

FARM LABOR FRONT

Imperial Valley Action On Braceros

A limited withdrawal of "braceros" in Imperial Valley lettuce strikes this week marked new developments in the AFL-CIO organizing effort in this "bracero"-impacted harvest area.

Harold Huxley, deputy director of the U.S. Bureau of Employment Security (soon to be Western Regional Director of the Bureau of Labor-Management Reports) ruled this Tuesday that Valley farmers could no longer use some 500 "braceros" illegally commuting daily from Mexico. He said that growers must provide housing for the Mexican workers or stop using them.

Almost simultaneously, U.S. and Mexican officials in Washington, D.C. ordered approximately 525 "braceros" off the big Bruce Church lettuce farm pending a decision on the illegal hiring of hundreds of Mexican workers imported to smash a coordinated AWOC-Packing-house Workers strike.

The actions brought the "gate-hiring" rights of domestic to a head as the joint union organizing effort brought new strikes in the big Imperial Valley lettuce harvest.

The unions are demanding recognition and a minimum wage of \$1.25 per hour. Some 8,000 "bracero" workers are being used to beat down the wages of some 2,500 domestic farm workers.

As reported in *News Letter* last week, big lettuce farms hiring "braceros" are refusing to take qualified domestic workers seeking jobs in accordance with their legal protections in Public Law 78

(Continued on Page 3)

State "Forand Bill" Introduced

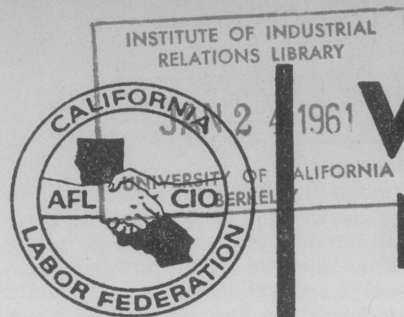
Assemblyman Carlos Bee (D., 13th District, Alameda County) this week introduced AB 489 which would establish a state program to provide health care benefits for approximately 1,025,000 senior citizens in California under the social insurance principle.

The measure has the solid backing of the California Labor Federation, AFL-CIO.

(Another AFL-CIO-backed measure to revive the drive for a general state health care program was being prepared this week for introduction by A. Phillip Burton (D., 20th District, San Francisco).)

The Alameda County legislator said that his "Little Forand Bill" would provide hospital, nursing and surgical care to aged persons in the state receiving social security benefits under the federal OASDI program.

The program would be financed



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Urgency Bill to Extend Jobless Benefits; Brown Support

The State Senate has given "urgency" clearance for early consideration of a bill designed to "trigger" the payment of extended unemployment insurance benefits during the months of February and March.

Introduced by Senator Stanford C. Shaw (D., San Bernardino), the measure is SB 133.

Labor Bills in Hopper

Assemblyman W. A. "Jimmie" Hicks (D., 8th District, Sacramento) this Tuesday placed before the legislature a series of basic labor bills designed to fill a major gap in state labor law and repeal hostile legislation on the statute books.

With the backing of the State AFL-CIO, Hicks has introduced measures which would set up machinery for implementation of organizing and bargaining rights, repeal the misnamed state "jurisdictional" strike law, and remove the unconstitutional "hot cargo" and

(Continued on Page 4)

Senate "clearance" means that the bill can be taken up under a three-fourths vote requirement

New jobless figures released for December show unemployment reached 6.1 per cent of the work force in the state. This compared with 5.4 per cent in November and 4.4 per cent in December a year earlier.

The Department of Employment reports that 400,000 Californians were out of work last month, an increase of 51,000 from the previous month.

without waiting for a 30-day period to run its course.

Shaw said his measure would permit payment of extended benefits to jobless persons exhausting their regular benefits in accordance

(Continued on Page 2)

Bill Digests

News Letter next week will start running a continuing digest of state legislative proposals of primary concern to California labor.

It is also expected that by then the composition of the all-important legislative committees will have been announced for printing in the News Letter. The Senate has announced its committee, but the composition of lower house committees is still unknown.

(Continued on Page 2)

State "Forand Bill" Introduced

(Continued from Page 1)

nia be prepared to act if the federal Congress does not approve the Kennedy administration's program for the addition of health care to the federal social security program.

"Health care under social security for the aged has been given top priority among programs to be pressed in the first 100 days of the new Congress.

"Should Congress fail to enact the Kennedy health care proposal, in face of the strong support it is receiving at the current aged conference in Washington, then I think this legislature has the responsibility to immediately enact a program based on the principles of my bill for California's aged.

"In other words, this bill is being held in reserve temporarily, but I intend to push for its enactment should the federal Congress fail in its responsibilities.

