assignments.



To tie in their training with related industries, Porter-Cable trainees joined schools with other firms. Here, Porter-Cable and Crucible Steel Company of America trainees hold a joint session. Left to right: David Hall, (Crucible); James Demay, (Porter-Cable); Donald Crossett, (Crucible); Joseph Diamond, (Porter-Cable); Edward Horton, (Porter-Cable), instructor; Harold Hickey, (Porter-Cable); James McShane, (Crucible); Leonard Crenan, (Crucible); and Robert Leslie, (Crucible). The Porter-Cable Company's salesman training program was concluded by a transcontinental field trip on which trainees visited abrasive plants, technical clinics.

Graduates of the Porter-Cable Company's On-the-Job Training program for salesmen, and happy to be on their way, Harold Hickey (left) and Joseph Diamond, work out an itinerary for their next sales trip. During the training porgram, trainees were given three written tests per month as a check on their work. Monthly examinations reviewing an entire month's instruction were also used. To complete their course, trainees were required to pass a final examination, both written and oral. Each man was then given his sales territory. Both Hickey and Diamond are veterans of five years in the Army. Their On-the-Job Training program was approved through the Syracuse office of the State Labor Department.

GREEKS HAD A THEORY FOR IT

Cause and Effect of Accidents Taught as Philosophy of Safety In CCNY Adult Education Class

System of accident control, developed by Alfred Lateiner, and designed for foremen and supervisors, is studied in City College of New York. . . . Courses, which began as library lectures, now also given at factories, mills, department stores. . . . System is based on theory of Greek philosopher that "nothing happens without cause." . . .

The oversized dominoes clattered to the table top. Result, another person hurt.

Alfred R. Lateiner, head of the in-plant training phase of the Division of Adult Education at the College of the City of New York, stood between the table and the blackboard, discussing his safety program with three representatives of the Merchants Refrigeration Company in the airy, fluorescent-lighted meeting room atop the 16-story refrigerating and office building in the Greenwich section of Manhattan island.

The intense alertness of the audience listening to Mr. Lateiner was broken by the sharp impact of the dominoes hitting the table. The listeners changed their sitting positions while Mr. Lateiner continued to talk. "As you see," he said, "the four dominoes which represent background, physical and mental defects, unsafe acts and conditions, and accident have combined to produce the end domino labelled injury."

The problem confronting employer and employee is how to stop the action of injury and accident which comes at the end of the sequence of factors described above. Since the company owner has little control over the background and mental or physical defects of the people in his employ, he must learn how to control and remove unsafe acts and conditions so that the chain of events leading to injury may be broken and injuries reduced.

Dynamic Alfred Lateiner started his safety program with the help of Lt. Commander F. G. Lippert, U.S.N.R., at the beginning of World War II in the Brooklyn Navy Yard when stepped-up production and an increasing labor force were bound to result in more accidents. The distinguishing feature of Mr. Lateiner's program was its slant toward all grades of supervisors rather than toward employees. By training each supervisor through a central coordinator to be responsible for unsafe acts and conditions within his jurisdiction, the Brooklyn Navy Yard was able to effect a two-thirds reduction in accident frequency from 1940 through 1945.

During the war, Mr. Lateiner received several commendations from the United States Navy, and Naval officers were sent to Brooklyn to learn his program so that it could be set up in nine Navy yards throughout the Nation and at Pearl Harbor. In the Brooklyn Navy Yard alone, 6,000 foremen and 70,000 employees received industrial safety instruction based on the Lateiner theories.

Where many people are employed, accidents are bound to happen almost every day, causing minor and occasionally serious injuries. Despite near-perfect operating conditions in a given plant, accidents will still occur because of unsafe acts due to improper attitude, lack of knowledge or skill, or personal defects. In fact, it has been shown in studies made during the war that 80 percent of accidents were caused by some person's wrong action, and 20 percent by unsafe conditions.

When safety becomes everybody's job without becoming the job of specified individuals in a factory or office, it somehow dissolves into nobody's job. Therefore, by training supervisors in the administration and techniques of industrial safety, Mr. Lateiner's program fixes the responsibility for safe conditions and acts upon these men, thus eliminating the danger of everybody's job becoming nobody's job.

• **Joins Adult Education Program**—With the war ended, Mr. Lateiner joined the Adult Education Program at the City College of New York, where he took charge of courses dealing with in-plant training—accident control, employee instruction, human relations, and work simplification. These courses, developed for foremen and supervisors, each take five hours and have been given in over 40 factories, mills, breweries, department stores, transportation companies, plants, utilities, shipping companies, refineries, and hotels since the war's end.

Some recent participants in the program have been Mohawk Carpet Mills, Brooklyn Borough Gas Company and Bell Telephone laboratories. Before enrolling in the program, a

Alfred R. Lateiner demonstrates dramatically at a foremen safety class how an injury is prevented despite other conditions at work to cause an accident.

company will list the number of key personnel it wants trained, the course or courses needed, check with Mr. Lateiner on availability of the instructor who will serve as conference leader and accordingly arrange schedules for the groups. Prior to the final arrangement of the conference material, the instructor will study company needs and problems.

• **How It Works** — In the accident control course, the injury sequence as demonstrated by the oversized dominoes is discussed during the first hour. "Although personal defects and background are part of the sequence," says Mr. Lateiner, "these factors are beyond the control of the supervisors. Unsafe acts and conditions, however, can be eliminated by proper structural and mechanical working conditions, and proper training of the employees."

By using a logical approach based on some of the thoughts of ancient Greek philosophers, Mr. Lateiner has found that when a change of attitude on the part of the foreman is induced, the effectiveness of the safety technique and the process of learning is greatly enhanced. Attempts to understand accidents usually take the form of trying to discover their causes and effects. Leucippus, a Greek thinker, (5th Century B.C.) formulated the principle that nothing happens without a cause, that everything must have a cause. The unplanned event or effect commonly known as an accident is subject to this same causal logic.

An injury does not occur each time an accident happens, although there is a variable ratio of serious and minor injuries to accidents. Sometimes many injuries may result because of one accident alone. Exposure to an unsafe act or condition will not always result in injury. **It has been determined that for 330 exposures there are 29 minor injuries and one serious injury.** Therefore, in order to cut down injuries it becomes obvious that the number of exposures must be cut down. Sometimes this simple fact is so obvious that hardly anyone pays any attention to it. The law of averages, however, continues to operate at the rate of one injury to ten exposures.

The average industrial supervisor has the passive—and erroneous—attitude of "Accidents will happen." Along comes Mr. Lateiner who says, "Accidents are caused by 17 specific types of improper acts and conditions." During the past several years, over 10,000 group leaders, supervisors, foremen, and floor bosses have sat up and taken notice. The basic conclusion of the first session is that supervisors prevent accidents by correcting unsafe acts and conditions which are the causes contributing to the end *result,* the injury.

The objective of the second lesson is to make the group understand the 17 basic unsafe acts and conditions. These are as follow: **unsafe conditions**—(1) inadequately guarded, (2) unguarded, (3) defective condition, (4) unsafe design or construction, (5) hazardous arrangement or process, (6) unsafe illumination, (7) unsafe ventilation, (8) unsafe dress or apparel; **unsafe acts**—(1) operating without authority, (2) operating or working at unsafe speed, (3) making safety devices inoperative, (4) using unsafe equipment or hands instead of equipment, (5) unsafe loading or placing, (6) taking unsafe position or posture, (7) working on moving or dangerous equipment, (8) distracting or teasing, (9) failure to use safe attire or personal protective equipment.

Supervisors are taught how to take corrective action in the third hour, and the fourth hour is devoted to personal protective equipment, which is sometimes a source of embarrassment to employees. The fear of being called a "sissy" is sometimes more compelling than the danger of losing an arm or leg.

In the final hour the foremen are taught how to make a detailed report of the accident whenever an injury does occur—what machine or tool was involved, unsafe act, unsafe condition, who, when, where. The report keeps the supervisor alert to his responsibilities and helps to avoid a repetition of the accident. Where improper conditions and practices are controlled, parallel benefits occur for both workers and employers. For example, when wheels, gears, belts, chains, switches and points of operation are mechanically guarded, fear complexes are avoided, worker morale is improved, and speedy, confident operation is permitted. When the use of proper clothing and personal protective devices such as goggles, respirators, and safety shoes is encouraged, and management interest is expressed, personal health and sanitation improves and worker nervousness is diminished.

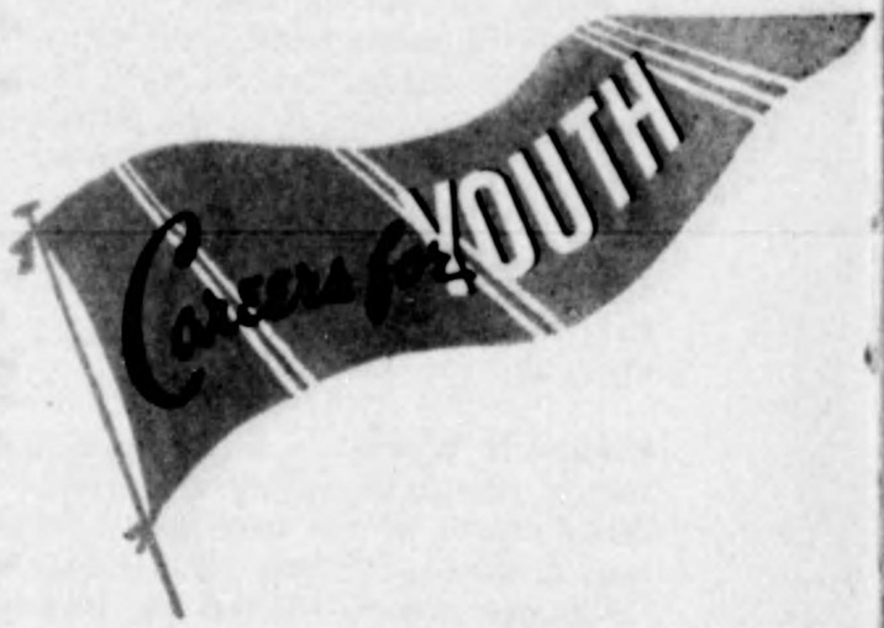
The Lateiner method of accident control can be given in five separate hours or, where scattered groups have to be taught, in two 2½-hour sessions. Mr. Lateiner has received calls from plants outside of New York State, and when schedules become crowded it is necessary to hold many 2½-hour sessions in order to keep up with the demand for his program.

City College's Adult Education Program, which began by giving lectures in the larger libraries, then expanding to the branch libraries, has now progressed right to the factories—"From door-step education to smoke-stack education," as Mr. Lateiner puts it.

His system may be supplemented with the methods developed by the State Labor Department's Division of Industrial Safety Service and Division of Industrial Hygiene and Safety Standards, and the State Insurance Fund, all of whom have available for the public expert advisors, pamphlets, and educational motion pictures. The services of these agencies are part of the Labor Department's program of fulfilling its responsibility of protecting the safety and health of all wage-earners in New York State.

JOBS IN AIR CONDITIONING

There is a future in this trade for the well-trained technician. . . . While the serviceman field is temporarily overcrowded, skilled mechanics are in demand. . . . Increased use of refrigeration in food processing and air conditioning in homes and business buildings will multiply job opportunities in the field. . . . Rates for mechanics range from $1.75 to $2.25 per hour. . . .



The work in the field of refrigeration and air conditioning may be divided into two categories. The more numerous and less skilled workers are the refrigerator servicemen. The other category includes more highly skilled refrigeration and air conditioning mechanics. Servicemen work on domestic electric refrigerators, deep-freezers, small air-conditioners, and commercial units such as display cases, beverage coolers and frozen foods reach-in boxes. They inspect equipment, clean condensers, add or remove refrigerant liquids or gases, and remove freezing units for subsequent repair.

Mechanics also do repair work on small equipment, but more typically they install and repair the larger refrigeration and air conditioning units and central systems used in factories, stores, theatres, taverns, restaurants, hotels, and office buildings. They perform such tasks as assembling and connecting pipes and ducts, overhauling and repairing pumps, compressors, condensers, and other parts.

• **Employment Opportunities**—It is expected that there will be a general and gradual increase in job openings in refrigeration and air conditioning. The field is attractive and many individuals are seeking to enter it. Unfortunately many of these people are poorly and partially trained, and on that account probably will not stay in the trade or will not advance in position. It seems likely that some of them will eventually leave the field and seek other employment, thus creating new opportunities for better qualified workers.

At present there are too many servicemen in the refrigeration trades. Even though the volume of work is higher than it formerly was, the influx of many new workers has led to a reduction in the available work per man. Many servicemen have returned to their jobs from the armed forces and thousands of new men were trained during the war. Many vocational and trade schools have sprung up to exploit the wide interest in the field, and they are graduating hundreds of refrigeration "experts."

These graduates are continuing to crowd the already overcrowded ranks of the servicemen. However, the growing number of domestic refrigerators and home air-conditioning units will gradually absorb an increasing number of servicemen. Although technological improvements tend to reduce the amount of servicing per unit, increases in the number of new units will more than compensate for any decrease in service requirements.

Opportunities for mechanics are far greater than for servicemen. Although competition for entry jobs will remain keen, job prospects for journeymen refrigerator mechanics should be good in the future, particularly in the larger cities. The increased use of commercial and industrial refrigeration and air conditioning equipment and gradual easing of mechanical shortages should result in an increasing number of job opportunities.

• **Employers** — Servicemen are employed by shops specializing in refrigerator repairs, or by retail stores and distributors who handle domestic refrigerators. Many servicemen are self-employed, picking up repair work through their own efforts. Mechanics usually work for heating, refrigeration, or air-conditioning contractors. Many are in business for themselves as contractors. Some mechanics are employed by manufacturers of refrigeration and air-conditioning equipment, and still others work for companies that use much equipment of these types.

No accurate figures are available on total employment in the refrigeration field. By and large, the places of employment are small, numerous and scattered throughout the United States with the greatest concentrations in the large cities.

• **The New Worker** — Since many new workers are inadequately trained, graduates of technical institutes should have a material advantage in the job competition in this field. To date most newcomers have entered the trade through on-the-job-training or apprenticeship programs. A number of public and private trade schools are now training students for commercial refrigeration and some schools offer correspondence courses. New York State is now conducting tuition-free technical institutes for high school graduates, which offer courses equipping the student with a thorough technical background. Generally speaking trade and vocational schools do not give the student as much educational scope and background as do the technical institutes. Trade school training is frequently confined to learning only the mechanics of the job. Although the New York State Institute of Applied Arts and Sciences in New York City does not offer specialized courses in refrigeration and air conditioning, the fundamental background which its students are given equips them with the basic technical requirements.

Compensation may be on a weekly or hourly basis depending on the place or type of employment. Typical straight time hourly rates for mechanics working under union agreements ranged from $1.75 to $2.25 per hour in late 1947. Rates for servicemen were generally somewhat lower and tended to vary with such factors as experience and size of community.

• **Job Conditions** — The demand for repair services and new installations is seasonal, with peak periods occurring in the summer months when over-

Research and analysis for this article by Arthur D. Zinberg, Department of Social Science, New York State Institute of Applied Arts and Sciences in New York City.

Workmen above are engaged in assembling heater units in the upstate Syracuse Carrier Corporation plant. Jobs in air conditioning control involve maintenance and installation of units like this.

time is not uncommon. However, most men in the field work all year round. In the winter, mechanics may work on heating equipment and servicemen often repair other types of appliances. While demand for servicemen is little affected by cyclical changes, demand for mechanics tends to fall off in bad times due to a decrease in commercial and domestic installations. Many mechanics turn to servicing during such lags.

Working conditions vary widely. Generally the 40-hour week prevails, but overtime, particularly during the summer, is not unusual. Most of the jobs are indoors, but the worker is required to travel a good deal. Refrigeration work is difficult and is considered somewhat hazardous.

Many mechanics, especially in large cities, are represented by the United Association of Plumbers and Steamfitters, or the International Brotherhood of Electrical Workers. Unionization is much less extensive among refrigerator servicemen.

• **Entry Requirements**—Young men are usually preferred in the field inasmuch as the work entails much physical effort. Still, age is not a determining factor. In most localities, including New York, there are no legal prerequisites for entry into refrigeration and air conditioning. A few cities require that mechanics be licensed and some require that refrigeration contractors be licensed. Servicemen, however, are not generally licensed.

• **The New York Area**—For several reasons the New York area is a particularly good field for this trade. First, New York, New Jersey and Pennsylvania have more household electric refrigerators and small commercial units than any other single region. At the beginning of 1947 there were over five and one-half million domestic electric customers with household refrigerators in the area, more than one-fourth of the total for the United States.

Second, another sizable field in the New York-Philadelphia area is the reconditioning of old refrigerators. There are several large concerns in New York City and Philadelphia which operate on a nationwide basis.

Third, this is a high income area. New York State had the second highest per capita income in the United States in 1946; $1,633, as compared to the national average of $1,200. New Jersey also exceeded the national average, its per capita income being $1,494. High income coupled with anticipated population growth will further increase the total ownership of domestic refrigeration units, small commercial units such as storage boxes in retail food stores, cold drink dispensers, water coolers, and small-room air conditioning units. As of 1947, the proportion of domestic electric customers having refrigerators was already higher than in the country as a whole. The comparatively high purchase price and operating costs of small air conditioning units tend to confine their use to people in the higher income brackets.

Fourth, the New York area is a big user of large scale-commercial and industrial refrigeration and air conditioning units. The percentage of high incomes tends to make the use of this equipment economically feasible in commercial projects such as places of entertainment — theatres, restaurants, hotels and the like—because the costs can be passed onto the consumer. Retail establishments have also come to recognize the competitive advantage of air conditioning. Some expansion in the use of air conditioning may be expected in such places as offices, office buildings, hospitals, laboratories, precision instrument plants, chemical plants, drug houses, photographic materials manufacturers, textile products plants, and printing and publishing establishments.

The size of the New York food market makes cold storage and refrigeration a big and important business. Frozen food processing is a large industry in this area. The dairy industry (in which New York was second only to Wisconsin in 1946) is another big customer for refrigeration equipment.

Many of the larger industrial users of refrigeration units employ full-time maintenance men on their staffs, but users of small and medium-sized equipment will continue to rely mainly on independent contractors.

CHILD LABOR ON NEW YORK STATE FARMS

This is a preliminary summary of the results of a survey made during the summer of 1948 of child labor on farms of New York State, which is subject to revision. It was prepared by Lawrence Palmintieri, under the supervision of Dorothea Maier, members of the Department's Division of Research and Statistics. A detailed report of the results of the survey and of the Department's enforcement program in this connection will be issued at a later date.

During 1948 the New York State Department of Labor for the first time conducted a comprehensive enforcement program on the farms of the State, which each summer employ tens of thousands of seasonal farm hands, including many child workers. This program, which had as its objective the administration of the migrant registration law, the child labor laws, and the wage-payment law, was carried out by the Enforcement Bureau of the Division of Industrial Relations, Women in Industry and Minimum Wage.

This enforcement drive followed the Department's 1945, 1946, and 1947 informational and educational campaigns to inform growers, contractors, and farm workers of their responsibilities and obligations under the labor laws. In 1948, prior to sending investigators to the farms, an effort was again made to disseminate information concerning these laws to persons responsible for complying with them. Early in the spring, copies of the laws and migrant registration applications were sent to growers, contractors, and cooperative associations. Over 100,000 leaflets informing boys and girls of the regulations and procedures for obtaining farm work permits were sent to schools throughout the State for distribution. Advance publicity on the Department's program was released to newspapers and farm journals and broadcast on radio programs.

Starting in June, responsible investigators, each under the direction of a district supervisor, were sent out to enforce the laws. They were instructed to visit as many farms as possible, to check on compliance, and to report back to their supervisors detailed information concerning every violation observed. In all, investigators visited 514 farms employing over 14,000 workers and 205 farm labor camps having a working population of 8,400. They explained the requirements of the laws to growers, contractors, and workers and pointed out violations to those responsible for them.

Wherever possible, investigators revisited employers that were not complying with the law, especially those that were employing illegal child labor. During 1948, 118 employers were revisited at least once. At the time of the revisit it was found that on some farms the grower had given orders that no children under 14 were to be employed and that all 14- and 15-year old children must obtain farm work permits. Other farms, however, were still employing children illegally. Any such instances of continued noncompliance were reported to the supervisor, who summoned second offenders to calendar hearings. At the 137 calendar hearings conducted by the assistant commissioners and supervisors, the growers were again informed of the provisions of the law. In addition, some growers appeared at the Labor Department immediately after receiving the summons and in advance of the date set for the calendar hearings. At these informal meetings the provisions of the law were also explained.

For the first time, in 1948 the Labor Department prosecuted growers and contractors who violated the child labor laws. Seven persistent violators were prosecuted. The court fined two of the defendants $10 each, another defendant $40, and a fourth defendant, $50. Another defendant, who was prosecuted twice, was fined $10 at the time of the first conviction and $50 for the second offence. Still another defendant was fined $50 but the sentence was suspended and an additional defendant received a suspended sentence.

• **Labor Laws Applicable to Farms**—Protection of child workers in the factory, in the store, on the farm, and wherever youth is employed is one of the major concerns of the New York State Department of Labor. The child labor laws, enacted in 1928, limit the employment of minors on farms to children 14 years of age and over and prescribe that children of 14 and 15 obtain farm work permits. Farm work permits are issued by the schools after presentation of an application signed by a parent, proof of age, and a record of a doctor's examination showing physical fitness for the job. Children between 12 and 16 years of age who work on the home farm are exempt from the law.

In addition to the child labor laws, the Department is responsible for the enforcement of the wage-payment and migrant registration laws. The wage-payment law prescribes that farm workers, like other industrial workers, must be paid weekly or bi-weekly; that no deductions may be made from their wages; and that payment must be made in cash unless a permit to pay by check has been obtained from the Industrial Commissioner. Under the migrant registration law, which became effective in 1946, all persons who employ, recruit or transport 10 or more out-of-state migrant farm or food-processing workers must file with the Commissioner a registration application providing a detailed picture of the origin, method of transportation, wages, hours method of wage payment, and living conditions of the migrants. A copy of this application must be posted by the employer, and copies must be distributed to each worker.

• **Scope of Research Study**—During a period of approximately 10 weeks, starting with the latter part of June, investigators of the Enforcement Bureau, working in pairs with representatives of the Division of Research and Statistics visited 514 fruit and vegetable farms and 205 farm labor camps located in the Albany, Binghamton Buffalo, Rochester, Syracuse, Utica, and the New York City metropolitan areas.[1] In addition to interviewing growers, contractors, and their agents, the investigators conducted interviews with 1,496 child workers under 16 years of age.

Over one-half of the farms visited employed fewer than 20 workers and 16 percent had 50 or more workers. Almost half the farm workers included in the survey were employed on the latter farms.

In 1948, in conjunction with the enforcement drive, a research study of child labor on farms was conducted by representatives of the Division of

Research and Statistics of the Labor Department. The purposes of the study were to obtain information on the extent and nature of child labor on farms, the wages, hours, and conditions under which the children work, the source of supply of farm labor, and the functions and significance of labor contractors. The highlights of this survey are summarized below.

• **Labor Supply**—Various types of seasonal labor were found harvesting New York State's fruit and vegetable crops. There were interstate migrants, who came from Florida, Pennsylvania, and other eastern states; "live-in" workers, who were residents of New York State cities living in labor camps in nearby farming areas during the harvest season; "day-haul" workers, who were transported daily to the farms from cities and outlying areas in a truck or bus provided by the employer or his agent; "local" workers, who usually lived in the immediate vicinity of the farm and provided their own transportation; and workers from Puerto Rico, Jamaica, and the Bahamas. Over 44 percent of the workers on the farms visited were interstate migrants; 11 percent were live-ins; 30 percent were day-haul workers; 12 percent were local workers; and the remainder came from outside the continental United States.

Adult labor is found most frequently in the harvesting of potatoes and other root crops.

Certain types of labor were more characteristic of one area of the State than another. On the farms in the Binghamton, Syracuse, and Utica areas, the majority of the workers were interstate migrants. In the Rochester area interstate migrants also played an important role, but in the Buffalo area, day-haul and live-in workers predominated.

• **Illegal Child Labor**—A considerable number of the seasonal workers on farms visited were children under 16 years of age, many of whom were illegally employed. Fewer than half the farms had no illegal child workers at the time of the investigators' visit; almost all these farms depended entirely upon adult labor. Of the 13,817 workers for whom information was available, 2,840, or one-fifth, were under 16 years of age. Only 268 of these young workers were legally employed. The remainder consisted of 1,145 14- and 15-year-old boys and girls without farm work permits and 1,427 children under 14 years of age. The under-14-year group included 818 children aged 12 and 13 years, 405 aged 10 and 11 years, and 204 younger boys and girls.

It should be emphasized that these findings concerning the number and proportions of various types of illegally employed children are not represented here as necessarily indicative of all farms. The nature of the sample will be discussed in the more comprehensive report being prepared for release at a later date.

Although all the children covered in the survey were seen at work by the investigators, some of the younger ones did not work steadily.

Illegal child labor was found in all areas of the State, the proportions varying from a low of 4 percent in the Binghamton area to a high of 33 percent in the Buffalo area. This variation may be explained in part by a difference in crops. Many of the farmers visited in the Binghamton area, for example, raised potatoes and therefore employed older workers almost exclusively in contrast with the large numbers of bean and berry farmers so prevalent in the Buffalo area, who depended in large measure upon child labor.

As has already been pointed out, harvesting in the Buffalo area was carried out primarily by day-haul and live-in workers. It was among these two types of workers that the highest proportion of illegal child labor was observed. For the State as a whole, approximately 31 percent of the day-haul workers and 24 percent of the

[1]The Albany area includes farms visited in Albany, Columbia, Dutchess, Saratoga, Schenectady, and Ulster counties; the Binghamton area includes farms in Chenango, Delaware, Otsego, Steuben, and Tioga counties; the Buffalo area includes Cattaraugus, Chautauqua, Erie, and Niagara counties; the New York City area includes Orange, Rockland, and Suffolk counties; the Rochester area includes Genesee, Livingston, Monroe, Ontario, Orleans, Wayne, Wyoming, and Yates counties; the Syracuse area includes Cayuga, Cortland, Onondaga, Oswego, and Seneca counties; and the Utica area includes Herkimer, Madison, and Oneida counties.

COMPLIANCE WITH PROVISIONS OF THE CHILD LABOR LAW ON NEW YORK STATE FARMS VISITED BY THE NEW YORK DEPARTMENT OF LABOR, 1948

Area	Number of farms visited	Number of farms with no child labor violations			Number of workers					
		Total	Without children under 16 years	With children under 16 years	Total	16 years and over	14 and 15 years with permits	Number of illegal child workers		
								Total	14 and 15 years without permits	Under 14 years
Total reporting	503	237	217	20	13,817	10,977	268	2,572	1,145	1,427
Albany	44	22	22	..	1,038	830	49	159	70	89
Binghamton	48	39	30	9	1,296	1,202	42	52	26	26
Buffalo	82	30	2	1	2,742	1,728	98	917	410	507
New York City	135	93	91	2	1,440	1,292	4	144	64	80
Rochester	111	68	61	7	2,571	2,203	41	327	153	174
Syracuse	37	10	9	1	2,006	1,619	10	377	189	188
Utica	46	2	2	..	2,723	2,103	24	596	233	363

Weighing their "pickings." On certain farms the labor contractor hires the workers, superintends their labor and pays them on a piece-rate basis. Young day-haul workers constitute a large proportion of those engaged in fruit-picking. Youths 14 and 15-years-old must obtain farm work permits; children under 14 may not be employed on an industrial farm.

live-ins were illegally employed children, as compared with 10 percent of the interstate migrants.

• **Family Composition** — The family group is characteristic of many harvesting operations. Of the 1,496 children interviewed, 54 percent reported that they were accompanied to the fields by a person over 16 years of age. In most instances this was a mother or father; in some cases it was an older brother or sister. Twenty-nine percent of the children, including some under 12 years of age, came alone and 17 percent were accompanied only by brothers or sisters under 16.

As might be expected, most of the youths who came to the farms by themselves or with sisters or brothers under 16 were day-haul and local workers. The large majority of interstate migrant and live-in children were accompanied by one or both parents.

Over one-third of the children said that they customarily worked beside a parent or other family member over 16 years of age. This situation was most prevalent among interstate migrant and live-in workers, two-thirds of whose children worked under such an arrangement.

The older child was more likely to work independently than the younger one. Over two-thirds of the child workers under 10 years of age and over one-half of the 10- and 11-year olds worked beside a parent or an older member of their family, as compared with 35 percent of the 12- and 13-year-old boys and girls.

• **Crops and Jobs**—On the farms visited, seasonal child workers were employed to harvest a wide variety of fruits and vegetables. Bean-picking was by far the most important job, but many children also picked blackberries, strawberries, raspberries, currants, cherries, and peas. Some pulled and topped onions, and a few harvested cucumbers, lima beans, lettuce, potatoes, and tomatoes, and engaged in nonharvesting operations, such as cultivation, weeding, and hoeing.

• **Hours Worked**—The weather has an important influence upon the date the crop is ready for picking. Pickers' hours, therefore, may be long one day and short the next, and on some days there may be no work at all. Unlike the situation in nonagricultural employment, where minors for the most part may not work more than eight hours a day, the hours of child workers on farms (excluding canneries), are not limited by the Labor Law. Although hours varied considerably on the farms visited, the average child worked slightly in excess of 8 hours on the last day of work preceding the investigator's visit. One-fifth worked between 9 and 10 hours, and almost 12 percent worked 10 hours or more.

Some of the children lived in a home or camp only a short distance from the fields in which they worked; others had to ride an hour or two in a car, truck, or bus in order to reach the fields. Hours spent in the field combined with the time consumed in traveling to and from the job kept the average child away from home more than 10½ hours. While some children were away from home fewer than 6 hours, others were away 13 hours or even longer.

The weather also has a considerable effect on the time at which harvesting operations begin each day and, consequently, is a factor in determining the hour when the child must leave home. Some children left home at 5 o'clock in the morning of the workday preceding the investigator's visit; others did not leave until around noon. Two-thirds of the children, however, left home at either 6:30, 7, or 7:30 A.M.

The most usual hour of returning home again in the evening was between 5 and 6:30 P.M. For some boys and girls the hour of return was considerably earlier, especially if there was a sudden downpour or the harvesting had been completed. One-tenth of the young workers were back in their homes before 3 o'clock in the afternoon. Approximately the same proportion returned between 7 and 8:30 P.M.

