

IR newsletter

Volume 16 - # 4

MERRY CHRISTMAS!!!

INSTITUTE OF INDUSTRIAL
RELATIONS LIBRARY

NOV 30 1973

UNIVERSITY OF CALIFORNIA
BERKELEY

Date: Wednesday, December 12, 1973

Place: Olympian Hotel (Chariot Room)
1903 W. Olympic Blvd., Los Angeles

Time: 6:00 pm - No Host Cocktails
7:00 pm - Dinner (\$5.00 per person)
8:00 pm - Speaker

Speaker: William J. Usery, Jr., Director,
Federal Mediation and Conciliation Service

THE SPEAKER "Bill" Usery, who is soon to become Director of Organization of the AFL-CIO, will address the December 12 Alumni dinner in one of his last appearances as a federal official and Director of the Federal Mediation and Conciliation Service. His impressive background includes many years serving as Grand Lodge representative of the International Association of Machinists, as a member of the Missile Sites Labor Panel, Assistant Secretary of Labor in charge of the Labor-Management Services Administration, and, currently, as Director of the FMCS. He is an outstanding speaker who will have an important message for our meeting.

Reservations should be made now! As this program is jointly sponsored by the Southern California Industrial Relations Research Association, we expect a large attendance. PLEASE COMPLETE THE ATTACHED RESERVATION FORM AND SEND IT TODAY WITH YOUR CHECK (payable to I.I.R. ALUMNI ASSOCIATION) to Sonia Portales, 9351 Bunche Hall, UCLA, Los Angeles, California 90024. Thank You.

SUMMARY OF THE NOVEMBER 14, 1973 MEETING: Two authorities on Workmen's Compensation, attorneys Richard Silber and Bernard Sobelsohn, addressed the meeting 20 minutes each, followed by questions from the audience. Many vital areas of workmen's compensation problems were covered in this well-attended session.

Attorney Silber pointed out that the labor unions' goal in Workmen's Compensation was to achieve a fair return for the worker without undue delay. Presently the top benefit is \$119.00 per week, computed at two-thirds of a worker's declared average wage. The recent Federal Task Force in this area recommended that the 21-day waiting period be reduced to 14 days, which would make benefits retroactive; that is, if an employee were out of work up to the 14-day limit, the initial waiting period would be wiped out and the benefit becomes fully retroactive. Mr. Silber, as spokesman for labor, would like to see the dollar payments to workers

take into account their actual wages lost, thus not basing payments on absolute or arbitrary wages. He also recommends that computation of wages include actual fringe benefits lost, and, as well, legislation of a cost-of-living escalator clause so that money paid out will keep up with inflation. Also, Silber said, since more emphasis is put today on out-patient care, the requirement involving hospitalization should be eliminated. In addition, the death benefit should be increased and improvements made in the permanent disability provisions, with consideration given to changing the method by which doctors are chosen in all cases.

Mr. Sobelsohn, as spokesman for management, pointed to other inequities. For instance, maximum benefits should be paid only when the worker is completely out of the labor market; as to partial benefits, he would like to see a sliding scale of payments based on ability to work, engage in part-time work, etc. Mr. Sobelsohn noted that present legislation does not sufficiently emphasize rehabilitating injured workers or retraining them as part of the rehabilitation process. Basically, he said, we have lost track in effect of the purpose of workmen's compensation; it is designed to maintain a worker's income until he can go back to work. Money paid out should not exceed his earnings; such money should not become a source of creating any new social problems. Another underlying question is, how much should government pay in compensation programs, what should be the government's role? In reply to union allegations regarding the choice of doctors, Mr. Sobelsohn suggests that shifting the choice of physicians to workers would not solve the problems; it may even create some conflicts of interests if the worker's union lawyer would make the choice because the union attorney could get a percentage of the fee. But, he noted, the trend is still to give workers a greater voice in the selection of doctors. Mr. Sobelsohn specifically recommended improving current legislation insofar as repetitive trauma and industrial disease is concerned. Thus, a type of modified injury fund is needed, pooling the resources of the insurance carriers in the state. He also noted that incorporating the OSHA statute into California laws will result in greater fines against employers and more difficulty in achieving standards, but since penalties already are larger than ever, there may be even more legislation in the future.

During the question and answer period the following points were raised:

- that compensation payments are tax free;
- payments should be determined locally rather than on a national basis without consideration of locality;
- sick leave in a union contract should not be required to be used by a worker injured on the job;
- unions should carry workmen's compensation insurance to cover injury of their own employees or agents -- e.g., a picket line--because they can be held liable.

FORTHCOMING EVENTS

INSTITUTE OF INDUSTRIAL RELATIONS - PUBLIC PROGRAMS

- Bargaining Units in the Public Sector: Problems and Concepts
(A Joint Labor-Management Conference) November 29-30, 1973 at the
Airport-Marina Hotel, Los Angeles, California. ONLY \$40.00!!!!

For further information please contact Janis Okida, (213) 825-4580.

FORTHCOMING EVENTS (Continued)

PRIVATE SECTOR MANAGEMENT PROGRAMS

- Strengths and Styles
December 4, 1973 at the Sheraton Universal
- Simulated Collective Bargaining
December 12-14, 1973 at 9383 Bunche Hall, UCLA.

For further information please contact Mary Wright or Sandra Lind, 825-3089, 9240 Bunche Hall.

NEWS

- Ethel Davis, the Labor Center's Program Representative and Coordinator of the Trade Union Scholarship Program, retired last month after thirteen years of service with the Institute. We will miss Ethel and wish her the best for her "Golden Years." Faye Hinman, the Institute's editor, will assume responsibility for the scholarship program. Her willingness to take on this additional responsibility is deeply appreciated.
- Dr. Irving Bernstein, Associate Director, Institute of Industrial Relations, presented a paper entitled "A Grammar of Work" for the Pierce Memorial Lectures held at the New York State School of Industrial Relations, Cornell University, on November 16 and 17, 1973.

POSITION OPENINGS

The Bureau of Labor Statistics, Washington, D.C.

Position: Director for a new training program

For further information, contact Commissioner Julius Shiskin, Bureau of Labor Statistics, U.S. Department of Labor, Washington, D.C.

The Central City Community Mental Health Center

Position: Personnel Director

PUBLICATIONS

- Reprint #237 - "Collective Bargaining by Professionals in Federal Employment in Canada," by Archie Kleingartner. (35¢ plus tax.)

To order, please contact Kathy Greene, Publications Dept., Institute of Industrial Relations, UCLA, Los Angeles, California 90024.