

U.S. President

MISSILE SITES AND SPACE SITES
LABOR COMMISSION,

EXECUTIVE ORDER: 109462

ESTABLISHING A PROGRAM FOR RESOLVING
LABOR DISPUTES AT MISSILE AND SPACE SITES

WHEREAS a successful missile program is vital to our national security, and a successful space program is vital to the national interest, therefore uninterrupted and economical operations at missile and space sites are imperative; and

WHEREAS manufacturers, construction concerns and labor unions involved in the missile and space programs have pledged their cooperation in avoiding uneconomical operations and work stoppages at missile and space sites; and

WHEREAS the Government has the clear responsibility for encouraging such cooperation and providing a proper framework for its effective operation:

NOW THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

Section 1. For the purpose of developing policies, procedures, and methods of adjustment for labor problems at missile and space sites, there is hereby established a Missile Sites Labor Commission composed of: the Secretary of Labor, hereby designated as Chairman; the Director of the Federal Mediation and Conciliation Service, hereby designated as Vice-chairman; three representatives of the public, three representatives drawn from labor and three representatives drawn from management, as designated by the President.

Alternates may be designated by each member of the Commission.

In carrying out its duties the Commission shall consult fully with the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, and the Chairman and the General Counsel of the National Labor Relations Board, and such officers and the officers of other Government agencies concerned shall cooperate fully with the Commission.

The Commission is hereby empowered to employ an Executive Secretary and to delegate such powers to its Chairman, Vice-chairman and Executive Secretary as it may deem appropriate. Subject to the provisions of Section 9 of this order, the Commission may employ such staff as may be necessary and may incur other necessary expenditures.

Section 2. The Commission shall arrange for the establishment at each missile or space site of appropriate Missile Site Labor Relations Committees. Such Committees shall be composed of representatives of manufacturers and construction concerns, labor organizations, contracting agencies and a Mediator assigned by the Federal Mediation and Conciliation Service. These Committees will be so constituted and instructed as to take account of any necessary and appropriate distinctions in representational interests. It shall be the primary functions of such Committees to anticipate impending problems and to arrange for proper disposition of them prior to the time that such problems become acute, utilizing fully all voluntary settlement procedures already in existence, and encouraging establishment of adequate grievances and jurisdictional procedures where such procedures do not now exist, to the end of preventing any interruptions of efficient performance of work. The Commission will take such steps as are necessary to assure that labor organizations will assign appropriate international union representatives to missile sites on which their members are working for the purpose of obtaining the full cooperation of each such international union.

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Washington, 19622

Section 3. The Commission shall establish procedures whereby it will be advised of any labor relations problem at any missile or space site which it appears cannot be settled by the voluntary settlement procedures already in existence or by action instituted by the local Missile Site Labor Relations Committee. In such event the Commission shall establish such procedures as appear to it necessary and appropriate to produce a satisfactory settlement of such problem, relying in the first instance on presently established private or governmental procedures, including available legal proceedings, so far as these will be effective

Section 4. The Commission is authorized to establish special panels, composed of members of the Commission or others (as designated by the Chairman of the Commission), to hold hearings in disputed matters over which the Commission has jurisdiction, to make findings of fact, to make recommendations for the settlement of such disputes, to obtain agreement for final and binding arbitration of such disputes, to mediate such disputes, to issue such directives and to take such other action as the Commission may direct. These panels will be so constituted as to take account of any necessary and appropriate distinctions in representational interests, and in the event of conflict between manufacturing and construction groups of either industry or labor the panel shall be composed of public members only.

Section 5. The Commission shall develop with the federal contracting agencies and with the parties programs for obtaining, in collective bargaining contracts or other agreements or arrangements covering work at missile and space sites, the inclusion of effective commitments that there will be no lockouts or work stoppages at such sites, with adequate procedures being established for the expeditious resolution of grievances and labor problems at such sites.

Section 6. The Commission shall take such other action as will promote the policies of this order, and shall make recommendations to government agencies, labor organizations or other authorized employee representatives and employers to assure efficient and economical completion of missile programs.

Section 7. Contracting agencies shall make appropriate assignments of labor relations representatives to each missile or space site on which they are operating and to issue instructions and directives to insure that the policies and purposes of this Order are fully understood and will be carried out by the persons responsible for the progress of work on a day-to-day basis.

Section 8. The National Labor Relations Board and the General Counsel of the Board are requested to establish accelerated procedures for dealing with matters at missile and space sites within the Board's jurisdiction, in accordance with law, and to make such assignment of personnel as is necessary to this end; provided that voluntary procedures for the adjustment of such matters shall continue to be used wherever available, appropriate and effective but the provisions of this Order shall not affect the authority of the Board under the National Labor Relations Act, as amended.

Section 9. The matter referred to in this Order is hereby found to constitute an emergency affecting the national interest within the meaning of the provisions appearing under the heading "Emergency Fund for the President--National Defense" in Title 1 of the General Government Matters Appropriation Act, 1961 (Public Law 86-642), approved July 12, 1960. During the fiscal year 1961 the expenditures of the commission may be paid out of an allotment made by the President from the appropriation made under the aforesaid heading "Emergency Fund for the

President--National Defense"; and during the fiscal year 1962, to the extent permitted by law, such expenditures may be similarly paid from any corresponding or like appropriation made available for such fiscal year. Such payments may be made without regard to the provisions of (a) section 3681 of the Revised Statutes (31 U.S.C. 672), (b) section 9 of the act of March 4, 1909, 35 Stat. 1027 (31 U.S.C. 673), and (c) such other provisions of law as the President may hereafter specify. Members, and employees of the Commission and panel members appointed under this Order, shall, if not otherwise compensated, receive such compensation and allowances as the President shall hereafter fix, in a manner to be hereafter determined.