• **Hourly Earnings** — Workers who harvest fruits and vegetables are usually paid on a piece-rate basis. They receive tickets representing the amount picked which are later redeemed by the employer. Often the whole family pools its pickings and the mother or father collects the earnings of the entire family, thus making it impossible in most cases to determine how much each individual member of the family was paid.

Bean picking, the job performed by the large majority of children, was paid by the pound in the Buffalo and Rochester areas, by the pound or bushel in the Syracuse area, and by the bushel only in the other areas of the State. The most usual rates were two and three cents a pound and 50 cents a bushel (weighing about 32 pounds). Rates by the bushel ranged from 40 to 75 cents.

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Growers and contractors rarely kept detailed payroll records. Therefore, to obtain information on earnings the boys and girls were asked to state, wherever possible, the number of hours they worked and the wages earned on the last workday preceding the investigators' visit. Hourly earnings were computed from these data.

Earnings varied widely on the farms visited, from less than 10 cents an hour to over $1. Almost 12 percent of the young workers for whom data could be obtained earned under 20 cents an hour, and half received less than 38.2 cents. On the other hand, 18 percent of the youngsters earned 60 cents an hour or more. The 14- and 15-year old children had higher earnings, on the average, than those in the younger age groups.

Lowest earnings were found in the Buffalo area, where half of the children earned under 30.7 cents an hour. In contrast, Utica children had median hourly earnings of 36.2 cents, and those in the Rochester area average 52 cents an hour. To some extent the variations in hourly earnings from area to area can be ascribed to differences in crops being harvested at the time of the investigators' visit. For bean pickers, considered separately, average earnings in the Buffalo and Utica area were practically the same, (37 and 38 cents respectively), and those in the Rochester area were only a few cents higher.

As to the daily earnings, on the last workday preceding the investigators' visit, half of the children earned over $3. Approximately the same proportion, 28 percent, received under $2 as earned $4 and over a day.

Under the Migrant Registration Law these out-of-state workers must receive full information concerning wages, hours and living conditions from the employer or contractor. Their wages must be paid according to the provisions of the New York State wage-payment law.

• **Child Care Centers** — Since more than 15 percent of the live-ins and interstate migrants living in farm labor camps were children under 14 years of age, consideration was given to the availability of child care centers in providing supervision and guided recreational and educational activities for the youngsters while their parents were at work. Of 205 camps visited, 162 had children. Child care centers supervised by the State Youth Commission were accessible to the children in 59 of the 162 camps with children; no information concerning the availability of a child care center was reported for three of the camps visited; and in the remaining 100 camps with children, no child care facilities were provided.

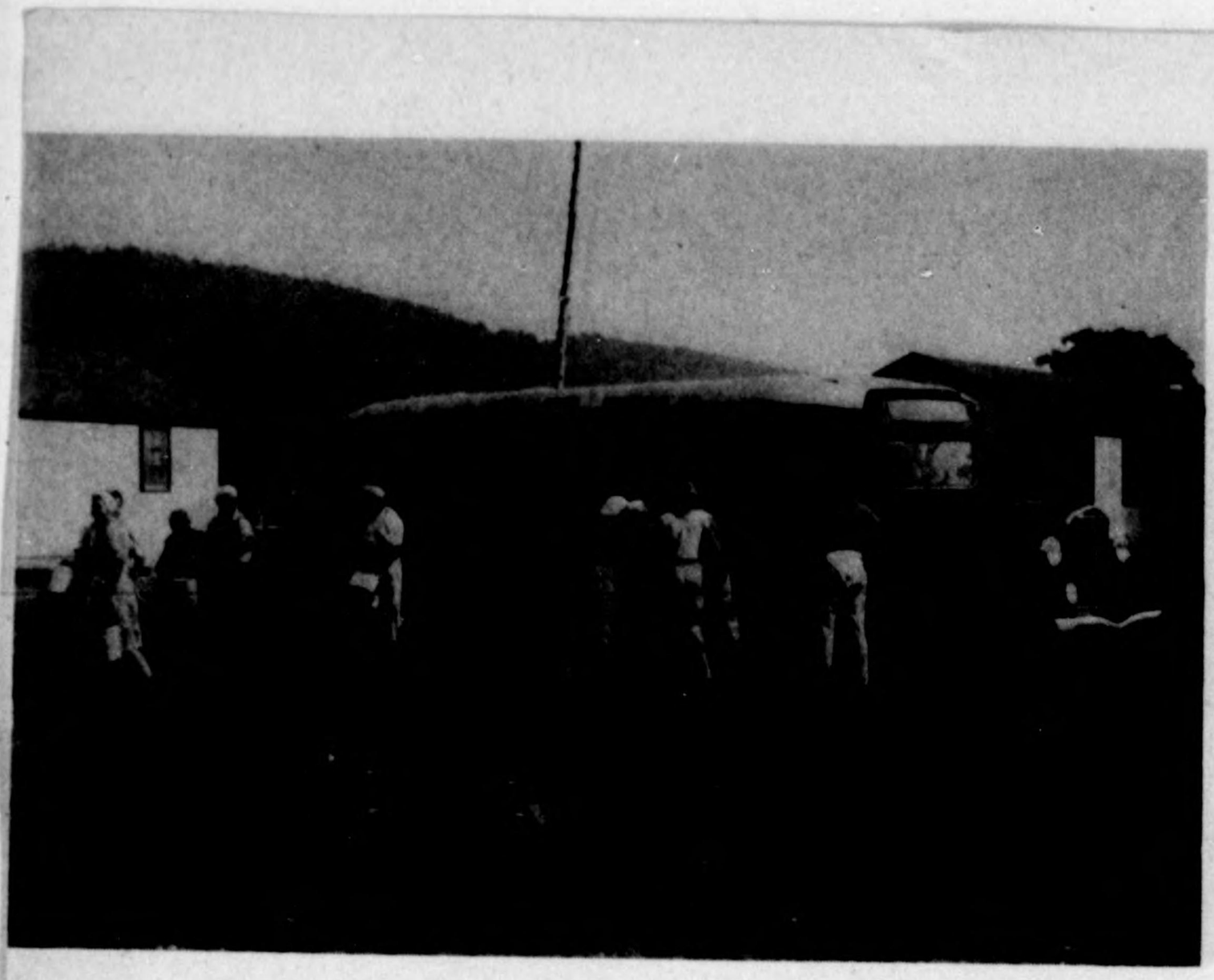
The children's activities in the child care centers usually were closely supervised by trained personnel and were directed primarily to the needs of the youngest children.

Although 1,668 children under 14 years of age lived in the camps visited, the average daily attendance in the child care centers was only 373. Some of the children who did not go to the centers went out to the fields; others remained in the camp while their parents were at work. It was customary in some camps for one of the women to stay with the young children; in other camps the children had no supervision whatever.

• **Role of the Labor Contractor**—Labor contractors interviewed performed varying combinations of services. The most usual service was the recruiting of workers or recruiting in combination with transportation. Some con-

NUMBER OF WORKERS UNDER 16 YEARS OF AGE, BY TYPE, ON NEW YORK STATE FARMS VISITED BY THE NEW YORK DEPARTMENT OF LABOR, 1948

Area	Grand Total	Legally employed					Illegally employed				
		Total	Interstate migrant	Live-in	Day haul	Local	Total	Interstate migrant	Live-in	Day haul	Local
Total reporting	2,840	268	69	18	167	14	2,572	546	367	1,295	362
Albany	208	49	46	..	3	..	159	14	..	108	37
Binghamton	94	42	15	5	20	2	52	12	1	39	..
Buffalo	1,015	98	..	11	85	2	917	45	334	436	102
New York City.....	148	4	..	..	1	3	144	16	5	54	69
Rochester	368	41	..	2	32	7	327	82	11	178	54
Syracuse	387	10	7	..	3	..	377	79	11	221	66
Utica	620	24	1	..	23	..	596	298	5	259	34



After the day's work, workers are transported by truck or bus to the adjacent camp or town. Migrant and live-in workers usually work in family groups.

tractors, however, entered into an agreement with the growers whereby they assumed responsibility for the harvesting of an entire crop and thus were responsible for recruiting, transporting, and paying the workers, and, in cases where the workers lived in camps, they also were responsible for the maintenance of the camp. When the contractor had final authority for directing and controlling the field workers and was liable for their wages, he was considered to be the employer for purposes of this study.

Of the 503 farms for which information was available, 322 were operated by growers who harvested their crops without any assistance from labor contractors; 90 were operated by growers who used contractors to perform one or more functions; and on 91 farms a contractor was the employer. The use of the contractor was much more widespread on the farms visited in the Binghamton, Rochester, Syracuse, and Utica areas than on farms in the Albany, Buffalo, and New York City areas.

Both growers and contractors employed child workers illegally. Fifty-five percent of the farms operated by the growers had one or more illegally employed children, as compared with 43 percent of those on which the grower used a contractor in some capacity, and 54 percent of the farms on which the contractor assumed full responsibility for the harvesting operations.

Of the 13,817 workers for which information was reported, 4,384 were employed by contractors. Over 20 percent of the growers' labor force, as compared with 15 percent of the contractors' workers, consisted of illegally employed children.

Two-thirds of the workers for whom the contractor assumed responsibility were interstate migrants; the remainder were mostly day-haul workers.

Investigators often found it difficult to obtain information on the terms of the agreement between the grower and the contractor, or even to determine who was a contractor, and whether the contractor or grower was responsible for the employment of the illegal child labor. Data based on the distinction between growers and contractors therefore may be subject to a considerable margin of error.

Such information on the terms of the agreement between the grower and the contractor as was available indicated that the contractor was paid a specific amount for each pound, bushel, or other unit harvested by the field crew. Part of the money was turned over to the worker and the remainder was kept by the contractor. Some contractors, for example, were paid 65 cents for each bushel of beans harvested. They kept 15 cents for themselves and paid the worker 50 cents.

Law enforcement is especially difficult insofar as contractors are concerned, because many of them are out-of-state residents who spend only a short time each year in New York State or operate over a wide area within the State, being in one county one week and in another county the next.

NUMBER OF WORKERS, BY TYPE, ON NEW YORK STATE FARMS VISITED BY THE NEW YORK DEPARTMENT OF LABOR, 1948

Area	Number of farms visited	Total	Interstate migrant	Live-in	Day haul	Local	Puerto Rican	Jamaican, Bahamian, and Canadian
Total reporting	503	13,817	6,134	1,502	4,150	1,652	272	107
Albany	44	1,038	450	24	195	232	123	14
Binghamton .	48	1,296	818	121	295	62	..	..
Buffalo	82	2,743	198	1,071	1,228	174	72	..
N. Y. City.	135	1,440	571	85	141	521	51	71
Rochester ..	111	2,571	1,265	109	723	426	26	22
Syracuse ..	37	2,006	1,053	51	725	177	..	..
Utica	46	2,723	1,779	41	843	60	..	..

"We Appreciate . . ."

SLRB Services Praised by Labor and Industry

The most credible appraisal of a State agency's worth to the public will come, not from the agency itself, nor from another State agency, but from the public. These letters, selected at random from the State Labor Relations Board's voluminous files, came unsolicited from attorneys, employers and unions throughout the State who have employed the Board's services and facilities. They speak convincingly of the contributions to industrial peace in New York State being made daily by the State Labor Relations Board.

The attorneys for an employer stated—"Permit us to take this opportunity to express our appreciation for the very fair and efficient manner . . . in which this case was handled.

"It is indeed a great pleasure to note how well this difficult problem of labor and management relations is being taken care of by this Board."

* * *

An employer's attorney wrote — "A settlement and good will are better than a good law suit. . . . Much of the costly litigation would be avoided . . . if disputants could avail themselves of services such as those rendered by the Board."

* * *

An attorney for a union wrote—"At this time, on behalf of the officers of the unions represented by me, and in my own behalf, please permit me to thank you for your fairness and great patience. It was a distinct pleasure to appear before you."

* * *

The legal representative of a grocery chain stated—"Candor requires acknowledgment to you of the services rendered . . . which in my opinion, and in the opinion of my clients, were highly conducive toward reaching our subsequent understandstanding, after which the picket line was withdrawn."

* * *

Attorneys for an employer wrote—"A violent strike had been in progress with injuries to several people, with property damage, mass picketing and serious public disorder. . . . The Board . . . apparently realized the seriousness of the situation, and with amazing tact and perseverance finally succeeded in bringing the parties to an amicable stipulation of settlement.

"I have had a degree of experience with your Board and have generally found a high degree of intelligence and cooperation among your staff. . . . This is the first labor trouble that the employer has had and our clients want us to let you know of their admiration for the efficiency that your Board has demonstrated in the . . . masterly handling of this delicate situation."

* * *

An employer wrote—"I am taking this opportunity to thank you for the fair treatment given us in our recent matter. . . . It is very gratifying to know that in a dispute such as we had we were treated so fairly."

A union's attorney wrote—"The election, as conducted by the workers of your department, under your supervision, was really model. The efficiency, precision and diligence of the workers of the Board during the balloting was praiseworthy.

"May I commend the Board for the lengths to which it went to have every voter familiar with the ballot and instructed in the voting before election day. The simplicity and thoroughness of the method led to better understanding and consequently more intelligent voting.

* * *

An executive of a nationally known department store wrote—". . . However, we would be remiss if we did not convey to you this expression of our appreciation for the splendid services rendered by your Board in the conduct of this election. . . .

"You had a difficult assignment, which was handled ably and well, and by your efforts you have brought added credit to your esteemed Board."

* * *

An attorney for an employer wrote—". . . This was my first contact with the New York State Labor Relations Board, and I was very much impressed with the expeditious handling of this controversy and the efficient and courteous manner in which our hearing was conducted. . . ."

* * *

A prominent educator wrote—"I do desire to have my name retained on your mailing list for the mimeographed copies of your decisions. They have been of extraordinary help to me.

"And here allow me to add a little meed of praise for the truly excellent work the S.L.R.B. has been doing. Its decisions and procedures have been eminently sane and American."

* * *

A labor organization official commented—". . . The complaint against the company has been adjusted satisfactorily through your very kind efforts. Please accept our sincere thanks for your help in this matter; we feel that this case is typical of the truly remarkable functioning of the New York State Labor Relations Board."

* * *

An attorney for a labor organization stated—"Without fear of contradiction, I can state that the achievement of contractual relations between the firm and the union would not have been possible without the helpful efforts of the Board."

Industrial Bulletin

Postmaster: If addressee has removed and new address is known, notify sender, on Form 3547, postage for which is guaranteed. Send forms to Industrial Bulletin, 80 Centre St., New York 13, N. Y.
RETURN POSTAGE GUARANTEED

New York State Labor Laws protect the child on the farm as well as in town and city. Labor Department inspectors instruct the grower or the contractor in the observance of all provisions relating to the employment of minors and aid him in recruiting a legal working force for seasonal peak activity.

Industrial Bulletin

MARCH, 1946

LABOR AND MANAGEMENT TURN TO MEDIATION BOARD
FOR PROMPT SOLUTIONS OF INDUSTRIAL DISPUTES

Monthly News Magazine

NEW YORK STATE DEPARTMENT OF LABOR

ARTHUR S. MEYER, LEADING MEDIATOR

Achieves Nation-wide Reputation in Ten Years of Labor Mediation in New York State

The New York Herald Tribune stated in a recent article that the "story of Meyer is labor history of the past decade." It is a notable fact that Arthur S. Meyer, chairman of the New York State Board of Mediation, has played a vital role in nearly every important mediation case in the past ten years.

Although his name has long been familiar to labor and management throughout the State, it is now on its way to becoming known—not only to New Yorkers but to persons throughout the nation as well. The roster of labor disputes to which he has been assigned as arbiter is the list of virtually every major dispute that has appeared on the American labor scene. To name a few: the famous "Little Steel" case that set the national pattern for wartime labor procedure, and more recently two disputes of wide importance—the General Electric strike and the threatened New York City transit tie-up.

Arthur S. Meyer

Mr. Meyer's rise to the top in the field of labor relations is pretty much of a "success story". On second thought, the word "success" is more accurately applied to Mr. Meyer himself. In all the years that he has been concerned with mediation work, he has remained one person who is held in greatest respect by both management and labor, one mediator on whom both sides can agree to entrust their disputes for settlement. His successful negotiations are a credit in large part to his own special aptitude for getting at the root of economic problems and ferreting out the right and wrong on both sides, to his special knack of enlisting confidence and cooperation from both sides. He has spoken for and against each side at various times, and both groups value highly his frankness and fairness.

Born and educated in New York City, Mr. Meyer entered industrial life more than 30 years ago. For 11 years he was a successful business executive in the tobacco and real estate businesses, became a vice-president and director of the Schulte Retail Stores, Inc. and president of Schulte Real Estate Co., Inc. Then in 1934 he decided to retire. He was restless and dissatisfied, casting about for some activity to keep himself busy.

He didn't know quite what he wanted to do—something intellectually stimulating but not too stiffly academic, for he had no college degree. He made up his mind to study law, and obtained permission from Columbia University to take special courses in the law school. He was an outstanding pupil, and quickly impressed Professor Karl N. Llewellyn, who was teaching him. Shortly thereafter, it happened that Professor Llewellyn was approached by Mayor LaGuardia with a request to set up a City Industrial Board to handle labor disputes. The Mayor wanted Professor Llewellyn to head this Board, and the professor asked Mr. Meyer to join him.

"You have only forty-eight hours to decide," the professor told Mr. Meyer over the telephone. "I won't need forty-eight minutes," Mr. Meyer replied in accepting the invitation.

Mr. Meyer suggested the third member of the Board, Mrs. Anna Rosenberg, and for two years this three-member industrial relations board handled all of New York City's labor disputes. The city board was dissolved in 1937 with the establishment of the State Mediation Board, and Mr. Meyer was appointed by Governor Lehman as one of the original members of the State Board. In 1941 he was appointed Board Chairman.

Arthur S. Meyer is the personification of the convictions and policies underlying the existence of the Mediation Board. He is a wise, unselfish citizen who is pacing new milestones in the field of labor relations and devoting himself generously to the cause of saving his fellow citizens from greater hardships. In his own words, he has this to say of the policies and functions of the New York State Board of Mediation: "By holding joint conferences in which issues are clarified and passions are cooled; by meeting the parties separately and drawing from them their true objectives which are almost certainly less than their bargaining demands; by stimulating the imaginations of both sides to a sympathy, if not of approbation, at least of understanding with the problems of their adversaries; by drawing on the experience of past negotiations and the knowledge of other trade agreements to make substantial contributions amounting at times to the building of a new approach to the entire industry problem; by not straying beyond the limits of the possible and yet, within that narrow area, striving for a logical and a constructive result—it is thus that the mediator must work, resolute in the ancient faith that enduring progress in civilization may be achieved, step by step, by a succession of victories of reason over force."

Industrial

Vol. 25 MARCH, 1946 No. 3

THE FULL STORY of mediation has long needed telling. Though much is seen in the daily newspapers concerning the many larger disputes submitted to mediation, all too often have the hundreds of minor incidents been overlooked. Minor?—yes, in an individual sense, but taken collectively the operational stoppages of small groups would make those of single large industries seem puny. But through mediation, the disastrous addition of these disputes has been averted. Working quietly and assiduously at their jobs, mediators don't always make the headlines. Whether a case involves one or thousands, they give it the fullest benefit of their experience and wisdom. In this way they have won for themselves the deepest respect of management, labor and civic authorities. For without the confidence and trust of these people, the whole process of mediation would be impaled on a stake of uncertainty.

But from its inception in the latter part of the last century, mediation in New York State has been administered with an unfailing sense of democracy and justice. Party lines have not swayed its work. All have been quick to realize that the basic democratic nature of the mediation process could not be obscured. That mediation has played an important part in keeping industrial strife in New York State to a minimum has long been apparent. Holding the reins and guiding discussion along the path of reason, mediators serve the cause of industrial peace by making ordinary horse sense the common denominator of application and acceptance. But the skill, knowledge, and experience of their work must not be overlooked. They are specialists—they know most of the angles—they can sense the basic trouble, ferret out the inconsistencies, define the issues, and lead disputants out of a conglomerated sea of trouble into a harbor of mutual agreement.

In accomplishing these results, mediators have spent long, long hours of untiring patience and diplomacy. And they do go "far beyond the call of duty" with a uniquely unselfish devotion to their work. For a mediator can see before him, and participate in, one of the most thrilling processes which demonstrate true democracy in action. Both parties to a dispute have met with him *voluntarily*. They don't have to stay if they don't want to—and the mediator doesn't order them to stay! He doesn't work out an agreement for them—they do it themselves. How the fine hand of the mediator fits into the pattern is fully answered in the pages of this issue.

Recently, Governor Dewey said: "The agencies of government in the State have held the confidence of both labor and management. That confidence they will continue to hold because of the practice of effective cooperation rather than attempted dominance of the economic processes of enterprise or of organized labor. . . . The State Mediation Board has done valiant work in facilitating the peaceful solution of industrial disputes."

Industrial Commissioner

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Industrial Commissioner

NEWS of the Month

• **Mediation Principle** — How the down-to-earth democratic process of mediation in labor disputes can be applied in the international diplomatic structure is seen in the following excerpt from Walter Lippman's column *Today and Tomorrow* in the New York Herald-Tribune. Entitled "The Developing Crisis," Mr. Lippmann's article discusses the appalling lack of close personal contact between representatives of the United States and Russia. Since mediation is based primarily on personality contacts involved in negotiation of labor disputes, the larger application of this basic principle may be seen in this paragraph from Mr. Lippman's article:

"Never before after a great war have the leading men of the leading powers thought they could make peace at a distance, by occasional and breathless interviews, or through minor officials. When they made peace after the Napoleonic wars the leading statesmen of Europe lived together in the same city for about a year. After the first world war no one imagined that it was possible to make peace by having the responsible men meet for a few days once in a while. To be sure, they did not make a successful peace in 1919, and no one would argue that persistent and patient negotiations will necessarily produce a good peace. But it is certain that without long, careful, thorough, unhurried, persistent, and patient negotiation, no peace can be made. For in diplomacy, he who is in a hurry to conclude so that he can go home and do something else, has already lost his bargaining power. A very important part of diplomacy consists in being willing to sit it out and sweat it out no matter how long it takes."

• **Retail Trade Minimum Wage Orders**—For the first time in Newburgh's history, store clerks have Saturday evenings to themselves as a result of the State Department of Labor's minimum-wage order affecting their working hours.

"This order," pointed out an editorial in the Newburgh News, "is so far-reaching in some of its provisions that it appears necessary for stores generally to curtail the hours of operation . . . something the clerks sought off and on over a long period but never, until now, quite succeeded in attaining."

• **Report of Reconversion Service Agency**—A report on New York State's progress towards re-employment and reconversion since the end of the war was submitted recently to Governor Dewey by the Reconversion Service Agency composed of Chairman M. P. Catherwood, Industrial Commissioner Edward Corsi and Superintendent of Public Works, Charles H. Sells.

Following the proclamation of V-J Day on August 14, 1945, according to the report, the Department of Labor "undertook an immediate census of the amount and effects of the lay-offs in employment in the chief industrial centers of the State to obtain precise information on manpower available for peacetime production. At the same time, the Department's facilities to meet the impact of anticipated mass lay-offs were increased and geared to meet any peak load of registration for unemployment insurance . . . Arrangements were also made with the United States Employment Service to use their facilities, both space and personnel, to bridge the gap if the number of unemployed workers claiming benefits in any one locality should increase at a faster rate than was estimated. Local representatives of the State Labor Department made arrangements with large employers who were laying off workers in great volume for assistance in claims-taking."

The report pointed out that many employers thus agreed to prepare the equivalent of the usual claim form for the worker to sign and present to the local unemployment insurance office. Still other employers provided space in their plants for Department officials to interview discharged workers for information to expedite payment of benefits.

Great strides have also been made by the Labor Department, the report said, in providing On-the-Job Training for thousands of returning war veterans in positions in which they are paid while learning a vocation and which enable them to obtain real opportunities for securing positions with important promise for their future.

• **Uphold Complaint**—The State Labor Relations Board upheld in March a complaint made by the Retail Food Clerks Union, Local 1500 (A.F. of L.) of probable influence on the part of the Great Atlantic & Pacific Tea Company in an employees' election last September to determine a union bargaining agent.

The board ordered a new election to be held within 30 days. Approximately 2,200 grocery employees in all A&P stores in New York City are affected.

In its decision, the board held that a decrease in hours, put into effect by the management two weeks before the election, may have had an effect in the voting, in which the workers rejected the union 1671 to 653. No immediate comment was made by the company regarding the decision.

• **Building Bill Passed**—The administration bill appropriating $3,743,000 to purchase the twenty-eight-story office building at 270 Broadway, New York to be used for state offices was passed Mar. 27 by Governor Dewey.

Most of the building is occupied by Federal agencies which are gradually surrendering their space. Lo-

IN THIS ISSUE

THIS MONTH'S PICTURES

Acme—cover, 3, 4, 5, 6, 7, 12, 14, 16, 19, 24, 25, 26, 27, 32, 33; Lane, Dept. of Commerce—3; Staff—37, 39, 41, 45. Pictures on pages 32 and 33 were posed for editorial purposes.

Published monthly by the New York State Department of Labor. Subscription rate $1.00 per year. M. J. Chiusano, Director of Circulation, 80 Centre Street, New York 13, N. Y.

cated at the southwest corner of Chambers Street and Broadway, it contains about 1,000 offices, with 357,085 square feet, of which 95,000 square feet will be available by May 1.

The State already owns 742,771 square feet of space in the four state office buildings in Albany, Buffalo and New York. The new space is needed urgently to house 27 agencies now scattered throughout New York.

• **New Advisory Board Ruling**—The War Emergency Measure permitting the use of yellow tags on articles of furniture containing reclaimed down and feathers in the cushions and new material in the body was ruled on March 7 by the Advisory Board of the Bedding Division as rescinded after April 30th. At this time it shall become illegal for any manufacturer to manufacture or to ship such articles so tagged. However, such merchandise manufactured and tagged prior to April 30, and already in the hands of retailers may be continued on sale.

• **Dewey Acclaims Women**—In an address before the State Federation of Republican Women's Clubs recently, Governor Dewey said that even more important than the fact that more women are in key Government positions in New York State than in all the other states combined, was that "good, able, experienced women are today doing a better job than anybody else could have done." This is particularly true, he said, in the State Labor Department.

• **Ives Dinner**—In an unprecedented testimonial dinner for Assembly Majority Leader Irving M. Ives March 20, Governor Dewey hailed the retiring Assemblyman as "a man who has done more than anyone in the history of the State in building sound relations between capital and labor."

More than 400 Republicans and Democrats met in the Ten Eyck Hotel ballroom to pay their respects to Mr. Ives who announced he would devote his full time to the deanship of the State School of Industrial and Labor Relationship at Cornell University.

Mr. Ives was presented with a chest of silver by his colleagues and with a set of pipes by Albany newsmen.

Speakers at the dinner included Governor Dewey, Assembly Speaker Oswald D. Heck, Lt. Gov. Joe R. Hanley, Senator Benjamin F. Feinberg and Elmer Quinn, majority and minority leaders of the Senate; Assembly Minority Leader Erwin Steingut and Mr. Ives.

The retiring assemblyman, who held the office for 10 years, said that relationships between labor and management, as well as questions of discrimination and veterans' benefits, "must be kept above partisanship."

Lt. Gov. Hanley predicted that the School of Industrial and Labor Relations, under Mr. Ives' deanship, will be "one of the outstanding achievements in education in this nation."

• **Washington Conference** — Deputy Commissioner Lois B. Hunter represented the New York State Department of Labor at a conference on "Employment Problems of Women and Related Subjects" sponsored by the Women's Bureau of the United States Department of Labor in Washington, D. C. on March 14, 15, 16.

Commissioner Hunter spoke on Equal Pay and gave the meeting the benefit of New York State's experience with our own Equal Pay Law. This subject was particularly timely as a Federal Equal Pay Bill (S. 1178) is now before Congress.

Lewis E. Schwellenbach, Secretary of Labor, opened the three-day conference, the first half of which was devoted to talks and panel discussions on the post-war employment picture for women, what government can do for working women, the problems of household employment and equal pay. Representatives of women's clubs and labor organizations as well as the State delegates participated in these sessions. The last half of the conference was confined to a discussion of practical problems in the administration of minimum wage laws. Due to the technical nature of enforcement problems discussed, these sessions were attended only by wage administrators from states having minimum wage laws.

Other representatives of the State Labor Department who participated in the conference were, Miss Kate Papert, Director of the Division of Industrial Relations, Women in Industry and Minimum Wage; Mrs. Marion Mack, Administrator of the Equal Pay Bureau; Mrs. Dorothy Benton, Equal Pay Wage Rate Analyst; and Mrs. Katherine S. Weidlich, Director of Public Information. Also present was Mrs. Edward Corsi, wife of the Industrial Commissioner.

• **Social Service Employees**—At the request of the State Mediation Board and President Lewis Merrill of the United Office and Professional Workers, CIO, the social service employees'

Assembly Majority Leader Irving M. Ives, left, and Governor Dewey in the ballroom of the Hotel Ten Eyck, March 20, at the bi-partisan testimonial dinner given in honor of Assemblyman Ives by more than 400 legislators.

work stoppage set for noon March 26 was delayed by the Joint Union Strategy Committee.

That same afternoon at 4 o'clock a negotiating meeting was held between the Social Service Employees' Union, Local 19, UOPWA, and management of the Jewish Social Service Association, Jewish Board of Guardians and Jewish Family Welfare Society, the three agencies involved in the wage dispute which precipitated the stoppage.

Decision to delay the walk-out followed receipt of a telegram to the union from the State Board of Mediation, asking that the "union and the agencies resume direct negotiations at once without interruption in service," despite failure of the agencies to accept mediation.

Deputy Commissioner Esther D. Longstreet (standing, right) participated in the payment of back wages to former employees of the Harlem Garment Center, Inc. Seated left is William Lew, Supervisor of the Wage Claims Unit.

• **Bulletin Grows**—Beginning in May, circulation of the *Industrial Bulletin* will jump from 40,000 to 100,000 copies monthly to meet the demands of enthusiastic readers throughout the State.

First issue of the revised *Bulletin* appeared in September, 1945, and covered the recommended basic minimum wage, as well as introduced to its readers the divisions and activities of the Labor Department. Each of the subsequent issues dealt with a particular theme—reconversion, construction, women in industry, safety, and employment for veterans—in addition to covering those divisions particularly active during the current month. The new *Bulletin* has been acclaimed by employers, employees, editors, librarians, veterans and students.

