NOTES FOR ASSOCIATED BUILDERS AND CONTRACTORS DINNER SPEECH

Theme is Labor Law Reform 2/18/69 WASH. D.C.

(I think your theme should be that it is time to reassert the public interest in labor-management relations...time to make the public interest controlling.)

Now...your hosts will be most interested in the Common Situs Picketing Bill. The Democrats will be pushing for it again. It has been introduced by Rep. Frank Thompson, N.J. The Democrats will gleefully recall that the proposed Common Situs Picketing legislation in 1954, and renewed his recommendation.

A couple of times after that, as you know, Common Situs Picketing legislation would authorize construction unions to shut down an entire building project if just one of the unions on a job is in dispute with the employer. This is what the unions and the courts, including the Supreme Court, now say is illegal, a secondary boycott. You'll recall that Charlie Goodell last year got a couple of minor amendments to the bill, and then pushed an alternative bill which hedged Situs Picketing authority in with so many restrictions that...
WOULDN'T BUY HIS BILL. BILL AYRES HASN'T STUCK HIS NECK OUT ON THIS LEGISLATION. AS YOU KNOW, HE PLAYS FOOTSIE WITH THE UNIONS. HOWEVER, HE RELUCTANTLY SUPPORTED THE GOODSELL BILL.

WHO WILL PLAY THE GOODSELL ROLE THIS YEAR? THERE ISN'T ANYONE, SAYS MIKE BERNSTEIN. SAYS HE CAN'T PREDICT WHAT'LL HAPPEN ON COMMON SITUS.

ANOTHER BILL THAT'S ON TAP IS THE PRODUCT PROMOTION FUND BILL, WHICH PASSED THE HOUSE LAST YEAR AND DIED IN THE SENATE. (THE TAFT-HARTLEY ACT MAKES IT ILLEGAL FOR AN EMPLOYER TO CONTRIBUTE TO ANY UNION OR JOINTLY ADMINISTERED FUND EXCEPT FOR CERTAIN SPECIFIC PURPOSES... PENSIONS, WELFARE, HOSPITAL INSURANCE.) UNDER THIS BILL, THE UNIONS COULD JOINTLY ADMINISTER FUNDS TO WHICH EMPLOYERS HAVE TO DATE UNILATERALLY CONTRIBUTED TO PROMOTE THE PRODUCTS OF THE INDUSTRY. THE BILL PROVIDES THAT THE EMPLOYER DOES NOT HAVE TO NEGOTIATE WITH THE UNION REGARDING SUCH A FUND EVEN IF SUCH FUNDS ARE MADE JOINTLY ADMINISTRABLE, BUT THE CONTRACTORS CONTENT THIS IS NO PROTECTION BECAUSE THE UNIONS WITH THEIR STRIKE WEAPON...
CAN COMPEL THEM TO NEGOTIATE ON THE ISSUE. THE BILL ALSO
WOULD LEGALIZE SETTING UP A FUND TO FINANCE A BOARD OR
COMMISSION TO MAKE A BINDING DECISION REGARDING THE MEANING
OF A LABOR-MANAGEMENT AGREEMENT...I.e., NOT BINDING ARBITRATION
BUT BINDING INTERPRETATION. BERNSTEIN SAYS THIS WOULD AID THE
RANK AND FILE IN SMALL UNIONS WHICH CAN'T AFFORD TO PAY
OUT MONEY FOR SUCH A PURPOSE. BOB TAFT LAST YEAR OFFERED AN
AMENDMENT ON THE HOUSE FLOOR WHICH KNOCKED OUT THIS
"BINDING INTERPRETATION" PROVISION. BERNSTEIN SAYS THIS WAS
A MISTAKE. MANAGEMENT WAS OPPOSED TO THE PROMOTION FUND

A second bill in the E. & L. Committee would authorize
a jointly administered fund for scholarships, adult education,
nursery schools for working mothers, etc. The committee didn't
act on it last year. It's up again.

In addition to a general occupations safety and health bill,
which died in the Rules Committee last year, there is a
CONSTRUCTION SAFETY BILL. THIS BILL APPLIES ONLY TO CONSTRUCTION FOR THE FEDERAL GOVERNMENT. SAFETY STANDARDS ON SUCH PROJECTS WOULD BE LAID DOWN BY THE LABOR DEPT. ASSOCIATED GENERAL CONTRACTORS DIDN'T OPPOSE IT HEAD ON LAST YEAR, BUT TOOK THE POSITION IT WAS NOT MERITED. THEY POINTED OUT THAT THE NAVY DEPT. NOW WANTS SAFETY STANDARDS INTO THEIR OWN CONTRACTS. THE BILL CAME UP UNDER SUSPENSION LAST YEAR. IT GOT A MAJORITY BUT NOT 2/3RDS. IT'S LIKELY TO BE UP AGAIN THIS YEAR.

