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GOVERNMENT
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[COMMITTEE PRINT]

FEDERAL LABOR LAWS

CURRENT FEDERAL LABOR LAWS

(NOT INCLUDING SOCIAL SECURITY NOR UNEMPLOYMENT COMPENSATION)

LEGISLATIVE ACTION AFFECTING LABOR, 1789–1962

(NOT INCLUDING WARTIME CONTROLS)

COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES
(EIGHTY-EIGHTH CONGRESS
FIRST SESSION)

U.S. 2 Congress

APRIL 1963

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ADAM C. POWELL, Chairman

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FOREWORD

Early in the 1st session of the 87th Congress, I ordered published as a committee print a pamphlet entitled "Federal Labor Laws." It was the first compilation in layman's language of past and current Federal law in this field published by the Congress. The enthusiastic response from legislators, businessmen, labor union officials, and students of labor affairs prompted me to order the staff to revise and expand the contents of that first print, after the initial supply had been exhausted.

It must be noted that these summaries are not intended as official interpretations of these laws. For more detailed information concerning any act or questions of specific application, the reader is referred to the statutes themselves or to the appropriate administering agency.

This publication contains the first comprehensive history of proposals which have been the subject of some legislative action by the Congress of the United States beginning in 1789 and ending with the 87th Congress which completed its work in 1962. This account of legislative action and the accompanying chart present an interesting and dramatic story. It reveals the measure of Congress' continuing concern for the wage earner and the expansion of the concept of Federal responsibility in this area. The nature and variety of proposals beginning with the consideration of a bill to establish an 8-hour workday for Government laborers in the 40th Congress (1867), and the many other bills considered through the years up until the present time, provide background information which should be valuable to our legislators as well as students of labor legislation.

This second section was prepared by the Library of Congress. Especial credit should be given to Dr. Gustav Peck, senior specialist, labor, and Mr. James R. Wason, Economics Division, Legislative Reference Service.

ADAM C. POWELL,
Chairman, Committee on Education and Labor.

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FEDERAL LABOR LAWS

SECTION 1

CURRENT FEDERAL LABOR LAWS

(Not including Social Security or Unemployment Compensation)

I. LABOR MANAGEMENT RELATIONS

Labor Management Relations Act

as amended by

Labor-Management Reporting and Disclosure Act of 1959
(Taft-Hartley Act, as amended)*

Act of July 5, 1935, as amended in 1947, 1951, 1958, and 1959, U.S. Code 1958, Title 29, Sections 141–168 and Public Law 86–257, 86th Congress, 1st Session

The Labor Management Relations Act guarantees the right of workers to organize and bargain collectively with their employers, or to refrain from all such activities. To enable employees to exercise these rights and to prevent labor disputes which may burden and obstruct commerce, it places certain limits on the activities of employers and labor organizations.

Administration of the law rests primarily with the National Labor Relations Board, which is composed of five members, and the General Counsel of the Board. Members of the Board are appointed by the President, with consent of the Senate, for terms of 5 years. The term of one board member expires each year. The General Counsel is appointed by the President, with consent of the Senate, for a term of 4 years. Headquarters of the Board and the General Counsel are in Washington, D.C.

PLACE TO FILE CHARGES OR PETITIONS

Charges of unfair practices or petitions for elections should be filed with the Board's regional offices serving the area where the case arises. These offices are located in various cities throughout the United States and the Territories.

EMPLOYEES NOT COVERED BY THE ACT

The Act by its terms does not apply to employees in a business or industry where a labor dispute would *not* affect interstate commerce. In addition, the Act specifically states that it does not apply to the following:

1. Employees of an employer subject to the Railway Labor Act.
2. Agricultural laborers, as defined by the Fair Labor Standards Act (Wage-Hour Law).

*Interpretations of the Act as amended before 1959 is based upon decisions of the Board and the courts. Any interpretation of the 1959 amendments, expressed or implied, is that of the NLRB Division of Information, which prepared this Summary, and does not necessarily reflect the views or opinions of the five-member Board or the General Counsel.

3. Domestic servants.
4. Any individual employed by his parent or spouse.
5. Government employees, including those of Government corporations or the Federal Reserve Bank, or any political subdivision such as a State or school district.
6. Employees of hospitals operated entirely on a nonprofit basis.
7. Independent contractors who depend upon profits, rather than commissions or wages, for their income.

Supervisors also are excluded from the definition of employees covered by the Act. Whether or nor a person is a supervisor is determined by his authority rather than his title. The authority required to exclude an employee from coverage of the Act as a supervisor is defined in section 2(11) of the Act, which states:

The term "supervisor" means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

BUSINESS AND INDUSTRIES IN WHICH THE BOARD TAKES CASES

The Board, as a matter of policy, does not take cases in all businesses or industries which affect interstate commerce within the meaning of the Act.

Section 14(c) provides:

(1) The Board, in its discretion, may, by rule of decision or by published rules adopted pursuant to the Administrative Procedure Act, decline to assert jurisdiction over any labor dispute involving any class or category of employers, where, in the opinion of the Board, the effect of such labor dispute on commerce is not sufficiently substantial to warrant the exercise of its jurisdiction: Provided, That the Board shall not decline to assert jurisdiction over any labor dispute over which it would assert jurisdiction under the standards prevailing upon August 1, 1959.

(2) Nothing in this Act shall be deemed to prevent or bar any agency or the courts of any State or Territory (including the Commonwealth of Puerto Rico, Guam, and the Virgin Islands), from assuming and asserting jurisdiction over labor disputes over which the Board declines, pursuant to paragraph (1) of this subsection, to assert jurisdiction.

THE RIGHTS OF EMPLOYEES

The rights guaranteed employees who are covered by the law are set forth in section 7 of the Act. This section states:

Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in section 8(a)(3).

In addition to the usual activities of organizing and maintaining a union, the Board has found protected concerted activities to include the circulation of a petition asking for a wage increase and meetings of employees to draft a letter of complaint to management.

In order to protect employees in the exercise of these rights, the Act gives the Board authority to—

1. Remedy or prevent unfair labor practices of either employers or labor organizations (section 10).
2. Conduct elections to determine whether or not employees wish to have a representative bargain for them as a group (section 9).
3. Conduct polls to determine whether or not employees who have been under a union-shop agreement want to revoke the authority of their bargaining agent to make such agreements (section 9).

The right of employees to strike, except as specifically modified by the Act, is preserved (section 13). However, the Board and the courts have ruled that "sitdown" strikes are not activities protected by the law because they involve the unlawful seizure of property. The Board has held also that the law does not protect slowdowns by employees who remain on the job, or partial strikes, such as a refusal to work on a certain day each week.

FILING OF NON-COMMUNIST AFFIDAVITS AND OTHER DATA

The filing requirements including the non-Communist affidavit were repealed by section 201(d) of the Labor Management Reporting and Disclosure Act of 1959.

UNFAIR LABOR PRACTICES OF EMPLOYERS

Employers are forbidden to engage in six general types of unfair labor practices.

An employer is defined in the law as including "any person acting as an agent of an employer, directly or indirectly."

Employers are forbidden by the law to engage in—

1. Interference, restraint, or coercion

To interfere with, restrain, or coerce employees in the exercise of rights guaranteed by section 7 (section 8(a)(1)).

Examples of such illegal interference:

Threatening employees with loss of jobs or benefits if they should join a union.

Threatening to close down the plant if a union should be organized in it.

Questioning employees about their union activities or membership in such circumstances as will tend to restrain or coerce the employees.

Spying on union gatherings.

Granting wage increases deliberately timed to defeat self-organization among employees.

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2. Illegal assistance or domination of a labor organization

To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it.

Examples of conduct illegal under this section:

An employer taking an active part in organizing a union or a committee to represent employees.

An employer bringing pressure upon employees to join a union.

An employer playing favorites to one of two or more unions which are competing to represent employees.

In remedying such unfair practices, the Board distinguishes between "domination" of a labor organization and conduct which amounts to no more than illegal interference. When a union is found to be dominated by an employer, the Board has announced it will order the organization completely disestablished as a representative of employees. But, if the organization is found only to have been supported by employer assistance amounting to less than domination, the Board usually orders the employer to stop such support and to withhold recognition from the organization until it has been certified by the Board as a bona fide representative of employees.

3. Discrimination in employment for union activities

Discrimination in hiring or tenure of employment or any term or condition of employment which tends to encourage or discourage membership in any labor organization (section 8(a)(3)).