• **Back Wages Paid**—Final payments of back wages totalling $14,000 were paid to 264 former employees of the Harlem Garment Center, Inc., bankrupt firm, Friday morning, March 15, in the offices of the New York State Department of Labor, 80 Centre Street, New York City.

Settlement of the case, with full payment of all wages due to each employee, was brought about by the Wage Claims Unit of the State Labor Department's Division of Industrial Relations. Part of the payment was made by a former officer of the corporation out of his own personal funds because the firm had gone into bankruptcy with very few assets.

The case originated from complaints filed with the Department by employees of the firm last September. When two employees began criminal action against officers of the corporation on the same count, the court, after investigation, requested the State Labor Department to take over prosecution of the matter. This was done with the aid of the State Attorney General's office through Deputy Industrial Commissioner A. H. Goodman and James P. Fusscas.

The Wage Claims Unit of the Labor Department is set up specifically to handle such situations involving employees' difficulty in collecting wages due them.

• **Child Care Centers Needed**—A survey made by the Child Care Committee of Utica, New York in January 1946, indicated a definite need for continuing child care facilities for working mothers after April 1, 1946. The survey showed that most of the working mothers planned to continue working and would require a place to leave their children. The agencies sponsoring child care programs reported enrollment at peak capacity, and long waiting lists.

The child care problem in Utica would not disappear with the end of the war emergency, the survey showed. Many of the working mothers had been employed before the war, and would continue to work because of financial need. The majority of the mothers were working in various non-war industries such as textile mills, hospitals, hotels, restaurants, cleaning establishments, and retail stores.

The widespread need for continuing child care centers was indicated by 117 women whose children were attending four child centers in Utica. All except three of these mothers expected to continue working indefinitely. Their answers revealed that 78 children required nursery care, while 89 needed a before and after school program.

The Child Care Committee cited a survey made by the Division of Industrial Relations, Women in Industry and Minimum Wage, of the New York State Department of Labor, and published in the *Industrial Bulletin*, December 1945. The state-wide survey indicated that eight out of ten women interviewed expected to continue working in peacetime, and that mothers spoke emphatically of the need for increased child care facilities.

• **New Treatment for Silicosis**—Use of aluminum dust to treat silicosis is being tried out for the first time in New York State by Buffalo Pottery, Inc. with excellent results, plant officials disclosed recently. While not a cure for the lung disease, caused by prolonged inhalation of quartz or silica dust, the new treatment prevents silicosis from advancing and promises to bring relief to many of New York's workers.

• **UNO Chairs**—UNO delegates are assured a "comfortable" stay in their Hunter College headquarters by the New York State Department of Labor, for stamped on each of the delegate's chairs is a statement saying the article has been inspected by the Department's Division of Bedding.

• **Construction Employment High**—Construction firms in New York State reported only a two percent employment decrease in January, as payrolls rose nearly four percent. The customary seasonal decline in construction for the December-January period was the smallest ever recorded by the Labor Department, with employment 43 percent higher than in January 1945.

Relaxation of wartime controls and the urgent need for construction helped maintain employment levels at a time when the industry usually is slow. Unfavorable weather conditions necessitated decreases upstate but substantial gains were reported in New York City.

• **Workmen's Compensation**—In a panel discussion on the compensation law, sponsored by the Medical Society of Buffalo and Erie county, March 27, Miss Mary H. Donlon, Chairman of the State Workmen's Compensation Board, said physicians who continually have failed to report workmen's compensation claims face immediate revocation of licenses to administer the cases.

"Disabled workmen often are on a marginal financial status," Miss Donlon said, "and the first and most important step of medical evidence, of course, is the physician's report.

"Less than 50 percent of upstate compensation cases are filed within the specified time, and in many cases, failure to pay compensation claims is due to failure to make the medical report in time."

• **FEPC Rally**—Mrs. Bertha J. Diggs, Secretary of the New York State Department of Labor, attended a rally sponsored by the National Council for a Permanent FEPC in Madison Square Garden, February 28, and was photographed by newsmen while chatting with Secretary of Labor Lewis B. Schwellenbach.

Mr. Schwellenbach was one of the principal speakers at the rally which sought to stimulate popular support behind Federal legislation for creation of a Fair Employment Practices Committee, similar to New York State's Committee Against Discrimination.

• **Labor Relations School**—Plans for the construction of a $2,500,000 building to house the State School of Industrial and Labor Relations at Cornell University have been approved by the State Postwar Public Works Planning Commission.

With facilities for 700 students, the building would include a library with space for 200,000 volumes; give class and conference rooms; two statistical laboratories; two auditoriums, one to seat 1,200 and the other 400; a conference room and student lounge; a cafeteria seating 200 and several offices and classrooms.

• **Appointment to Health Post**—On March 8 Governor Dewey appointed Harold Hanover, of Albany, as a member of the New York State Health Preparedness Commission to succeed Vincent J. Ferris, of New York City, who resigned recently.

Mr. Hanover is Secretary of the New York State Federation of Labor.

• **Veterans Convention in Utica**—A resolution endorsing On-the-Job Training for Veterans and pledging cooperation with the Labor Department in pushing the program was passed by the Utica Post Veterans of World War II in their recent convention.

Acknowledging and congratulating the group by letter for its pledge of cooperation, Industrial Commissioner Edward Corsi said the cooperation of the public as a whole is essential "to secure the returning veterans of this State the greatest aid in regaining economic security in civilian life."

• **Stromberg Safety Record**—Stromberg-Carlson Company is in line for a 100-percent safety certificate because no time was lost as a result of plant accidents during the final quarter of 1945, George Schindler, plant safety inspector, announced recently.

The top award, for working the largest number of man-hours safely, is given the winner of the safety contest conducted by the Associated Industries of New York State.

• **Workmen's Compensation Law Amended**—Recently approved by Governor Dewey were two bills introduced by Mr. Condon in connection with the workmen's compensation law.

Senate Bill No. 368 amends the law in relation to right of action against third parties in certain cases, and repeals chapter 87 of the 1937 laws relating to and amending such law.

Senate Bill No. 371 amends the workmen's compensation law in relation to the payment of compensation.

Also approved by Governor Dewey was Bill 715, introduced by Assemblyman Pillion, amending the labor law in relation to benefits to veterans during periods of industrial controversy under the unemployment insurance law.

Secretary of Labor Lewis B. Schwellenbach and Mrs. Bertha J. Diggs, Secretary of the New York State Department of Labor, at the rally sponsored by the National Council for a permanent FEPC.

MEDIATION: THEORY, PRACTICE

The Process of Mediation is an Example of Democracy in Action

Julius J. Manson, a staff member of the State Board of Mediation, discusses the theory and practice of mediation . . . He sees the reason for the wide success of the mediation process in its fundamental character . . . Meeting in an atmosphere of free discussion, disputants can air their views openly, coming to an agreement on their own volition . . . There is nothing to hamper either their will or their talk, for they can leave whenever they like, they can disagree for as long as they like . . . But more and more frequently, management and labor controversies are being settled through the democratic process of mediation.

Labor disputes make headlines. The threat of a strike reaches the first page today as readily as open warfare filled columns yesterday. The stage-props of tear gas, tommy-guns, state militia, or actual bloodshed are no longer needed to drive home the critical importance of stable industrial relations. The public has gradually learned one of the vital facts of economic life: Strikes hurt. Nor is the pain limited to the combatants. A tugboat strike shuts down a city. A phone strike silences a nation. An auto strike halts the reconversion of a land which may have to feed a world.

Our sensitive economic structure is a delicately balanced, exceedingly complicated mechanism. Disturbance at any one point may make the entire organ quiver. Hence, a strike pebble, dropped into industrial waters, spreads its ripples to the farthest shores of public welfare. Naturally, then, the government directs its attention to the maintenance of peaceful labor relations in order to protect the health, welfare, comfort and safety of the people.

Bearing in mind constantly, however, that our way of life rests upon democratic foundations, we must use only those techniques and methods for the adjustment of labor controversies which, while easing strife, preserve liberty. Mediation is such a technique, bridging differences within the framework of democracy—emphatically bringing to focus the basic elements of our democratic system of government.

This is the type of scene everyone wants to show the returning veteran. And by adhering to the principles of the mediation process, labor, management, and government are cooperating to keep the doors of employment open.

• **Reason, not Force**—In theory, the process of mediation encourages the union and the employer to use reason instead of force. Thus the conference table replaces the picket line. Men of good will can talk themselves into an agreement, particularly where the commonweal is endangered; given the place and opportunity, they will employ intelligence rather than belligerence. The mediator, therefore, proceeds to arrange a conference. As an impartial third party, he invites or persuades—but never orders—the principals to meet in his presence to iron out their differences. The meeting-ground is preferably on neutral territory, usually the office of the mediator. If the dispute is imminent or threatened and not yet in the open warfare phase, then that first conference is likely to be well-behaved. If a strike or lockout has already begun, evidence of frayed tempers appears at the first session. There is no set pattern and the mediator accordingly must be sufficiently flexible to expect anything.

• **Mediator Listens**—In fact, rarely do the disputants reveal at the outset exactly what each wants. An accumulation of grievances, major, minor, real and imagined, plus petty peevishness and clashes of personalities, all take turns bobbing up to the surface of the discussion for an airing. In such sessions, the mediator mainly listens. And he may be the only one doing so. Sifting fact from figment, he distinguishes the chief areas of disagreement. Acquiring that knowledge demands extraordinary patience. Indeed, "Sitzfleisch"—the capacity to outsit the parties—often solves the problem. If the mediator sits long enough, both sides may sufficiently exhaust each

other and be willing to accept what the mediator suggests.

After temperatures have subsided and every man has spoken his piece rightly or wrongly, the mediator consults with each group separately. Thus he can ascertain, in confidence, precisely how far each will travel, what each will take, and what each will give. More often than not, the real positions and the apparent ones of the bargaining agents differ greatly. At this stage of the mediation process, the actual boulders of disagreement emerge. From now on, to the finish, the mediator whittles away the differences, suggesting to each side in turn a formula to fit the facts. Long experience in such matters establishes the importance of appreciating the psychological elements which play upon and intermingle with the industrial, economic, social, and political factors in a complicated case.

On occasion, the mediator may stand by, leaving the parties to themselves, ready to intervene if needed. And the case is settled not because of the air-conditioning system, but essentially because the principals have met in an atmosphere of free discussion. The mediator's chief contribution lies in providing the opportunity to settle disputes in a democratic way.

• **Voluntary Action**—The entire mediation process is the very essence of a free people. The union and employer appear voluntarily; there is no element of compulsion. At any point in the proceedings, anyone can pick up his hat and go home. The parties can ignore the advice of the mediator. Sometimes they do! In that event, a costly operational stoppage may follow, probably to end with the ultimate acceptance of the mediator's original proposal. At least, there is no restraint upon the rights of conferees to disagree.

• **Mediation and Arbitration**—In direct negotiations, the participants may conduct their conferences as they choose, say what they please, and conclude a contract or not. The principle of voluntary action is preserved intact in the mediation process. During the course of the talks the mediator may find that after securing agreement on various points, one or two valid issues block complete adjustment. He would then propose arbitration of these differences. With the consent of the disputants, an arbitrator enters the situation, listens to their testimony, and then hands down an award which is binding on both sides. The mandatory character of the arbitrator's award distinguishes arbitration from mediation. Since the parties, however, in an effort to arrive at an amicable solution, agree in advance to submit their differences for a final decision by an impartial person, they voluntarily obligate themselves to comply with the arbitrator's award. The union and the company thus in reality continue their freedom of action from the very outset to the very end.

• **Democracy in Action**—The mediator imposes no penalties for he has no law to enforce, no oaths to administer, and no subpoenas to issue. Mediation deliberately replaces compulsion by volition, preserving the will of the parties and not the order of the court. The backbone of our national character is independence, vividly demonstrated in the arena of industrial controversy; and when the disputants are mindful of their responsibilities to the community, mediation, safeguarding their independence, becomes an indispensable highway toward enduring cooperation.

The Board of Mediation offers its aid to all employers and unions throughout the State of New York including those employers whose businesses are predominantly interstate in character. Because the Board's intervention is on a voluntary basis with no laws to enforce or orders to issue, there is no limitation on the size or nature of the business which may utilize the State's mediation services.

Typical of the results Arthur S. Meyer has succeeded in achieving is this scene of the signing of a new labor-management contract. After many hours of discussion, deliberation, and argument, the final agreement which was drawn up met with the approval of all concerned. As in hundreds of other cases, this provided indisputable proof that mediation is really a fine example of democracy in action.

MEDIATION–ARBITRATION

Different in Definition and in Practice–Alike in Results

Both methods of arriving at industrial peace sought by aggrieved parties . . . Experienced mediator finds mediation, with both parties settling their own problems, basically sounder than arbitration . . . but the latter must be frequently used to greater advantage, for each method is applicable at a different stage of the labor-management relationship . . .

Before a discussion of any subject can proceed intelligently, a thorough understanding of essential terms is necessary. So in the case of the work performed by the State Board of Mediation. The Board's twofold function of mediation and arbitration has become so closely related that confusion invariably arises–so let's make a clear distinction now.

• **Definitions**–Resolved simply, mediation involves helping people decide for themselves—*aiding an agreement on their own volition*. Arbitration, on the other hand, involves helping people by *deciding for them*. The cause for the confusion of terms is easy to understand: In the words of Arthur S. Meyer, ". . . the two processes have a way of shading into each other. Many an arbitration ends in a mediated agreement, just as certain mediations end in an agreement to arbitrate some or all of the undecided issues." However, a more concrete distinction for our discussion may be seen in the fundamental application of the two methods.

• **Different Stages**–Each of these two functions is ordinarily used to resolve a dispute at different stages of the collective bargaining relationship. For instance, mediation is most commonly resorted to as a technique of settlement in a dispute between an employer and a union in negotiating the terms of an initial or renewal contract. It is the purpose of the contract to set forth the wages, hours, working conditions, and respective responsibilities which will govern the parties' relationship for a definite length of time. Negotiation concerning these contract terms are oftentimes directed toward a successful conclusion with the help of a mediator. It is less common that the determination of the contract terms be submitted to an arbitrator for a determination final and binding upon the parties, although such submission may be made as a last resort.

Arbitration, on the other hand, is usually associated with the settlement of grievances arising *while the contract is in effect*—the subject of such disputes being the interpretation of the contract terms and their application to particular situations. To gain a broader understanding of the two methods, let us examine each procedure in greater detail.

• **Mediation is the Major Function**–The Board considers that its major function is mediation, its principal aim to induce parties to come to an amicable agreement on the issues on which they are at variance through a frank presentation of the facts and an equally frank discussion of their points of view guided by a mediator experienced in labor relations. Andrew Doyle's long experience in mediation entitles him to speak of its value to industry with authority: "Mediation is a much sounder procedure than arbitration," says Mr. Doyle. "Under arbitrations, though voluntarily agreed to by both parties, disagreements may again arise. Up to now we have yet to find any procedure for settlement of industrial strife that surpasses, or even equals, mediation, inasmuch as mediation permits both parties to settle their own problems. Such settlements are much more lasting than forced decisions."

As proof that mediation under the guidance of an expert in industrial relations, acting as an "industrial diplomat" or confidential advisor to both sides, is the soundest method of arriving at industrial peace, the veteran mediator cites the fact that, in normal times, at least 90 percent of the mediations participated in by the upstate office alone were successful and lasting. While the total number of arbitrations handled by the Board throughout the State has been increasing, the upstate New York office still counts many more mediations than arbitrations in its annual work load. In the year 1945 of 203 disputes in which upstate mediators intervened, 159 were mediations and only 44 were arbitrations.

• **Mediation is a Specialty**–Successful mediation calls not only for wide experience in labor relations, but also for certain specific qualities of mind and temperament. In the words of Irving Bergman, assistant executive secretary of the Board, "The mediator must combine lack of temper with the patience and the wisdom of the Sphinx." He must be able to sense when either of the parties or both has "gone as far as he, or they will go". He may then separate the parties and talk with each in turn, persuading each that the common objective of agreement may warrant making a minor concession without losing face. He seeks to persuade each that compromise does not involve the sacrifice of the prerogatives of the party he represents. If he is successful in his persuasion, the reunited parties will come to an agreement on the issue, the agreement by consent which is the objective of the mediation procedure.

Mediation conferences are in reality nothing more nor less than collective bargaining sessions at which representatives of each party seek to gain for themselves the most advantageous conditions possible. The mediator's role is that of a moderator at a panel discussion; he is present to ensure that each party gets full opportunity to present its case, receives fair play in the ensuing debate, and that the proceedings will, through mutual understanding, end with the greatest area of agreement possible. A timely suggestion made by an impartial mediator may open up a new line of thought, present a solution, which the parties themselves, concerned with their own interests, have failed to see.

• **Mediation Conference Informal**–The Board strives to give to all its hearings a conference atmosphere. In its hearing rooms on the eleventh floor of the Fisk Building in New York City, a stone's throw from Columbus Circle, or on the ninth floor of the

State Office Building in Albany, or at some other place agreed upon by the parties concerned, the representatives of both parties foregather. The conferences have all the appearance of a round-table discussion; representatives of each party sit at either side of the table with the mediator at the head. The first duty of the mediator is to make sure that the representatives have authority to act for the parties to the dispute, otherwise any agreement arrived at between the parties may later be repudiated when referred back either to the top management or to the union membership. In the second place, the mediator must obtain a picture of the background of the parties' relationship and a clear definition of the issues in dispute. Then the discussion and bargaining begins.

Throughout the conference, the mediator guides the discussion, offers suggestions, keeps the parties on the point at issue, and continues the negotiations even when the parties are ready to give up without an agreement. He strives to impart to the conferences an atmosphere of informality, combined with order.

• **Intervention**—The law provides that the Board may intervene in a dispute on its own initiative, since prevention or curtailment of operational stoppages is its essential function. Thus, the Board keeps a weather-eye open for any signs of impending trouble. Frequently an item in a newspaper will echo the first rumbling of discord. Mediators do not wait until the storm breaks but immediately offer the Board's facilities to the parties in disagreement. Thereafter, while mediation conferences are being conducted, little information concerning their progress is allowed to reach the newspapers. To predict the outcome before a definite settlement has been reached, they believe, might alienate one or other of the parties and stalemate the procedure. Only when a solution has been arrived at is it wise to make any definite announcement for publication. Much of the success achieved through intervention is due to the fact that mediation conferences are conducted in camera, in closed sessions where the parties involved may speak freely and frankly without fear of indiscriminate publicity concerning their "internal affairs." The duty of the mediator is, at times, to be close-mouthed as he is open-minded.

• **Mediation—Sought by Each Side**—The work of the Board as mediator has gained widespread recognition throughout the State, and the nation as well. The Board is winning new friends daily among both labor and management officials. During the past year, of 159 mediations handled in the upstate area, over 25 percent were initiated by employers, 52 percent by unions, and 8.8 percent by both employer and union. Now we may with more understanding turn to the methods used in arbitration, for the essential there is based on the mutual consent of the disputing parties to abide by the decision of the arbitrator.

Procedure Is Different

• **Arbitration Procedure**—Arbitration procedure is initiated by a "submission"—a written document defining the nature of the disputed issue, accompanied by an agreement signed by representatives of both parties to the dispute that they will abide by the "award" or decision of the arbitrator. This award is made only after hearings at which each party is given full opportunity to present its case.

• **Hearing in Arbitration**—The arbitration hearing begins with a definition of the issues submitted, and a recital of the background developments leading to the disagreement now requiring adjudication. Then each party in turn presents arguments in behalf of its points of view. The arbitrator may interject question calling for the clarification or explanation of evidence presented by either party. He may request from them documentary evidence in support of their statements and may "subpoena witnesses and compel their attendance, administer oaths and receive evidence."

• **Not a Court—but a Conference**—The hearings, however, seldom have the atmosphere of a court. The disputing parties may, if they wish, be accompanied by counsel. They may wish a stenographic record of the proceedings, in which case they bring along their own recording stenographer. The arbitrator makes notes of the contentions and facts presented which he may later transfer to a record book, but his conduct of the hearings remains informal. The men smoke, interrupt, question, engage in all the by-play of discussion. The discussion may become acrimonious, voices may be raised, tempers strained. The arbitrator remains calm. His only concern is to learn the facts.

After each party has presented its case, time is allowed for rebuttal. This may necessitate additional hearings, according to the number and nature of the issues involved. When all the argument and evidence have been presented, the hearings are closed and the solution of the case is left to the arbitrator. Meticulous study of each and every issue involved, impartial weighing of the pros and cons of argument and evidence presented, wide and specific knowledge of labor practices and trends, enable the arbitrator to arrive at a fair and equitable conclusion. Accordingly, he makes his "award."

• **The Award**—The arbitrator is under no obligation to explain his award to the contending parties. However, he ordinarily prefaces the award with a statement of the issues on which his opinion is sought, a review of the contentions of both parties and of the evidence submitted in support of those contentions. He thus indicates the method by which he arrives at his decision on the issues—through due consideration of all the pertinent facts—and establishes the fairness and reasonableness of his decision.

• **Award Is Enforceable**—Though the Board has no power to compel the parties to arbitrate their dispute, once they have agreed to submit it to arbitration and to abide by the decision, the award or decision is final and enforceable through the courts of the State.

• **Panel of Arbitrators**—The Board frequently designates as arbitrator a person selected from its panel of arbitrators, made up of men outstanding in labor relations experience, who have signified their willingness to serve. When the Board receives from the parties a request for the arbitration of a dispute, it may submit the names of arbitrators on its panel to the disputing parties for their selection of an arbitrator, or it may assign the arbitration to a member of its staff.

Parties who have availed themselves of the services of a Board mediator in the drawing up of their contracts, may later request the Board to assign the arbitration of subsequent disputes over the interpretation of the contract terms to the mediator who already knows their problems.

• **Consultative Service**—Employers and unions have come to regard the Board of Mediation not only as an impartial agency to which they can bring labor-management disputes for mediation or arbitration, but as a consultative service, an advisory body to which it can freely refer problems.

MEDIATION: NEW YORK STATE

State Board Has Fine Record In Settling Labor Disputes

The sixty-year history of mediation in New York provides convincing proof that prevention is better than cure. Early intervention in labor disputes has resulted in the State's excellent record in labor relations—a lower ratio of work hours lost to potential work hours than in any other leading industrial state. Mediation reinforces collective bargaining processes, encouraging their continuation in disputes arising between management and labor.

New York State has a long-established pattern for successful intervention in labor disputes. That the need for mediation and arbitration was recognized and acted upon in the latter part of the last century furnishes ample proof of the State's awareness. And progressing logically from that first legislative action came laws which have established a thorough machinery for the prevention, curtailment, or actual elimination of serious operational stoppages arising from disputes.

• **First Law in 1886**—In 1886, the Legislature passed "An act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employees, and to authorize the creation of a state board of arbitration." This Board consisted of three members appointed by the Governor, and its sole function was the decision of cases in appeal from **local** boards of arbitration which were to be appointed by parties involved in dispute. Unfortunately, no local boards were ever formed, and no cases reached the Board from that source. Its intervention on its own initiative into several disputes, while successful in avoiding protracted strikes, was ruled by the Attorney General to be entirely outside its authority. But the Board stated its handicap in its first annual report: "From what has been observed, belief is warranted that mediation, in the name and by the authority of the State, at the outset of a difficulty, is, in some instances and in many respects, more important than arbitration, after a difficulty has grown to large proportions or reached the final division stage."

• **Scope Enlarged**—Thus, in the following year the Board was superseded by a State Board of Mediation and Arbitration which, in addition to its appellate duties, was instructed in the event of a strike or lockout "to proceed as soon as practicable to the locality of such strike or lockout and put itself in communication with the parties to the controversy, and endeavor by mediation to effect an amicable settlement of such controversy." Thus it could (1) mediate or conciliate upon its own initiative; (2) arbitrate upon joint submission by the parties involved; and (3) investigate the causes of disputes by issuing subpoenas for attendance of witnesses or the production of books or papers.

• **Policy Unchanged Since 1887**—Though there have been changes in the administrative technique of the Board, the principle of intervention by a state agency in labor disputes to serve the public interest has endured. The original 1886 law provided that the Governor should appoint one member each from the two political parties which cast the largest number of votes at the last preceding election, and the third member from a bona fide labor organization in the State. This continued to be the form of the Board until its consolidation in 1901 with the Department of Labor which at that time was administered by the Commissioner of Labor. Twenty years later the statutory requirement for the creation of the Board was repealed and in its stead Section 21, Subdivision 5 of the Labor Law was enacted.

". . . the Industrial Commissioner shall inquire into the cause of all strikes, lockouts and other industrial controversies, and endeavor to effect an amicable settlement thereof, and may create within the department a board to which a controversy may be submitted for mediation and arbitration."

It was under this authority vested in the Industrial Commissioner that the mediation and arbitration functions of the State were continued until recent years.

• **Further Legislation**—In 1937, the Legislature provided for the creation of the present State Board of Mediation. In 1940, as one of the recommendations made after a two-year study by the Ives Joint Legislative Committee on Industrial and Labor Relations, the Legislature voted to consolidate the State's mediation and arbitration agencies. The old (or long-standing) Bureau of Mediation and Arbitration was therefore abolished, the State Board of Mediation succeeding to its powers, functions and duties and absorbing most of its staff mediators. In addition to the machinery for mediation thus established, and to provide for a still further step in the settlement of disputes, the Legislature established authority for "boards of inquiry" in 1941. This enables the Industrial Commissioner to refer to a fact-finding body any disputes affecting the public interest which have been reported to him by the State Board of Mediation with "a certificate . . . stating that its efforts to effect a voluntary settlement of the dispute have been unsuccessful." This fact-finding body seeks to bring to public attention, through its final report, the actual circumstances involved in a deadlocked dispute. It should be noted that this function does nothing to limit the right of labor organizations to strike or of employers to lockout. Nor does it permit the fact-finding board to include in its report or allow publication of "any information, other than information having a direct bearing on the dispute, obtained by the Board . . . as to any individual business . . .", if it is confidential information which the Board finds "is not available otherwise than through evidence given at the inquiry."

• **No Loopholes**—And there it stands—a well established, completely integrated machinery for the settlement of labor disputes. A very staunch tribute to the wholesome effectiveness of the State Board of Mediation is seen in the fact that in not a single case has it been necessary for a fact-finding report to be issued. So let us turn again to a closer examination of the Board and its functions.

• **State Board of Mediation**—The Board of Mediation is a state-authorized impartial agency to which labor and management may refer any issues they have been unable to resolve by themselves for an equitable and peaceful solution. As presently constituted, it consists of five members appointed by the Governor for three-year terms and two additional or temporary members serving for one-year terms.

• **Powers and Duties**—The Board may intervene at any stage in a labor dispute; it does not have to wait until a strike or lockout takes place, or even until a strike is threatened. Its intervention may be requested by either or both parties to the dispute, or by an outsider to the dispute indirectly affected by it; it may intervene on its own initiative; it must intervene by order of the Governor.

A tenant in a building in which serious differences have arisen between the building manager and the elevator operators, for instance, may inform the Board of the circumstances and urge its intervention. A report may reach the newspapers of impending trouble because a request made by employees has been summarily turned down by an employer. Picketing around a building is evidence of labor trouble. A Board member or employee may inquire into the circumstances which led to the picketing and the Board may, on its own initiative, offer to help in the adjustment of the difficulties. In a recent elevator strike in New York City, Governor Dewey directed the Board to intervene.

• **Impartiality of the Board**—Intervention of a third party in any quarrel is proverbially unpopular. Two qualifications of Board members and officers, however, tend to relieve their intervention of any stigma of interference. These are, their strict impartiality; and the fact that their services are offered without cost to any of the parties concerned. Paragraph 754 of Article 21 specifically states: "No member or officer of the board having any financial or other interest in a trade, business, industry or occupation in which a labor dispute exists or is threatened and of which the board has taken cognizance, shall be qualified to participate in any way in the acts or efforts of the board in connection with the settlement or avoidance thereof." Board members themselves serve without salary. They are entitled to reimbursement for traveling and other expenses incurred by them in the performance of their duties and receive a per diem allowance of $25 for each day, or part thereof, spent in the rendition of service to or for the Board. Their work for the Board is undertaken as a public service, in addition to their own business or professional duties.

• **Organization and Staff**—The Board has no set of hard and fast rules under which to operate. It meets only to decide questions of general policy. In carrying out its functions, the Board is assisted by an executive secretary, an assistant secretary, and an experienced staff of full-time mediators appointed in accordance with civil service requirements. The executive secretary is responsible for the over-all administration and operation of the Board, liaison with other agencies in the labor mediation field, and the assignment of cases after consultation with the chairman. While the members of the Board proper usually undertake the more important cases, the secretaries and the staff mediators do masterful work in handling situations which are often completely overlooked by the daily newspapers. The New York office is maintained by the executive secretary, his assistant, a supervising mediator, and five staff mediators. In the branch office at Albany, controlled by a supervising mediator, there are three staff mediators. In addition, the Board maintains a panel of widely recognized public-spirited citizens who have placed their time at the disposal of the Board and are designated to act in many arbitration cases.

• **Board Designated in Contracts**—More and more frequently the State Board of Mediation is being designated in employer-union contracts as the final voice in grievance settlements. By agreement in such contracts, both parties designate some impartial agent to whom unsettled grievances are submitted for arbitration. They sign a "submission" form in which both agree to abide by the decision of that agent. Indicative of the growing trend toward increased use of the Board's services is the fact that there are hundreds of these contracts drawn up designating it as agent, many of which the Board may not necessarily know of until trouble arises and the Board is called in.

• **Experience Data**—All cases handled by the board are recorded on file cards, and all pertinent data are kept in file. The files of the Board have now assumed astonishing importance. For everyone—employers, unions, mediators—can now glean from them decisions, methods of settlement, alternative measures, etc.—all of which can be brought to bear on a case at hand. Thus the full fruits of the Board's experience is at easy disposal, and has become akin to a consultative service. This in turn is proving to be, to a greater and greater degree, a method of **preventing** disputes from arising at all, for the Board is fundamentally dedicated to the thesis of industrial harmony, and thus it serves the best interests of labor, management, government, and the public at large.

Here Mediator Lanoue guides an informal discussion of issues in a recently mediated case. Parties reached an early settlement which gave them new confidence in the sound process of mediation.

MEDIATORS: WHO THEY ARE

Peacemakers Have Wide Experience in Labor Relations

Diverse in their training and background, members of the Board and its staff can draw on years of experience in labor-management relations. Their common belief in mediation ensures prompt action, saving millions for industry, labor, government, and the public at large.