"The eligibility provisions of my bill are designed to provide health care coverage for social security beneficiaries in California, and as such, would supplement the present medical care program for aged persons receiving public assistance and also the new category of public assistance in medical care established under the inadequate measure passed by the last Congress.

"When Congress passed its inadequate federal-state medical care bill last year, it made additional funds available for the aged on public assistance in meeting their medical needs. The Governor has recommended to us that we utilize these additional funds available from the federal government in our public assistance medical care program.

"Concerning the new category of medical care assistance available from the federal government designed to cover the so-called 'medical indigents' who are not receiving public assistance but who cannot afford to provide for their medical needs, I assume here also that the legislature will follow the recommendations of the Governor and enact a new program that would utilize these additional limited federal funds.

"My state bill, therefore, would supplement both of these programs and cover those who are under social security, and thus round out a total program for all of California's senior citizens.

"But again, I want to point out that my bill would not be necessary if the Congress takes appropriate action on a federal bill in the next few months."

Under the Bee bill, there are approximately 1,025,000 persons receiving social security benefits in the state who would be covered. This number would increase each year as the federal social security

system matures and more persons receive benefits.

There are also 255,000 persons over 65 who are eligible for care under the present state medical care program in public assistance. Some of these, however, who also receive federal social security could be transferred to the social insurance program advocated by Bee.

Other aged persons falling under neither of these programs would be the persons who could benefit by state action implementing "medical indigent" assistance now available from the federal government.

The Bee bill, which would be administered by the State Department of Employment, contains provisions to insure free choice of doctor and to maintain a quality of medical care under the program.

Hospital benefits for a qualified person would include up to 60 days of hospitalization in a 12-month period. These hospital benefits would include bed and board and customary services furnished in a hospital to bed patients, such as nursing services, laboratory services, ambulance services, use of the operating room, staff services, drugs, medicines and appliances. The hospital services are defined also to include medical care as is generally furnished by hospitals as an essential part of hospital care for bed patients. Nursing services would be available to eligible persons for up to 120 days in any 12-month period, less the number of days of hospital services received by the individual.

Nursing services would include skilled nursing care, related medical and personal services and accompanying bed and board furnished by an approved facility.

Protection against many of the present low standards and "gouging" that exist in the home nursing field today would be provided by requiring that the nursing care (1) be operated in connection with a hospital, or (2) that the skilled nursing care and medical services be prescribed by or performed under the general direction of physicians.

Oral surgery required by a dentist is also covered under the Bee bill if medically necessary.

Surgical services provided in the Bee bill would include surgical procedures provided in a hospital, but not those that are elective surgery on the part of the patient.

In the case of an emergency or for minor surgery, surgical procedures in the out-patient section of a hospital or in a doctor's office are also covered.

Physicians, hospitals and nursing establishments participating in the program would be those that contract with the Department of Employment under circumscribed rules and regulations of the department, as well as the provisions and standards of the bill itself.

Labor Bills . . .

(Continued from Page 1)

secondary boycotts" Act which is still in the Labor Code.

Another bill offered by the Sacramento Assemblyman would require full identification of an employer on check stubs together with itemization of deductions for fringe benefits.

Still another would declare the policy of the state to remain neutral in any trade dispute. With authority given to the Director of Industrial Relations to determine whether such a dispute exists, the bill would then prohibit the purchase by the state of any goods or services from any party to the trade dispute.

In introducing the bills, which are sure to stir heated opposition from employer lobbyists, Hicks said:

"California, with its work force of several million, is entitled to labor-management laws that are realistic in their application to the problems of collective bargaining and management relations with the worker. These bills which I have introduced today are within the scope of responsible liberalism and are designed to bring about true freedom of labor-management negotiations unhampered by unduly harsh restrictions or rescriminatory measures for either party to these negotiations.

"It just doesn't add up that our state should trip under the burden of restrictive labor laws as some states where they consider labor as something less than their most important commodity," Hicks concluded.

Corporate growers who oppose any kind of extension of labor law to farm workers have already jumped on the collective bargaining representation bill because of its full application to agriculture.

Hicks described the measure as follows:

Deletes jurisdictional strike provisions.

Declares public policy that workers shall have the opportunity to select a collective bargaining representative by majority vote.

Provides that, upon a petition filed by a labor organization, the Department of Industrial Relations after investigation shall, pursuant to rules and regulations, conduct elections and certify the labor organization which receives a major-

(Continued on Page 4)

Urgency Bill to Extend Jobless Benefits; Brown Support

(Continued from Page 1)

with the Miller-Collier Act passed by the legislature in 1959.

Under this 1959 legislation, up to an additional 13 weeks of unemployment insurance payments become available when statewide unemployment exceeds 6 percent of the labor force.