This provision, together with section 8(b)(2), prohibits the "closed shop," in which only persons who already hold membership in a labor organization may be hired. It also prohibits discriminatory hiring hall arrangements by which only persons who have "permits" from a union may be hired.

However, a proviso to this section permits an employer and a union to agree to a union shop, in which employees may be required to join the union at the end of 30 days. In the building and construction industry, employees may be required to join after 7 days.

Examples of discrimination in employment forbidden by this section:

Demoting or discharging an employee because he urged his fellow employees to join or organize a union.

Refusing to reinstate an employee (when a job for which he can qualify is open) because he took part in a lawful strike.

Refusing to hire a qualified applicant for a job because he belongs to a union.

Refusing to hire a qualified applicant for a job because he does not belong to a union or because he belongs to one union rather than to another union.

This section does not limit the employer's right to discharge, transfer, or lay off an employee for genuine economic reasons or for just cause such as disobedience or bad work. This applies equally to employees who are active union advocates and to those who are not. However, the fact that a lawful reason for the discharge or disciplining of an employee may exist does not entitle an employer to discharge or discipline an employee when the true reason is the employee's union activities or other activities protected by the law.

In weighing an employee's charge that he has been discriminated against because of his union activity, the NLRB will want to know—

a. What reason did the company give for taking the action against the employee?

b. Did the company take the same action against other employees for the same reason?

c. Was the employee given any warnings before the company acted?

d. Did the company know that the employee was active in union matters or was a union member?

e. What is the employee's record as to length of employment, efficiency ratings, wage increases, promotions, or words of praise from his supervisor?

f. What was the company's attitude toward unions and particularly the employee's union?

4. Discrimination for participation in NLRB proceeding

To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under the Act (section 8(a)(4)).

5. Refusal to bargain in good faith

To refuse to bargain collectively with the representative chosen by a majority of employees in a group that is appropriate for collective bargaining (section 8(a)(5)).

Examples of conduct that violates this section:

An employer making a wage increase without consulting the representative of employees when they have chosen such a representative.

Making a wage increase larger than that offered to the employees' representative.

Refusing to put an agreement with the employees' representative into writing.

Refusing to deal with the representative of employees because the employees are out on strike.

6. "Hot cargo" agreements

Employers are forbidden to enter into agreements to cease handling another employer's products or to cease doing business with any other person except under certain circumstances in the building and construction industry and in the apparel and clothing industry.

UNFAIR LABOR PRACTICES OF UNIONS

Labor organizations are forbidden to engage in any unfair labor practices listed in section 8(b) and (e) of the law. These provisions forbid labor organizations or their agents to engage in—

1. Restraint or coercion

a. To restrain or coerce employees in the exercise of the rights guaranteed by section 7 (section 8(b)(1)(A)).

A proviso in this section states that "this paragraph shall not impair the right of a labor organization to prescribe its own rules with respect to the acquisition or retention of membership."

Examples of conduct found to violate this section:

Mass picketing in such numbers that nonstriking employees are physically barred from entering the plant.

Acts of force or violence on the picket line or in connection with strikes.

Threats to do bodily injury to nonstriking employees.

Threats by unions or their agents to employees that they will lose their jobs unless they support the union's activities.

b. To restrain or coerce an employer in the selection of his representatives for the purpose of collective bargaining or the adjustment of grievances (section 8(b)(1)(B)).

2. Attempt to cause discrimination for union activities

To cause or attempt to cause an employer to engage in discrimination against an employee which tends to encourage or discourage union membership (section 8(b)(2)).

This provision reenforces section 8(a)(3) in outlawing the "closed shop." It also contains certain language reenforcing the limits placed on the union shop by section 8(a)(3). This language is discussed under "The Union Shop."

Examples of conduct violating this section:

Causing an employer to discharge an employee because he circulated a petition urging a change in the union's method of selecting shop stewards.

Making a contract that requires an employer to hire only members of the union or persons "satisfactory" to the union.

3. Refusal to bargain in good faith

To refuse to bargain with an employer, when the organization is the representative of a majority of employees in a group appropriate for bargaining (section 8(b)(3)).

Examples of conduct violating this section:

Insistence upon the inclusion of illegal provisions, such as a closed shop or a discriminatory hiring hall, in a contract.

An adamant refusal to make a written contract of reasonable duration.

4. Secondary boycotts and certain types of strikes and picketing

(The language in italics is the text of statute.)

(i) To engage in, or to induce or encourage any individual employed by any person engaged in commerce or in an industry affecting commerce to engage in a strike or a refusal in the course of his employment to use, manufacture, process, transport or otherwise handle or work on any goods, articles, materials, or commodities or to perform any services; or

(ii) to threaten, coerce, or restrain any person engaged in commerce or in any industry affecting commerce, where in either case an object thereof is

(A) forcing or requiring any employer or self-employed person to join any labor or employer organization or to enter into any agreement which is prohibited by section 8(e);

(This section prohibits not only a secondary boycott, but also a primary strike, for these purposes. Section 8(e) prohibits "hot cargo" contracts with certain limited exceptions for the garment and building-construction industries.

Person is defined in section 2(1) of the Act as including "one or more individuals, labor organizations, partnerships, associations, cor-

porations, legal representatives, trustees, trustees in bankruptcy, or receivers."

(B) forcing or requiring any person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person, or forcing or requiring any other employer to recognize or bargain with a labor organization as the representative of his employees unless such labor organization has been certified as the representative of such employees under the provisions of section 9:

Provided, That nothing contained in this clause (B) shall be construed to make unlawful, where not otherwise unlawful, any primary strike or primary picketing.

(The first part of this subsection is the general ban on secondary boycotts. The second part forbids "sympathy" strikes or boycotts to force recognition of an uncertified union.)

(C) forcing or requiring any employer to recognize or bargain with a particular labor organization as the representative of his employees if another labor organization has been certified as the representative of such employees under the provisions of section 9;

(This subsection prohibits strikes or boycotts against a Board certification; that is, a strike to substitute another bargaining representative for the one certified by the Board.)

(D) forcing or requiring any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class rather than to employees in another labor organization or in another trade, craft, or class unless such employer is failing to conform to an order or certification of the Board determining the bargaining representative for employees performing such work.

(This subsection forbids strikes over so-called union "jurisdictional disputes" or work assignment disputes.)

Provided, That nothing contained in this subsection (b) shall be construed to make unlawful a refusal by any person to enter upon the premises of any employer (other than his own employer), if the employees of such employer are engaged in a strike ratified or approved by a representative of such employees whom such employer is required to recognize under this Act:

(The "subsection (b)" referred to includes most of the unfair practices forbidden to unions. Under this proviso, it has been held that an employee covered by a no-strike contract may be discharged for refusal to cross a picket line at the plant of another employer.)

PROVISO ON PUBLICITY

Provided further, That for the purposes of this paragraph (4) only, nothing contained in such paragraph shall be construed to prohibit publicity, other than picketing, for the purpose of truthfully advising the public, including consumers and members of a labor organization, that a product or products are produced by an employer with whom the labor organization has a primary dispute and are distributed by another employer, as long as such publicity does not have an effect of inducing any individual employed by any person other than the primary

employer in the course of his employment to refuse to pick up, deliver, or transport any goods, or not to perform any services, at the establishment of the employer engaged in such distribution.

Examples of conduct the Board has found to constitute an illegal secondary boycott include:

> Picketing at the separate plant of an employer who continued to deal with a company with which the union has a dispute.
>
> A union official calling union members at the place of their employment in a retail market to tell them that a wholesaler had been placed on the union's "unfair list."
>
> Picketing directed at an entire construction project because one of the subcontractors doing part of the work on the project had nonunion employees.

However, the Board and the courts have ruled that this provision does not prohibit picketing of the plant of an employer with whom a union has a direct dispute even though such picketing may encourage employees of other employers, who come to the plant, to refuse to work.

5. Charging excessive or discriminatory initiation fees

To require employees under a union-shop agreement to pay, as a condition precedent to becoming a member of the union, "a fee in an amount which the Board finds excessive or discriminatory under all the circumstances" (section 8(b)(5)).

This section further states:

In making such a finding, the Board shall consider, among other relevant factors, the practices and customs of labor organizations in the particular industry, and the wages currently paid to the employees affected.

Example of a fee which the Board found was discriminatory in violation of this section:

> Charging old employees who failed to join the union before the union-shop agreement took effect an initiation fee of $15 while charging employees hired after that date only $5.