Because the work of mediation eventually resolves to a matter of personalities, an examination of the mediators themselves is in keeping with our discussion. As we read the short biographies which follow, and study the faces of the mediators, it might be well to keep in mind the notable work—perhaps in terms of dollars and cents alone—which these mediators are doing. How much money do they actually keep from being wasted? An exact figure would be difficult to calculate—but it would easily run into several millions. An operational stoppage—regardless of its size—for even a single day has multiple, widespread, and disastrous effects on our economic plan. Actual monetary loss is suffered by all parties to a protracted dispute, and also by that proverbial "innocent bystander"—in this case John Q. Public! But here are some people who have risen from this "public" to work zealously at the job of industrial peace.

• **Board Members**—A resume of the experiences of Arthur S. Meyer, the Chairman of the State Board of Mediation appears on the inside front cover.

• **GEORGE J. BELDOCK**—appointed to the Board by Governor Dewey in July, 1944, for a three-year term. He is a member of the law firm of Beldock and Meadow in New York City and served as District Attorney of Kings County last year. He is a member of the legal advisory staff of Selective Service, New York City, and of the Legal Aid Society.

For many years Mr. Beldock has served as general counsel to a number of trade associations in the electrical, gas and fur industries. He has also been long and actively identified with labor-industry collective bargaining negotiations and has served as mediator and arbitrator in numerous labor disputes.

He is a member of the Municipal Court Arbitration Committee, Kings County; Arbitration Committee, Columbia Bar Association, and of the arbitration panel of the American Arbitration Association.

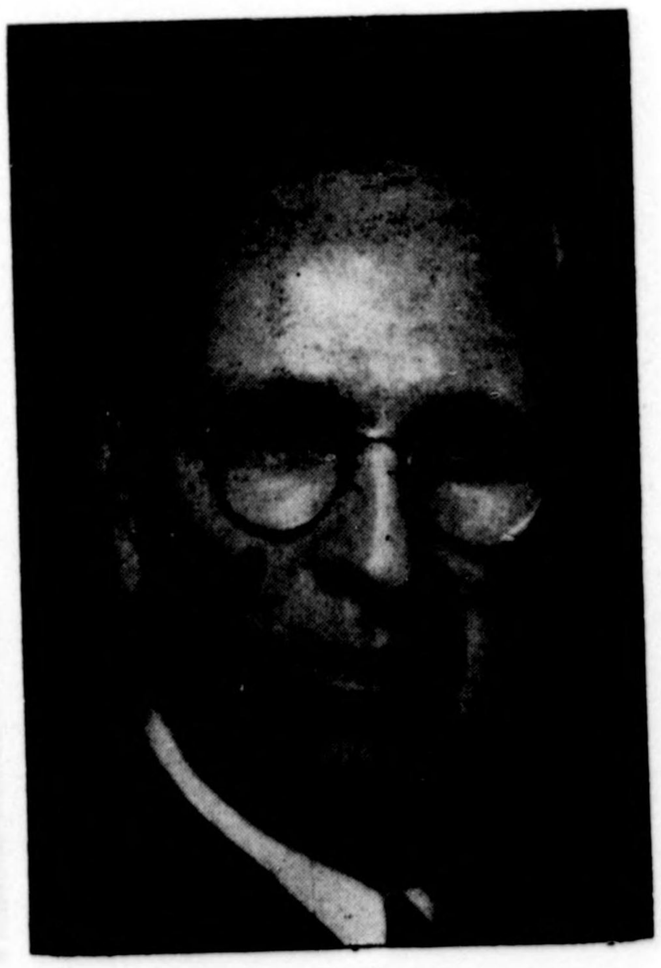
• **DEAN HARRY J. CARMAN**—has been continuously reappointed since June, 1942, as a temporary member of the Board for one-year terms. In 1943 he was named dean of Columbia College, following many years of association with the college as professor and assistant to the dean.

A versatile Board member, Dean Carman is the author of many social, economic and labor studies on America, has been personnel director of a manufacturing company, and has had experience as a dirt farmer who knows agricultural labor conditions.

He has long shown an interest in the Educational Department of the International Ladies' Garment Workers' Union and, beginning in 1917, taught in the union's Workers' University for a number of years.

• **EZRA G. LEAVITT**—appointed to the Board by Governor Dewey in February, 1944, to serve until June, 1946. Dr. Leavitt is a New York City attorney, and treasurer of Lincoln Elec-

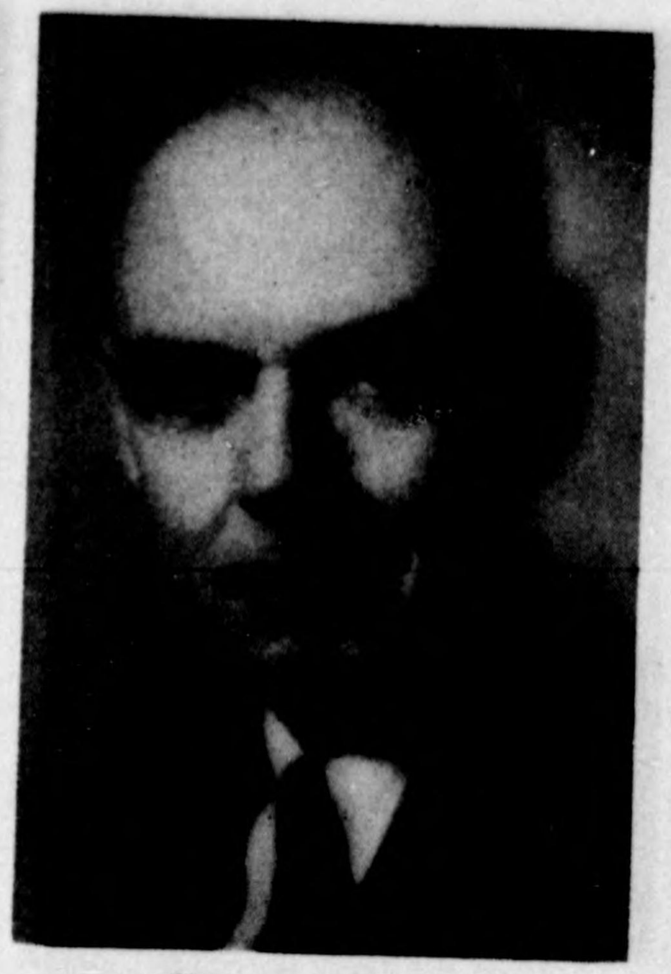
George J. Beldock



Harry J. Carman

Ezra G. Leavitt

Mabel Leslie



Thomas L. Norton

Merlyn S. Pitzele

tronics Corporation. He holds degrees of LL.M. from New York University Graduate Law School, and Ph.D. in Economics from Fordham Graduate School. From 1933 to 1939 he taught economics at the College of the City of New York.

He has served as a member of the national panel of the American Arbitration Association, is a fellow of the Royal Economics Society, London, 1935, a member of the Criminal Courts Committee of the Bar Association of New York City, and of the New York Stock Exchange.

• **MABEL LESLIE**—an original appointee to the State Mediation Board by Governor Lehman on its establishment July 1, 1937, Miss Leslie has continued to be re-appointed for three-year terms. Her present term runs to June, 1948. She recently worked out a notable agreement for the Lerner Shops affecting their central office and warehouse workers.

She is now director of the Art Workshop in New York City, an evening school for workers studying the arts avocationally.

She is a member of the Board of Directors and the executive committee of the New York Adult Education Council, member of the Board of Directors and chairman of the Committee on Labor and Industry of the Women's City Club, vice-president of the Women's Trade Union League, and chairman of the Program Committee of the Sara Clapp Midtown Council of Social agencies.

• **DEAN THOMAS L. NORTON**—appointed to the Board by Governor Lehman in 1939, and re-appointed in 1942. He is presently Dean of the School of Business and Commerce of the College of the City of New York, was previously associate professor of Economics at the University of Buffalo. He has the degrees of M.C.S.—from the Amos Tuck School of Dartmouth, and Ph.D. from Columbia University.

Dean Norton has served as a member of the Federal Advisory Council on Social Security, and a member of the Shoe Industry Committee of the Federal Wages and Hours Administration. During the war, he was Chairman of the National War Labor Board, Second Region. Before his appointment to the State Mediation Board, Dean Norton was frequently called in as mediator or arbitrator in labor disputes. At the request of the National Labor Relations Board in 1934, he handled the wage dispute between the Curtiss Aeroplane and Motor Company and its 1,400 employees.

• **MERLYN S. PITZELE**—newest, youngest member of the Board, appointed by Governor Dewey in June, 1945, for a one-year term. Soon after his appointment, he played an important part in settling the Building Service employees strike in Manhattan. Mr. Pitzele has been Labor and Management editor of *Business Week* since 1940, bringing to his job a depth of knowledge and experience in the labor relations field.

After receiving an A. B. degree from the University of Chicago and A.M. from the University of Wisconsin, he was a case worker for the Illinois Emergency Relief Commission. He next served as field representative for the U. S. Department of Labor, was named director of the Chicago Labor College (A.F. of L.), became educational director, then field representative of the western region Steel Workers' Organizing Committee (C.I.O.) and executive secretary of the Illinois Labor Party.

He has been a member of the economics faculty at the University of Wisconsin; of the summer faculty, Industrial Relations Section, at Princeton University, of the School of Business Administration faculty at New York University, and was head of the labor relations division of Wilson Oliver & Co. He is the author of several books and numerous articles on labor problems.

• **Executive Officers**—Responsibilty for the operation of the Board and the administration of its duties is vested in the executive secretary and his assistant. All this is done in addition to their duties as mediators. Just as important is the liaison work they carry on between the Board and the various Federal agencies of conciliation and mediation.

• **FREDERICK H. BULLEN**—appointed Executive Secretary of the State Mediation Board on December 7, 1945, to succeed Jules S. Freund, who resigned to become Executive

Frederick H. Bullen

Director of the Retail Labor Standards Association of New York.

Mr. Bullen joined the War Labor Board in June, 1942. After serving as a Senior Mediation Officer, he became Director of the Disputes Division for the Fifth Regional Board in February, 1943. In December of that year he was appointed Deputy Executive Director of the National War Labor Board in Washington, and served in that capacity until his elevation to Chairman of the Fifth Regional Board, in Cleveland, in February, 1944.

Mr. Bullen's entire career has been devoted to the field of labor-management relations. Before joining the National War Labor Board, he was with the New York State Board of Mediation for three years as Assistant to the Executive Secretary and engaged primarily in mediation and arbitration work.

Mr. Bullen received his A.B. degree at Cornell, and did graduate work at Harvard University under a fellowship in the Graduate School of Public Administration.

• **IRVING T. BERGMAN**—joined the Board as Assistant to the Executive Secretary in January of this year, after several years' army service with the labor branch of the 2nd Service command.

As officer in charge of the labor branch for the central New York area, he was responsible for maintaining the labor supply and keeping war production rolling in that area; for settling disputes before they became strikes and intervening to end strikes; and contracting for the labor of German PW's, not only for their usual farming and canning work but also in industry.

After graduating from St. John's College in Brooklyn, Mr. Bergman attended Brooklyn law school at night while working days in a plant manufacturing metal containers. On receiving his degree, he became counsel for the manufacturing company and later its vice-president. In 1934 he opened his own law office, and for the next 9½ years the bulk of his practice was trial work in court.

• **Supervising Mediator and Staff**—Working closely with the executive secretary of the Board is the supervising mediator for the Metropolitan area.

• **JAMES LARGAY**—a veteran staff mediator, he was with the old Bureau of Mediation and has been Supervising Labor Mediator for the lower New York State area since 1935.

He has recently mediated several cases which New York City residents will quickly recognize as affecting their daily lives: the dispute between the Metropolitan Roll and Pastry Bakers' Association and the Bakery and Confectionery Workers' Local No. 1; and the dispute between the Wholesale Grocers' Association (including Krasne and Krasdale) and the Teamsters' Union Local No. 138, affecting food distribution.

Irving T. Bergman

Ernest W. Lanoue

Julius J. Manson

In 1930–1931 Mr. Largay was editor of the *Utica Weekly Times*, owned and published by the Trades Assembly of Utica. From 1933–1935 he was an investigator of prevailing wage rates for the New York State Department of Labor, determining rates and holding conferences with employers regarding payment.

Mr. Largay spiritedly champions the Board's work, claiming that "because there is this agency to mediate and arbitrate, the necessity of calling strikes or lockouts is often obviated. There are numerous cases involving only one employee, and their settlement means prevention of work stoppage which would involve hundreds."

James Largay

• **ERNEST W. LANOUE**—staff mediator since 1933, before the old Bureau of Mediation was absorbed by the State Mediation Board. For a long time particularly concerned with the Division of Public Works, he had much to do with establishing wage rates in public works contracts.

A graduate of Dartmouth College and of the Tuck School of Business Administration at Dartmouth, Mr. Lanoue was for ten years an engineer with G.E. before coming to the Mediation Board.

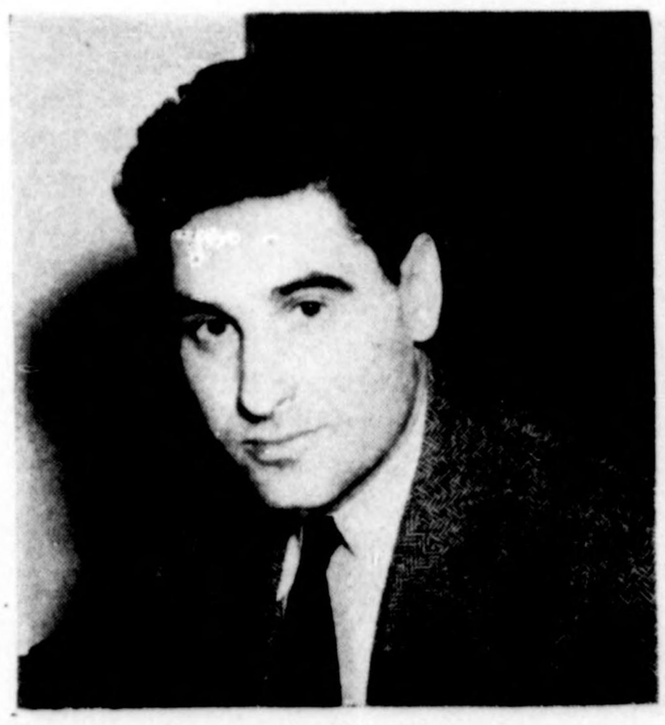
His speedy work has helped the Board gain its reputation for prompt settlement of disputes. He recently mediated a strike in the Flatiron Building in New York City, settled it the same day the parties were called in for conference.

Another fast-moving case was the settlement of contract renewal negotiations between the United Cigar Whelan Stores Corporation and the Retail Cigar, Soda and Luncheonette Employees, Local 906, C.I.O. Agreement was reached after a ten-hour meeting with Mediator Lanoue, and at midnight a strike due the following morning was averted.

• **JULIUS J. MANSON**—came to the Mediation Board in 1942, after two years as a labor relations examiner with the State Labor Relations Board. He started out with the Labor Department in 1934 as a minimum wage investigator, then served as senior investigator and as head law clerk of the former Division of Women in Industry and Minimum Wage.

Mr. Manson has just returned to the Board from several years of Army service which saw him make good use of his knowledge and experience in labor relations. He taught courses in labor problems and labor legislation, and held labor relations clinics, in the Army's American University in Florence, Italy. Officers, enlisted men, WACs and nurses who were college students, or qualified to enter college, attended and received credits recognized in this country.

He also ran weekly radio shows presenting current economic and labor issues at home, and last November staged a unique labor-management moot conference for G.I.'s, simultaneously with a similar conference going on in Washington, D. C.



Benjamin C. Roberts

Irving Weinzweig

Stephen C. Davis

Andrew C. Doyle

• **BENJAMIN C. ROBERTS**—joined the Mediation Board staff in 1944 following three years' service with the State Labor Relations Board as labor relations examiner.

From 1940–1941 he was assistant director of research for the Amalgamated Clothing Workers of America, and previously he was for three years international representative of the United Hatters, Cap and Millinery Workers' International Union.

Mr. Roberts, who has an A.B. in economics from Brooklyn College and an A.M. in Industrial Relations from the University of Chicago, frequently lectures on industrial relations and labor problems. Mediator Roberts was called upon to assist Justice Frankenthaler in handling the building service employees' dispute in New York City last fall.

• **IRVING WEINZWEIG**—became a member of the State Mediation Board in 1944 following more than twenty years' varied experience in the labor field. He was at one time labor editor of *Women's Wear Daily*, and held the same position with the *New York Journal American*. From 1937 until joining the Board, he was managing editor of the *Labor News Service*. In January, 1934 he was named National Supervisor of the Millinery Code Authority (N.R.A.) and served until the end of N.R.A. in May, 1935.

Like all mediators, Mr. Weinzweig's wide labor experience qualifies him to step into any case, and he has handled a variety of them. But recently he has been called in on so many cases in the shoe manufacturing industry that he has assumed the status of a specialist in that particular field.

• **LOUIS YAGODA**—due to return to the staff in April after service with the Navy. He came to the Mediation Board in August 1942 with a B.S. from New York University, and graduate study in personnel management and labor relations.

Mr. Yagoda was formerly an investigator for the Federal Wages and Hours Division, and for one year was in charge of compliance in the Utica-Gloversville area. He has also done some teaching and writing on labor problems.

• **Upstate Staff Members**—The Albany offices of the Board of Mediation, presided over by Andrew C. Doyle, supervising mediator since 1933, are the center of mediation and arbitration for upstate New York, an area covering some forty counties.

• **ANDREW C. DOYLE**—a true "peacemaker of industry" is the title which has been conferred on Mr. Doyle by labor and management alike. Mr. Doyle has been a civil service employee of the State of New York for the past twenty-two years. Born in Albany, he was graduated as an Industrial Art Instructor from the Rochester Institute of Technology in 1923. A journeyman machinist by trade, he served as a machinist's mate in the U. S. Navy during the first World War. He joined the State service in 1924 as a sanitary engineer and draftsman in the Department of Architecture and four years later became senior industrial engineer in the Department of Labor. He served in this capacity for five years before becoming upstate supervising labor mediator for the Department of Labor.

• **STEPHEN C. DAVIS**—who took office as upstate labor mediator on August 16, 1944, is a native of Cooperstown, New York. He was educated at schools in his native city and in Albany and at Union College, Schenectady,

Joseph B. English

Earl F. Finzar

from which he received a degree in civil engineering in 1929. After being employed as construction engineer by the New York Central Railroad and by various contractors from 1929 to 1934, he entered the State service in the Department of Taxation and Finance.

Two years later he was appointed to the Labor Department in the Division of Industrial Relations and from 1940 to 1944 had charge of the upstate Bureau of Public Work in that Division with supervision over wage rates, hours and other conditions of employment on public contracts.

• **JOSEPH B. ENGLISH**—born in Kershaw County, South Carolina, showed an early interest in labor relations majoring in that subject at Brookwood College, S. C. from which he was graduated in 1928. Engaged for approximately twenty-five years in the transportation industry in which he served in various capacities, Mr. English was constantly active in the negotiation of labor agreements, their application and administration.

In 1932 he entered the service of the Board of Transportation, New York City, and was instrumental in the early organization of transit employees. He resigned in 1937 to accept the position of International Representative of the International Association of Machinists. Two years later he was appointed to a position with the New York State Transit Commission serving until 1943 when the Commission was abolished by the Legislature. He then entered the services of the Southern Railway Company where he remained until his appointment as labor mediator in the Albany office.

• **EARL F. FINZAR**—appointed labor mediator December 19, 1945, was born in Milo, New York, and received his education in Geneva, N. Y. In 1915 he went to New Haven, Conn., where he was employed as a salesman for the New Haven Gas Company and later as department head in the Sargent Hardware Manufacturing Company. In 1923 he returned to Geneva to engage in the building and real estate business. In 1937 he was elected secretary-treasurer of the Geneva Federation of Labor and business representative for the affiliated unions. The Seneca Ordnance Depot and the Sampson Naval Training Station were constructed within his jurisdiction.

Mr. Finzar served as sergeant in the National Guard of New York State during the Mexican Border trouble in 1916 and as captain in the Connecticut Home Guard in 1917–1918.

MEDIATOR: HIS WORK

If mediators punched time clocks, their cards would reveal a startling story: Often they work "around the clock" . . . Just as often they are called away from their homes by telephone or telegram . . . Even after they work out settlements, their job is not finished—they must put down the terms of agreement in black and white . . .

The mediator's calendar is at the mercy of the convenience, pertinacity and endurance of the parties to industrial disagreements. Strictly speaking he knows no office hours. The only date on which he can definitely count is the hour at which the first mediation or arbitration hearing in which he is involved is scheduled. The procedure itself may outlast several hearings, go beyond the limits of any normal working day plus overtime and end only when the endurance of both parties has been exhausted and they are willing to compromise their differences. The patience of the mediator must know no limit; as long as there is any hope of an amicable settlement, he must keep the flag of truce flying.

Thus in recent mediation proceedings, it was not until the end of the fourth hearing that both parties called a halt to argument and agreed to certain compromises. Representatives of management and union returned to lay before management and union the agreement thus obtained. Then the union rejected the agreement, held out for greater concessions. Hearings had to be resumed. From early afternoon through late evening and on through the early hours of the morning, the parties rehashed their points of view. Dawn is late in coming to New York in early March but it almost anticipated the reaching of a new agreement. Later in the day the mediator received a further S O S asking him to set down the terms of the agreement, since there was still some haziness among the contracting parties as to what had actually been achieved.

Once the mediation is concluded, the job of setting down the terms of the agreement falls to the lot of the mediator. Though usually less time-taking than the actual hearings, this calls for shrewd selection of terms, careful elimination of all equivocal phrases, so that its meaning may be clear and unmistakable and its application definite.

• **Issues Frequently Complicated**—Nor is it possible to calculate how long arbitration proceedings may take in any particular instance. This depends on the issues presented for arbitration and these may run the whole gamut of occasions for disagreement possible in labor relations.

Thus a single arbitration involving two issues, namely, whether or not a labor-management agreement had been violated by the union, and what should be the wages and work conditions if the agreement was still in force, necessitated hearings on five different dates, scattered throughout a period of three and a half weeks.

Again, issues submitted for determination by arbitration under an agreement reached by a shoe manufacturing company and a shoe employees union included the fixing of a basic work week, of the wage-rate ranges for ten separate classifications of workers, of the weekly wages of workers in each classification, of the increases, if any, to be paid to piece workers, and a determination as to whether the employees should receive an additional paid holiday. The review of the hearing and evidence in the above arbitration runs to nearly five typewritten pages and the award covers nearly three pages.

• **First-hand Inspection** — In yet another case, "as part of the hearing, the arbitrator, with the consent of the parties, visited the plant of the employer in order to obtain first hand data upon which to base his findings and award. Both parties were present during this investigation and assisted in its conduct." One of the issues to be decided concerned the classification of certain employees and the conscientious arbitrator felt it necessary to discover at first hand whether the work performed by these employees entitled them to the classifications which the union demanded on their behalf.

MEDIATORS: NOTES OF PRAISE

Mediation Board Prizes File of Unsolicited Letters of Tribute

Employers and labor leaders alike praise public-spirited services of Board in maintaining industrial peace . . . both sides laud mediators' firm, fair way of straightening out stubborn disputes . . . civic leaders add their thanks for splendid work done by mediators in their communities . . .

Throughout the years as the files of the Board of Mediation have grown with copies of voluntary agreements arrived at through mediation proceedings, and as the number of awards made in arbitrations has increased, another file has been accumulating. It is a file of letters variously addressed, to the Industrial Commissioner, the Chairman of the Board of Mediation, the supervising mediators—all in tribute to the services rendered to industry by the Board through its mediators.

• **Tributes Unsolicited**—These have come unsolicited from employers, corporation counsel, union officials, city mayors, presidents of chambers of commerce and other civic authorities, who all with one accord have praised the public service rendered by the Board and the contribution made by its mediators to the preservation of industrial peace. Space is lacking to record in detail these many tributes but it may be noted here that many have come in pairs, one from each of the parties involved in a settled dispute. It will be obvious from the following excerpts that the claim that mediation is a specialty, calling for peculiar qualities of mind, manner and heart cannot be gainsaid.

• **An Employer Writes**—". . . It was not only a privilege to have met you and to number you among my new acquaintances, but it is nice to know that men of your skill are daily handling matters of such great importance to the welfare of our community. My hat is off to you!"

• **Rising Vote of Thanks**—". . . Within twenty-four hours Mr. D. was here in Rochester on the job, and in a record time of four days we straightened out one of the most stubborn disputes we ever had to contend with. It didn't look for three months before as if there was a possibility of getting together, but through his good efforts an agreement was arrived at whereby both parties signed for fixed conditions for two years. . . .

"I would like to have you know that our local gave Mr. D. a rising vote of thanks and it is recorded in the minutes of our meeting of January 7th."

• **Employer and Union Agree**—The employer writes: "It was a genuine pleasure to have your Mr. F. serve as mediator between ourselves and Local ——. Mr. F. mediated the dispute with tact, sagacity and common sense. He enjoyed the confidence of both parties by his manner of handling mediation. Any information, or discussion, in confidence with him was, apparently, treated exactly as such. The matter, as settled, seemed to be satisfactory to all parties involved and there was, at its conclusion, genuine commendation of Mr. F. and his way of handling labor mediation." The union representative writes: "The Union feels that he was of great benefit to both sides, and, as a result of his help, it wasn't too long before the dispute was settled."

• **Impartiality Plus**—"At a meeting of this Association held today a motion was made, seconded and unanimously carried that I should write to you expressing the appreciation of our entire membership for the outstanding manner in which your deputy, Mr. B., handled the negotiations. . . . I have always regarded the State of New York as a cold institution, housed in a building of just so many stones; but here tonight, I find really someone who is alive and entirely sympathetic toward the problem at hand. Speaking for dealers as a whole, we were of the opinion that the State of New York might be partial to the laboring classes, possibly because of their number. Tonight's instance proved this otherwise, for here we found an impartial opinion on the part of a man who wanted to treat both sides as fairly as it was humanly possible."

• **Labor Leader Has a Word For It**—"He was the acme of patience. The conference began at 1:00 P.M. on March 1 and terminated at 2:00 A.M. on March 2. At several times it looked as though it would be impossible to bring the contending parties to an agreement. I am sure that failure instead of success would have been the final result except for the peculiar technique of Mr. M., and for his courteous persistence."

• **A City Mayor Gives Thanks**—"I wish to express the appreciation of our City Administration, as well as my own personal thanks, for the help your representative, Mr. E., rendered in the arbitration of the threatened strike. . . . I feel that the manner in which Mr. E. conducted the negotiations, giving unstintingly of his time and effort, was largely responsible for the peaceful solution of the problem. It was my first experience in a situation of this kind and without his help it might have been a very serious situation, if the matter had not been handled as intelligently and in as friendly a manner."

• **Not Afraid of Work**—"I might add that Mr. N. isn't afraid of work, since one of our sessions didn't break up until 3 o'clock in the morning."

• **Cordial and Friendly**—"This labor union wishes to express to you its satisfaction with the service of Mr. L. of the Mediation Board. . . . As will appear below, the Employers were equally delighted with the services of Mr. L.

"The whole negotiation is said to have been the most cordial and friendly in the turbulent labor industry of this city in the last several years."

• **Firm as Well as Fair**—"We appreciated particularly the firmness as well as the fairness with which Mr. R. handled the situation. . . . Apparently everyone is satisfied with the outcome of the negotiations conducted here."

• **Wartime Service Appreciated**—"We desire to formally express to you our sincere appreciation of your action in processing the above matter expeditiously through your office to the National War Labor Board. The courtesy, time and effort expended by

you exceed any reasonable obligation of a public official. Your analysis and appreciation of the seriousness of the situation from the labor standpoint is a compliment to your ability."

"You have in many other ways given your time and the facilities of your staff to labor matters involving our plant. While in many of these cases we have differed, we wish to compliment you upon the sincere, just and equitable manner you considered both the Company and the Union claims. We know that our feelings herein expressed are concurred in wholeheartedly by the local C.I.O."

• **Fears Unfounded, says Corporation Counsel**—"During the past few weeks I have had considerable contact with the office of the Board of Mediation. In these contacts I have represented the employer. Like most people, I labored under the assumption that those in charge of mediation for the State Labor Department were biased in behalf of labor to such an extent that it was impossible for an employer to obtain, not only a fair deal but even consideration."

"As a result of my contact with Mr. D. and Mr. F. I want to acknowledge that my feelings and fears were entirely unfounded. I doubt whether more conscientious workers can be found in the State Service."

". . . In writing you this letter I trust that you will not feel that my client obtained what he desired. However, in these days when public officials are universally condemned, I feel that where a public servant has rendered such fine service as has been done by Mr. D. in clearing up the hotel situation in ———, that the matter should be brought to your attention."

• **Work Stoppage Avoided**—"I am very confident that the ultimatum of the union for a complete stoppage of work on October 4 would have taken place if your Mr. F. had not appeared on his own initiative on October 3 and reasoned the workers and management into arbitration. . . . To sit down and consider differences around the table is much more profitable to all parties concerned than resorting to strike action."

• **Union Praises Promptness**—"We were on the verge of a walkout. This situation was avoided only because your Board was so prompt in sending a representative and settling both matters. Mr. M. was very fair and, in my humble judgment is a splendid representative and a credit to the Board.

Out of mediation proceedings like the one shown above with Mediator Roberts have come the many letters of praise quoted on these pages. They are ample testimony to the splendid work being done by mediators.

". . . our contracts were settled very satisfactorily with no loss of time or expense. This amicable settlement was brought about by Mr. F. of your office."

• **Mediators are Modest**—". . . As usual the mediators of the State Department of Labor have been generous enough to give the majority of the credit for the settlement of the strike to local labor officers and the grievance committee, but I know that 95 percent of the credit for the settlement belongs to Mr. B. and Mr. P."

• **Nerve-straining Conference** — The President of a Chamber of Commerce writes: "We cannot say enough, not only for the fine manner in which Mr. W. handled the negotiations in connection with this strike, but more than that for his absolute earnestness and his willingness to give us any amount of time, sacrificing any personal desires he might have had in order that satisfactory results might be obtained. It was because of his willingness to continue with us, always with an affable attitude and the utmost patience, that after four days of nerve-straining conference, this strike was satisfactorily settled.

• **The above tributes** to the skill, tenacity and fairness of the mediation staff members constitute their reward for services performed above and beyond the line of duty. No mediator worth his salt considers himself a mere salaried interventionist. He counts his success in operational stoppages avoided, amicable relations restored between employer and employee, the throb of machines once threatened with silence, the relieved sigh of the manufacturer, the merchant, the worker, and the public at large.