The 6 percent "trigger" level, however, is computed under a formula which utilizes actual claims filings. Because of technical problems in the compilation of figures, there is a one-quarter lag in computing the level of unemployment for purposes of the extended payments law.

Recently the state Director of Employment announced that extended benefits would not be payable during the current quarter because the state unemployment rate calculated under the law was 5.7 percent—just .3 percent short of the 6 percent requirement. It is certain, however, that the 6 percent rate would be reached for the second quarter of the year, thus "triggering" the payment of extended benefits to exhaustees starting in April.

Shaw's bill would take up the statistical slack and provide for the emergency extension of payments to persons exhausting their benefits who would otherwise have to wait until April 1.

As introduced, the Shaw bill would have provided for this "emergency extension" on a regional basis for those areas which have reached the "triggering" level despite the statewide figure. In seeking emergency clearance before the Senate Rules Committee, however, the southern legislator announced that he was going to amend his bill so that the emergency payment of extended benefits would become available throughout the state in February and March.

Despite the urgency clearance given by the Senate, the measure is expected to face a tough struggle in gaining immediate enactment. It is set for hearing this week in the Senate Committee on Insurance and Financial Institutions, and then must win a three-fourths vote in both houses, besides surviving various roadblocks that could be encountered.

The California Labor Federation has given all-out backing to the Shaw bill.

Last Friday, Governor Edmund G. Brown also announced his support of a Shaw-bill principle in a three-point program to fight unemployment in the depressed areas of California.

In other points, Brown assigned "emergency" priority to a bill which would immediately release \$30 million for local school construction loans, and ordered all department heads to give priority to state projects in areas of heavy unemployment.

Preliminary figures for December released by the Governor show that unemployment has already reached as high as 16 and 14 percent in the Ukiah and Eureka areas respectively. The following are jobless rates in other labor market areas:

Los Angeles - Long Beach	6.0%
San Francisco - Oakland	5.6%
San Diego	7.2%
San Bernardino - Riverside	7.7%
Sacramento	5.0%
Stockton	8.3%
Fresno	6.3%
San Jose	6.9%

Statewide, the Department of Employment has released figures showing initial unemployment insurance claims of 53,539 for the week ending January 12. This is on top of continuing claims in the amount of 315,705.

Both the initial and continuing claims for last week were the second highest for any week on record since the late '30's.

The Department points out further that some 47,000 covered jobless workers exhausted their claims in the months of October, November and December, 1960.

Governor Brown's action on the mounting unemployment problem has been relayed to his department heads in the form of an "order".

In a policy directive issued to state executives, the Governor said the policy of the state is "hereby declared to promote full employment".

"Toward this end, the various departments of the State of California are to give whatever continuing attention may be requested to arrange priorities of construction to

Imperial Valley Action On Braceros

(Continued from Page 1)

and the International agreement between the United States and Mexico.

The Church operation was struck last Friday, when some 83 domestics walked off the job leaving over 200 "braceros" behind the picket lines. It is reported that Church, with the cooperation of other growers, brought in an additional 300 "braceros" after the strike started.

All have now been withdrawn under the interim action of U.S. and Mexican officials pending a decision on the unions' charges of illegal exploitation and use of "braceros".

Picketing of the Church ranch, however, has been enjoined by a superior court judge this Monday.

Three hours following the forced removal of pickets the farm workers struck the 1,200-acre ranch of Charles Freedman.

Domestic workers poured out of the fields leaving "braceros" behind the lines.

As yet no action has been reported on the withdrawal of the "braceros" who under law are prohibited from working behind bona fide union picket lines.

Picketing at the Freedman Ranch has also been enjoined by a superior court judge.

Developments this week, which are progressing at a rapid clip according to AWOC officials on the scene, followed a mass rally in Calexico Sunday where farm workers heard Packinghouse Workers President Ralph Helstein declare:

"We will be here as long as it takes to bring you industrial democracy."

The union gathering also heard AWOC Director Norman Smith on the planning of the union strategy.

It is a recognized fact that the federal government has the power to break the organizing effort if it fails to enforce the requirements of Public Law 78 and yields to the pressures of the powerful Imperial Valley Farmers Association.

Union spokesmen on the scene report that morale is at a high level among the domestics who are battling for their legal and moral rights.

assure . . . the highest practical priority is given to construction" in heavy unemployment areas.

Brown said the Director of the Department of Employment, Irving H. Perluss, would designate priority areas, using unemployment as the criteria.

Robert Bradford, Director of Public Works, and other department heads would then follow through by giving higher priorities to projects planned for those areas.