6. "Featherbedding"

To cause or attempt to cause an employer to pay or deliver or agree to pay or deliver any money or other thing of value, in the nature of an exaction, for services which are not performed or not to be performed (section 8(b)(6)).

This section prohibits certain practices commonly known as "featherbedding."

7. Recognition and organizational picketing

[T]o picket or cause to be picketed, or threaten to picket or cause to be picketed, any employer where an object thereof is

forcing or requiring an employer to recognize or bargain with a labor organization as the representative of his employees, or

forcing or requiring the employees of an employer to accept or select such labor organization as their collective bargaining representative,

unless such labor organization is currently certified as the representative of such employees:

> *(A) where the employer has lawfully recognized in accordance with this Act any other labor organization and a question concerning*

representation may not appropriately be raised under section 9(c) of this Act,

(B) where within the preceding twelve months a valid election under section 9(c) of this Act has been conducted, or

(C) where such picketing has been conducted without a petition under section 9(c) being filed within a reasonable period of time not to exceed thirty days from the commencement of such picketing:

ELECTION PROCEDURE WHERE PICKETING IN EFFECT

Provided, That when such a petition has been filed the Board shall forthwith, without regard to the provisions of section 9(c)(1) or the absence of a showing of a substantial interest on the part of the labor organization, direct an election in such unit as the Board finds to be appropriate and shall certify the results thereof:

INFORMATIONAL PICKETING

Provided further, That nothing in this subparagraph (C) shall be construed to prohibit any picketing or other publicity for the purpose of truthfully advising the public (including consumers) that an employer does not employ members of, or have a contract with, a labor organization, unless an effect of such picketing is to induce any individual employed by any other person in the course of his employment, not to pick up, deliver or transport any goods or not to perform any services.

This subsection concludes with the statement:

Nothing in this paragraph (7) shall be construed to permit any act which would otherwise be an unfair labor practice under this section 8(b).

Section 9(c)(1) provides:

Whenever a petition shall have been filed, in accordance with such regulations as may be prescribed by the Board—

(A) by an employee or group of employees or any individual or labor organization acting in their behalf alleging that a substantial number of employees (i) wish to be represented for collective bargaining and that their employer declines to recognize their representative as the representative defined in section 9(a), or (ii) assert that the individual or labor organization which has been certified or is being currently recognized by their employer as the bargaining representative, is no longer a representative as defined in section 9(a); or

(B) by an employer, alleging that one or more individuals or labor organizations have presented to him a claim to be recognized as the representative defined in section 9(a);

the Board shall investigate such petition and if it has reasonable cause to believe that a question of representation affecting commerce exists shall provide for an appropriate hearing upon due notice. Such hearing may be conducted by an officer or employee of the regional office, who shall not make any recommendations with respect thereto. If the Board finds upon the record of such hearing that such a question of representation exists, it shall direct an election by secret ballot and shall certify the results thereof.

8. "Hot Cargo" and subcontracting agreements

Section 8(e) provides:

It shall be an unfair labor practice for any labor organization and any employer to enter into any contract or agreement, express or implied, whereby such employer ceases or refrains or agrees to cease or refrain from handling, using, selling, transporting or otherwise dealing in any of the products of any other employer, or to cease doing business with any other person, and any contract or agreement entered into heretofore or hereafter containing such an agreement shall be to such extent unenforcible and void:

CONSTRUCTION INDUSTRY EXEMPTION

Provided, That nothing in this subsection (e) shall apply to an agreement between a labor organization and an employer in the construction industry relating to the contracting or subcontracting of work to be done at the site of the construction, alteration, painting, or repair of a building, structure, or other works.

GARMENT INDUSTRY EXCEPTION

Provided further, That for the purposes of this subsection (e) and section 8(b)(4)(B) the terms "any employer", "any person engaged in commerce or an industry affecting commerce", and "any person" when used in relation to the terms "any other producer, processor, or manufacturer,", "any other employer", or "any other person" shall not include persons in the relation of a jobber, manufacturer, contractor, or subcontractor working on the goods or premises of the jobber or manufacturer or performing parts of an integrated process of production in the apparel and clothing industry:

Provided further, That nothing in this Act shall prohibit the enforcement of any agreement which is within the foregoing exception.

"FREE SPEECH" PROVISION

Section 8(c) of the Act contains what is commonly known as the "free speech" provision. It provides:

The expressing of any views, argument, or opinion, or the dissemination thereof, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this Act, if such expression contains no threat of reprisal or force or promise of benefit.

The Board has held that this section applies only to unfair labor practice cases and does not apply to conduct affecting elections.

Examples of statements which this provision does not protect:

Implied threats by an employer that the organization of a union would result in the loss of benefits for employees.

Picket signs announcing to employees of one employer that another employer is "unfair" where an object is to induce the employees to engage in a secondary boycott.

A statement by a union official to an employee that the employee will lose his job if the union wins a majority in the plant.

COLLECTIVE BARGAINING DEFINED

Section 8(d) defines the type of collective bargaining required by the law as—

the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or

the negotiation of an agreement, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession.

The Board and the courts have ruled that pensions and group insurance plans come within the scope of subjects on which the law requires an employer to bargain with the representative of his employees.

BARGAINING STEPS TO CHANGE OR TERMINATE A CONTRACT

Section 8(d) provides a special procedure for the termination of contracts or the negotiation of contracts to replace existing ones. There are four specific steps which must be observed.

The party desiring to terminate or modify an existing contract covering employees in an industry affecting commerce must—

1. Serve the other party to the contract with a written notice of the proposed termination or modification. This must be served at least 60 days before the termination date or agreed reopening date of the contract. Or, if the contract contains no expiration date, 60 days before the time it is proposed to make such termination or modification.

2. Offer to meet and confer with the other party for the purpose of negotiating a new contract or a contract containing the proposed modifications.

3. If no agreement has been reached 30 days after the notice was served, notify the Federal Mediation and Conciliation Service that a dispute exists. Any State or Territorial mediation or conciliation service within the State where the dispute occurs also must be notified.

4. Continue in full force and effect, without resorting to strike or lockout, all the terms and conditions of the existing contract until 60 days after the notice was given or until the contract expires, whichever occurs later.

This section also provides further that:

Any employee who engages in a strike within the sixty-day period . . . shall lose his status as an employee of the employer engaged in the particular labor dispute, for the purposes of sections 8, 9, and 10 of this Act, as amended, but such loss of status for such employee shall terminate if and when he is reemployed by such employer.

JURISDICTIONAL DISPUTES

The Act forbids jurisdictional strikes and boycotts as an unfair labor practice and provides special machinery for deciding disputes over assignment of work.

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Section 8(b)(4)(D) makes it an unfair labor practice for a labor organization or its agents—

(i) to engage in, or to induce or encourage any individual employed by any person engaged in commerce or in an industry affecting commerce to engage in, a strike or a refusal in the course of his employment to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities or to perform any services; or

(ii) to threaten, coerce, or restrain any person engaged in commerce or in an industry affecting commerce, where in either case an object thereof is:

(D) forcing or requiring any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class rather than to employees in another labor organization or in another trade, craft, or class, unless such employer is failing to conform to an order or certification of the Board determining the bargaining representative for employees performing such work.

Section 10(k) gives the Board authority to hear and make determinations in cases involving disputes over jurisdiction of work. This section also provides that the parties be given 10 days in which to agree on the means of settlement or to reach a voluntary settlement among themselves.

If they make such a voluntary adjustment, the Act provides that the unfair labor practice charge shall be dismissed. If they do not make such adjustment, a hearing under this section is then held.

Should the parties fail to reach agreement and should they fail to abide by a Board determination under section 10(k) thereafter, the procedure before the Board is the same as in any other unfair labor practice case.

PROCEDURE IN UNFAIR LABOR PRACTICE CASES

If an employee believes that an employer or a union is engaged in one or more of the unfair labor practices outlined above, he may file charges with the appropriate regional office of the National Labor Relations Board on forms supplied by that office.

A union or an employer also may file charges.

After the charges are filed, the procedure followed by the regional office and the Board is:

1. Charges are investigated by field examiners. During this investigation, charges may be adjusted, withdrawn, dismissed, or otherwise closed without formal action.

2. A formal complaint is issued if charges are found to be well grounded and the case is not settled by adjustment.

3. Public hearing is held before a trial examiner.

4. The trial examiner's findings and recommendations are served upon the parties and sent to the Board in Washington in the form of an intermediate report. At this point the case is transferred to the Board in Washington. Unless either of the parties files a statement of exceptions to the trial examiner's findings within 20 days, his order takes the full effect of an order by the Board. Parties who except to the examiner's findings also may file a brief to support their exceptions and may request oral argument before the Board. Exceptions are in effect an appeal from the intermediate report.