• **Youth and Labor Relations**—The Board feels strongly that the youth of the country should be instructed in the problems of industrial relations. The representative of either party at a mediation or arbitration hearing, it believes, is of little use to that party unless he is first fully authorized to act for it, and second to negotiate on its behalf, to state its case cogently. The Board frequently contributes to the movement now gaining popularity of introducing the study of industrial problems into the academic curriculum by lectures to students at various colleges and universities throughout the State. A professor of sociology at one of these colleges conveyed his appreciation of this service to the Chairman of the Board in a letter which contained the following passage:

"Other men from various state agencies have spoken here in the past and the reaction has always been favorable, but this is the first time I have witnessed such a genuine appreciation of the speaker himself. As one student put it: That man is not just a paid state employee; he really believes in what he is doing."

It is this belief which characterizes the members of the Board of Mediation, its panel of arbitrators, and its staff members.

FACTORY JOBS AND PAYROLLS

Employment and Payrolls Show Increase in January for Third Consecutive Month

Although full effect of work stoppages are not fully reflected, figures continue on upward trend . . . Showing that New York State's reconversion problems were well-planned in advance . . . Largest employment and payroll gains were made in the Binghamton-Endicott-Johnson City area . . . With shoe industry alone reporting a gain of 6 percent in employment . . . Statistics are again based on tabulations of reports from over 3200 factories throughout the State . . .

The slight upward trend in factory employment in New York State which started last November, continued in January, with a gain of 0.7 percent over the December figure. Payrolls increased 1.1 percent while average weekly earnings advanced to $47.24, a gain of 20 cents since December.

Increases were reported by most consumer goods industries and by some in the metals and machinery group. Although some labor troubles were reported, the employment and payroll figures for January do not reflect the general strike situation. This is due to the fact that reports on employment and payrolls apply to the week ending nearest the 15th of the month and most plants did not feel the full effect of strikes until after that date.

Compared with January a year ago, manufacturing employment was 17.3 percent lower and payrolls were down 22.0 percent. Average weekly earnings were $2.83 less. These figures are based on tabulations of reports from a sample of 3,222 factories throughout New York State.

• Labor Statistics In January 1946– Employment increased 0.7 percent between December and January, but was 17.3 percent lower than in January 1945.

Payrolls advanced 1.1 percent from December to January, but were 22.0 percent lower than in January a year ago.

Average weekly earnings were $47.24 in January, 20 cents more than in December, but $2.83 less than they were a year ago.

Hours per week decreased by 0.3 hour to 41.4 since December. They were 45.2 in January 1945.

Hourly earnings advanced to $1.142 in January and were 3.2 cents more than they were a year ago.

Employment increased in 13 of the 20 major industries in the State between December and January. The largest increases occurred in lumber, with a gain of 5.0 percent, leather, 3.5 percent, stone, clay and glass, 3.2 percent, furniture, 3.1 percent, and nonferrous metals, 3.0 percent. Increases in textiles, apparel, paper, printing, rubber, machinery, and photographic and optical goods were close to 1 percent. The automobile industry showed a gain of 2.1 percent.

There were small decreases, less than 1 percent, in the food, chemical, petroleum, and steel industries. Lay-offs continued in aircraft and shipbuilding, while the communication equipment industry reported a substantial decrease, 7.0 percent, because of a strike at one large plant.

Payrolls were up 4.7 percent in the clothing industry, with especially large gains in the women's suit and coat branch, 16.0 percent, and millinery, 20.8 percent. Other industries which reported substantial payroll gains were lumber, 8.1 percent, automobiles, 5.4 percent, furniture, 3.5 percent, and nonferrous metals, 3.0 percent. Increases of about 1.0 percent or less occurred in textiles, printing, chemicals, leather, and photographic and optical goods.

There were decreases of 0.5 to 2.5 percent in most of the metals and machinery industries other than automobiles, and nonferrous metals. Decreases in hours worked in the glass, cement, and abrasive industries caused considerable declines in their payrolls, with a net drop of 2.8 percent in the stone, clay and glass group.

• New York City– Employment and payrolls in New York City factories increased 0.3 and 1.8 percent respectively, with gains limited for the most part to consumer goods industries.

• Upstate Districts– Factories in the Binghamton - Endicott - Johnson City area reported the largest gains of any of the industrial areas, 4.4 percent in employment and 2.4 percent in payrolls. The shoe industry increased its forces nearly 6 percent. Employment advanced 2.8 percent in the Kingston-Newburgh-Poughkeepsie district with a gain of 4.6 percent in metals and machinery and 2 percent in textiles. Most industries in the Rochester area reported gains with net increases of nearly 2 percent in both employment and payrolls.

In Syracuse, employment gains of nearly 5 percent in transportation equipment, nonferrous metals, and clothing industries were partially offset by decreases in machinery, and iron and steel, resulting in a net increase of less than 1 percent.

Substantial gains in machinery and nonferrous metals in the Utica area offset decreases in textile mills. Increases in both employment and payrolls amounted to approximately 0.7 percent in the area.

In the Albany-Schenectady-Troy district, variations in employment were small with a net gain of 0.5 percent. Payrolls were lower in most industries with an especially heavy drop in railroad equipment, and a decrease of 1.9 percent in total manufacturing.

Employment reductions in metals and machinery plants in Elmira were counterbalanced by gains in other industries, with a net increase of 0.3 percent. Payrolls were up 0.9 percent.

In the Buffalo area, there were significant employment gains in communication equipment, nonferrous metals, stone, clay and glass, clothing and textiles. Further lay-offs in the aircraft industry, however, offset these increases. Employment and payrolls advanced 0.1 percent in the district.

WAR PERIODS COMPARED

A brief review and comparison of the factory jobs and payroll figures for World War I and II. The value of the State Labor Department's statistical files is demonstrated in its reflection of national trends. Effective control measures enacted in World War II clearly seen in graphic picture.

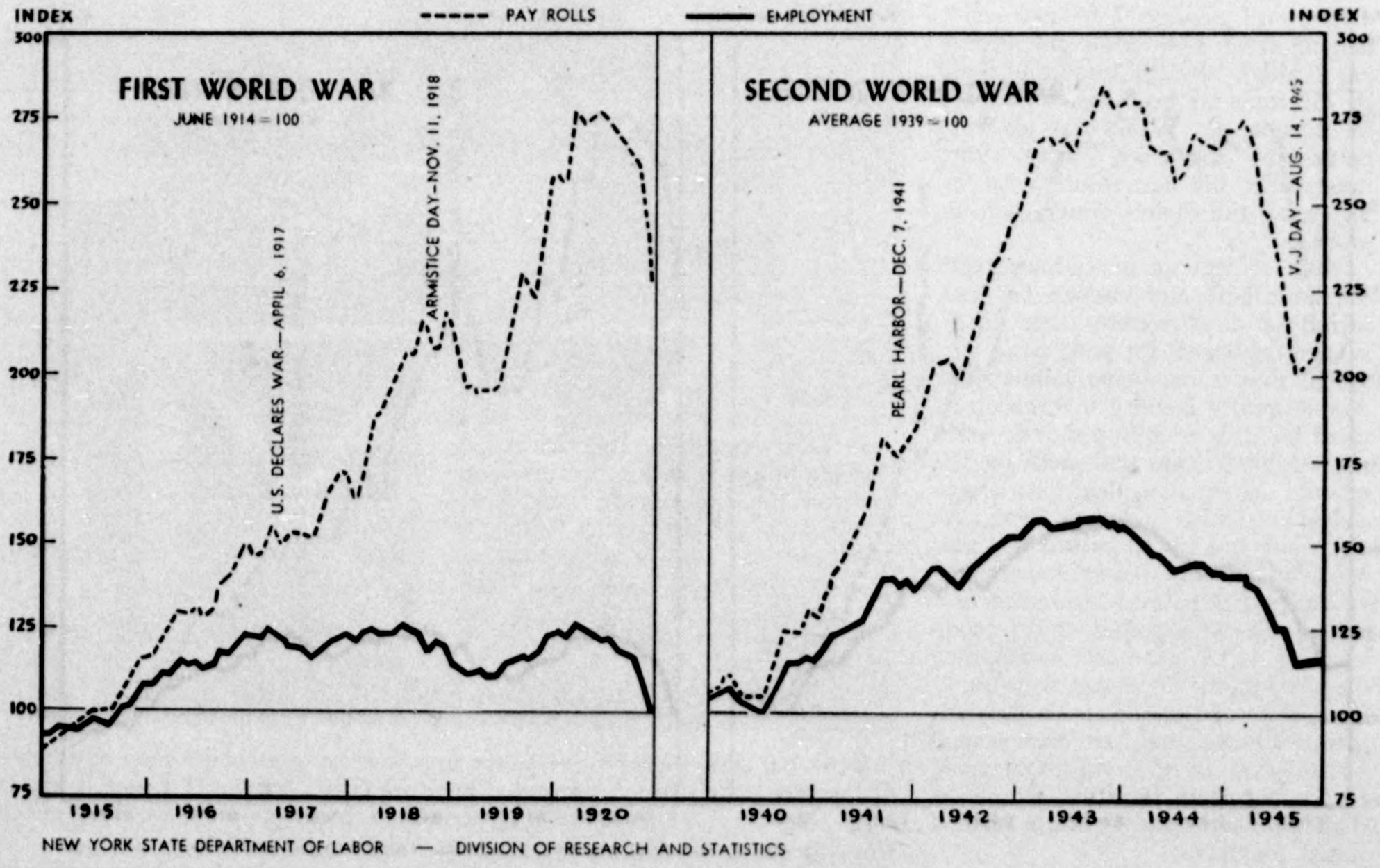
The New York State Department of Labor is unique in that it has records of factory employment and payrolls going back to June 1914. The two charts presented below show a striking similarity in employment and payroll patterns through two world wars. They also reveal the effect upon factory employment and payrolls of the more complete mobilization for total war in World War II, more effective price (and wage) controls and the greater duration of the second war.

• **World War I**—When the war began in 1914, manufacturing industries were in a depressed state. The rise in employment and payrolls between the outbreak of war in Europe and April 1917 was the result of demand from the European belligerents for war supplies. During the period of the United States' participation in the war, total factory employment did not rise much above the March 1917 level but payrolls continued to rise until the total wage bill was more than twice as great as it had been before the war. After the armistice there was a reconversion period of about six months during which many labor disputes were reported. In the period of credit inflation and high prices which followed, factory employment rose again to approximately equal the wartime peaks and payrolls rose far above any that were reported during the war.

• **World War II**—When war broke out in Europe in 1939, there were fewer persons employed in manufacturing establishments in New York State than there had been in 1914. The number of persons in the labor force was greater. Under the pressure of an all-out war effort it was possible to increase the number of person employed in New York State factories by more than 50 percent, twice the percentage increase that was recorded in World War I. The rate of increase was most rapid before Pearl Harbor but further increases were reported after the United States entered the war, in spite of the large number of young men and women who were required for the armed services.

• **Comparison**—Total factory payrolls also increased more during World War II than they did between 1914 and 1918. The rise in per capita earnings, however, was less. A large part of the increase in factory payrolls was due to the increased number of hours worked. When overtime work was discontinued at the end of the war, factory payrolls dropped sharply.

EMPLOYMENT AND PAYROLLS IN TWO WORLD WARS



NEW YORK STATE DEPARTMENT OF LABOR — DIVISION OF RESEARCH AND STATISTICS

HOUSING FOR VETERANS

State's Urgent Problem: Housing For 1 Million Veterans

Under the Emergency Housing Act, authorized and sponsored by Governor Dewey, a $35 million fund has been allocated toward aiding all New York State's veterans and municipalities in meeting their emergency housing problems as rapidly and with as little community expense as possible.

Adequate living quarters for 1 million returning war veterans is today New York State's most pressing problem. First step toward reaching a solution and in getting underway Governor Dewey's $35 million statewide emergency housing project for veterans, was the formal opening on March 2, 1946 of Manhattan Beach and Fox Hills, Staten Island. These former military cantonments were converted into comfortable and attractive apartments for approximately 1,500 veterans and their families.

• **Manhattan Beach** — Two-hundred-and-fifty veterans and their families have already established occupancy at Manhattan Beach which, when completed, will provide 750 apartments, ranging from 1–4 rooms and averaging 2 rooms. By the middle of April all 750 units are expected to be ready for occupancy. While not ideal for permanent residency, these apartments offer the best solution, so far, for easing the State's critical housing problem.

Each apartment is equipped with the basic bath and kitchen facilities, including a refrigerator, gas range, storage cupboards for pots, pans, etc., a stall shower, medicine cabinet, etc. A community laundry in each apartment building is equipped with washing machines, tubs and racks for the tenants. Heat is supplied from a central source and is included, along with electricity and gas, as part of the rent.

Each of the newly constructed apartments is painted according to a color scheme selected and recommended by a panel of outstanding members of the American Institute of Decorators. In addition, six different plans for furnishings have been worked out to serve as an arrangement guide to tenants using furniture already in their possession and to those making initial purchases.

Manhattan Beach, part of the Sheepshead Bay vicinity, has the advantage of being located in a well-integrated community offering a variety of shops and stores, markets and services, schools, churches, transportation and recreational facilities, doctors' and dentists' offices, etc. Moreover, there are several bathing beaches in the area, including world-famous "Coney Island." In short, Manhattan Beach offers its new occupants both the advantages of a well established community life and healthful resort living.

• **Fox Hills**—Like Manhattan Beach, Fox Hills was converted from military barracks into approximately 750 living units for returned veterans and their families. As in the former, each apartment ranges from 1–4 rooms and is equipped with an electric range, cupboards, stall shower, adequate storage space, a central heating system, etc. Laundries with outside drying racks are conveniently located near the buildings. At present, 100 families have established occupancy in Fox Hills.

The community likewise offers a great concentration of service and recreational facilities, for scattered throughout Staten Island are museums, zoos, libraries, 47 parks occupying 28 acres of land, 14 bathing

Governor Dewey greets one of the first families to establish their new home at the Manhattan Beach project. New York City's Mayor O'Dwyer is at far right. The Governor's personal interest and sponsorship of the Emergency Housing Act provided the impetus needed for quick action.

beaches, 4 golf courses and 1 public swimming pool. Transportation is more than adequate, for Staten Islanders can make use of ferries, subways, trains and highways.

• **Birth of Emergency Housing**—At Governor Dewey's suggestion, Herman T. Stichman, State Commissioner of Housing, made a careful study of the housing problem in New York State and reached the conclusion that the shortage could be relieved somewhat by the conversion of military barracks into temporary housing units. The Governor made a personal inspection tour of military installations in the New York City area and inspected several cantonments, finding them warm, tight and well constructed. As a result, a recommendation was made that these barracks be declared surplus. Commissioner Stichman then went to Washington at Governor Dewey's direction and, after a series of successful conferences, possession of Manhattan Beach and Fox Hills was obtained from the Army, Navy and Surplus Administration officials, with the assurance that any surplus building materials would be made available for use in converting these barracks. Although New York State undertook the full cost of remodeling, the completed projects were turned over to New York City for operation.

• **Emergency Housing Act**—In order to make this project possible, Gov. Dewey sent the State Legislature a special message asking for the enactment of legislation to authorize this program and provide the necessary funds for its completion. Such legislation was enacted and is now law.

Sponsored by Governor Dewey, this Emergency Housing Act enables New York State to aid all municipalities from Niagara Falls to New York City in meeting their emergency housing problems with practically no expense to the community. Under this Act, the State will even bear those projects—if any—operating at a deficit.

The $35 million fund now available for emergency housing is administered by a joint emergency board composed of Commissioner Stichman; Charles H. Sells, Superintendent of Public Works; and Richard S. Persons, Commissioner of Standards and Purchase. One of the principal terms of this Act is the provision that no person be discriminated against because of race, color or creed.

• **Future Housing Projects**—Plans already are underway for the establishment of additional emergency Housing projects for veterans. These include:

New York City:

Fort Tilden.....300 apartments (under construction).
Fort Hamilton...600 apartments (awaiting approval).
Riverside Hospital on North Brothers Island 800–1,000 apartments for veterans attending colleges in the cities.

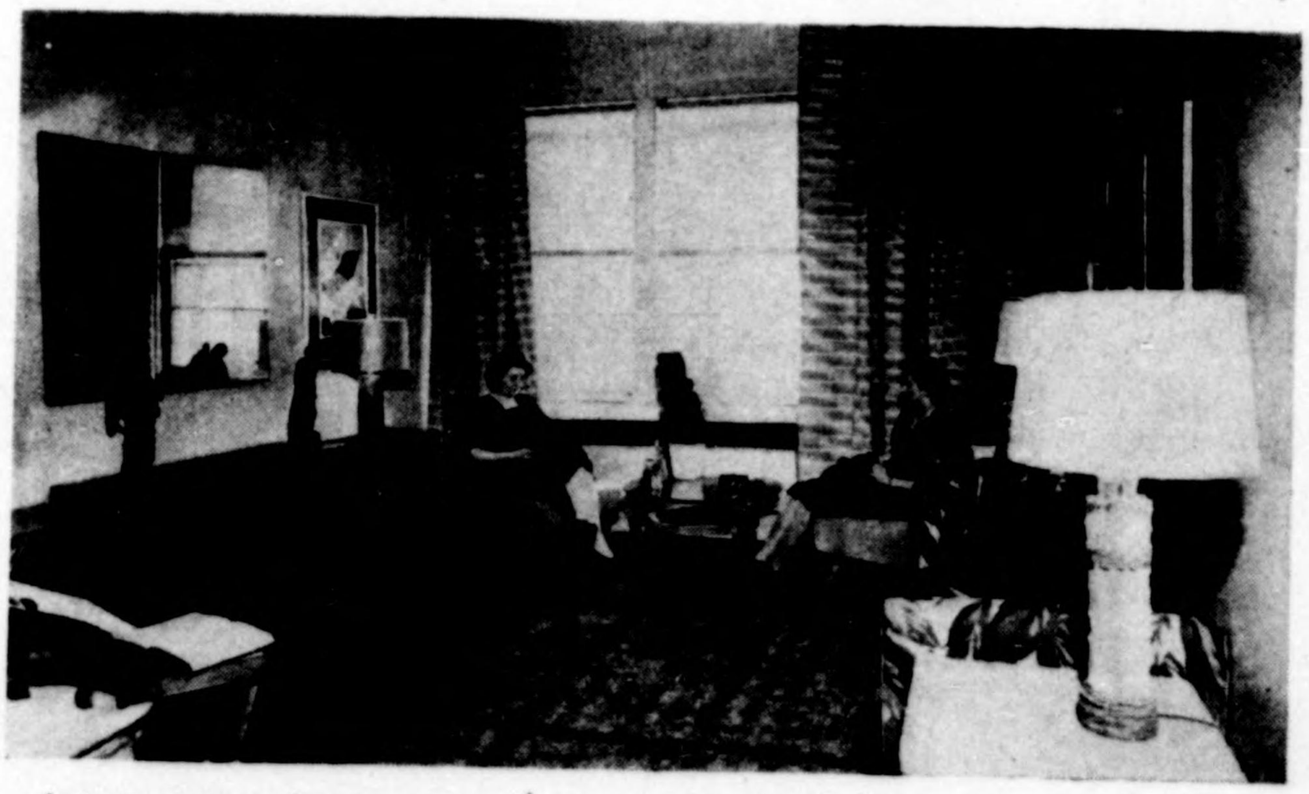
Upstate New York:

Syracuse Air Base.....700 apartments.
Rochester..370 apartments, of which 300 will be in relocated barracks and 70 in converted empty school buildings.
Auburn.....80–100 apartments in a converted theological seminary.
Batavia...50 apartments in relocated barracks.
Cortland...110 apartments.
Corning..100 apartments in relocated barracks.
Elmira...150 apartments in relocated barracks.
Mt. Vernon.....100 apartments in relocated barracks plus 70 in converted school buildings.
Niagara Falls....100 apartments at Fort Niagara.
Rye...50 apartments, 45 of which will be obtained from a converted orphanage.
Albany.....225–275 apartments, plus accommodations for 150 students.
Beacon.....50 apartments.
Binghamton.....90 apartments.
State Normal College in Buffalo...100 apartments.
Endicott....50 apartments.
Olean.....50 apartments.
Oswego....More than 200 apartments, with dormitories for the State Normal School (now awaiting approval).
Utica.....120 apartments.

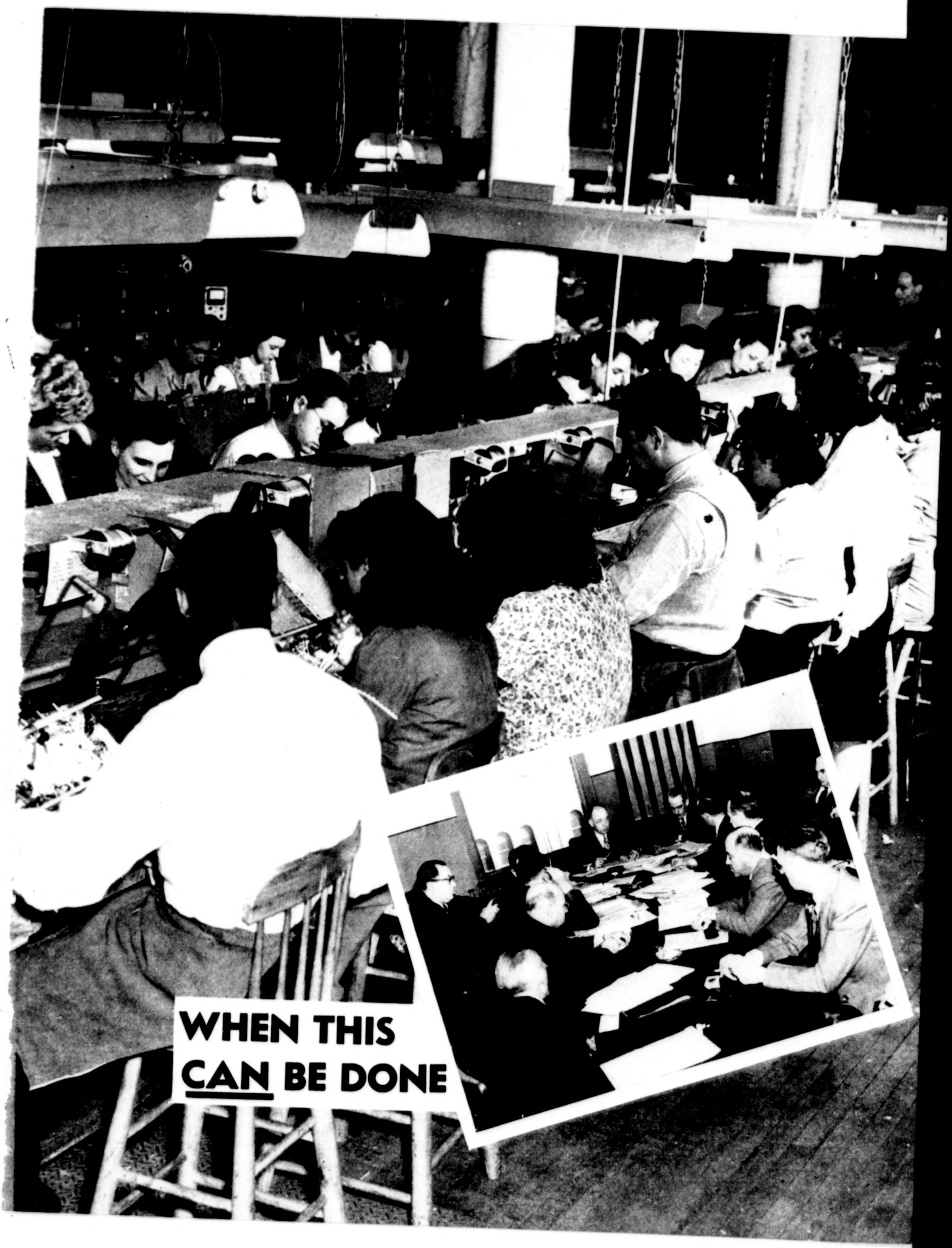
Altogether, an approximate 6,000—and possibly more—apartments for veterans are due to be set up throughout the State as quickly as possible.

• **Emergency Will Continue**—Housing authorities estimate that the emergency period will last from 3 to 5 years. When such emergency no longer exists, all temporary emergency housing projects will be torn down or dispensed with in order to avoid competition with private industry in providing critically needed housing, and, also, to prevent the creation of slum areas.

At present, Commissioner Stichman is endeavoring to secure the use of buildings on North Brothers Island and at Fort Schuyler in the Bronx for housing facilities for veterans attending Columbia University—including Teachers' College—Cornell University Medical College, Fordham, Manhattan College and New York University.



Interior view of a living room in one of the Manhattan Beach apartments. Members of the American Institute of Decorators cooperated in making up six different plans of furnishings in order to guide the new tenants in comfortable and economical methods of furnishing.



ON-THE-JOB TRAINING PROGRAM

Machinery for Processing Earn-While-Learning Programs Producing Excellent Results

With the complete coordination of all participating agencies, New York State's Department of Labor is setting a record-breaking pace . . . Programs are receiving thorough analysis before approval . . . . Subsequent checks by Veteran Counselors ensure maintenance of training standards . . . . Management, labor, and veteran groups acclaim On-The-Job Training Program as one of the soundest employment projects for veterans ever conceived . . .

Careful planning produces best results. Synchronization of work eliminates lost motion. Wide publicity dispells misconceptions. Thus taking all problems in its stride, the On-The-Job Training Program is moving along in high gear.

Under the direction of Lois B. Hunter, Deputy Industrial Commissioner in charge of the On-The-Job Training Program for the State Department of Labor, all participating agencies are working smoothly toward a single goal: **Placing a maximum number of veterans in jobs which hold a definite promise for their future advancement.**

• **A Sound Plan for Veterans**—To review briefly: On-the-job training programs for veterans may be established under the provisions of the "GI Bill of Rights". Guided by Veteran Counselors of the State Division of Veterans' Affairs, employers make up programs of training for veterans whom they either have employed or contemplate employing. The program is sent to the local Assistant Industrial Commissioner for approval. With the help of an Advisory Committee representing labor, management, and the veteran, the Assistant Commissioner approves or rejects the program. If approved, veterans at work under the conditions of the program receive a scaled pay differential (maximum of $65 if single, $90 if married) from the Veterans Administration. Periodic visits by the Veteran Counselor provide a sure safeguard against any laxity in training by either the veteran or his employer. Although a heavy responsibility rests with the employer, many excellent programs in operation for several months are proving that employers quickly recognized the importance of their role. And without the unstinting cooperation they have accorded the Labor Department, the On-The-Job Training Program could not have attained the successful heights it has reached in this State.

• **Cooperation Keynote**—Labor and management groups have lent their wholehearted support toward broadening the scope of the Program. The Veterans Administration has provided unqualified support for the methods, procedures, training standards, and overall administration of the Program

At the Rochester meeting for discussion of the On-The-Job Training Program were (left to right): Sumner Forward, USES; James R. Irons and Clarence A. Cook, Veterans Administration; Assistant Commissioners Joseph Teatom, Victor T. Holland, Arnold Mitchell, William Asart; Deputy Commissioner Lois B. Hunter; F. E. Hetzel, Veterans Administration; Assistant Commissioners Edward Hickey and Frank Mercurio; Colin MacRae and Dr. Julius Yourman, State Division of Veterans' Affairs; and A. H. Crapsey, Veterans Service Agency of Monroe County.

furnished by the State. The United States Employment Service is contributing in an essentially practical way by keeping in close contact with firms operating under approved programs. The State Division Of Veterans' Affairs has enlarged its staff of Counselors and has appointed seven supervising counselors to provide close liasion with each of the seven Assistant Industrial Commissioners throughout the State. And for assistance in approving programs in specific categories, the State Departments of Education and of Agriculture have pledged unreserved cooperation, and have already established operating schedules.

• **Rochester Meeting**—To establish and clarify matters of policy and standards, Deputy Commissioner Hunter invited representatives of all participating agencies to attend the meeting of the Assistant Industrial Commissioners in Rochester on March 12. Since the Assistant Commissioners meet regularly to discuss details of standards and procedures in approval of On-The-Job Training Programs, the presence of these representatives provided a basis for mutual understanding of their allied duties.

• **Division of Veterans' Affairs**—Dr. Julius Yourman of the State Division of Veterans' Affairs restated the position of that agency as outlined in the February issue of the *Bulletin*. He emphasized the importance of Veteran Counselors of the Division in helping employers make up suitable programs. Counselors will not only certify the worth of programs to the Assistant Commissioners in their area, but will maintain an active interest in the welfare of veterans working under approved programs. In the matter of highly specialized fields—such as farming—Dr. Yourman stated that the counselors will have able assistance from county agents, who will help examine proposed programs of this type, and attach a statement of opinion to each application for approval. This procedure was commended by the Assistant Commissioners, although they stressed the importance of advising veterans to attend academic agricultural courses whenever feasible.

• **United States Employment Service**—Represented by Mr. Sumner Forward of the Rochester office. Mr. Forward explained that USES offices are also decentralizing, and will keep posted on available vacancies in on-the-job training programs through local contacts with employers.

• **Veterans Administration**—Mr. F. E. Hetzel of the Veterans Administration praised the operating procedures adopted by the State. He said that only in such a way could veterans be assured proper training. By insisting on suitable standards of training, New York State is carrying out the full intent of the law.

Meeting weekly with Assistant Commissioner Victor T. Holland (lower right) to aid in approval of On-The-Job Training Programs in the Albany area is this committee of five members representing management, labor, and the veteran. Seated left to right are: Milo Lathrop, Educational Director, Local 301, CIO; Roy J. Delamater, Bigelow-Sanford Carpet Co; Assistant Industrial Commissioner Holland. Standing, left to right, are: Winthrop Stevens, Industrial Relations Manager, F. C. Huyck and Sons; John M. Mooney, Knickerbocker News, veteran representative; and Frank W. Cummings, Business Manager, Local 724, International Brotherhood of Electrical Workers.

VETERANS' PROGRAMS APPROVED

Many Veterans Pursuing Programs Which Open Door to Future Advancement

Here are a few excerpts from approved On-the-Job Training Program Applications . . . They show the wide variety of fields in which veterans may select careers . . . Some industries have already indicated the "decided need" for filling vacancies in key positions with veterans who will train on-the-job . . .

While the following selection of excerpts covers only a few positions, it is an indication of the many and varied types of job opportunities which returning servicemen are finding. Employers are learning that sound, well-integrated programs are attracting the type of men they want—men who are anxious to work hard and move up the "success ladder" which is provided in their program.