THOSE ARE TWO MAJOR CATEGORIES: PENSION AND WELFARE FUND BILLS....

a. ONE BILL, THAT GOT OUT OF COMMITTEE LAST YEAR, WOULD EXPAND THE PENSION AND WELFARE FUND REPORTING REQUIREMENTS AND IMPOSE VERY RIGOROUS FIDUCIARY OBLIGATIONS ON THE ADMINISTRATORS OF SUCH FUNDS.

b. THE OTHER BILL WOULD GO FARTHER REGARDING PENSIONS. (I PERSONALLY LIKE THE IDEA, AND I THINK AMERICANS GENERALLY WOULD GO FOR IT.) IT WOULD AVOID PENSION PORTABILITY (WHICH WOULD BE TERRIBLY COMPLEX) BUT WOULD REQUIRE AN EMPLOYER TO PAY A PENSION TO AN EMPLOYEE WHO HAD WORKED FOR HIM FOR A SPECIFIED...
NUMBER OF YEARS, SAY FIVE YEARS, ETC., SO THAT AN EMPLOYEE SHIFTING TO ANOTHER JOB WOULD NOT LOSE THE PENSION BENEFITS HE HAD ACCUMULATED UP TO THAT TIME. THE BILL WOULD REQUIRE EMPLOYERS TO TAKE OUT PENSION FUND INSURANCE SO THAT AN EMPLOYEE WOULD NOT LOSE OUT IF THE COMPANY BECAME DEFUNCT. IT ALSO PROVIDES FOR A STUDY OF "PORTABLE PENSIONS."

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ALTHOUGH A COUPLE OF I-8 BILL HAVE BEEN INTRODUCED, BERNSTEIN SAYS YOU DON'T HEAR ANY TALK ABOUT IT, AND LAST YEAR CONGRESS DID NOTHING ON THE SUBJECT.

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THERE NOW ARE THREE NEGROES ON THE R. & L. COMMITTEE, INCLUDING POWELL. BERNSTEIN EXPECTS THEM TO PUSH THE (HARKINS) BILL WHICH WOULD GIVE THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION THE POWER TO ISSUE CEASE AND RESIST ORDRS AGAINST DISCRIMINATION IN EMPLOYMENT—THE KIND OF POWER NOW ENJOYED BY THE N.L.R.B. IN LABOR-MANAGEMENT MATTERS. THIS LEGISLATION PASSED THE HOUSE IN THE 89TH CONGRESS, DIED IN THE SENATE. LAST CONGRESS THERE WERE HEARINGS IN THE SENATE; THAT'S ALL. IN THE 91ST, IT'S UP AGAIN, AND OGDEN REID IS A CO-SPONSOR.
ALSO (AND BUILDERS WOULD HAVE NO PARTICULAR INTEREST IN THIS),
THERE'S A BILL UP TO PUT FARM LABORERS UNDER TAFT-HARTLEY.
THE COMMITTEE REPORTED IT LAST YEAR: IT'S IN RULES,
NIXON HAS DIRECTED THE SECRETARIES OF LABOR AND AGRICULTURE
TO STUDY THE DESIRABILITY OF SUCH LEGISLATION.

NIXON ALSO HAS DIRECTED THE SECRETARIES OF LABOR AND COMMERCE
TO MAKE A STUDY OF NATIONAL EMERGENCY STRIKES. BERNESTEIN SAYS
NIXON MADE A MISTAKE IN CALLING THE PRESENT TAFT-HARTLEY
PROVISIONS OUTM ODER. HE SAYS THERE IS NO ALTERNATIVE BUT
COMPULSORY ARBITRATION. I DON'T KNOW THAT
THIS IS SO. I THINK THE PUBLIC WANTS AT LAST AN EFFORT
MADE AND THAT NIXON SHOULD GIVE IT "THE OLD COLLEGE TRY." I
THINK HE CAN DO SO WITHOUT ALIENATING THE RANK AND FILE LABOR
GUYS AND COULD MAYBE WIN HIMSELF A LOT OF VOTES EVEN THIS IS A
VERY SENSITIVE LEGISLATIVE AREA. I THINK THE
PUBLIC IS SICK OF THE T REMENDOUS NUMBER OF WORK STOPPAGES WE'VE
BEEN HAVI NG...AND PARTICULARLY THOSE BY PUBLIC
EMPLOYES. THERE MUST BE SOME BETTER ANSWERS.
ONE LAST NOTE...

IT'S NOW $1.60! Former LABOR SEC'Y WOLLARD WIRTZ SAYS IT SHOULD BE $2. AFL-CIO IS PUSHING FOR: $2 MINIMUM WAGE, DOUBLE-TIME INSTEAD OF TIME AND A HALF FOR OVERTIME, OVERTIME TO START AFTER 35 HOURS STEAD OF 40 (i.e., WANT A 35-HOUR WEEK MADE STANDARD). BERNESTEIN SAYS HE HAS HEARD JOHN DENT SAY HE'S GOING TO PUSH FOR THE AFL-CIO PROPOSALS BUT SO FAR DENT HAS NOT YET INTRODUCED THE BILL.

SUMMING UP: UNION PRESSURE IS FOR COMMON STATUS PIONEERING, JOINTLY ADMINISTERED PRODUCT PROMOTION FUNDS, AND BRINGING "ACT" LABOR UNDER TAFT-HARTLEY.