5. The Board reviews the case and makes a decision.

6. In case a union or employer fails to comply with a Board order, the Board may ask the appropriate U.S. Court of Appeals for a decree enforcing its order. Also, any party to the case who is aggrieved by the Board's order may appeal to an appropriate U.S. Court of Appeals.

7. The Board or an aggrieved party may petition the Supreme Court of the United States to review the decision of the Courts of Appeals.

Failure to obey a final court decree is punishable as either civil or criminal contempt of court, or both.

The regional director issues the complaint which begins formal proceedings in an unfair labor practice case. This complaint is issued after investigation of the charges filed by the party which alleges that an unfair labor practice has been committed. If, however, the regional director refuses to issue a complaint, the charging party may appeal to the General Counsel in Washington, D.C., who has final authority over the issuance of complaints. Ordinarily, 10 days are allowed for making such an appeal, which should be accompanied by a full statement of the facts in the case and the reasons why it is believed that the regional director erred.

REMEDIES IN UNFAIR LABOR PRACTICE CASES

When the Board finds that an employer or union or the agents of either have engaged in unfair labor practices, the Board is empowered by section 10(c) to issue an order requiring such person or organization to "cease and desist from such unfair labor practice, and to take such affirmative action including reinstatement of employees with or without back pay, as will effectuate the policies of this Act."

The purpose of the Board's orders is remedial—to undo the effect of the unfair labor practices and to direct such action as will dissipate the effect of violations of the Act. In fashioning remedies for unfair labor practices, the Board has broad discretion. The Board ordinarily frames its orders on patterns appropriate to each general type of unfair labor practice, but the Board may vary the remedy in order to fit it more precisely to the needs of a particular case.

There are no penalties or fines as such under Title I of the Act. It is only after a court has upheld a Board order and an employer or union has refused to comply that either may be held in contempt of court and subject to penalties.

Typical affirmative action ordered by the Board may include orders to the employer to—

Disestablish a company-dominated union.

Reinstate immediately all persons discharged, laid off, or demoted, to their former positions without prejudice to seniority rights or other privileges enjoyed before the unfair labor practices, and, if necessary, discharge any person hired in place of those discriminated against.

Pay backpay for time lost since the employee was discharged.

The amount of backpay awarded an employee is usually the difference between his net earnings since discharge and what he would have earned had he not been discharged, ascertained on a quarterly basis. A discharged employee must try to find a new job while awaiting reinstatement.

Affirmative action required of a union may include orders to—

Notify the employer and the employee that it withdraws any objection to reinstatement or employment of an employee who has been subjected to illegal discrimination.

Reimburse the employee for any wages he has lost as a result of the discrimination.

Refund dues or fees illegally collected.

Employers or unions also are usually ordered to post notices in their offices or plants notifying the employees that they will cease the unfair labor practices and announcing the action being taken to remedy the violations.

An employer and a union also may be held jointly and severally liable for backpay due an employee suffering unlawful discrimination.

INJUNCTION PROCEDURE

Section 10 (j) and (l) of the Act enables the Board or the General Counsel to petition the appropriate U.S. District Court for an injunction to stop any conduct alleged to constitute an unfair labor practice.

Section 10(j) confers discretion on the Board to petition for an injunction against any type of conduct, of either an employer or a union, which is alleged to constitute an unfair labor practice forbidden by the Act. Such a restraining order may be sought upon issuance of a formal complaint in the case by the General Counsel. The court may grant "such temporary relief or restraining order as it deems just and proper."

Section 10(l) makes it mandatory for the General Counsel to seek an injunction whenever charges are filed alleging that certain unfair labor practices are being committed, if the General Counsel's investigation reveals "reasonable cause to believe such charge is true and that a complaint should issue. . . ." The unfair labor practices subject to this provision include strikes or picketing to—

1. compel an employer to recognize one union when another has been certified by the Board as bargaining agent for the employees;
2. enforce a secondary boycott aimed at compelling any person to stop doing business with another;
3. force an employer other than the employer of the employees engaging in the strike or boycott to bargain with a union which has not been certified by the Board;
4. force an employer or self-employed person to join any labor or employer organization; or
5. compel employees to accept or an employer to recognize a union not certified by the Board as the employees' representative, except under certain limited circumstances (8(b)(7)).

The mandatory injunction provision of section 10(l) also applies to cases in which a union threatens, coerces, or restrains any person engaged in commerce or in an industry affecting interstate commerce to achieve any of the first four objects listed above. This injunction provision also applies to the making of a "hot cargo" or boycott agreement by an employer and a union. Such an agreement violates section 8(e) except under certain conditions in the building and construction and garment manufacturing industries.

However, there is a proviso that a restraining order shall not be sought against recognition or organizational picketing if a charge of

illegal assistance or domination of a labor organization has been filed against the employer involved and there is reasonable cause to believe that such charge is true.

DETERMINATION OF COLLECTIVE-BARGAINING REPRESENTATIVE

The Labor Management Relations Act follows the principle of majority rule in determining the representation of employees bargaining with their employer as a group. The representative may be an individual or a labor organization, but not a supervisor or other representative of an employer.

The Act requires that an employer bargain with the representative selected by a majority of his employees in a unit appropriate for collective bargaining.

The Act does not require that the representative be selected by any particular procedure, as long as the representative is clearly the choice of a majority of the employees.

As one method for employees to select a majority representative, the Act authorizes the Board to conduct representation elections. However, the Board may conduct such an election only when a petition has been filed by the employees or any individual or labor organization acting in their behalf, or by an employer who has been confronted with a claim of representation from an individual or labor organization.

Under the law, the Board may certify the choice of the majority of employees for a bargaining representative *only* after a secret-ballot election.

In a representation election, the employees are given a choice of one or more bargaining representatives or no representative at all. To be chosen as bargaining representative, a labor organization or an individual must receive a majority of the valid votes cast.

RIGHTS OF BARGAINING REPRESENTATIVE

Section 9(a) provides that the representative designated by a majority of employees in a unit appropriate for collective bargaining shall be the exclusive representative of the employees in bargaining. When a majority representative has been chosen, it is illegal for an employer to bargain with individual employees or minority groups. The statute states:

Representatives designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes, shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment.

ADJUSTMENT OF GRIEVANCES

However, section 9(a) which sets forth the rights of the bargaining representative also contains a proviso permitting employees to present grievances directly to the employer.

This proviso provides that:

. . . any individual employee or a group of employees shall have the right at any time to present grievances to their employer and to have such grievances adjusted, without the intervention of the bargaining representative, as long as the adjustment is not inconsistent with the terms of a collective-bargaining contract or agreement then in effect: Provided further, That the bargaining representative has been given opportunity to be present at such adjustment.

EMPLOYEE ELECTIONS

The Act provides for three general types of elections among employees:

1. *Representation elections* to determine the employees' choice of a collective-bargaining agent. These are held upon petition of an employer, employees, or a labor organization.
2. *Decertification elections* to determine whether or not the employees wish to withdraw the bargaining authority of a labor organization which they previously had designated as their representative. These are held upon petition of employees or labor organizations.
3. *Deauthorization* polls to determine whether or not the employees wish to revoke the authority of their bargaining representative to make a union-shop contract. These elections are held on petition of employees.

CONDUCT OF ELECTIONS

Elections may be held by agreement between the employer and the labor organization or individual claiming to represent the employees. Under such an agreement, the election is authorized and conducted by the NLRB regional director. If the parties are unable to reach an agreement, the Board has authority to order an election after a hearing.

The amended Act also authorizes the Board to delegate to its regional director its powers in contested cases to determine the appropriate bargaining unit, direct an election, and certify the results. The Act further provides that, upon request of an interested party, the Board may review any action of a regional director under such delegated powers, but Board review shall not operate to stay the regional director's action unless the Board specifically so orders.

Section 8(b)(7)(C) provides that, when a petition for an election is filed as a result of recognition picketing by an uncertified union, "the Board shall forthwith, without regard to the provisions of section 9(c)(1) or the absence of a showing of a substantial interest on the part of the labor organization, direct an election in such unit as the Board finds to be appropriate and shall certify the results thereof."