• **Inventory Crew Men**—Drug store and soda fountain—Veterans who are high school graduates and between 20 and 40 years of age can qualify for training in this field. "Duties would be to take physical inventories of retail stores, assist in listing inventories of warehouses, segregate merchandise as to classification—drug, toilet goods, or sundries—segregate department inventories—liquor, cigar, fountain, etc. —segregate shopworn merchandise from current stock, list apparent overstocks of merchandise, note and list wrong prices, read cash registers for cut off readings, audit buy cards and invoices on hand, note and report any unusual conditions within the store, keep price books up to date, work up inventory reconciliation sheets." Training would last ten months with the rate of pay ranging from $175 to $275 per month.

Other programs with chain drug concern prepare veterans for jobs as fountain managers in 31 weeks, merchandise men in 56 weeks, inventory control men in 21 weeks, agency setup men in 36 weeks, and agency salesmen in 40 weeks. Merchandise Man —Drug and soda fountain—Trainee learns to lay out advertisements and prices, and analyze store displays. He is trained in sales promotion and assists the manager in supervising personnel. Salary ranges from $50.00 to $85.00 per week.

• **Printing Office Junior Executive**—"The printing industry in the metropolitan area of Greater New York has many opportunities open for young men in such positions as accountants, cost accountants, estimators, production men, salesmen, and assistant plant executives. Due to the war, very few men have been trained to fill these positions, which were vacated because of retirements or promotions to executive positions. Therefore, we find there is a decided need and an opportunity for training returned veterans of World War II to fill the industry's need of this type of manpower."

• **Production Department**—The aim of this program is to train competent junior estimators and production men. On completion of this course of work the veteran "should be familiar with all mechanical processes and . . . be able to . . . direct purchases of materials, services, and supplies involved in the production of printed matter. He should be able to expedite jobs through the plant coordinating the various manufacturing operations with outside purchases to meet delivery commitments. He should be able to estimate the cost of producing printed matter and qualified to deal with customers concerning technical problems arising in the course of production. This is a 3-year program. Related classes supplement office and production work.

• **Junior Salesmen**—Trainees in this program are prepared for positions as junior printing salesmen. At the end of the 3-year training period veterans "should be familiar with all mechanical processes . . . be able to . . . direct materials, services, and supplies involved in the production of printed matter. They should have knowledge of what it costs to produce printing and know type faces, various types of binding, something about color and process work. They should be qualified to make effective sales presentation and be familiar with basic principles of marketing." Courses related to the work are part of the program. Qualifications, salary, and training period are the same of other junior executive trainees in the printing business.

• **Dairy Cooperative Marketing and Processing**—"The plant managers are men of long experience in the milk industry and fully qualified . . . to teach the operations of their plants. In all of the three classifications . . . submitted . . . the men will also be trained by six veterinarians who are leaders in the industry so far as veterinary work is concerned." Starting salaries will not be less than $30.00 per week with increases every 6 months. Trainees will receive the same scale of pay as other men working along side them in the same capacity.

• **Wholesale Photo Finishing**—photographic printer and finisher—Training period would last for one year, with a starting salary of $30 a week rising to $50. Training will include "differences between types of films used in amateur photography, developing of same, the proper use of contact and enlarging papers used in amateur photography, the entire processing technique used in developing, printing and enlarging films and negatives."

• **Banking**—Assistant head bookkeeper, paying and receiving teller, consumers credit accounting section head—Training period would last 2 years, with a starting salary of $1,400 a year rising to $2,000. Training as an assistant head bookkeeper would take three years and would include "sorting of checks, operation of adding machine, posting of ledgers, proving of ledgers, analysis of activities, proof consolidations and general supervision of other bookkeepers—salary when fully trained would be $1,800 . . . training salary $1,500."

Training as a paying and receiving teller would take 2 years, with the

training salary of $1,400 rising to $1,800.

Training as a consumer credit accounting section head would take 2 years and would include "calculation and checking of discounts, preparation of checks in payment of loans, compilation of departmental statistics, proper posting of incoming payments and new loans, periodic proving of department at controls." Final salary would be $2,100 . . . training salary $1,400.

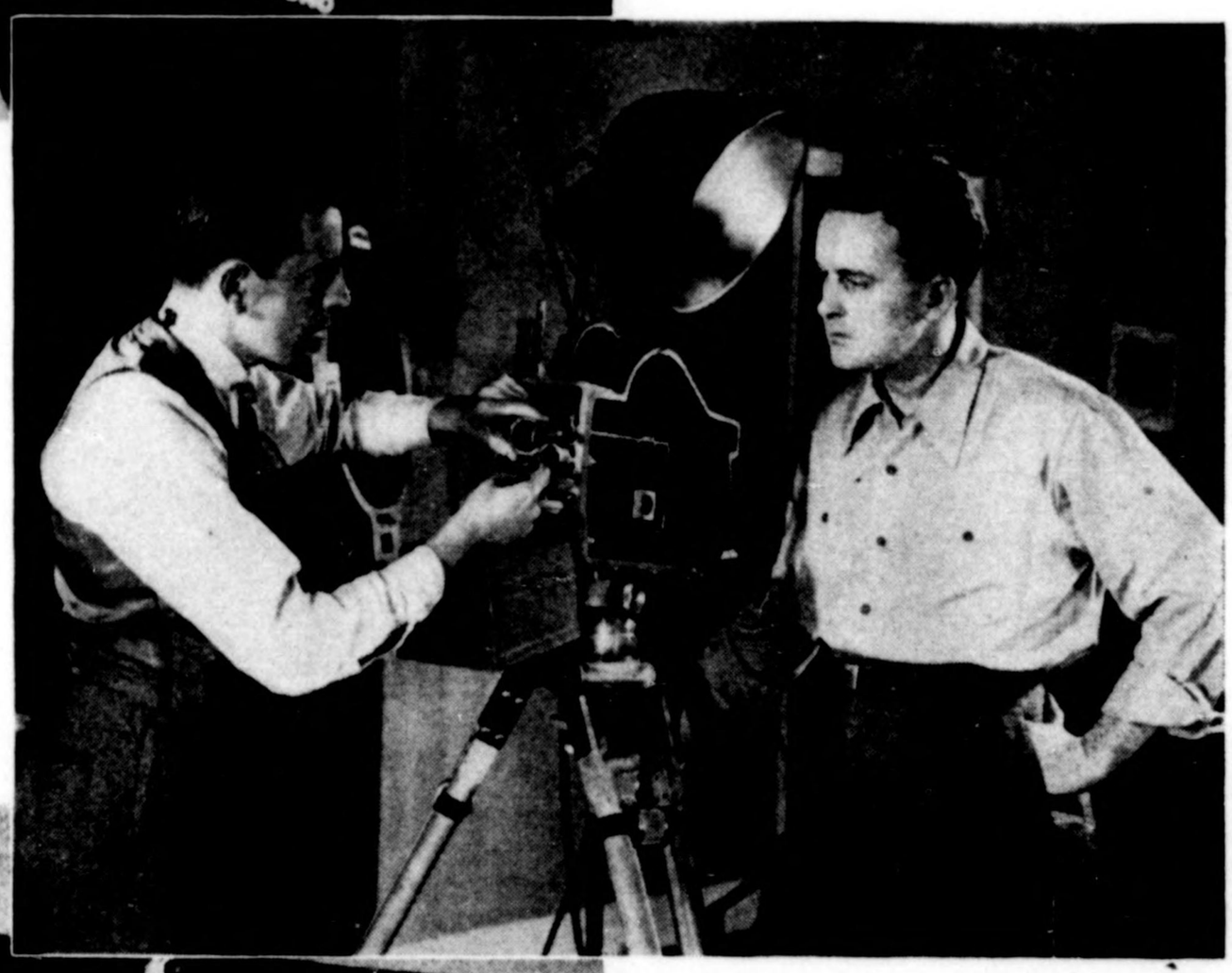
• **Insurance** – Field underwriters – length of training period would be 2 years, under direct supervision of company managers. Minimum starting salary $30 a week–fixed salary for the first four weeks, thereafter earnings are on a fixed weekly fee basis–these fees being paid without regard to sale of insurance. "Minimum production requirements during each period of approximately 3 months must be met. If trainee is successful he is ultimately paid the full amount of commissions on the business he sells, calculated on the scale on which the plan is based–although these commissions would be renewal commissions and would not be payable until years following the completion of the training program." Earnings after completion of training are estimated at $4,000 a year–at which time he goes on a commission contract.

• **Cost Accounting and Financial Departments**–This program would train "a veteran on the job to qualify as a competent Cost Accountant, Accountant, Bookkeeper, or Assistant to the Treasurer of a Corporation." Such a man "should be familiar with record keeping and preferably have majored in bookkeeping or other mathematics at school." Through the program he "must be made acquainted with printing and printing processes and the supplies necessary to produce printed material. The aim of training is to make him a competent accountant with a knowledge of budgeting, cost finding, tax laws, social security laws, and credit and collection as they relate to management of a printing business." Related courses for trainees are Elements of Printing, Cost Accounting, Financial Management, Elementary Estimating, Public Speaking and Development of Personality, and Elements of Offset Lithography.

Meeting weekly with Assistant Commissioner William F. Asart (lower right) to aid in approval of On-The-Job Training Programs in the Rochester area is this committee of five members representing management, labor and the veteran. Seated left to right are: John H. Cooper, President of CIO for Rochester and vicinity, and Business Agent of the Amalgamated Clothing Workers. W. F. Asart, Assistant Industrial Commissioner of the Rochester Area. Standing left to right are: Frank J. Temmerman, Treasurer of the Bastian Brothers Company. George A. Fritschie, Vice-President & Purchasing Agent of Odenbach Shipbui ding Company and Dolomite Products Company, World War I Veteran. James L. Burke, Secretary of the Allied Building and Construction Trades of Rochester, AFL., Raymond P. Brewer, Secretary-Treasurer of Symington Gould Corp.

ON-THE-JOB

• *INDUSTRIAL BULLETIN'S photographer follows the On-the-Job Training Program approved for a commercial moving picture producing company. Here Joseph P. Carpenter, a former flight officer, sits in on the story conference before actual production begins. The veteran and his employer submitted a program which was readily approved and put into operation, for it showed good vision and sound planning.*



• *The camera motor and all shutter noises must be completely deadened while the picture is being "shot." In this photo, the camera man, a former combat photographer, is demonstrating use of a "blimp," a device used to kill all camera noise. Since every phase of the knowledge required for his future advancement is included in the program, the veteran is assured of his ultimate success.*

• *Carpenter is pictured in a sound-recording studio, receiving instruction in a very important technique—the art of dubbing in sound over music. He is equipped with a head set—which makes it possible for him to synchronize the film's action and background music. Apart from the purely instructional part of the program, the veteran works at his job, earns his pay, and justifies his employer's confidence.*

TRAINING

• *Carpenter carefully threads the sound-on-film recording device under the supervision of the sound engineer. After processing, the recorded film will be incorporated with the film image. Army training stands Carpenter in good stead in this operation. In this case, the veteran's qualifications were in some ways enhanced by his wartime experience. Many a veteran "found" the basis of his civilian future in the armed forces.*

Left: Carpenter operates a 16-mm camera during an actual take.

Left Below: Coordinating the sound track and film requires a steady hand and a keen eye.

Right Below: Operating a titling camera.

Following this model program, the veteran can look squarely to the future, and have no qualms about his return to civilian life.

ANTI-DISCRIMINATION REVIEW

Commission Curbs and Forestalls Discrimination Practices in Employment

Methods of the State Commission Against Discrimination in administration of the Ives-Quinn Law resulting in steady progress toward opening many new job opportunities previously closed to members of some minority groups.

Now in its ninth month of operation, the State Commission Against Discrimination is moving steadily toward the goal set for it in the Ives-Quinn Law. Launched July 1, 1945 on the hitherto legally uncharted seas of employment opportunity, the SCAD is forging ahead smoothly and on an even keel, the well-built craft of a wise and sincere administration which plans its every move for the maximum welfare of all citizens of the State of New York.

The enactment of the Ives-Quinn Law is one of the many pioneer actions in legislation in the record of New York State. During its consideration before passage there was full discussion of the measure in all its implications. Out of the debate emerged the present law which has already set the pattern in language and administration, for future Federal legislation. The Ives-Quinn Law is in no manner a "reform" bill. It neither threatens nor extends to excess the basic rights of any individual or group within its jurisdiction. It does, as Governor Dewey recognized when he signed the measure, reaffirm the beliefs and encourage the living practices which have maintained New York State as the leader of the nation. It underscores the American traditions in which both state and nation were founded.

• **Law's Provisions**—The bill provides that it shall be unlawful to refuse to hire, or to bar or discharge from employment, any individual because of his race, creed, color or national origin. Employers are also forbidden to discriminate against any individual on the same grounds in regard to compensation terms or privileges of employment. Federal, State and City agencies, labor organizations, employment agencies and fellow employees are all covered by the measure.

• **Case Work Record**—During the first eight months of its existence the Commission has handled almost 300 cases charging discrimination. The operating methods of the Commission which make use of conference and conciliation efforts as first steps, have resulted in the closing of 182 cases. No case has as yet been carried to the formal hearing stage which also lies within the powers of the Commission. Some of those now pending may reach that stage however, the Commission admits.

In addition to these actual complaints filed with it, the Commission has itself launched almost 100 investigations into the employment practices of employer and labor groups of the State. Conducted quietly, with Commission representatives appearing more often as friendly advisors than as enforcement or "policing" officers, these activities have been productive of results difficult to measure accurately in terms of potential cases adjusted before complaints arose.

• **Information Service**—Over 1000 inquiries have come to the Commission since it started work, in regard to the working of the law. Out of this activity has developed an information service, spearheading a fast-growing educational program in line with the Commission's broad program.

"Hundreds of employers have come to us voluntarily seeking help in making their employment practices conform to the law," said Mr. Henry C. Turner, prominent New York City lawyer who is chairman of the Commission. "It is the Commission's desire to be of service and we hope that no employer will hesitate to confer with us in regard to eliminating unfair employment practice.

• **Operating Procedure**—The rules for filing a complaint with the Commission are simple. The complaint must be made in writing, with the complainant swearing to its truth. It must be filed, within 90 days of the time the alleged discriminatory act occurred, at any one of the Commission's offices. There are now three such offices: 124 East 28th Street, New York City; 24 James Street, Albany; and 65 Court Street, Buffalo.

Each complaint is assigned by the Chairman to a specific commissioner who is then responsible for its handling. Staff investigators immediately

Prospective employee questions the legality of job application blank which contains questions which she believes are discriminatory.

She reports in writing her complaint to the Commission. Here a special interviewer with a stenographer takes down all the details and promises to investigate. Upon explaining to the employer that the questions on the application blank are contrary to the policy of the Commission, the employer agrees to change the disputed questions.

assemble all facts connected with the complaint, interviewing personnel director, employer, former fellow employees and everyone else who can furnish necessary information. Then follow conferences aimed at adjusting the situation to conform with the law and providing redress for the complainant.

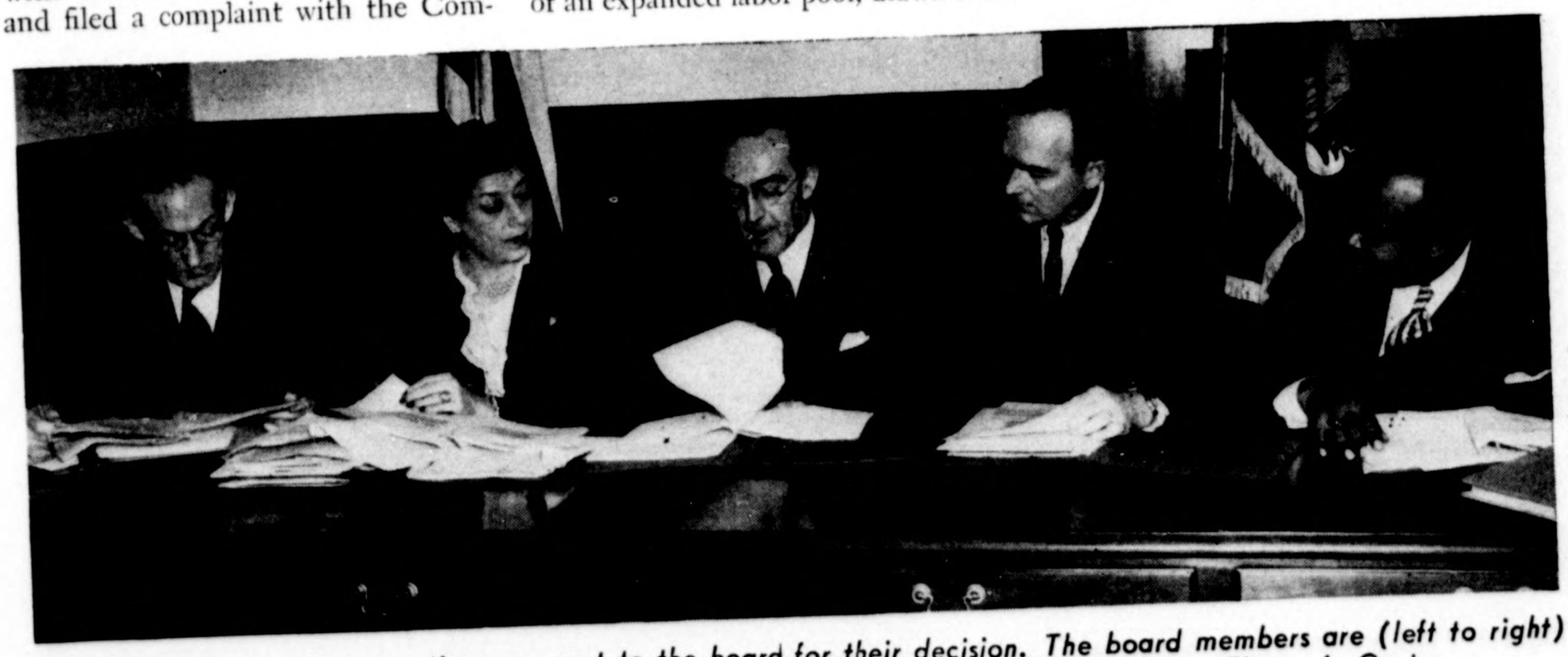
• **Good Results Achieved**—Effective results are obtained through this method without further action in a majority of cases. In some cases where evidence of individual discrimination was not established, employers were found using job application blanks containing questions which the Commission had decided were discriminatory. Elimination of these questions forestalled many future complaints.

A typical case where discrimination was discovered involved a young Negro woman who was fired from her job for inefficiency. She obtained a position with another concern at higher pay and filed a complaint with the Commission against the first concern. Investigation revealed that the girl's immediate supervisor had tried to "pressure" the girl into quitting by making insulting remarks about her color to her other workers and finally had her fired, although the quality of her work had been good. The management of the firm adhered to a non-discrimination policy however, and immediately offered the young woman her former job, discharging the discriminating supervisor at the same time.

• **Law Benefits All**—Even more important, from the work of the Commission stems advances which benefit the State as a whole. Men and women of Negro, Jewish, Polish, Italian and other minority groups are finding doors open to them for jobs for which they are qualified but, because of individual or traditional bias, for which they were never before considered. Into the industrial life stream of the State is being poured the new blood of an expanded labor pool, drawn from sources long available but, in the past, overlooked. Labor in the state also profits by the addition of fresh recruits to its ranks. And for the general public there are the blessings of widened earning opportunities, higher levels of employment with the accompanying increased flow of consumer products and services necessary to decent living.

"Many of the fears voiced at the impending passage of this law have already been proved unfounded," declares Mr. Turner. "The Commission is proceeding cautiously, realizing that this is a new statute in a sensitive area of human relations. But it is proceeding steadily and, we believe effectively toward the attainment of the ends sought by this statute, the wiping out of discrimination in employment with its further goal, the abolition of all discrimination because of race, creed, color or national origin in the sovereign State of New York.

"This is a good law, and it works."



Cases involving policy questions are sent to the board for their decision. The board members are (left to right) Edward W. Edwards, Mrs. Leopold Simon, Chairman Henry C. Turner, Julian J. Reiss, Elmer A. Carter.

STANDARDS AND APPEALS NEWS

Union Label Cancelled By Unanimous Decision

Promulgated to protect legitimate labor unions, Section 208 of the Labor Law states grounds on which union labels may be revoked. It permits groups of craftsmen to clearly identify their product to the public.

In an executive session held in Albany on February 13, 1946, the State Labor Department's Board of Standards and Appeals unanimously decided and adopted a resolution that the label filed by United Industrial Unions with the Industrial Commissioner in March, 1945, be cancelled. The label was voided first on the grounds that reduced to eight-point type size, as it would normally be used in the printing trades, it was so similar to the label of the Allied Printing Trades Council as to be calculated to deceive the buyers of printing and the public. Secondly, as both the label of the United Industrial Unions and of the Upholsterer's International Union of North America bore the letters "U. I. U.", the Industrial Unions' label was barred on the grounds that there should be no filing of "any device . . . similar to any other device."

• **Public Hearings Held**—Hearings on this case were called when the Allied Printing Trades Councils of Greater New York and of New York State and the Upholsterer's International Union of North America registered their protest against the filing of the label in question by United Industrial Unions and applied for its cancellation. The Allied Printing Trades Council filed a formal petition regarding the label with the Board under Section 208 of the Labor Law. The Upholsterer's International Union was permitted to intervene at the public hearings on December 28, 1945 and January 4, 1946, and to complain that the proposed label was similar to the Upholsterer's label and calculated to deceive the public.

• **Reasons for Cancellation**—Both petitioners' objections were based on subdivisions one and four of Section 208, following hearings on these grounds:

"That the union or association of employees filing such device is not a bona fide union;

"That the device so filed by the union or association of employees is so similar to a device previously filed by a union or association of employees that it is calculated to deceive unless such prior filing shall have been revoked."

• **Comparison of Labels**—To determine whether or not the label of the United Industrial Unions was so similar to those of the Allied Printing Trades Council and the Upholsterer's International Union as to deceive the public, the three labels were compared in several sizes by the Board. The label filed by United Industrial Unions consists of an octagon shape inside of which is another octagon. The letters "U. I. U." appear in the inner octagon. Between the two octagons are printed the words "National Printers' Union Label." The label of the Allied Printing Trades Council is an oval-shaped device in which appear the words, "Allied Printing Trades Council Union Label New York." In the four-inch size, the two labels are distinguishable, but thus enlarged almost any label could be distinguished from another. Uncontraverted testimony admitted in support of the Allied Printing Trades Council's petition established that 90 percent of printed matter upon which union labels are placed bears the imprint of an 8-point label (about $\frac{1}{4}$"). In this size, the Board's decision stated, the United Industrial Unions' label might be confused by the public with that of the Allied Printing Trades Council.

The Upholsterer's International Union label is a square device in which appear the letters "U. I. U." and the words "Union Label". The sides of the square bear the legend, "Upholsterers International Union AFL", while the local union and shop numbers are registered below. According to testimony received by the Board, this device has been registered in New York State since 1924. It is used in the upholsterers' trade by members of this union and appears on their products. On both this label and that of United Industrial Unions the letters "U. I. U." are prominent. United Industrial Unions do not have an affiliate union in the upholsterers' trade, but this organization could accept the membership of such a labor group, given the opportunity. This affiliate might then use the proposed label to the detriment of the Upholsterer's International Union.

• **Label Would Benefit Printers Only**—United Industrial Unions have four affiliates at present: The National Printers Union; the National Employees Union; the Bartenders, Restaurant Workers Union; and the Physical Instructors, Attendants and Employees Union of America. Of these only the first has any need for a label.

The National Printers Union itself was not the applicant, but the words "National Printers Union Label" are part of the inscription on the label filed by United Industrial Unions. The label used by the National Printers Union between 1941 and 1944 was cancelled by the Board of Standards and Appeals in a previous proceeding. Before this previous label was cancelled, the union had 110 members, of whom 37 were employers working in their shops without any employees, in contravention to the constitution of United Industrial Unions which restricts membership to workers only. At the time of the hearings on the later case, the Printers had 24 members of whom only one was an employer. Other employers had dropped their membership after the previous label was revoked.

The Board's decision stated: "It appears that the United Industrial Unions are making this application for a label which the National Printers Union only will benefit from because the common officers in these unions believe that from the point of view of bona fides, the National Printers Union's application would not be tenable." The Board further found that it could not approve the action of the United Industrial Unions in applying for the registration of this label for the benefit of the National Printers Union "which in the opinion of this Board is not a bona fide labor organization."

Board Member Returns

Experience with New York State's progressive Department of Labor prepared Raymond M. Fisher of the Board of Standards and Appeals for a useful wartime career as an Army labor officer in Italy, North Africa, and France.

Formerly a lieutenant-colonel in the Army, Raymond M. Fisher has now rejoined the Board of Standards and Appeals. After many successful assignments as labor officer with the Army overseas, Mr. Fisher was designated Welfare and Displaced Persons officer in addition to his other duties.

• **Session Well Attended**—The executive session at which the Board reached its resolution of decision on this case was well attended by representatives of organized labor. William F. Bleakley was counsel for the Allied Printing Trades Council while Murray A. Frank appeared for United Industrial Unions. Others present were William Kohn, president emeritus of the Upholsterer's International Union; Ralph Wright, secretary of the Allied Printing Trades Council; Laurence H. Victory, president of Typographical Union No. 6; E. W. Edwards of the New York State Allied Printing Trades Council; John E. McGarry, secretary-treasurer of the Allied Printing Trades Council; James C. Quinn, secretary of the Central Trades and Labor Council; and Joseph Vogl, president of United Industrial Unions.

• **Previous Label Revoked**—Since 1943, when Section 208 was incorporated in the Labor Law, there have been only a few proceedings thereunder. A previous United Industrial Unions label was revoked after a similar hearing early in 1945, when application for its cancellation was made by the Allied Printing Trades Council of New York State, Allied Printing Trades Council of Greater New York and Allied Printing Trades Council of New Rochelle. The Allied label had been filed and was in use many years previous to the filing of the United Industrial Unions' label.

The recent return of Raymond M. Fisher from military leave to his duties as a member of the State Labor Department's Board of Standards and Appeals brought about a change in staff on the Board. Francis J. Wazeter, who was appointed a member of the Board to serve during Mr. Fisher's absence, was named General Counsel to the Board.

Mr. Fisher was one of the original members of the three-man Board of Standards and Appeals set up on July 1, 1937 to make industrial code rules effectuating the policy of the Labor Law in providing "adequate protection to the lives, health and safety" of the people of New York State. Other present incumbents of the Board are Chairman William H. Roberts and Judge H. Myron Lewis.

• **Labor Department's Educational Role**—Mr. Fisher served with the Board until June 26, 1943, when he entered the Army with the rank of major. He saw duty as a labor officer in Italy, North Africa, and Southern France and rated promotion to lieutenant colonel. The dearth of officers with labor backgrounds kept those with this particular type of experience very busy. Mr. Fisher attributes his own usefulness to the Army to his background of work with the New York State Department of Labor. The Department is the most progressive and one of the best developed labor departments in the United States and serves as a model for department in other states. Labor officials from other countries often visit the Department to study labor conditions and the advanced labor standards of New York State.

• **Italian Social Insurance Revitalized**—His work as a referee in New York State's Division of Workmen's Compensation from 1932 to 1937 stood Mr. Fisher in good stead in his first large Army labor assignment. As assistant Chief of the Army's Labor Branch, Region 4, with Headquarters at Naples, Mr. Fisher helped to revitalize the Italian social insurance entities which had broken down under the stress and strain of the fascist war economy. These included health insurance, accident insurance off the job, and workmen's compensation. The family allowance, a government subsidy granted for each child born into a family, is another important feature of the Italian social insurance program. This type of subsidy prevails in France as well, but finds no parallel in the United States. It was not introduced solely to speed the growth of population for military reasons, but stemmed also from economic necessity.

Mr. Fisher's job as labor officer involved firing fascists in administrative posts, arranging the appointment of suitable new directors, and getting loans and office space for the newly activated social insurance bodies.

• **Work with de Gaulle Government**—Mr. Fisher was sent back to North Africa as Chief of the Labor Branch of the Civil Affairs Regiment serving the Seventh Army. There he worked with the Consultative Assembly of the de Gaulle Provisional Government in Algiers particularly with Minister of Labor Pierre Tixier. Together they wrote an agreement for the employment by the United States Army of civilian labor in France. This arrangement was a step forward in Army labor relations, as no such agreement had been made in Africa or Italy.

• **Protection of Civilian Labor in France**—Mr. Fisher carried this agreement into Southern France after its liberation in August 1944 and had it well in motion by September 18—a month after his arrival. The program provided for the employment of civilians by the United States Army under reciprocal aid agreements, arranging for the French Government to pay these civilian laborers at the rates prevailing locally. It further gave assurance that all of the laws relating to work accidents, social security and family allowance theretofore existing in France be applied to civilian workers. These safeguards were extremely important as the Army employed a maximum of 27,000 civilians working out of Marseilles and the rate of work accidents on the docks was very high in the rushed conditions of wartime. Eventually the program was working so smoothly that the Army was able to recognize labor unions and shop stewards.

UNEMPLOYMENT INSURANCE

Veterans Readjustment Allowances are More Than Two-fifths State's Unemployment Checks

A comparison of the ratio of veterans to civilians claiming unemployment benefits during the last six months of 1945 and the first five weeks of 1946 reveals how large a role the returned ex-serviceman will play in the New York labor market during the coming months.

At the end of July 1945, veterans represented about one-ninth of the total claiming unemployment insurance. **By the beginning of October, because of the large number of lay-offs in industry during August, veterans represented only about one-tenth of the total load. Since that time they have been appearing on the rolls of the Division of Placement and Unemployment Insurance so much more rapidly than civilians that, as of the beginning of December, they constituted nearly one-fourth of the total receiving payments, by the middle of January almost one-third, and by February 1 more than two-fifths.**

According to the latest reports of the Division's New York City officials, there is little likelihood that the influx of ex-servicemen will slow down perceptibly during the next four months. The new basis of discharge under the lower point system, the probable early release of all two-year men, the passage of the amendment guaranteeing that unemployment payments will not be deducted from any future potential bonus, will continue to shorten the gap between civilian and veteran unemployment payments. Unless widespread civilian lay-offs occur, this gap will disappear and the number of unemployed veterans will equal, if not surpass, the number of civilian insured unemployed by early spring.