/s/ John F. Kennedy

THE WHITE HOUSE
May 26, 1961

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EXCHANGE OF CORRESPONDENCE:

The White House
Washington

May 26, 1961

Dear Mr. Secretary:

I should like to express my personal gratification and that of our fellow citizens that labor and management have voluntarily given no-strike, no-lockout pledges so that work at our vital missile and space sites can proceed without interruption.

This action will have a most salutary effect upon our effort to move forward quickly in these fields so imperative to the national interest.

As I mentioned to you in my letter of May 16, avoidable delays in these programs are too expensive a luxury for this country to afford.

I would like to take this opportunity to commend the representatives of labor and management with whom you met and who gave their voluntary pledges of economical and uninterrupted work. I also want to express my appreciation to the distinguished members of the Commission I have established today for their willingness to serve the nation in this most important assignment.

I am especially pleased that our missile and space activities can now proceed in an atmosphere of partnership appropriate to a national effort in a time of challenge and with recognition on the part of all concerned that the national interest comes first above any other consideration.

/s/ John F. Kennedy

The Honorable Arthur J. Goldberg
Secretary of Labor
Washington 25, D. C.

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U.S. Department of Labor
Office of the Secretary
Washington

May 25, 1961

Mr. George Meany
President
American Federation of Labor and
Congress of Industrial Organizations
815 Sixteenth Street, N. W.
Washington 6, D. C.

Dear Mr. Meany:

I am recommending to the President an executive order establishing procedures for assuring uninterrupted and economical work at missile and space sites. As you know, this proposal is the result of wide consultation with representatives of construction concerns, manufacturers and labor unions engaged in work at missile and space sites, whose views I sought for the purpose of assuring continuous operations so vital to the national security.

This order would establish a Missile Sites Labor Commission, with the Secretary of Labor as Chairman, the Director of the Federal Mediation and Conciliation Service as Vice Chairman, and nine additional members designated by the President, three representing the public, three drawn from industry and three drawn from labor. Labor problems requiring the Commission's attention will, in the discretion of the Commission, be dealt with by appropriate procedures, including mediation by the Commission or otherwise, reference to panels for fact finding, with or without public recommendations, agreements for final and binding determinations, resort to existing private settlement machinery, resort to the National Labor Relations Board, and such directives or other action as the circumstances may require.

A basic feature of the order would direct the Commission to establish at each missile or space site a Missile Site Labor Relations Committee, composed of representatives of manufacturers and construction concerns, labor organizations, contracting agencies and mediators assigned by the Federal Mediation and Conciliation Service. These committees would forecast impending problems, arranging for their settlement before they become acute, using fully all existing voluntary procedures and devising new adequate procedures where none exist. Full resort to these procedures will, I am sure, enable resolution of labor problems without reference to the Commission.

Other provisions of the proposal would promote voluntary measures, such as provisions in collective bargaining agreements for no work stoppages or lockouts and procedures for resolving grievances and labor problems at missile and space sites. All provisions depend upon voluntary acceptance for their success.

Success of this order depends on obtaining a pledge from the labor unions concerned of their cooperation in assuring uninterrupted and economical work at all missile and space sites. In the history of this country this pledge has always been forthcoming where, as in this case of national crisis, the President has requested it. Now, on behalf of the President, I request this no strike pledge. I am confident that, as in the past, this request will be favorably received.

Similar letters are being sent to representatives of manufacturers and construction concerns engaged in work at missile and space sites.

Yours sincerely,
/s/ Arthur J. Goldberg
Secretary of Labor

May 25, 1961

The Honorable Arthur J. Goldberg
Secretary of Labor
Washington 25, D. C.

Dear Mr. Secretary:

This will acknowledge your letter of May 25 conveying the request of the President for full support of an executive order establishing a Missile Sites Labor Commission to secure full, uninterrupted and economical missile and space site operations in the interests of national security.

I am in full agreement with the purpose and general terms of such an order and, without reservation, I pledge the full cooperation of the American Federation of Labor and Congress of Industrial Organizations, and its affected affiliated Departments and their member International Unions in assuring uninterrupted and economical work at all missile and space sites.

Sincerely yours,
/s/ George Moany
President

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THE MARTIN COMPANY
Baltimore 3, Maryland

May 26, 1961

The Honorable Arthur J. Goldberg
Secretary of Labor
Washington 25, D. C.

Dear Mr. Secretary:

I have given considered attention to your letter, conveying the request of the President for full support of an executive order establishing a Missile Site Labor Commission to secure full, uninterrupted and economical missile and space site operations in the interests of national security.

I am in full agreement with the purpose and general terms of such an order and you will have the full cooperation of The Martin Company in assuring uninterrupted and economical work at all missile and space sites.

Sincerely yours,
THE MARTIN COMPANY
/s/ W. B. BERGEN,
President

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