In petitioning for an election, a labor organization or individual seeking representation rights must show that at least 30 percent of the employees involved have indicated their support of such representation. This may be shown by authorization cards, petitions, or other means. But such a showing of interest is not required for an election under the recognition picketing provision of section 8(b)(7). An individual or group of employees petitioning to decertify an incumbent bargaining agent or deauthorize a union shop must also

make a showing that 30 percent or more appear to favor decertification or deauthorization.

An employer, however, has only to show that some labor organization has made a claim to represent his employees in order to obtain a representative election.

In contested election cases, the evidence and arguments of the parties are recorded at a public hearing conducted by an agent of the Board. The Board then makes its decision upon the basis of this record.

Only one valid representation election, whether for certification or decertification, may be held in a bargaining unit within any 12-month period.

Employees engaged in an economic strike (as distinguished from a strike caused by unfair labor practices) "who are not entitled to reinstatement shall be eligible to vote under such regulations as the Board shall find are consistent with the purposes and provisions of this Act in any election conducted within twelve months after the commencement of the strike." Economic strikers who have been replaced by bona fide permanent employees are not entitled to reinstatement.

UNIT OF EMPLOYEES APPROPRIATE FOR BARGAINING

The Board has the duty under the Act to determine what group of employees constitutes a unit appropriate for bargaining with their employer.

Such a unit may extend to one or more employers, or it may include one or more plants of the same employer, or it may be a subdivision of a plantwide unit such as a unit of skilled craftsmen, professional employees, plant guards, or clerical employees.

In determining whether or not a particular group of employees constitutes a proper unit for bargaining, the Board considers particularly the following factors:

1. Similarity of skills, wages, hours, and other working conditions among the employees involved.
2. Any history of collective bargaining.
3. Desires of the employees.

In addition, the Board may consider the extent to which the employees are organized, but the Act forbids the Board from making this a *controlling* factor.

Mutuality of interests among the employees is a prime determinant of the appropriate grouping of employees for bargaining. This is evidenced by (1) the similarity of their skills and working conditions, and (2) the unit grouping that the employees and the employer have followed in past bargaining over a substantial period, unless such units were clearly contrary to the Act or to Board rules and policies. This latter factor is known as "history of bargaining."

The Board's discretion in determining bargaining units is limited by provisions of section 9(b) that—

1. Professional employees may not be included in a unit of nonprofessional employees, unless a majority of the professional employees vote to be included.

[Broadly, the Act's definition of a professional employees covers lawyers, doctors, architects, engineers, and others who must have

completed "a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship . . ." (section 2(12)(a)).]

2. No craft unit may be held inappropriate on the ground that a different unit was established by a prior Board decision.

3. Plant guards, who enforce rules for the protection of property or safety on any employer's premises, may not be included with other employees.

The Act also forbids the Board from certifying a labor organization as the representative of a unit of guards or watchmen if it admits other employees as members, or if it is "affiliated directly or indirectly" with an organization admitting other employees to membership. The Board has held that employees who do guard work only part time may qualify as guards.

PROCEDURE IN REPRESENTATION CASES

Petitions for the holding of any type of election should be filed with the nearest NLRB regional office, which will provide the required forms.

In cases where the employer and the representative of the employees are unable to agree on conduct of the election, the regional director may order a public hearing. If the regional director declines to order such a hearing or dismiss the petition for election, any party may appeal directly to the Board in Washington, D.C.

THE UNION SHOP

The Act permits a union and an employer to make an agreement requiring all employees to join the union in order to retain their jobs, except in States where such agreements are forbidden by State law (section 8(a)(3) and section 14(b)).

The maximum form of such a union-security agreement permitted by the Act is a requirement that employees in the contract unit acquire membership in the contracting union within a "grade period" of 30 days following (1) their employment, or (2) the effective date of the contract, whichever is later, except in the building and construction industry. An agreement which provides a grace period of less than 30 days is invalid, but the Board has held that employees who are already members of the union need not be extended the 30 days' grace. In the building and construction industry, contracts may require employees to join the union after 7 days, counting from the beginning of their employment or the effective date of the contract, whichever is later.

For a union-security agreement to be valid, *all* of the following requirements must be met:

1. The contracting union must be free from employer domination or assistance within the meaning of section 8(a)(2).

2. The agreement must cover employees in an appropriate unit who have legally designated the contracting union as their representative, except in the building and construction industry.

3. The union's authority to make the agreement must *not* have been revoked by the employees voting in a union-shop deauthorization poll within the preceding year.

4. The agreement must contain an appropriate 30-day grace period for all employees who are not members of the union when it takes effect. The required grade period in the building and construction industry is 7 days.

However, under a valid union-security agreement, an employee may be discharged for lack of union membership only when it results in his failure to tender on time "the periodic dues and the initiation fees uniformly required."

"PRE-HIRE CONTRACTS" AND UNION SHOP IN CONSTRUCTION INDUSTRY

Section 8(f) provides that:

It shall not be an unfair labor practice under subsections (a) and (b) of this section for an employer engaged primarily in the building and construction industry to make an agreement covering employees engaged (or who, upon their employment, will be engaged) in the building and construction industry with a labor organization of which building and construction employees are members (not established, maintained, or assisted by any action defined in section 8(a) of this Act as an unfair labor practice) because

(1) the majority status of such labor organization has not been established under the provisions of section 9 of this Act prior to the making of such agreement, or

(2) such agreement requires as a condition of employment, membership in such labor organization after the seventh day following the beginning of such employment or the effective date of the agreement, whichever is later, or

(3) such agreement requires the employer to notify such labor organization of opportunities for employment with such employer, or gives such labor organization an opportunity to refer qualified applicants for such employment, or

(4) such agreement specifies minimum training or experience qualifications for employment or provides for priority in opportunities for employment based upon length of service with such employer, in the industry or in the particular geographical area:

Provided, That nothing in this subsection shall set aside the final proviso to section 8(a)(3) of this Act:

Provided further, That any agreement which would be invalid, but for clause (1) of this subsection, shall not be a bar to a petition filed pursuant to section 9(c) or 9(e).

(Section 9(c) provides for representation elections upon the petition of employees or a union or an employer. Section 9(e) provides for a referendum to rescind a union shop.)

LIMITATION ON DISCRIMINATION

The "final proviso" to section 8(a)(3) referred to in the first proviso above provides that—

no employer shall justify any discrimination against an employee for nonmembership in a labor organization

(A) if he has reasonable grounds for believing that such membership was not available to the employee on the same terms and conditions generally applicable to other members, or

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(B) if he has reasonable grounds for believing that membership was denied or terminated for reasons other than the failure of the employee to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership.

UNION-SHOP DEAUTHORIZATION

If a majority of employees wish to revoke a union shop, they may do so through a secret-ballot deauthorization referendum conducted by the Board. Section 9(e)(1) provides for the Board to conduct such a referendum whenever a petition is filed by 30 percent or more of the employees in a bargaining unit covered by a union-shop agreement.

NLRB STANDARDS FOR ASSERTING JURISDICTION

The standards in effect on August 1, 1959, were that the Board asserts jurisdiction over enterprises affecting interstate commerce which had the following annual business dealings:

1. Nonretail: $50,000 outflow and inflow, direct or indirect.
2. Office buildings: Gross revenue of $100,000 of which $25,000 or more is derived from organizations which meet any of the standards except the indirect outflow and indirect inflow standards.
3. Retail concerns: $500,000 gross volume of business.
4. Instrumentalities, links, and channels of interstate commerce: $50,000 from interstate (or linkage) part of enterprise, or from services performed for employers in commerce.
5. Public utilities: $250,000 gross volume, or meet standard 1 (nonretail).
6. Transit systems: $250,000 gross volume. [Except taxicabs, as to which the retail test ($500,000 gross volume of business) applies.]
7. Newspapers and communication systems: Radio, television, telegraph, and telephone: $100,000 gross volume. Newspapers: $200,000 gross volume.
8. National defense: Substantial impact on national defense.
9. Hotel-motel industry: Establishments with gross revenues of $500,000 a year, other than permanent or residential ones.
10. Business in the Territories and District of Columbia: D.C.—Plenary. Territories—Standards apply.
11. Associations: Regarded as single employer.
12. Employers who decline to furnish jurisdictional data if their operations affect interstate commerce to any extent.

Direct outflow refers to goods shipped or services furnished by the employer outside the State. Indirect outflow includes sales within the State to users meeting any standard except solely an indirect inflow or indirect outflow standard. Direct inflow refers to goods or services furnished directly to the employer from outside the State in which the employer is located. Indirect inflow refers to the purchase of goods or services which originated outside the employer's State but which he purchased from a seller within the State. Direct and indirect outflow may be combined and direct and indirect inflow may also be combined to meet the $50,000 requirement. However, outflow and inflow may not be combined.

