

## Chamber Names "Voluntary Unionism" Committee

Announcement that the U.S. Chamber of Commerce has appointed a committee on so-called "voluntary unionism" was received from Washington, D.C., this week.

The purpose of the special committee, according to the Chamber, is to help individuals and groups promote the adoption of "right to work" laws at the state level.

Among persons named as members of the committee are two Californians who are long-time champions of anti-labor causes, including active support of the "right to work" proposal (Proposition No. 13) at the 1958 election. They are W. B. Camp of W. B. Camp and Sons, Inc., Bakersfield, and Parker Holt of Holt Bros., Stockton.

Parker Holt is a distributor of farm equipment reportedly doing a \$3 million a year business with business outlets in Tracy, Lodi and Stockton—all unorganized.

Reports filed with the Secretary of State show that Parker Holt contributed \$50 to the San Joaquin County "right to work" committee in the 1958 campaign. A better measure of Holt's dedication to the anti-union cause, however, is indicated by the fact that the San Joaquin committee reported paying Holt Bros. \$235 in expenses during the campaign.

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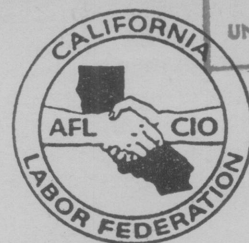
## High Standards Urged for Employees Health Plan

The California Labor Federation, AFL-CIO has called upon the state to set high standards for the participation of voluntary health plans in the Meyers-Geddes State Employees Medical and Hospital Care Act passed by the 1961 legislature.

Under the new program, commencing January, 1962, the state will contribute \$5 toward offsetting the cost of health insurance coverage for each state employee. The contribution will go into plans approved for participation under regulations and standards developed by the Board of Administration of the state employees retirement system as the administrative agency.

The board opened hearings this Monday on a set of proposed rules and regulations which the state AFL-CIO labeled inadequate for the development of quality plans for the protection of state employees.

In a statement filed by the Federation, Secretary-Treasurer Thos. L. Pitts sounded a note of caution



THOS. L. PITTS  
Executive  
Secretary-Treasurer

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## Fed Bill to Prohibit Short Weights Aired

The Assembly Interim Committee on Agriculture this week held public hearings on a Federation-sponsored measure which would repeal authority granted the Department of Agriculture in 1957 to allow net weight tolerances (short weights) on processed and packaged commodities in grocery stores.

The measure is AB 545, authored by Assemblyman James R. Mills (D., San Diego), which was referred to interim committee study by the 1961 session of the legislature.

Mills, assisted by a representative of the Federation, explained the potential menace of the net weight tolerances to consumers in the state.

Reviewing the history of the authority, Mills pointed out that although granted by the legislature in 1957, no attempt was made by the Department of Agriculture to exercise it until 1959, when hearings were held on proposals to permit short weights on 32 frozen food items and hot dogs.

Included in the proposals was a request by the Retail Grocers to consider the allowance of net weight tolerances in the packaging of fresh meats sold at self-service counters.

Mills reminded the committee that the hearings produced such a storm of protest from Governor Brown's Consumer Counsel, Helen Nelson, organized labor and county sealers that the Department and industry proponents were forced to abandon the scheme.

The proposal on 32 frozen foods, Mills said, would have allowed a short weight of one ounce for each two pounds or fraction thereof of the marked package. Since frozen foods are conventionally packed for consumers, not in two-pound packages but in "fractions thereof," the allowance of a maximum deficiency tolerance of one ounce on a package marked eight ounces would have permitted a short weight of 12½ percent (ten percent on a ten-ounce package).

Department of Agriculture officials from the Bureau of Weights and Measures, present for the hearing, confirmed that they had abandoned any intention of allowing any numerical tolerances, which Mills said would "spell the end of our concept of net weights and measures" for the protection of consumers.

The Los Angeles hearings also brought focus on new procedures developed by the Bureau of Weights and Measures for the use of county sealers in the enforcement of weights and measures by sampling techniques based on the concept of averages.

These procedures, adopted under

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## New Sales Tax Chart Protects Consumer

As of September 15, 1961, the unofficial sales tax charts fastened to cash registers in retail outlets have been replaced by a uniform, official schedule adopted by the 1961 legislature.