• **The State's Responsibility** – The State's responsibility for the administration of unemployment allowances for veterans and for the placement of veterans in civilian employment will continue to be a heavy one throughout 1946. New York had been made aware of this responsibility even before the Federal Government took steps to channel the anticipated tide of returning ex-servicemen into civilian employment by the passage of the Servicemen's Readjustment Act of 1944 (the G. I. Bill of Rights) which became operative on September 4, 1944. **In his annual message to the Legislature on January 5, 1944, Governor Dewey heralded the advent of the veteran into the unemployment picture and urged that the State's Unemployment Insurance Law "be amended so as to grant equal protection to all unemployed veterans upon their release from service."**

"Every veteran who lived in this State at the time of his induction," the Governor declared, "should be entitled to the maximum benefits now provided by the law so long as he is seeking work in the State of New York or until the National Government acts to take over its proper responsibility for discharge allowances to all veterans."

In April 1944, the State's Unemployment insurance program for veterans, which provided a maximum of twenty weekly payments of $18 each, went into operation and continued to dispense benefits to veterans until the following September, when the federal program of veterans' readjustment allowances came into being.

While the nation-wide program thus instituted relieves the states of any financial responsibility for the payment of readjustment allowances to veterans, since both the allowances and the cost of their administration are financed by Washington, the states are charged with the responsibility of carrying out the program. In New York this responsibility rests with the Division of Placement and Unemployment Insurance of the State Department of Labor. Claims are filed at local offices of the Division throughout the State and determinations on claims made by its officers. Claims accepted at the local offices are then forwarded to the Veteran's Agent for certification of payment. Hearings on disputed claims are held by unemployment insurance referees and appeals from the decisions of its Referee Section are reviewed by the Veterans' Agent. Should the claimant appeal against the ruling of the Veterans' Agent, that appeal is sent for final ruling to the Administrator of Veterans' Affairs.

• **Veterans' Unemployment Insurance** –The initial procedures through which a veteran's claim goes before it is certified for payment are thus identical with those which regulate the payment of civilian claims. However, there are several respects in which the veterans' program differs from the civilian program of unemployment insurance. The eligibility of the civilian and the duration of his entitlement to benefits under the State law are determined by the number of weeks he has been fully employed in insured employment during a given benefit year and are geared in accordance with his base wage. The payments to which a veteran may lay claim are pro rata to his period of active service between September 16, 1940 and his honorable discharge from service. Moreover, the veterans' program provides benefits for the claimant during a period of incapacity to work, provided he is available for work at the time he registered his original claim. It also provides for the partially employed and for the self-employed veteran.

• **Eligibility**—The eligibility provisions are as follows: A veteran may qualify if he has had a total of at least 90 days of active service of which at least sixteen were after September 19, 1940, or, if he was discharged because of a service-incurred injury or disability, he must have served a minimum of sixteen days after September 16, 1940, provided:

1. **He was not discharged under dishonorable conditions.**
2. **He is a resident of the United States.**
3. **He is totally unemployed, or partially employed for less than a full work week, with earnings of**

less than 23 dollars in that week, or self-employed with net earnings for a given month less than 100 dollars.

4. He files a claim for an allowance with the New York State Division of Placement and Unemployment Insurance, registers for work with the United States Employment Service and reports to both periodically as instructed.
5. At the time of filing he is able to work and available for suitable work. If after filing, he becomes ill or disabled during the period of his continuous unemployment, his allowances are not interpreted because of his disability provided he reports as required.
6. He is not receiving increased pension under Part VII or subsistance allowance under Part VIII of Veterans Regulation I (a).

Increased pensions are provided for partially disabled veterans during their period of rehabilitation training and subsistence allowances are granted to veterans who are participating in On-the-Job Training Programs or are continuing their education under the Government-sponsored veterans' educational program.

• **Procedure**—In order to authenticate his claim the veteran must apply to the field office of the Division of Placement and Unemployment Insurance nearest his place of residence. Here he presents either his Report of Separation, Certificate of Discharge or official papers. He then registers for work with the U.S.E.S. and receives an identification booklet on which are entered the days and hours on which he must report to the insurance office and to the employment office. His first allowance becomes payable at the end of the first full week of unemployment following the fulfillment of the above requirements.

• **Amount and Duration of Allowances**—**Allowances, according to the Veterans' Administration, are not to be envisaged as "rewards for a job well done," but rather as the means to effect a "speedy and successful readjustment of the individual in order that he may personally assume his rightful place in his home community." They are aids in the reconversion of the discharged serviceman to the employed civilian.** The U. S. fighting forces in World War II were essentially civilian forces. The amount of readjustment aid which a discharged service-man may collect is therefore fixed according to the length of time he has been separated from his normal civilian interests. His first three months of active service entitle him to eight weeks, and every month or major fraction of a month thereafter to four weeks readjustment allowance. **The minimum duration of the veteran's entitlement is eight weeks and the maximum fifty-two weeks.**

If a veteran meets the requirements and is totally unemployed, he receives 20 dollars a week for each week of total unemployment. If he finds employment before exhausting the full number of payments to which he is entitled and later loses his job, he may make additional claims. A veteran discharged before the end of the war may claim the allowances to which he is entitled at any time within two years after the end of the war. A veteran discharged after the war may file a claim any time within two years after the date of his discharge, but not more than five years after the cessation of hostilities.

If a veteran finds a job in insured employment and later becomes unemployed, he may file a claim either for the civilian benefits he has accrued under the State law or for veterans' readjustment allowances. If he chooses the former and exhausts his unemployment insurance benefits before becoming reemployed, he may then claim readjustment allowances under the Servicemen's Readjustment Act.

U.S.E.S. adviser instructs newly-returned veteran in his rights and benefits under the "G.I. Bill of Rights". He informs him of the State's role in administering veteran's allowances, on-the-job training and apprenticeship programs, helping him decide on his future as a civilian.

New York City officials of the Division of Placement and Unemployment Insurance report that there is a strong tendency on the part of veterans who have civilian unemployment benefits to their credit to claim readjustment allowances rather than civilian unemployment benefits since weekly payments under the veterans' program are usually higher than are weekly payments to civilian insured unemployed. This tendency is reflected in the growing number of additional claims filed by veterans. In October, one in every eight claims filed throughout the State was for additional payments after a period of employment. In November, when the total of initial claims filed was 61,720, over 14,600 more than in the previous month, the number of additional claims was again almost one in nine. Additional claims made during the week ending January 11, 1946, were more than one in seven, and nearly one in five during the week ending February 1.

• **The Partially Employed Veteran**—Provision has been made in the G. I. Bill for the partially unemployed veteran, the veteran who is able to secure only part-time work. During any given week of his part-time employment, he is entitled to 20 dollars allowance less that part of his wages which is in excess of three dollars provided that any amount not a multiple of one dollar shall be computed to the next higher multiple of one dollar. Thus the part-

time worker receives a total in wages and allowance of between 23 dollars and 24 dollars a week. Since the average weekly payment to all veterans as of February 1 is 19 dollars and 93 cents, it is evident that there are very few of the number drawing allowances who are partially employed.

• **The Self-Employed Veteran**—Many a serviceman, dreaming of his post-war civilian role, has pictured himself not as an industrial worker with a job at a fixed rate of pay with stipulated hours of work, but as starting out "on his own" in an enterprise of his own choosing. The enactors of the Bill designed to help the veteran take up his position as a self-supporting citizen made provision for the self-employed veteran, the veteran who assumes both the profits and losses of the work in which he is engaged. Since at the outset self-employment involves considerable financial risks, apart from capital expenditures, the Bill provides that a self-employed veteran whose net earnings are less than $100 during any given month may receive the difference between $100 and his net earnings for that month. The period over which he is entitled to such allowances is somewhat shorter than that to which the unemployed veteran may lay claim, since each monthly payment is counted as the equivalent of five weekly allowances. In order to obtain payment he must file his claim for any given month on or before the 20th of the following month. He must also keep records of his income and expenditures and make these available to insurance officials administering veterans' allowances in order to substantiate his claim.

The number of self-employed veterans in New York State is small compared to that of other states, though it has risen rapidly in recent months. There were more than twice as many new claimants in November as in October and by the end of December the November figure had more than doubled. As of the end of the year 1945, 728 self-employed veterans were receiving allowances totalling 70,910 dollars. Of these 340 were receiving first payments, and 388 additional payments. The total sum expended from November 1944 to December 1945 inclusive on allowances to 1,112 self-employed veterans throughout the state was 271,686 dollars. At first sight this would seem to indicate that few veterans in this group are able to do much more than meet current expenses. However, insurance officials indicate that veterans are discouraged from claiming payments during the months in which their net profits come near to equalling the 100 dollars allowance.

A notable feature of the veterans' picture in New York State is the fact that the large majority of self-employment allowance claimants live in New York City. Of the 1,112 receiving payments from November 1944 through December 1945, 656 were City claimants. Again, whereas in the mid-western agricultural states the majority of self-employed ex-servicemen have taken up farming, among the 728 New York claimants listed in December only 68 were employed in agriculture, whereas 82 were in wholesale and retail trade, 31 in manufacturing activities including 12 in miscellaneous occupations such as photography, plastic products, costume jewelry, quick-frozen foods, and a sizeable group (178) in the service industries, including 52 lawyers and 72 in other professional, or social service pursuits.

• **Influx of Veterans Into Labor Market**—The influx of veterans into the labor market in New York State and the pace at which it has accelerated during recent months can be seen at a glance from the following figures. In mid-August 1945 the number of claims for readjustment allowances throughout the State was 6,131, in mid-September 15,079, in mid-October 33,359, in mid-November 51,256, in mid-December 87,274, and as of February 1, 135,798. Since not all claimants follow up their claims, a truer estimate of the number of unemployed ex-servicemen is to be gained by a comparison of the number of payments made during the week ending nearest to the fifteenth of each month and the total amount of monthly payments.

Number of Payments Made During Week Ending Nearest the 15th of the Month

August	4,464
September	10,281
October	21,571
November	37,146
December	62,255
January	102,707

Monthly Amounts Paid in Dollars

August	515,121
September	871,135
October	1,799,864
November	3,424,769
December	4,624,243
January	10,775,797

Between September 4, 1944 and December 31, 1945 the total amount expended on veterans' readjustment allowances (exclusive of self-employ-

ON-THE-JOB TRAINING—This former serviceman is training to be a salesman of office supplies and equipment, with an upstate concern. He is eligible for subsistence allowance under the G I Bill of Rights.

ment allowances) was 13,263,346 dollars, representing 691,787 compensable weeks. During that time only 227 ex-servicemen had exhausted the allowances to which they were entitled. By the end of January the total amount of allowances rose to $24,477,716.

• **Geographic Distribution**—Some idea of the geographic distribution of veterans receiving allowances during this period can be gained from the following figures: Compensable Claims Certified to Department of Audit and Control **Cumulative September 4, 1944 to November 30, 1945.**

Number of Compensable Weeks	Amount Dollars
Albany—24,395	485,322
Utica—20,020	398,782
Syracuse—23,916	475,676
Rochester—11,014	218,552
Buffalo—10,680	212,510
Poughkeepsie—26,296	523,248
Metropolitan—Suburban—23,926	476,622
Metropolitan—New York City—314,607	6,267,429

Recent figures indicate either that veterans are being absorbed more rapidly into civilian employment in certain areas, or that they are avoiding areas in which civilian unemployment is high. Thus the Buffalo area, which in the week ending February 1, 1946 had the largest number of civilian unemployment claims certified for payment, outside Metropolitan New York, had the third lowest number of veterans receiving readjustment allowances. The Rochester area has the lowest number of veterans claiming allowances, although its civilian active file is greater than in two other areas.

• **New York City Registrants**—During recent weeks the number of discharged veterans registering their original claims in New York City offices of the Division of Placement and Unemployment Insurance has sky-rocketed. As of the week ending February 1, of 182,791 claims on the active file throughout the State 117,981 were registered in City offices. City officials lay this influx to the proximity of separation centers and to the fact that the importance of early registration is being stressed at these centers. Moreover, exservicemen are allowed to register their original claims at 500 Park Avenue, the Veterans' Center set up by the City months before the tide of discharges approached its peak.

• **Forecast for the Future**—During the early months following the enactment of the G. I. Bill, veterans were absorbed into industry at a much more rapid rate than were civilian unemployed. Many were seeking and obtaining their pre-war jobs. Others found a ready market for their service-acquired skills. As late as October 1945, the turnover rate for veterans throughout the State was high. "Three-eighths of all veterans who were in the active file at the end of September or who filed initial claims in the next four weeks were no longer seeking allowances by the last week of October. Between the last week in September and the closing week of October some 22,000 claimants had either obtained employment or for other reasons had dropped claims."

By November, however suitable jobs for ex-servicemen were becoming difficult to obtain and difficult to hold. During this month a weekly average of 1,500 claims was received from ex-servicemen who were again registering for allowances, presumably after some interim of employment following their first application. The number of veterans actually drawing payment more than doubled between the last week of October (24,480) and the closing week of November (51,981), and the total claimants (active file) increased from 35,790 to 69,847 for the same weeks. "However, about one of each three veterans who were claimants in the week ending October 26 or who filed initial claims in the next five weeks, had dropped out of the active file by the last week of November."

During November the number of job openings received by the U.S.E.S. dropped sharply and, by the end of the year, the New York service-man, in spite of his relatively high employability, was finding it increasingly difficult to find a job geared to his previous training, service-acquired skills and generally high expectations.

In New York City, according to Colonel Arthur V. McDermott, Director of Selective Service, a new complication has arisen. Within recent months City employers in increasing numbers have attempted to deny veterans reinstatement in their pre-war positions. While during the early months of the year only thirty to fifty employers sought to prevent reinstatement, the number leaped to 485 last November and showed prospects of topping that figure in December.

New York City officials of the Division of Placement and Unemployment Insurance state that the number of ex-servicewomen receiving readjustment allowances is negligible; the majority of them have clerical skills, now greatly in demand, and those with service-acquired skills have found a ready market for their specialties.

APPRENTICE TRAINING—Diamond setter apprentice skillfully places diamond in ring setting. This veteran began his apprenticeship prior to entering service. He has one more year before receiving certificate of completion from New York State Apprentice Council.

RESUME OF 1945
REPORT TO THE LEGISLATURE

INDUSTRIAL RELATIONS

Progressive Legislation Raises Labor Standards

Reflecting social progress in New York, the Division of Industrial Relations administers the Labor Law with regard to wages, hours of work, women, and child labor, safeguarding the welfare of workers and the community.

During the year 1945, as during 1944, not only have the State's progressive labor laws been preserved, but also labor standards have been strengthened and improved. Our peacetime labor laws proved themselves even during the peak of war production when temporary relaxations were granted to individual employers for war production and essential civilian needs.

• **Reconversion Program**—The Division of Industrial Relations was ready during 1945 with plans, information and a program developed during the war to help in the problems of reconversion and in needed improvements of post war labor standards. Major steps in the program had been taken even before V-J Day with a minimum wage for workers in the retail trade industry, one of the largest industries in the State, and a general homework order placing a ceiling on homework so that increases in post-war production would be under the much more favorable standards of factory wages and hours rather than the known evils of home manufacture. The Division had ready, too, information from management and workers on the post-war employment of women and on their views regarding hours and night work for peacetime.

Also planned as a post-war measure was the bringing of pre-war minimum wage orders in six industries into line with increased cost of living and current wage standards. Studies showing the need for such revision were undertaken. In two of the six industries, laundries and dry cleaning, wage boards are being convened. A third for beauty service will be under way shortly.

• **Child and Farm Labor**—A distinct improvement in labor standards was the passage of the Brook-Coudert bill, which for the first time limits hours of work of 14, 15, and 16-year old boys and girls while attending school. The Division also began a state-wide educational and informational program on seasonal farm labor on a larger scale than ever before in order to bring about better understanding of and compliance with child labor and other labor laws.

• **Reorganization**—The year 1945 continued to show the soundness of Industrial Commissioner Edward Corsi's reorganization of the Labor Department early last year. The Division is charged by law with the responsibility for investigating working conditions of women and minors in industry. Beginning last year, the Division included for the first time in 26 years all of the functions relating to women and minors. It has thus been able to carry out much more effectively the mandate of the law to better the conditions of working women and minors. Additional upstate offices which had long been needed were set up. Also, the Division's name was changed to Division of Industrial Relations, Women in Industry and Minimum Wage.

• **Minimum Wage Inspections**—The Division made 49,083 completed inspections in 1945, 7,908 more than in 1944. Compliance improved because all of the six orders were mandatory throughout 1945. Nevertheless, 1,498 violations were found among employers who were paying less than the prewar minimums. Voluntary restitution for the 12 months of 1945 was $136,923, more than twice the amount for 1944. This was partly due to the order's being mandatory, but even more to the fact that the year's restitutions included restitution to adult males who were being paid less than the prewar minimum rates.

• **Retail Trade Minimum Wage**—The major accomplishment of the year was the establishment for the first time in New York of minimum wage standards for retail trade, one of the largest industries in the State, employing 430,000 workers in 95,000 stores. The Industrial Commissioner appointed a minimum wage board in May 1945 to report upon and recommend minimum wage standards for workers in this industry. The Board met 18 times and concluded its work on July 27. Its report and recommendations were submitted to the Industrial Commissioner, who accepted it for public hearing within ten days.

The Board recommended a minimum wage of $21 a week for full time workers employed 30 to 40 hours—a rate of 52½ cents an hour. It also recommended higher rates for part time work, 57½ cents an hour, and for overtime work 79 cents an hour after 40 hours in towns having a population of 10,000 and over. In view of the fact that cost-of-living surveys made by the Division showed a slightly lower cost in towns with a population under 10,000 (4 percent less) the Board recommended that for such small towns straight time or 52½ cents an hour be paid for work between 40 and 44 hours. An overtime rate of 79 cents applies to hours worked after 44 per week.

At public hearings conducted by the Industrial Commissioner in Buffalo, Rochester, Syracuse, Albany and New York early in September, there was widespread public interest and general support of the Board's recommendations. The principal objections were to the higher rate for part time workers who during 1945 were often high school students and housewives, and to the fact that the minimum standards recommended did not provide for lower rates varying by size of community. The Commissioner agreed to give further consideration to these two objections. He approved the Board's report and recommendations and issued the order on October 4, to become effective as a directory order on November 12.

It is estimated that the minimum wage order will raise wages of about 144,000 workers, mostly women and minors, but also adult men and the order will increase wages by at least six million dollars a year. These figures refer only to workers who in 1945 were receiving less than the minimum.

Following the effective date of the order, the Enforcement Bureau of the Division concentrated on visits to retail stores to explain the order, to answer questions and to discuss with individual employers how they might comply with the order. Four-fifths of the 2,000 stores visited were in full compliance with the order's provisions. This compares favorably with compliance with previous directory orders.

As the number of establishments covered by minimum wage orders has more than doubled with the issuance of the retail trade order, additional staff is needed to assure compliance.

• **Wage Collection**—One of the old laws in the State of New York gives the Industrial Commissioner power to collect unpaid wages for workers. While this has always been an important function, since the end of the war the number of wage claims has been steadily increasing. This is partly due to the cancellation of war contracts and to lay-offs of workers.

During the year the Department was successful in collecting $65,544 for workers who had not been paid their full wages. Most of these workers were manual workers, since the law refers to "employee", which is defined in the Labor Law as "a mechanic, working man or laborer working for another for hire". The Department believes that the wage payment law should be extended to cover white collar workers who no longer occupy the favored position they once held.

• **Cash or Check**—Under the law, employers must pay their workers in cash unless the Industrial Commissioner grants them special permission to pay by check. The State of New York believes that its workers should be paid regularly in cash so that they will have ready money to meet their responsibilities. Knowing that checks are not always easy to cash by wage earners who have no checking accounts, the State insists upon cash payment. The Industrial Commissioner does not grant special permits for payment by check until he has convinced himself that workers will encounter no difficulties in cashing checks. During 1945 the Industrial Commissioner granted permits to over 1500 plants and denied 99—15 percent of the total number of applications received.

• **Child Labor**—A steady decrease in illegal child labor during 1945 was the rewarding result of the Industrial Commissioner's realistic approach to the child labor problem. During the war period child labor increased more than 400 percent in this State, but violations were cut from 25 percent in 1944 to 10.8 percent in 1945.

A widespread educational program, the backbone of the Department's effort to curtail illegal child labor, was intensified during 1945. When research showed that child labor was increasing in any particular industry, the Industrial Commissioner went straight to the top in his effort to stop this practice. To this end conferences of bowling-alley managers, the Canners' Association and various other merchant associations were held to discuss the problem. Also, the Industrial Commissioner was asked to address a meeting of the managers of New York City motion picture theatres. As a result of this educational drive, 8,114 child labor violations were found in the first 11 months of 1945 as against 11,249 in the same period of 1944.

• **Seasonal Farm Labor**—The great problem of child labor in agriculture was tackled seriously for the first time despite the fact that from many sides came the plea that food must be produced at any cost. Investigators were sent into several upstate counties to look into conditions of work of children on day hauls and children living in migrant camps. During the summer months investigators saw nearly 3,000 workers in the bean fields, cherry orchards and other areas. About 1,800 of them were under 18 years of age. Many young children were found working illegally, even those who could have been employed legally. Investigators found that many farmers did not know that there were labor laws affecting children and many others knew and did not care. The chief result of the summer's investigation was to cushion the work of a strict enforcement of the Child Labor Law in 1946.

• **Ceiling on Homework**—To combat the tremendous increase in the use of homeworkers the Industrial Commissioner promulgated a general homework order placing a ceiling on homework in all industries. By prohibiting new employers from introducing homework and restricting homework to present employers, it was estimated that about 200 firms with an average of 20 homework certificates per firm, or about 4,000 homeworkers, should be eliminated during the first year. As a matter of fact, by the end of December 1945, five and a half months after the order went into effect, the

ON-THE-JOB TRAINING—Under guidance of a seasoned salesman, the veteran is brought up-to-date on all types of fabrics, dyes and new methods of selling which have been developed during his service years.

number of homework certificates had decreased by approximately 39 percent —from 30,758 to 18,704—and the number of permit holders had decreased by approximately 16 percent—from 1,453 to 1,217.

With the promulgation of the General Order, it became more efficient to consolidate the work of the Homework Bureau. As a result of this reorganization there has been greater efficiency in the office and greater coverage in the field. During the year 1945, a total of 27,257 visits and inspections were made in connection with the educational and enforcement program of the Homework Bureau. In that period 857 violations cases were disposed of by calendar hearing or by prosecution.

• **Post-War Hours of Work**—Investigators of the Enforcement Bureau in their regular inspections and on patrols found better compliance this year than last and, therefore, few violations. Most of the 1,377 violations of the hours laws for women and minors uncovered during 1945 were in retail stores and restaurants and other service industries where dispensations for longer hours had not been granted. Nearly half of the 315 violations of the "day of rest" law for men were in restaurants. Violations of the hours laws were found in factories also, even in some which dispensations had been granted. One hundred and eighty-six prosecutions were necessary in 1945.

Some employers are now urging that the peacetime law prohibiting adult women to work after 10 P.M. be changed to 12 midnight to facilitate two-shift operations. It is interesting to note that only 636 plants held such dispensations on January 1, 1946, while just before Pearl Harbor, at the height of defense production in September and October 1941, 930 plants operated second shifts for women within the hours limit of the peacetime law—not later than 10 P.M. Two shifts are possible within the 16 hour spread of the peacetime law, between 6 A.M. and 10 P.M., and in view of the overwhelming opposition of management and workers to night work and war and peacetime experience with multiple shifts, it is questionable whether multiple shift operation should be encouraged or whether the need exists for a change in the night work law.

• **Women in Industry**—Surveys made by the Bureau of Women in Industry in 1945 show that although women played an essential part in war production they have been laid off in much greater proportion than men. Since V-J Day over 60 percent of the lay-offs covered women. However, employment of women in the manufacture of certain goods and in non-manufacturing industries continues slightly upward, offsetting the decrease in the metals and machinery industries. Women's employment in New York State has dropped from a peak of 2,000,000 to approximately 1,850,000.

• **Equal Pay Bureau**—The first year of enforcing the Equal Pay Law has been one of education and appeals for cooperation. News releases were mailed to a selected list of employers, trade associations and unions, and the staff participated in a radio broadcast dramatizing the Law. In July, personal calls were made to executives of chambers of commerce, boards of trade, insurance companies, food manufacturers, and bankers associations in order to urge their cooperation in publicizing the Law in their house organs. In December, 50 business and professional women's clubs throughout the State were asked to hold discussion meetings on the Equal Pay Law with gratifying results.

The Law became effective on July 1, 1944 and at first the Bureau investigated complaints only. About 300 inquiries have come to the Department, but it has been found that the majority of the cases cited held no basis for complaint because of variation of job content. This was also true of 60 cases investigated by the Bureau's wage analyst.

In two cases, however, illegal variations were found. The original complaints in the Gotham case were filed a year ago when five women finishers alleged that their wage rate was $7.50 per week less than that paid a male finisher. The Deputy Commissioner's decision found that the company was discriminating. Collection of the workers' back pay was undertaken by the Industrial Commissioner, whose authority to do so was upheld in an opinion of the State Attorney General. In October 1945, the women involved received a total of $841.64 in back wages.

In the Bentley case, the complainant, a saleswomen in a small department store alleged discrimination because of sex, contending that her work was similar to that of a salesman in an adjoining department. The Industrial Commissioner ruled that discrimination did exist, but the employer refused to make restitution. The matter has been turned over to the Attorney General for prosecuion and the case will shortly be referred to the First District Municipal Court, Borough of Manhattan, for trial.

ON-THE-JOB TRAINING—Assistant treasurer of bank explains to veteran the numerous operations a window teller encounters in a day's business experience. Trainee learns all phases of handling negotiable instruments before being left in charge of window.

Bedding Receipts Gain in 1945; Drive Slows Violations

Stamp sales on "repeat orders" show 1945 increase of $14,180 over 1944, while fines drop $5,243.50 during same period. New amendments become effective.

Total receipts of the Division of Bedding for 1945 came to $174,238, or $5,310.50 more than the previous year. Receipts showing the greatest increase resulted from the sale of stamps on 'repeat orders', which rose from $112,770 in 1944 to $126,950 in 1945. Division officials attribute this to the fact that articles of bedding manufactured for U. S. Government shipment outside the State did not require State inspection stamps and that the concerns producing such articles have now increased their output for civilian consumption necessitating a growing need for bedding stamps. Another reason: most filling materials used in articles previously frozen by the government have been released for civilian production.

• **Receipts and Violations**—Receipts from new registrations dropped from $12,070 in 1944 to $7,920 in 1945 due to recent changes in the Bedding Law which reduces the sale of stamps at the time of registration from 1,000 at $10 to 500 at five dollars. In spite of the drop in receipts, the Division recorded a total of 17,298 registrations for the year; 15,004 of which came from within the State; 2,256 from 36 other States; and 37 from 10 foreign countries. The District of Columbia was also represented.

Fines for violations of bedding regulations also decreased from $16,962.50 in 1944 to $11,718 last year. Reasons for this decline are attributed to the fewer number of cases presented for prosecution—a direct result of the drive launched by Deputy Industrial Commissioner Goodman over complaints received that certain firms had been favored previously while others had been discriminated against. The drive was carried on from February 8 to November 5, 1945, during which time 943 samples were analyzed and a complete study of bedding regulation violations applied to each sample.

Elements considered were whether fraud was used by representing chicken and turkey feathers as goose and duck feathers; or second hand material as new; or if there were flagrant variations in the percentages of material allowed by law. Of the samples analyzed, 568 were found to be in compliance with the law; 65 had to be retagged; 112 were unclean; and 198 called for prosecution.

• **Many Inspections Made**—Division inspectors made a total of 29,651 plant visits and inspections—exclusive of office visits—during the year. Regular inspections accounted for 6,966 of this number; special inspections came to 8,357; compliance visits, relative to orders issued, amounted to 11,410; 'evidence' calls, to show proof of ownership, were 1,873; and information calls completed the total with 1,045.

The year's activities saw 20,939 orders issued; orders complied with reached the total of 20,312, while those which were waived because establishments had gone out of business, etc., made up 427 of the number. At the beginning of the year, there were 2,158 outstanding orders; when the year ended, 2,358 were in the books.

The number of articles placed 'off-sale' or 'seized' hit a high of 202,662, which the Division considers staggering. To account for this sudden increase, it was pointed out that extensive 'off-saling' of surplus commodities by the U. S. Government was reaching civilian markets. Commissioner Goodman's drive also resulted in the 'off-sale' of many items.

Bedding regulations were enforced by 'tagging' 3,556 establishments. A total of 528 violations were presented for legal prosecution, of which 62 had been held over from 1944; while 444 resulted from complaints drawn and 22 were police cases. Of the prosecutions completed, 474 were convicted—51 of these received suspended sentences—and 423 were fined a total of $12,628. Three cases were dismissed; 14 were withdrawn and 11 were transferred to calendar hearings. At the end of the year, 26 cases were pending.

Many violation cases did not warrant prosecution because of extenuating circumstances or the fact the firm had been inspected for the first time. In such cases, the Division sent out departmental summonses to the violators to appear in the Bedding offices where they were fully advised as to the provisions of the law and warned that a repetition of violation would result in prosecution.

• **Laboratory Activity**—Activities of the Bedding Division Laboratory in 1945 showed that a total of 2,441 samples were analyzed with 7,023 determinations made, or nearly three determinations to each sample. Various filling materials obtained by bedding inspectors were included in the analysis; out of 1,992 routine tests in this category, 44 percent were found to be improperly tagged. Outside agencies, such as manufacturers, processors and government units submitted 63 samples to the laboratory for analysis. In the course of special studies made on problems brought about by the development of new and improved testing methods, 386 research samples were used.

Two amendments were made to the State's Bedding Law last year. First, as has been mentioned earlier, the regulation making it possible to sell inspection stamps in quantities of 500 for five dollars instead of 1,000 lots for $10. The second amendment provides for the expansion of the Division's Advisory Board from seven to nine members. These members serve without pay and are appointed by the Governor for a term of two years.

A number of studies have been conducted by the Division to improve safeguards to public health and welfare as far as the Bedding Department's responsibilities are concerned. The results have been sifted to eight proposed legislative amendments which have been sent to the Industrial Commissioner for consideration.

RESUME OF 1945
REPORT TO THE LEGISLATURE

LEGAL UNIT

Divisions Without Their Own Counsel Served by New Unit

Bureau establishes uniform legal procedure within Labor Department for all Divisions reporting to Deputy Commissioners . . . 622 departmental hearings supervised since April . . .

In February, 1945 Industrial Commissioner Corsi recommended a careful study of the legal needs of the Labor Department. Out of this investigation came the new Legal Unit, which initiated its activities on April 15 under direction of Deputy Commissioner A. H. Goodman.