In secondary boycott cases, jurisdiction is determined by combining the business of the primary employer with the business of the secondary employer at the location affected by the boycott.

Jurisdiction ordinarily is calculated on the business of the employer involved during the most recent calendar year.

In ordinary circumstances, the meeting of those gross dollar volume standards will necessarily entail activities "affecting commerce." But evidence of and a finding that the Board has legal jurisdiction is required in addition to proof that the gross dollar volume test is satisfied.

The Board has declined jurisdiction over racetracks and private hospitals.

NATIONAL EMERGENCIES

Labor Management Relations Act, 1947, Title II, Sections 206–210, U.S. Code 1952, Title 29, Sections 176–180

The Labor Management Relations Act of 1947 places special restrictions on actual or threatened strikes or lockouts which may result in a national emergency. In order for such a work stoppage or threatened stoppage to be subject to these restrictions it must affect an entire industry or a substantial part of an industry that is engaged in trade, commerce, transportation, or communication in interstate or foreign commerce, or in the production of goods for such commerce provided that in each case the national health or safety would be imperiled.

If the President is of the opinion that such an actual or threatened strike or lockout will imperil the national health or safety, he is authorized to appoint a board of inquiry to investigate and report on the issues involved without making any recommendations. One copy of the report is to be filed with the Federal Mediation and Conciliation Service and the contents made public.

After receiving the report of the Board, the President may direct the Attorney General to ask for an injunction from a Federal district court having jurisdiction of the parties to the dispute. If the court finds that the threatened strike or lockout in such an industry will imperil the national health or safety, it may grant an injunction without regard to the provisions of the Norris-LaGuardia Act. In addition the court may issue whatever orders are deemed appropriate.

After the injunction is issued the parties to the dispute are required, during the next 60 days, to try to settle their differences with the assistance of the Federal Mediation and Conciliation Service. During the same time the President is authorized to reconvene the Board of Inquiry. At the end of the 60-day period, a further report is required to be made by the Board to the President which he must make available to the public. The report must include a statement of the employer's last offer of settlement.

Within 15 days, following the end of the 60-day period, the National Labor Relations Board must hold an election to determine whether the employees involved in the dispute wish to accept the final offer of settlement made by their employer. The results of the election are then certified to the Attorney General who must request the court to discharge the injunction. After the court has granted this request, a report of the entire proceedings must be made to Congress by the President with such recommendations as he desires to make.

SUITS BY AND AGAINST LABOR ORGANIZATIONS

Labor Management Relations Act, 1947, Title III, Sections 301, 303, U.S. Code 1952, Title 29, Sections 185, 187

Suits for violations of contracts between an employer and a labor organization representing employees in an industry affecting interstate commerce are permitted in the Federal district courts. A union in an industry affecting interstate commerce can sue or be sued as an entity. However, if a money judgment is obtained against a union it is enforceable only against union assets—not against assets of individual union members.

In addition any person injured in his business or property as a result of certain listed activities of a labor union in an industry affecting interstate commerce, has a right to sue the union and to recover damages. Generally speaking these activities are limited to boycotts, sympathy strikes, and jurisdictional strikes. The same activities are unfair labor practices under section 8(b)(4) of Title I of the Labor Management Relations Act.

POLITICAL CONTRIBUTIONS

Labor Management Relations Act, 1947, Title III, Section 304, as amended, U.S. Code 1952, Title 18, Section 610

Corporations and labor organizations are forbidden to make any contribution or expenditure in connection with an election to Federal office. This includes primary elections, political conventions, or caucuses held to select candidates for a political office. It also applies to Presidential and congressional elections and to elections for delegates and resident commissioners to Congress from the Territories.

The U.S. Department of Justice is charged with prosecuting violators. Corporations or labor unions are subject to a fine of not more than $5,000, and labor and corporation officials may be punished by a fine of not more than $10,000 and imprisonment for not more than 2 years, or both.

Federal Mediation and Conciliation Service

Labor Management Relations Act, 1947, Title II, Sections 201–205, United States Code 1952, Title 29, Sections 171–175

The Federal Mediation and Conciliation Service is an independent agency of the Federal Government. The policies of the Service are specified in Title II of the Labor Management Relations Act, 1947, as amended. Parties to labor disputes affecting commerce among or between the several States and within the District of Columbia and the Territories are encouraged to settle these disputes through their own processes of conference and collective bargaining. Should a dispute threaten to cause a substantial interruption of commerce, the Service may assist the parties in settling the dispute by making available its facilities of conciliation, mediation, and voluntary arbitration. It has no power or desire to compel settlement. The parties have a statutory obligation, however, to "participate fully and promptly in such meetings as may be undertaken by the Service under this Act for the purpose of aiding in a settlement of the dispute."

There is also a statutory requirement that no party to a collective bargaining contract shall terminate or modify such contract unless the party desiring such termination or modification serves a written notice upon the other party. This written notice must be served 60 days prior to the expiration date, or, if none, to the time of such termination or modification. The party desiring such changes must also offer to bargain collectively, and must notify the Federal Service as well as appropriate State or Territorial mediation agencies within 30 days after such notice to the other party that an unsettled dispute exists. A suggested form of notice to mediation agencies is available at the regional offices of the Federal Service.

Disputes having only a minor effect on interstate commerce are not mediated by the Federal Service if State or other conciliation services are available to the parties. Grievance disputes arising over the application or interpretation of an existing collective bargaining agreement are not mediated unless a work stoppage is imminent in an essential industry. A final adjustment by a method agreed upon between the parties is encouraged. The Service will supply a panel of qualified arbitrators, upon request, from which the parties may select the arbitrator whose decision will finally adjust the grievance. The arbitrator is paid by the parties. He is expected to conform with the procedures and policies of the Service as outlined in a pamphlet which is available in the regional offices of the Service.

The functions and duties of the Federal Mediation and Conciliation Service are administered by a staff of commissioners working under the supervision of eight regional directors. Each regional director is responsible in his geographical area for the execution of the functions and policies of the Service, under the direction of the director of the Service. The director is appointed by the President, with the advice and consent of the Senate, and is assisted by a small staff in Washington, D.C.

Labor-Management Reporting and Disclosure Act of 1959

Act of September 14, 1959, Public Law 86–257, 86th Congress, 1st Session

This law is based upon Congressional finding of a need "to eliminate or prevent improper practices on the part of labor organizations, employers, labor relations consultants, and their officers and representatives which distort and defeat the policies of the Labor Management Relations Act, 1947, as amended, and the Railway Labor Act, as amended."

The Act is made up of seven titles, in addition to definitions, findings, and a statement of policy.

Title I is called the Bill of Rights of Members of Labor Organizations and sets forth certain basic rights which Congress believed should be guaranteed to members by Federal law. Members may enforce these rights by bringing suits in Federal district courts.

Titles II through VI deal primarily with the following: Reporting by labor organizations, by officers and employees of labor organizations, by employers, and by labor relations consultants; prevention of abuses in union trusteeships; standards for union elections; safeguards for labor organizations; and (in Title VI) certain miscellaneous provisions. The Secretary of Labor has varying administrative

and enforcement responsibilities under these titles. In addition, Titles II through VI contain a number of criminal provisions which involve enforcement responsibilities of the U.S. Department of Justice.

Title VII contains amendments to the Labor Management Relations Act, 1947, which involve matters administered by the National Labor Relations Board, an independent agency not part of the Department of Labor.

Where Government participation is provided for in Titles II through VI of the law, dealing with the administration of reporting requirements, regulation of union trusteeship and elections, and certain miscellaneous provisions, this function is performed generally by the Secretary of Labor. The Secretary exercises his authority through the Bureau of Labor-Management Reports headed by a Commissioner. The Commissioner, appointed by the Secretary of Labor, and the Bureau are under the general direction and control of the Assistant Secretary of Labor for Labor-Management Relations.

Some of the provisions of the law depend for enforcement upon civil actions brought by the union members themselves; others, upon criminal prosecution, or upon civil action brought by the Secretary of Labor. The Secretary has direct authority to investigate violations, except of Title I and of the provisions amending other statutes.