The new schedule, contained in AB 1769 (DeLotto, D., Fresno) curbs profiteering on the sales tax by retailers who have assessed the 4% sales tax so that the excess collected on the "breakage" has been retained by the seller.

Helen Nelson, Governor Brown's Consumer Counsel, pressed for the enactment of the new schedule by the legislature:

"No longer can some retailers choose to increase the tax to two cents on a 30 cent purchase and others charge two cents beginning at 29 cents, 28 cents, or 27 cents," Mrs. Nelson points out. "There is now a law. Two cents cannot be charged on a purchase of less than 35 cents."

The official tax schedule that now hangs on cash registers requires retailers to assess the 4% sales tax as follows: nothing on a purchase of twelve cents or less; 1c on a purchase of 13c to 34c; 2c on a purchase of 35c to 59c; 3c on a purchase of 60c to 87c, and 4c on a purchase of 88c to \$1.12.

The housewife has another newly-won right at the check-stand under the new law, Mrs. Nelson adds:

"When she checks out a basket of items, some taxable, and some not taxable, she may specify to the checker that she wants all the taxable items totaled and the tax applied to the total instead of to each item separately. If she requests this, the checker is obligated to do as she asks."

Totaling the items before assessment of the 4% tax removes the possibility of the retailer profiteering by levying the tax on individual items, which can add up to more than four percent on the dollar.

A second sales tax collection reform secured through the legislature by Mrs. Nelson is contained in a bill authored by Assemblyman John Knox (D. Richmond). This measure makes sure that all sales tax money collected from consumers as sales tax does reach the state by closing some of the legal loopholes in the sales tax law.

"With the passage of these two

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authority also granted by the legislature in 1957, were put into operation following defeat of the proposals to authorize specific numerical tolerances.

The California Labor Federation has challenged their adequacy, charging that technical deficiencies permit approval of short-weighted items.

As originally proposed, AB 545 also would have repealed the Department of Agriculture's authority to promulgate such sampling procedures for enforcement.

Mills pointed out, however, that this feature of AB 545 was removed from the bill pending the accumulation of experience by the sealers in using the new sampling procedures.

The San Diego legislator urged the interim study committee to recognize the importance of maintaining a sound weights and measures law.

"Like every member of this committee," Mills said, "I know that weights and measures laws are an essential exercise of the state's policing power in the interests of the general public and so-called consuming public, but I know also that sound legislation in this field, effectively enforced, is essential to the operation of a competitive free enterprise system."

Mills added:

"Our aim is always to protect the consumer with honest weights and measures, but at the same time, we want to make sure that in the competition for the consumer dollar, no advantage is given the chiseler over the honest business man . . .

"Modern methods of packaging and preparing items for the consumer shelves inevitably present a number of problems in regard to weights and measures. Machines may be very efficient, but sometimes they also present problems of accuracy in weights and measures.

"No one wants to stifle the introduction of modern methods, but

bills," Mrs. Nelson points out, "California consumers, for the first time in the many years we have had the state sales tax, can not be charged any more sales tax than the law allows, and they can be sure that the money they pay as sales tax reaches the state."

we do have a fundamental interest in making certain that technological advancement is a truly competitive factor in our free enterprise economy, and that our laws are not such that they might possibly lend their use to a few dishonest individuals who see also the opportunity to do a little milking of the consumer.

"Certainly, in this day of scientific and technical knowledge, it would be something more than ironical if we allowed ourselves to get in a position where we would be unable to say when a pound is a pound.

"I do not believe that a weights and measures law should be written so that a processor may write on a package that the contents weigh one pound when he knows that it is less than one pound. At the same time, in the enforcement of weights and measures, there must be room for reasonableness in recognizing that machines and men can occasionally err without damning someone as a cheater."

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The Operating Engineers have attempted to organize Holt Bros. on three occasions, culminating in an NLRB election in 1956 which was lost because of anti-labor policies which dominate the company.

W. B. Camp is reported to be a multi-millionaire cotton and alfalfa grower in Kern County with interest in cotton gins, potato sheds, cotton oil plants and other enterprises. All of his operations are also unorganized. In 1958, the Kern County "right to work" committee reported the receipt of \$150 in contributions from Camp, who is noted for his lifetime dedication to reactionary causes.