The purpose of the new Unit is to give opinions and advice on the interpretation and application of the numerous provisions of the Labor Laws and orders, reflecting the position of the Department of Labor to its "family members" and to the public. The particular Divisions served by the Unit are: Industrial Relations, Industrial Hygiene and Safety Standards, Safety Service and Bedding.

Specifically the Legal Unit performs these functions: conducts, supervises or advises on hearings instituted by departmental summons and orders; reviews and prepares cases for prosecution and civil action by the Attorney General; reviews facts and prepares charges before the Commissioner in departmental disciplinary action; prepares and conducts, or opposes, appeals before the Board of Standards and Appeals; and drafts legislation for the Department of Labor.

• **Scope of Opinions and Advice**—Some of the provisions of the Labor Law which the Unit has dealt with, in reflecting the Labor Department's position, are: Equal Pay Law, Wage Payment Law, Child Labor Law, Public Works Law, Public Safety Law, Hours and Wages, Blasting and Explosives Law, Mines and Quarries Law, Immigrant Lodging House Law, Grade Crossing Elimination Work Law, Female Employment Law and War Emergency Dispensation Law.

In applying the Labor Law, constant interpretation is required of pertinent provisions of the Civil Rights Law, Conservation Law, Domestic Relations Law, Education Law, Executive Law, General Corporation Law, Membership Corporations Law, Penal Law, Social Welfare Law, State Departments Law and New York State War Emergency Act.

In addition, the Legal Unit concerns itself with Industrial Code Rules, and with provisions of the Minimum Wage and Homework Orders and the Bedding Law. Another function is to assist and advise the various minimum wage boards which draw up minimum wage orders.

• **Cases for the Attorney General**—Preparation by the Legal Unit of cases for criminal prosecution or civil action is as follows:

(1) Complete review of facts for legal sufficiency in criminal or civil matters,
(2) Review of applicable law, i.e.—court decisions,
(3) Preparation of referral memoranda to the Attorney General. (When further investigation is requested, it is supervised by the Unit.)

A total of 867 cases were forwarded to the Legal Unit from various divisions, and then submitted to the Attorney General for court action:

648 from the Division of Industrial Relations,
206 from the Division of Bedding,
13 from the Division of Safety.

• **Cases for the Industrial Commissioner**—From time to time the Industrial Commissioner is asked by Division heads to take disciplinary action with respect to employees charged with misconduct in their work. The charges are reviewed by the Legal Division and hearings are held to determine the innocence or guilt of the worker charged. At the hearings the Legal Unit presents the evidence before the Commissioner in support of the charge, and cross-examines witnesses testifying on behalf of the worker.

• **Procedure Regarding Appeals**—The Legal Unit is now preparing to oppose before the Board of Standards and Appeals 218 appeals relating to the Retail Trade Minimum Wage Order. Legal work involved is:

(1) Reading and analyzing of petitions,
(2) Preparation of answers to petitions,
(3) Filing of answers with the Board, and serving of copies on the attorneys for the petitioners,
(4) Presenting of evidence and cross-examining of witnesses at hearings before the Board,
(5) Preparation and submission of legal briefs to the Board.

• **Supervision of Hearings**—All hearings instituted by departmental summons are supervised and advised by the Legal Unit as follows:

(1) Preparation of summons and calendars.
(2) Marshalling of facts for hearings, and holding of hearings.

The following hearings, totaling 622, were held from April 15, 1945 to December 31, 1945:

472 on violations of the Safety Law and codes,
96 on violations of the Minimum Wage Law,
19 on violations of the Bedding Law,
10 on violations of the Child Labor Law,
9 on violations of the Wage Payment Law,
9 on violations of the Equal Pay Law,
7 on violations of the Homework Law.

(In the upstate areas, the Unit has consulted with and advised Assistant Commissioners as to the type of case they shall forward for prosecution.)

• **Drafting of Legislation**—In its responsibility for drafting all legislation for the Labor Department, the follow-

LEGAL UNIT

Divisions Without Their Own Counsel Served by New Unit

Bureau establishes uniform legal procedure within Labor Department for all Divisions reporting to Deputy Commissioners . . . 622 departmental hearings supervised since April . . .

In February, 1945 Industrial Commissioner Corsi recommended a careful study of the legal needs of the Labor Department. Out of this investigation came the new Legal Unit, which initiated its activities on April 15 under direction of Deputy Commissioner A. H. Goodman.

The purpose of the new Unit is to give opinions and advice on the interpretation and application of the numerous provisions of the Labor Laws and orders, reflecting the position of the Department of Labor to its "family members" and to the public. The particular Divisions served by the Unit are: Industrial Relations, Industrial Hygiene and Safety Standards, Safety Service and Bedding.

Specifically the Legal Unit performs these functions: conducts, supervises or advises on hearings instituted by departmental summons and orders; reviews and prepares cases for prosecution and civil action by the Attorney General; reviews facts and prepares charges before the Commissioner in departmental disciplinary action; prepares and conducts, or opposes, appeals before the Board of Standards and Appeals; and drafts legislation for the Department of Labor.

• **Scope of Opinions and Advice**—Some of the provisions of the Labor Law which the Unit has dealt with, in reflecting the Labor Department's position, are: Equal Pay Law, Wage Payment Law, Child Labor Law, Public Works Law, Public Safety Law, Hours and Wages, Blasting and Explosives Law, Mines and Quarries Law, Immigrant Lodging House Law, Grade Crossing Elimination Work Law, Female Employment Law and War Emergency Dispensation Law.

In applying the Labor Law, constant interpretation is required of pertinent provisions of the Civil Rights Law, Conservation Law, Domestic Relations Law, Education Law, Executive Law, General Corporation Law, Membership Corporations Law, Penal Law, Social Welfare Law, State Departments Law and New York State War Emergency Act.

In addition, the Legal Unit concerns itself with Industrial Code Rules, and with provisions of the Minimum Wage and Homework Orders and the Bedding Law. Another function is to assist and advise the various minimum wage boards which draw up minimum wage orders.

• **Cases for the Attorney General**—Preparation by the Legal Unit of cases for criminal prosecution or civil action is as follows:

(1) Complete review of facts for legal sufficiency in criminal or civil matters,
(2) Review of applicable law, i.e.—court decisions,
(3) Preparation of referral memoranda to the Attorney General. (When further investigation is requested, it is supervised by the Unit.)

A total of 867 cases were forwarded to the Legal Unit from various divisions, and then submitted to the Attorney General for court action:

648 from the Division of Industrial Relations,
206 from the Division of Bedding,
13 from the Division of Safety.

• **Cases for the Industrial Commissioner**—From time to time the Industrial Commissioner is asked by Division heads to take disciplinary action with respect to employees charged with misconduct in their work. The charges are reviewed by the Legal Division and hearings are held to determine the innocence or guilt of the worker charged. At the hearings the Legal Unit presents the evidence before the Commissioner in support of the charge, and cross-examines witnesses testifying on behalf of the worker.

• **Procedure Regarding Appeals**—The Legal Unit is now preparing to oppose before the Board of Standards and Appeals 218 appeals relating to the Retail Trade Minimum Wage Order. Legal work involved is:

(1) Reading and analyzing of petitions,
(2) Preparation of answers to petitions,
(3) Filing of answers with the Board, and serving of copies on the attorneys for the petitioners,
(4) Presenting of evidence and cross-examining of witnesses at hearings before the Board,
(5) Preparation and submission of legal briefs to the Board.

• **Supervision of Hearings**—All hearings instituted by departmental summons are supervised and advised by the Legal Unit as follows:

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The following hearings, totaling 622, were held from April 15, 1945 to December 31, 1945:

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9 on violations of the Equal Pay Law,
7 on violations of the Homework Law.

(In the upstate areas, the Unit has consulted with and advised Assistant Commissioners as to the type of case they shall forward for prosecution.)

• **Drafting of Legislation**—In its responsibility for drafting all legislation for the Labor Department, the follow-

ing legal work is necessary:

(1) Review of departmental memoranda submitted in support of proposed legislation,
(2) Holding of conferences,
(3) Legal advice and interpretation as to scope and effect of legislation, and drafting of bills in final form.

• **New Legislation During 1945**—Intensive study of legislative needs of the entire Labor Department resulted in preparation and submission to the 1946 Legislature of 39 bills adding to or amending the Labor Law. Affected were the Equal Pay Law, Wage Payment Law, Child Labor Law, Public Works Law, Public Safety Law, Hours and Wages, Fire Hazard Laws, Female Employment Laws, General Business Law and changes in the law affecting the Board of Standards and Appeals.

• **Orders Drafted During 1945**—In June, 1945 the Legal Unit, under the direction of the Industrial Commissioner, prepared a homework order restricting industrial homework in all industries. Prior to that, the Unit attended hearings and gave advice in connection with the order.

Another important contribution was the drafting of the retail trade industry minimum wage order, after the Commissioner had approved the recommendations of the wage board and had referred the complete report to the Legal Unit. In this case also, the Unit followed its policy of attending public hearings and giving advice and explanations with respect to the wage laws.

• **Work with Departmental Advisory Boards**—Representatives of the Legal Unit attended a total of 34 meetings of the following Advisory Boards within the Department of Labor: Industrial Council, Unemployment Insurance Advisory Committee, Bedding Law Advisory Committee, Equal Pay Law Advisory Committee and Minimum Wage Board; and gave advice and opinion whenever the legality of administrative policy arose.

• **Conferences with Departmental Personnel**—Daily conferences are held by the Legal Unit to give advice and instruction with reference to the Labor Laws as they affect the various departmental divisions. Discussions are held on various points of the Labor Law, and its applicability to the problems of the divisions is pointed out by the Legal Unit.

APPRENTICE TRAINING—These ex-army airplane mechanics bring their service acquired skill up-to-date, developing their knowledge of the latest techniques in aviation construction.

ON-THE-JOB TRAINING—Returning serviceman has begun training as a salesman in a local retail store. Approved on-the-job training programs like this one in which he is enrolled, are being set up all over the State.

RESUME OF 1945
REPORT TO THE LEGISLATURE

INDUSTRIAL HYGIENE AND SAFETY STANDARDS

Industrial Health Hazards Combatted In State's Reconverting War Plants

An impressive job was done by the Division of Industrial Hygiene in the past year in conserving the health of the State's war workers. Since V-J Day service has been especially directed to plants where toxic chemicals will be used after reconversion to civilian goods.

During 1945 the newly reorganized Division of Industrial Hygiene and Safety Standards continued to shoulder its tremendous responsibilities for the early detection, prevention and control of health hazards in war plants and other industrial works.

After V-J Day, the Division directed its attention to the problems of reconverting industry. It was found that many plants intended to do essentially the same kind of work they had been doing for the War Department. The same chemicals would be used, but to produce goods for civilian consumption. Still other plants wer converting to totally different products and beginning to use new and unfamiliar substances. In this reshuffle of industrial chemicals, it was clear that there was as urgent need for technical advice and guidance as there had been throughout the war. The Division, therefore, began the distribution of a service letter to industry, offering the aid of its technical staff in the control of health hazards, especially in the safe use of industrial chemicals.

• **Expansion of Functions**—With the recent reorganization of the Labor Department, the activities formerly carried out by the Divisions of Industrial Hygiene, Codes and Engineering were consolidated under the Director of the new Division of Industrial Hygiene and Safety Standards. The Division will continue to be charged with its responsibilities as technical advisor to the Labor Department on medical, chemical and engineering questions and as monitor over industrial health hazards throughout the State. In addition two new functions have been added: First, the Division now has the opportunity to make the basic code rules which are indispensable to its primary responsibility for the control and prevention of industrial health hazards. Secondly, the examination and approval of building plans for the construction of new factories or extensions to existing plants can now be integrated with the engineering work previously done by the Division of Industrial Hygiene in examination and approval of plans for factory ventilating systems.

• **Plan Examination**—As expected, the lifting of priorities and the release of building materials since V-J Day has caused a sharp rise in the number of plans submitted for approval. The last three months of 1945 broke all records for corresponding months in any previous year. According to predictions from all quarters extensive building will begin as soon as the weather is favorable and the necessary labor and materials are again available.

During 1945, the engineering unit examined a total of 1,773 engineering plans for ventilating systems, approving 1,378. This provided ventilating equipment for 6,650 machines and protection for 10,959 workers from injurious exposure to noxious air contaminants. A total of 1,764 blue prints were submitted for examination in connection with new factory construction, involving proposed construction costs of $53,783,030. Of 2,146 plans on which action was taken during the year 1,788 were approved and 173 disapproved. The Unit ruled no jurisdiction on 23 plans and granted variations on 162.

In plants where it is known that toxic materials are going to be used, the Division's concern with the approval of plans makes possible the introduction into original factory lay-out of such control measures as may in future be needed to prevent occupational diseases. It is obviously more economical to make provision for controls of this sort in the blue print stage than to introduce them later.

• **Codes**—To expedite the Code work of the Division in 1945, a Code Advisory Committee was set up to provide a means for inter-division participation in Code preparation.

Last year, too, the State Federation of Labor invited the Commissioner's attention to the need for regulations for the protection of the health of painters who often work in confined spaces with poor ventilation and are subjected to contact with poisonous fumes. The Commissioner appointed an Advisory Committee to consider the problem. This committee proposed a series of rules which were submitted to the Board of Standards and Appeals in October, 1945.

The following code bulletins were under revision during the year: State Standard Building Code for Places of Public Assembly; the Elevator Code; Bulletins No. 9 and 16 on Sanitation in Factories and Mercantile Establishments; Bulletin No. 11 on the Milling Industry and Malt House Elevators; the Boiler Code; Mines and Quarries Code; Compressed Air Code; Bulletin No. 23 on Erection, Repair and Demolition of Buildings, Needle Trades Code; and Bulletin No. 32 on Spray Coating of Motor Vehicles.

• **Technical Consulting Service**—In 1945, the Division continued to provide other branches of the Department with technical data on request. A total of 1745 such requests, requiring medical, chemical or engineering investigations, were received during the year. The chemical work involved included 1,557 chemical determinations on 545 samples of industrial chemicals taken in the field, 30 dust counts, and 1,772 chemical air analyses on 1,527 air samples. In 1945 also, ex-

pert testimony was given in 11 cases at the request of the Industrial Board to provide medical data as a basis for clarification of the legal status of occupational asthma.

• **Prevention of Occupational Diseases**—During the past year, 2,265 plant visits were made in connection with environmental studies in 897 plants for the control of occupational disease hazards. Of a total of 354,113 workers employed in these plants, 103,084 were specifically protected as a result of this work.

The following are examples of the problems studied: An x-ray survey was conducted in nine plants in the metropolitan area, in which 7,820 workers were x-rayed. The object of the survey which is still in progress, is detection of lung pathology due to industrial exposure to injurious air contaminants and tuberculosis case finding. The survey is being conducted in cooperation with the New York City Health Department and the U. S. Public Health Service, which provided a new model photofluorographic x-ray machine for the purpose.

• **Promotion of Better Health of Workers**—This program, which includes such matters as the promotion of better in-plant eating facilities, nutrition of industrial workers, and promotion of better in-plant medical services was expanded in 1945 and continues to hold a prominent place in the work of the Division.

• **Educational Program**—In addition to answering technical inquiries from a wide variety of sources as to the control of health hazards, particularly the prevention of occupational diseases, the Division distributed on request, 47,410 articles on the subject; 3,893 engineering plates for typical plant ventilating systems; 16 technical articles were written; 35 articles appeared in the Italian press; 78 lectures were given to organizations of physicians, nurses, students in Public Health, industrial chemists and engineers, 32 exhibits and motion pictures were shown to an audience of 5,072.

Careful surveillance by the Division continued during 1945 wherever benzol was used in industry in the State, because of the highly toxic properties of this widely used solvent. Gratifying progress was made in controlling the use of benzol in the shoe industry where the widespread use of this solvent was found to constitute a serious threat to the health and lives of workers. Over 200 shoe plants were visited. Each of the processes involving the use of benzol was carefully studied, and the benzol content of the rubber cement used in the industry were ascertained. Current manufacturers were contacted and persuaded to substitute less toxic solvents. One hundred and forty-five air tests were made in typical processes in 16 shoe plants. The industry generally was educated to the substitution for benzol of other solvents which are equally useful from a production standpoint, and which can at the same time be used with safety to workers.

The use in industry of carbon tetrachloride as a solvent continued to require constant vigilance during 1945. Experience last year pointed to a growing use of this solvent in a wide variety of new industrial situations. Death from acute yellow atrophy of the liver occurred after exposure of a single 8-hour day by persons unaware of the nature of the chemical being used or its toxic properties. A labeling law would greatly assist in the control of this dangerous chemical.

All locomotive repair shops in the State were visited for the purpose of study and control of health hazards arising from welding operations, metal cleaning, counterbalancing of driving wheels with lead, sandblasting, spray painting, melting and pouring of babitt metal and leaded brass, and tinning and acid dipping of hot metal.

A detailed study was begun in 1945 of plants manufacturing mercury thermometers and other precision instruments. Medical and chemical data thus far developed have given rise to questions as to the validity of accepted standards for maximum permissable concentrations for continual exposure and this subject is still under investigation. Control measures to be required will be determined by the results of this study.

At the request of the Board of Education and the City Health Department, a medical survey is being made of the vocational schools in the metropolitan area for the detection and elimination of occupational disease hazards in school workshops. Thirteen schools have already been visited and excellent cooperation has been obtained from all of the school principals in dealing with health hazards where these were found.

***ON-THE-JOB TRAINING**—This returning veteran with 3½ years in the service receives training under State approved program in large fabric concern. Under this program he becomes adept in all phases of salesmanship with regard to interior decorating.*

RESUME OF 1945
REPORT TO THE LEGISLATURE

LABOR RELATIONS BOARD

Sets New Record of Settling Labor Disputes by Discussions Instead of Strikes

1945 Report shows twice as many cases filed as in 1944 with 90 percent settled through informal procedure. Proportion of unfair labor practice cases to election petitions lowest of any in Board's 8-year history

Meyer Goldberg, member of the State Labor Relations Board. Mr. Goldberg served in the State Assembly from 1938 through 1940.

During 1945, and the earlier war years, use of the Board's facilities was sought on behalf of workers engaged in producing vital war equipment and supplies. The orderly procedure of the statute was invoked without interruption of production. With a view to speed in the consideration of disputes which might have interfered with war production, the Board gave preference to the handling of these cases in each procedural stage.

The Board's experience in the courts continued the success of previous years. Twenty-two final court decisions were issued during the year. This litigation related to enforcement or review of Board's orders as well as to other court proceedings involving administration of the Act. The Board's action was upheld in 18 of the contested court proceedings; in two instances the court modified the Board's findings; and in two others the Board's decision was reversed. In four additional cases, decrees were entered on consent of the parties.

• **Cases Filed**—In the 8½ years of the Board's existence (July 1937 to the end of 1945), a total of 12,917 cases were filed with it. They have involved over one-half million employees in various industries, trades and services throughout the State. All but 549 of these cases were closed by the end of 1945.

Through the Board's informal procedure, 87 percent of the 12,368 cases closed were disposed of by voluntary adjustment, withdrawal or dismissal without the necessity of time-consuming formal hearings. In an additional 3 percent, the cases were either withdrawn with Board approval or the parties reached amicable adjustment after authorization of formal hearings. Thus only 9 percent of the cases closed during this entire period reached formal decisions. Of the cases closed, 4693 were unfair labor practice cases, 7378 were employee representation petitions and the remaining 297 arose out of representation petitions filed by employers. In only 301 (about 6 percent) of the closed unfair labor practice cases did the Board find it necessary to issue cease and desist orders.

• **Elections Held**—In the representation proceedings handled during the 8½-year period ended December 31, 1945, the Board conducted a total of 2270 secret ballot elections. Seventy-seven percent of the elections followed the consent of the interested parties. Over 175,000 employees were involved in these elections and 90 percent of them appeared at the polls and cast their ballots.

The present Members of the Board are Rev. William J. Kelley, O.M.I., Chairman, Keith Lorenz and Meyer Goldberg, Members.

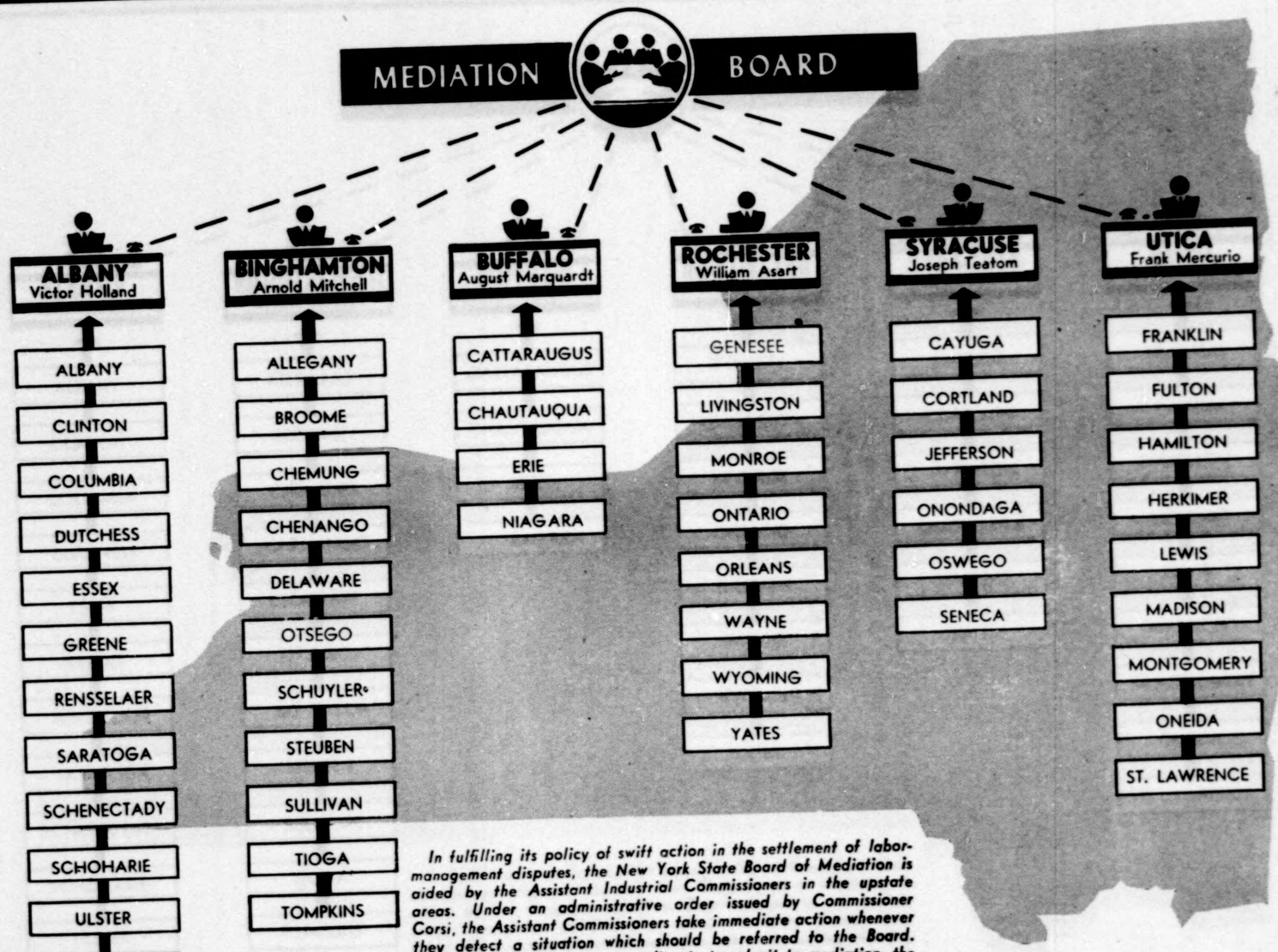
A preliminary report of the activities of the New York State Labor Relations Board for the year 1945 records that the majority of cases filed with it were from labor organizations and employers requesting the use of the Board's secret ballot election process to determine employees' choice bargaining representatives.

• **Record Kept**—The peak of the 1301 new cases filed in 1945, compared with 661 for 1944 and 953 for 1943, followed V-J Day. As predicted in earlier reports of the Board, the removal of wartime influencing factors resulted in a marked increase in its work. A total of 1077 cases were closed during the year, of which approximately 90 percent were disposed of through informal procedure and without the necessity of formal decision, thus maintaining the record of earlier years.

Less than one-fourth, or 303, cases arose out of charges that employers had violated the State Labor Relations Act. The proportion of unfair labor practice cases to election petitions was the lowest of any previous year, in contrast to the Board's first years, where one-half of its cases involved charges that employers had violated the Act.

In the important phase of the Board's work relating to determination of disputes concerning employees' choice of collective bargaining representatives, the Board conducted 328 elections by secret ballot during 1945, the third largest number since its creation in 1937. Eighty percent of these elections were held following voluntary agreements of employers and labor organizations. The remaining 67 elections were held after formal hearings necessitating Board determination of the appropriate bargaining unit, eligibility of voters, and other issues. Of the approximately 25,000 employees eligible to vote in the 1945 elections, 90 percent showed their interest by appearing at the polls to cast their ballots.

MEDIATION BOARD



ALBANY
Victor Holland

- ALBANY
- CLINTON
- COLUMBIA
- DUTCHESS
- ESSEX
- GREENE
- RENSSELAER
- SARATOGA
- SCHENECTADY
- SCHOHARIE
- ULSTER
- WARREN
- WASHINGTON

BINGHAMTON
Arnold Mitchell

- ALLEGANY
- BROOME
- CHEMUNG
- CHENANGO
- DELAWARE
- OTSEGO
- SCHUYLER
- STEUBEN
- SULLIVAN
- TIOGA
- TOMPKINS

BUFFALO
August Marquardt

- CATTARAUGUS
- CHAUTAUQUA
- ERIE
- NIAGARA

ROCHESTER
William Asart

- GENESEE
- LIVINGSTON
- MONROE
- ONTARIO
- ORLEANS
- WAYNE
- WYOMING
- YATES

SYRACUSE
Joseph Teatom

- CAYUGA
- CORTLAND
- JEFFERSON
- ONONDAGA
- OSWEGO
- SENECA

UTICA
Frank Mercurio

- FRANKLIN
- FULTON
- HAMILTON
- HERKIMER
- LEWIS
- MADISON
- MONTGOMERY
- ONEIDA
- ST. LAWRENCE

In fulfilling its policy of swift action in the settlement of labor-management disputes, the New York State Board of Mediation is aided by the Assistant Industrial Commissioners in the upstate areas. Under an administrative order issued by Commissioner Corsi, the Assistant Commissioners take immediate action whenever they detect a situation which should be referred to the Board. After inviting each party to a dispute to submit to mediation, the Assistant Commissioner telephones the Board, and a mediator is immediately assigned to the case. The Metropolitan area is kept under close scrutiny by the Board and its local staff.

OUR READERS SAY:

. . . Now that I have the *Industrial Bulletin* I wish to express my great satisfaction with the information and the enlightenment on all sorts of regulations plus doings in other industries. I want to compliment you on this very excellent publication.

David Marmolstein,
General Manager,
United Better Dress
Manufacturers Association

. . . I have been in the U. S. Navy for over 2½ years. Before that I was a state factory inspector for the Div. of Inspection, N. Y. S. Dept. of Labor for about 5½ years and used to read most of the issues of the *Industrial Bulletin*. On Jan. 5, my ship finally returned to the good old U. S. A. from Shanghai, China after being overseas almost a year. One of the pleasant surprises that awaited me at Seattle, Wash. were issues of the new *Industrial Bulletin*. The improvements are so remarkable that I'm taking time out to tell you to keep up the good work.

Frank Soltys, R T 1/C
U. S. S. Basilan

. . . Your Department's publishing of the *Industrial Bulletin* in its present form is to be highly commended. When your first issue appeared I was very pleased with it, in fact I considered it so exceptional that I was fearful of your ability of continuing such a high standard. Your subsequent issues have allayed all my fears. Your bulletin should be an inspiration to all other state labor departments and it is to be hoped that all will follow in the path that you have so brilliantly blazed.

George N. Caylor,
New York City

. . . I have found the contents of the *Industrial Bulletin* to be very informant and instructing.

Barnet Steiner,
Bureau of Engineering,
Troy, N. Y.

. . . Your organization is to be congratulated on its fine publication. We are extremely interested in receiving it each month.

H. J. Burlington, Jr.,
Burwak Elevator Co.

. . . I wish to compliment you on the excellent job that has been done in improving the worth of the *Industrial Bulletin*.

Charles R. Fuller,
District Engineer,
Liberty Mutual Insurance Company

. . . Congratulations are indeed in order in recognition of the splendid job of modernizing and revitalizing the *Industrial Bulletin*.

Harry Armand,
Managing Editor,
Safety Engineering Magazine

. . . The manner in which the *Industrial Bulletin* is gotten together evokes much praise for its content, format and timeliness.

Thomas J. Gaffney,
Secretary,
American Society of Safety Engineers,
Niagara Frontier Chapter

. . . We wish to congratulate you on this splendid issue of the up to date *Industrial Bulletin* and the excellent safety articles.

Louis Lee Buhler,
Buhler Service Corp.

. . . May I extend to you my most sincere congratulations on the new issue of the *Industrial Bulletin*. It is not only interesting reading to me but will appeal to most readers. It is attractively presented and should do much to teach the general public what the Department of Labor is trying to do. I am sure its circulation will be greatly increased and should become one of the State's most important publications.

William H. Roberts,
Chairman,
Board of Standards and Appeals

. . . Wish to compliment you on a well written and interesting *Bulletin*.

William A. Beccue,
Contractor and Builder

. . . The *Industrial Bulletin* is admirably produced and of greatest interest to me.

R. B. Bannerman,
British Embassy,
Washington, D. C.

. . . Permit me to congratulate you on the interesting format and illustrations in the *Industrial Bulletin*.

Ralf H. Owen,
Labor Relations Counsel,
United States Brewers Foundation Inc.

. . . May I compliment you on the new *Industrial Bulletin*. When it is as attractively and interestingly presented, it is a pleasure to read an official publication. I think you have set a new pace and style.

Wm. Arkwrighy Doppler,
Director, Industrial Relations,
National Tuberculosis Association

. . . The new *Industrial Bulletin* is splendid.

K. F. Fick,
Director of Research,
New York State Economy Commission

. . . The *Bulletin* is an interesting blend of human interest and factual material and I look forward to reading it monthly.

Jack Schwartz,
Research Director,
Pleaters, Stitchers, & Embroiderers
Association, Inc.