COMPLAINTS FILED

Since the Act authorizes the Secretary of Labor to make investigations of violations of Title II through Title VI (except for section 505), complaints involving noncompliance with those provisions should be brought to the attention of the United States Department of Labor. Complaints of violations of the Title I rights, except for the right to obtain copies of collective bargaining agreements, must be enforced by civil suits brought by the affected union members themselves. Complaints of violations of Title VII, which contains amendments to the National Labor Relations Act, should be made to the National Labor Relations Board. Complaints of violation of section 505 should be made to the local United States Attorney.

COVERAGE

The first six titles of this Act generally have broader coverage than the National Labor Relations Act. All labor organizations engaged in an industry affecting commerce (except those comprised solely of employees of Federal, State, and local governments or their subdivisions) are subject to these titles without regard to size. This includes conferences, committees, boards, or councils subordinate to national or international unions, and both railroad and airline unions. Unlike the National Labor Relations Act, the definition of "employee" includes railroad workers, certain agricultural workers, supervisors, and specifically, persons whose work has ceased because of a current labor dispute, of any unfair labor practice, or of exclusion or expulsion from a labor organization in any manner or for any reason inconsistent with the requirements of the Act. Similarly, employers subject to the Railway Labor Act, and therefore not covered by the National Labor Relations Act, are subject to the pertinent

provisions of the Labor-Management Reporting and Disclosure Act of 1959. Certain provisions of the Act also apply to labor relations consultants and others who receive compensation for advising or representing an employer or union in relation to organizing, bargaining, or other concerted activities.

UNION MEMBER RIGHTS (TITLE I)

Title I of the law establishes a Federal "Bill of Rights" for union members, as follows:

1. Equal right to attend, participate in, and vote at meetings and elections, subject to reasonable union rules;
2. Freedom to meet and assemble with other members, to express any arguments or opinions, and to voice views upon candidates and business properly before a meeting. This freedom is subject to reasonable union rules pertaining to the conduct of union meetings and does not impair the right of a labor organization to assure responsible conduct of its members and responsible discharge of the organization's legal and contractual obligations;
3. Protection from increases in union dues or the imposition of assessments except where specified procedures are followed e.g. in local unions by secret ballot at a membership meeting, or by membership referendum; by secret ballot in national unions, by a convention, secret-ballot membership referendum or, where authorized, governing body;
4. Protection of the right to testify, to communicate with legislators, and to bring suit after using reasonable organizational remedies, for appropriate relief when unions infringe the rights of members;
5. The right to obtain copies of collective bargaining agreements and to be informed by the unions of the rights granted by this law, the right to obtain bargaining agreements being enforceable by the Secretary of Labor (this right extends to all employees affected by the agreement); and
6. The right to notice and a fair hearing before any disciplinary actions, except discipline for nonpayment of dues.

Existing rights under Federal and State laws are preserved for union members. Any person whose rights secured by Title I have been violated may bring an action for appropriate relief (including injunctions) in a United States district court.

REPORTING REQUIREMENT (TITLE II)

Union reports

Title II requires each labor organization to adopt a constitution and bylaws, and to file a copy of these documents with the Secretary of Labor along with an organizational report. An annual financial report covering the preceding fiscal year must also be filed with the Secretary.

The law requires the inclusion of the following information in the initial organization report:

1. Name of the organization.
2. Mailing address and any other address at which the organization maintains its principal office or keeps its records.

3. List of officers showing their names and their titles.

4. Initiation fees required, as well as fees charged to transferred members.

5. Fees for work permits required by the organization.

6. Regular dues or other periodic payments required of members.

7. These specific details on the procedures of the organization and the provisions made in its constitution and bylaws:

(*a*) What the qualifications and restrictions for membership are.

(*b*) How assessments are levied.

(*c*) What the provisions and procedures are for participation in insurance and other benefit plans.

(*d*) How the disbursement of union funds is authorized.

(*e*) What provisions and procedures the organization has for the audit of financial transactions.

(*f*) How regular and special meetings are called.

(*g*) How officers, stewards, executive board members, and any delegates to other bodies composed of labor organization representatives are selected.

(*h*) What method is used to discipline or remove officers or agents for breach of trust.

(*i*) How fines, and suspension or expulsion of members, are handled, including the grounds for such actions, and what the provisions and procedures are for hearings and appeals in such cases.

(*j*) How bargaining demands are authorized.

(*k*) How contract terms are ratified.

(*l*) How strikes are authorized.

(*m*) What the provisions and procedures are for issuing work permits.

Any change in this information as supplied in the initial report must be sent to the Secretary of Labor at the time the next annual financial report is made.

The financial report must include this information about the reporting labor organization and its financial affairs during the previous fiscal year:

1. Assets and liabilities at the beginning and end of the fiscal year.

2. Listing of receipts of any kind and where they came from.

3. Salaries, allowances, and other direct or indirect payments to each officer, irrespective of amounts, and also to each employee who received more than $10,000 in the aggregate during the year from the reporting organization and any other affiliated labor organization.

4. Listing of all loans (direct or indirect) made to any officer, employee, or member which aggregated more than $250 during the year to any one person. A statement must be included giving the purpose of each loan, the security furnished, if any, and what arrangements were made for repaying the loan.

5. Listing of all direct or indirect loans made to any business enterprise. A statement must be included giving the purpose of each loan, the security furnished, if any, and what arrangements were made for repayment.

6. Any other disbursements and the purposes for which they were made.

The above information is to be shown in the categories prescribed by the Secretary of Labor.

Reports of union officers and employees

Every officer and employee (other than an employee performing exclusively clerical or custodial services) of a labor organization must file a signed report with the Secretary of Labor listing the following "conflict of interest" transactions involving himself, his spouse or minor child:

1. Direct or indirect holdings of securities or other interests in a business whose employees his labor organization represents or actively seeks to represent and any income or other monetary benefit received from such business;

2. Transactions involving securities, loans to or from, or other interests in a business whose employees his labor organization represents or actively seeks to represent;

3. Any interest in or income from a business which deals substantially with an employer whose employees his labor organization represents or actively seeks to represent;

4. Any interest in or income from a business which has any commercial dealings with his labor organization;

5. Any business transaction or arrangement with an employer whose employees his organization represents or actively seeks to represent, except work performed and payments and benefits received as a bona fide employee and sales and services in the regular course of business at prices available to any of the employer's employees; and

6. Any payment from an employer or an employer's labor relations consultant except payments permitted by section 302 of the Labor Management Relations Act, 1947, as amended by this law.

Paragraphs (1) through (5) above do not require any employee to disclose bona fide investments in securities traded on a securities exchange registered as a national securities exchange under the Securities Exchange Act of 1934, or in shares in an investment company registered under the Investment Company Act of 1940, or in securities or a public utility holding company registered under the Public Utility Holding Company Act of 1935, or to report any income derived therefrom.

An officer or employee is not required to file a "conflict of interest" report unless he or his spouse or minor child has engaged in a trans action described.

Report of employers and labor consultants and other persons

Every employer must file with the Secretary of Labor a report as follows:

1. If he makes payments or loans of money, or other thing of value, including reimbursed expenses, or any promise or agreement for such payments or loans to any labor organization, union officer, agent, shop steward, or other union representative or employee. (Payments permitted under section 302(c) of the Labor-Management Relations Act are excepted, as are payments or loans made by any national or State bank, credit union, insurance company, savings and loan association, or other credit institution.)

2. If he pays any of his employees, or any group or committee of his employees, to get them to persuade other employees to exercise or not to exercise, or how they shall exercise, the right to organize and bargain collectively through representatives of their own choosing, unless the payment was disclosed to the other employees before or at the same time as it was made.

3. If the object of any employer expenditure is to interfere with, restrain, or coerce any employees in the exercise of their right to organize and bargain collectively through representatives of their own choosing.

4. If the object of any employer expenditure is to obtain information about the activities of employees or of a labor organization concerning a labor dispute in which he is involved, except when the information is to be used only for an administrative or arbitration proceeding or a criminal or civil judicial proceeding.

5. If he makes an agreement or arrangement with a labor relations consultant or other independent contractor or organization covering activities where an objective is to persuade employees to exercise or not to exercise, or how they shall exercise, the right to organize and bargain collectively through representatives of their own choosing.

6. If he makes an agreement or arrangement with a labor relations consultant or similar person or organization covering activities where an object is to obtain information about the activities of employees or of a labor organization in connection with a labor dispute involving the employer, except when the information is to be used only for an administrative or arbitration proceeding or a criminal or civil judicial proceeding.

7. If he makes any payment pursuant to any such agreements or arrangements.

Reports filed by employers must include:

1. A detailed statement of each covered payment, loan, promise, agreement or arrangement, showing its date and amount, and the name, address, and position, if any, in any firm or labor organization, of the person to whom it was made.