Another person named to the Chamber's "voluntary unionism" committee is Jonathan C. Gibson, a vice president and general counsel of the Santa Fe Railroad. As might be expected, Santa Fe made an out-of-state contribution to the California "right to work" campaign in the amount of \$4,900, according to reports on file with the Secretary of State.



## Two-Year Report on FEP Operation

The California Fair Employment Practices law, enacted by the 1959 legislature, began its third year of operation this Monday, September 18, 1961.

A two-year report issued by the FEP Commission has won the praise of Governor Brown, under whose administration the 1959 law was enacted.

"Two years of administration of the Fair Employment Practices Act have begun to produce the kind of result I had hoped for," Governor Brown told the commissioners at Los Angeles this week, adding:

"There is growing evidence that employers are accepting workers of so-called minority races and creeds, and those of various national origins, on their merits as individuals. There is still, of course, a tremendous job to be done through education and conciliation, backed up by the enforcement power of the law. But we are now on the road to winning a strong point for the American way, with opportunity in employment fully achieved for all Americans."

The following are highlights of the commission's informal two-year report released by the Division of Fair Employment Practices in the Department of Industrial Relations:

The dimensions of the discrimination problem in California are partially indicated by the 1960 census count of 883,861 Negroes and a total of 1,261,974 nonwhites. The state's Negro population rose 91.2 percent between the 1950 and the 1960 census.

Discrimination appears to stem largely from inertia, force of habit, failure of some employers to establish clear nondiscrimination policy throughout their operations, and persistence of anachronistic assumptions as to the characteristics of people who comprise the minority group work force.

During the first 23 months, through August 31, 1961, the California FEPC docketed 1,156 complaints and requests for investigation of alleged employment discrimination. Investigation was completed and disposition was made of 782 cases. A small number were dismissed for lack of jurisdiction or because complainants withdrew; in the rest, a determination was made

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rect service plans available on a regional level.

The authority to contract, however, carries no standards in the proposed rules and regulations beyond those proposed for the acceptance of other plans for participation in the program. These, according to Pitts, are totally inadequate.

As a more appropriate procedure, the state AFL-CIO leader suggested that high standards developed in contracting for statewide plans should become the minimum standards for accepting other plans, including employee organization-sponsored plans, for participation in the program.

Pitts pointed to the vast history of collective bargaining as demonstrating "beyond a shadow of a doubt, that there are no shortcuts to sound health and welfare programming."

"Our entire experience in this field," Pitts said, "has taught us that the problems involved must be faced squarely at the beginning if inadequate standards are not to become embedded into the program."

Pitts cited as one example of poor standards the qualification of a plan which would defray only a "major share of expected charges" for hospital room and board for only 31 days of hospital confinement.

With daily hospitalization costs rising with increasing frequency to the \$30 level, Pitts noted that an employee "could well find himself burdened with a \$15 charge each day for the first month of confinement. For the remainder of his stay,

as to whether or not there had been discrimination.

In more than one-third of this major group of cases, there was sufficient evidence of discriminatory practices to proceed to conciliation, and these practices were corrected. There were 243 cases in that category. The other 461 were closed on the basis of insufficient or no evidence of discrimination.

To date, with four exceptions, all cases closed have been resolved through investigation, conference and conciliation, without public disclosure of the names of the parties and without public hearing. The exceptions are cases in which the as-

he would be confronted with the bleak prospects of paying the full cost of such services."

Pitts found similar limitations in the proposed regulations setting standards for surgical and outpatient care as well as obstetrical benefits. He pointed to a further shortcoming in that the proposed standards would not require coverage of dependents for outpatient care.

In reference to the board's declaration of intention to contract directly for basic statewide plans, he expressed the hope that this would be interpreted to mean benefits at least as comprehensive as now available to California workers generally.

"It is our earnest request," Pitts said, "that this section will be made truly meaningful by the addition of standards and controls, including competitive bidding, which will perform an effective yardstick function for other plans to be admitted by the board."

Pitts also expressed the Federation's strong conviction that any plan approved for state contribution should be open to state employees without attaching any conditions of membership in an organization.

In this regard, Pitts urged the board to follow nationwide standards for labor-management relations. These standards, he pointed out, provide that benefits obtained from an employer must be made available to all employees in a broadening unit — not only those who may belong to the organization that was instrumental in obtaining the benefits.