FORM 3547 REQUESTED

Sears Boycott Development

A significant development in the continuing boycott against Sears, Roebuck was reported recently when arbitrator Arthur C. Miller ruled that the company was in violation of its agreements with San Francisco Retail Clerks Locals 1100 and 410 in major points.

According to the two unions, Miller's ruling upholds in overwhelming measure the unions' contentions through their long dispute with the company:

The ruling finds the company in violation of the discharge and seniority clauses, the dispute procedure, the lock-out and discrimination clauses, the rights of union members to respect a properly sanctioned picket line and to be active union members without fear of reprisal.

Miller rested his decision mainly on the dispute procedure in the contracts with the two Retail Clerks unions. He held Sears was first to breach its obligations "by resorting to a lock-out of employees and refusing to consider or arbitrate the resulting grievances..."

He also held that individual employees actively taking part in the San Francisco Labor Council boycott had similarly violated the agreements by "resorting to that means for securing settlement of their grievances." He added that there were, however, mitigating circumstances in "the company's provocations in violating a whole series of its contractual commitments and the past service records of the employees..."

The arbitrator ordered the reinstatement in the jobs they held before picketing started of all full and part-time employees under substantially identical conditions.

Employees, it is reported, will be entitled to all vacation credits, medical and hospital benefits, and profit-sharing rights and credits and any other benefits lost as a result of their discharge.

Employees are entitled to payment of all earnings lost as a result of the failure of the company to reinstate the employee to the same job he held before picketing started or as a result of reinstatement in an inferior job. No deductions from back pay will be made for union assistance benefits or unemployment benefits received while off the job.

Miller ordered service records of all reinstated employees corrected to eliminate any service deductions for time lost which were imposed on employees when they were returned to work.

Employees who, in Miller's terms,

"actively participated in boycott activities," are entitled to full reinstatement, vacation rights, health and welfare and profit-sharing benefits.

Such employees were, however, excluded by Miller from the back pay award.

Commenting on the decision, San Francisco Labor Council Secretary George W. Johns said:

"Mr. Miller's decision upholds in almost every detail the Labor Council's contentions that Sears Roebuck acted immorally and illegally in exacting costly and unjust reprisals against its union employees.

"But Mr. Miller errs sharply in penalizing those employees who had the courage to exercise their fundamental rights as free American workers to protest the injustice of the company's acts. They fought immorality and indecency in labor relations in the only way then open to them..."

It is generally felt that further proceedings would be required before the full measure can be taken of this provision of Miller's award. What constitutes "actively participating" in the boycott seems almost certain to become the subject of interpretation by negotiation or further arbitration.

Another significant point should also be noted: the Miller ruling is the first important decision upholding the sanctity of contract clauses safeguarding the right of union members to respect a picket line.

Labor Bills . . .

(Continued from Page 2)

ity of votes as the collective bargaining representative of the workers in the appropriate unit.

Provides further that, among other things, workers in a unit where concerted activity arising out of a labor dispute occurs may vote, and their replacements may not; that the department may not consider a new petition for a year after certification or for two years if there is a collective bargaining agreement in effect; that jurisdiction of the department is exclusive; that any question of representation subject to federal law is not subject

Industrial Safety Meet

Some 1400 representatives of management and labor, and other individuals and organizations concerned with on-the-job safety in California, will attend the Governor's Industrial Safety Conference at the Biltmore Hotel, Los Angeles, on February 9 and 10, it has been announced by John F. Henning, director of the State Department of Industrial Relations and presiding chairman of the conference.

The conference, which has held a two-day meeting each year since 1950, and which represents every occupation and industry in California, has a single aim—the reduction of work injuries and deaths.

Governor Edmund G. Brown will deliver the keynote address at the opening session of the conference. Other featured speakers will include Thomas L. Pitts, secretary-treasurer of the California Labor Federation, AFL-CIO, who will speak for labor, and Owen M. Collett, executive vice president of the Pacific Intermountain Express Company, who will speak for management.

Following the first general assembly on the morning of February 9, the nine major-industry groups that make up the conference will meet separately that afternoon and the next morning, to discuss their own particular safety problems, and to make plans for the year in combating the toll of on-the-job injuries and deaths.

In 1959, the last year for which complete figures are available, 740 California workers were killed in on-the-job accidents, and 164,000 others disabled to the extent that they could not report for work the following day.

Panel discussions, demonstrations and films will feature the programs of the various industry-groups: agriculture; construction; forest products; governmental agencies; manufacturing; mineral extraction; special research; trades and services; and transportation, communications, and utilities.

to the law; that the department may enforce compliance with the provisions of the law and may petition the superior courts for enforcement of the orders and decision; and that any person aggrieved by a final decision or order of the department may obtain judicial review through a petition for writ of mandate.

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