Pitts pointed out that a health and welfare program negotiated by a union is open to all employees in the bargaining unit, irrespective of union membership. By the same token, he said that any plan the state approves as an employer for a contribution should be open to state employees without attaching any organization membership conditions.

Under a proposed regulation before the board, plans sponsored by employee organizations and approved for the state's \$5 contribution would be open only to employees who are members of the sponsoring organization.

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## Two-Year Report on FEP Operation

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signed commissioners found strong evidence of discrimination but were unable to obtain corrective action through conciliation. Formal accusations were therefore filed. In two cases, the commission held public hearings which resulted in orders against the respondent employers. (An appeal by one of these, the Santa Fe Railroad, is pending in Los Angeles Superior Court.) The third and fourth hearings are scheduled to be held in November.

One index of the effectiveness of the FEP law is found in the many "firsts" in hiring or upgrading of minority workers in California during the past two years. Recently a veteran dining-car waiter was promoted to steward—the first Negro to hold this position in that railroad's history. A professional golfer was placed as a starter at a publicly owned course—the first Negro in that civil service position in the area.

A few of the many others listed in FEPC files are the first Negro bus operators promoted to supervisory posts in two major transit systems; first of their race hired as route drivers by several dairy companies; first to handle real estate transactions for a large school district; first employed as security officer of a department store; first walking bosses in shiploading operations; and first secretary in a department of a big utility.

In two years the Division of Fair Employment Practices has been staffed and its personnel trained, offices have been opened in San Francisco and Los Angeles, procedures have been established and refined, more than a thousand cases have been processed, a number of publications explaining the law and promoting its objectives have been issued and distributed, and a statewide program of community relations has been initiated.

## Union Rights Pushed for U.S. Employees

Setting the stage for hearings scheduled in San Francisco on September 25, the AFL-CIO last week called upon the federal government to become a "leader, not a follower" in the labor-management field.

As lead-off witness at hearings before the President's Task Force on employee-management relations in the federal service, AFL-CIO legislative director Andrew J. Biemiller urged that the Kennedy Administration act decisively to extend to the government's 2.4 million civilian workers collective bargaining rights "which have long been guaranteed by law to employees in private industry."

Biemiller urged the Presidential task force, headed by Labor Secretary Arthur J. Goldberg, to recommend an executive order which would:

- Protect the right of federal workers to organize "without fear of reprisal."
- Provide exclusive bargaining rights and negotiation of written agreements with unions which establish majority representation in appropriate bargaining units.
- Permit voluntary check-off of union dues.

The San Francisco hearings, scheduled to take place in the Post Office and Court House Building, will be conducted by a panel of the parent task force group, chaired by Carlisle T. Runge, assistant secretary of defense for manpower. Slated to testify in San Francisco are the following persons: James A. Campbell, national president, American Federation of Government Employees; Webster F. Ay, president, Long Beach Naval Shipyard Metal Trades Council; Carl J. Saxsermeier, regional field director, National Association of Letter Carriers; John F. Fisher, National Civil

Service League; Raymond L. Ingram, president, District 10, National Alliance of Postal Employees; William H. Smith, executive vice president, Federated Employers of San Francisco; Walter H. Wade, president, American Federation of Government Employees, Lodge No. 1655; and Danny J. O'Donnell, president, Operating Engineers Local No. 731.

In Washington testimony last week, Biemiller praised Kennedy's June 22 memorandum setting up the task force, and calling on "management officials at all levels" to recognize the "right of all employees of the federal government to join and participate" in unions. He said the policy statement should be promptly backed-up by "legislation or executive order of the President, or both."

Biemiller said that AFL-CIO unions are not seeking the right to strike against the federal government, but "if collective bargaining is to be at all effective in the federal service, an alternative will have to be found for the right to strike."

### CONCILIATION FAVORED

The AFL-CIO proposed that when unions and government agencies are unable to reach an agreement, the Federal Mediation and Conciliation Service should assist in the negotiations.

As subjects for union-management negotiations (except where set by Congressional action), Biemiller listed work procedures, shift differentials, automation, safety, transfers, job classifications, promotions, hours of work, disciplinary action, individual and group grievances.

Recognition, the AFL-CIO declared, should be limited to national organizations set up to represent employees in dealing with management, and should not be extended to social or fraternal groups or organizations sponsored by government agencies or departments.