2. A full explanation of the circumstances of all such payments, and the terms of any agreement or understanding under which they were made.

Employers do not need to file reports concerning compensation paid to their regular officers, supervisors, or employees for their services as regular officers, supervisors, or employees. Also, employers are not required to file reports on the services of any person if such person *only* engaged or agreed to engage in the following activities: giving advice to the employer; representing the employer before a court, administrative agency, or arbitration tribunal; and engaging in collective bargaining on behalf of the employer with respect to wages, hours, or other conditions of employment.

Signed reports must also be filed with the Secretary of Labor by every person who agrees or arranges with an employer to undertake activities which have as an object, directly or indirectly:

1. To persuade employees to exercise, or not to exercise, or as to how they should exercise, the right to organize and bargain collectively through representatives of their own choosing.

2. To supply an employer with information on the activities of employees or a labor organization in connection with a labor dispute involving the employer, except information for use solely in conjunction with an administrative or arbitral proceeding or a criminal or civil judicial proceeding.

There are certain exceptions from these latter reporting requirements, as follows:

1. Reports are not required of regular officers, supervisors, or employees of any employer concerning the compensation they receive in connection with their work for such employer.

2. An attorney who is a member in good standing of the bar of any State need not report any information which is lawfully communicated to him in the course of a legitimate attorney-client relationship.

3. No person is required to make reports if he *only* engaged or agreed to engage in the following activities: giving advice to employers; representing employers before a court, administrative agency, or arbitration tribunal; and engaging in collective bargaining on behalf of employers with respect to wages, hours, or other conditions of employments.

Disclosure and enforcement

All reports are public information. They are subject to inspection by any person, and copies may be purchased by any person upon payment of a copying charge. Unions must make the reported information available to members, and permit members for just cause to examine any books and records necessary to verify the reports. Basic records to support all reports must be kept and preserved for at least five years. Criminal penalties are provided for wilfully falsifying, withholding, or destroying reports or other required information. When it appears that any person has violated or is about to violate Title II, the Secretary of Labor may bring a civil action in the proper Federal district court for appropriate relief, including an injunction.

The filing requirements of former sections 9 (f) and (g) of the National Labor Relations Act are repealed since they have been replaced by the new requirements of this law.

For copies of the reporting forms and instructions, write to the Bureau of Labor-Management Reports, U.S. Department of Labor, Washington 25, D.C.

TRUSTEESHIPS (TITLE III)

Under the Act trusteeships may be established over subordinate unions only in accordance with the constitution and bylaws of the supervisory body, and for one or more of the following purposes:

1. Correcting corruption or financial malpractice;

2. Assuring the performance of a collective bargaining agreement or other duties of a bargaining representative;

3. Restoring democratic procedures; or

4. Otherwise carrying out the legitimate objects of such labor organization.

Supervisory organizations must file special reports within thirty days of the establishment of a trusteeship or within thirty days after

September 14, 1959 in the case of trusteeship existing on that date, and must report semiannually thereafter.

In the initial report, these facts are to be included:

1. Name and address of the subordinate organization.
2. Date the trusteeship was established.
3. Detailed report of reason or reasons why the trusteeship was established or why it has been continued.
4. A statement of the extent to which members of the organization under trusteeship have any part in selecting delegates to represent them at union conventions or at other policymaking meetings.
5. A statement of the extent to which members of the trusteed organization take part in electing the officers of the labor organization which has assumed the trusteeship.
6. A complete account of the financial status of the trusteed organization at the time the trusteeship went into effect.

Up-to-date information on matters included in the initial report (except the information listed under No. 6) must be reported to the Secretary of Labor in semiannual reports each 6 months after the initial report is filed, for so long as the trusteeship remains in effect.

In addition, the supervisory organization must file on behalf of the subordinate organization the specific annual financial reports required by Title II.

In administering a trusteeship two practices are specifically prohibited. First, it is unlawful to count votes of convention delegates from the subordinate organization unless they were elected by secret ballot in an election where all members in good standing could participate. Second, transfer of any funds from a subordinate to a supervisory organization, except normal per capita taxes and assessments payable by other subordinate bodies, is also unlawful. The Act, however, does not prevent distribution of the subordinate union's assets in accordance with its constitution and bylaws upon its bona fide dissolution.

Generally, the means of enforcing trusteeship reporting requirements, and the criminal sanctions for improper reporting, parallel those available for the annual reports required by Title II. Civil suit to secure compliance with the trusteeship standards may be brought by any member, or by any subordinate body affected by violation of this title, as well as by the Secretary when he finds, as a result of a complaint in writing by a member of a subordinate organization or subordinate organization and after investigation, that there is probable cause to believe a violation has occurred. But when the Secretary files suit the court's jurisdiction is exclusive. A trusteeship is presumed valid for 18 months, from its establishment, after which the burden of proof is on the parent organization to justify its continuation.

ELECTIONS (TITLE IV)

This law requires national or international labor organizations, except federations of such organizations, to elect officers at least once every 5 years either by secret ballot among members in good standing, or at a convention of delegates chosen by secret ballot. Intermediate bodies are required to hold elections not less frequently than once every 4 years either by secret ballot among members in good standing

or by officers representative of such members who were chosen by secret ballot. Local labor organizations must elect officers by secret ballot among members in good standing at least once every 3 years. The Act includes the following standards for conducting elections:

1. Campaign literature must be distributed on equal terms for all candidates and lists of members under union security agreements must be made available for their inspection without discrimination;

2. Adequate safeguards must be provided to insure a fair election, including the right of any candidate to have an observer at the polls and at the counting of ballots;

3. A reasonable opportunity to nominate candidates must be provided;

4. Notice must be given by mail to each union member at least 15 days before an election;

5. No member is subject to disqualification as a voter or candidate by reason of default or delay in paying dues checked off by an employer; and

6. Use of union dues, assessments and similar levies by a labor organization and use of any moneys of an employer to promote the candidacy of any person is prohibited.

Elections required by the Act must be conducted in accordance with each organization's constitution and bylaws unless these provisions are inconsistent with the Act.

In convention and membership elections, ballots and other election records must be preserved for one year. If the Secretary finds, after a hearing upon application by a member, that the procedures for removal of elected local union officers guilty of serious misconduct are not adequate, members may then, for cause shown and after notice and hearing, remove any such officer by membership vote in a secret ballot election conducted by the officers of the local union.

A member of a labor organization who has a complaint concerning an election or removal requirement must first use the remedies available within the union to secure relief. If these union remedies have been exhausted or a final decision has not been issued within three months after invoking such remedies, a complaint may be filed with the Secretary of Labor. A challenged election is presumed valid until a final decision is made. If the Secretary, after investigation finds probable cause to believe a violation has occurred, which has not been remedied, he may bring suit in the district court and if the court finds that an election has not been held within the prescribed time or that a violation occurred that may have affected the outcome of the election, the court shall direct the conduct of a new election or procedure for the removal of officers under the supervision of the Secretary.

FIDUCIARY RESPONSIBILITIES (TITLE V)

Officers, agents, shop stewards or other representatives of labor organizations, are declared by this law to occupy positions of trust, requiring them to hold and use money and property of the organization solely for the benefit of the members and in accordance with the constitution and bylaws of the organization. Whenever any person is alleged to have violated these duties and the union, upon request, fails to sue or secure appropriate relief within a reasonable time after

the request, any member may sue for an accounting or other appropriate relief, including the recovery of profits which might have been secured through activities in violation of fiduciary duties. The law also makes it a Federal crime for an officer or employee to embezzle, steal or convert to his own use union funds.

To protect the interests of members, all officers, agents, and employees of unions with property and annual receipts in excess of $5,000, who handle funds or property, must be bonded in an amount equal to ten percent of the funds handled during the preceding fiscal year but not in excess of $500,000. Persons serving in similar capacities in trusts in which a union is interested are subject to the same requirement.

The Act also prohibits loans in an aggregate amount of more than $2,000 by a union to an officer or employee and prohibits unions and employers from paying the fine of any of their officers or employees convicted of willfully violating the Act.

Prohibitions against certain persons holding union office

A person may not serve as an officer, director, trustee, manager, business agent, organizer or other employee (other than an employee performing exclusively clerical or custodial duties), as a labor relations consultant, or as a representative for a group of employers dealing with a union, during, or within five years after termination of, membership in the Communist Party, or within 5 years after conviction or imprisonment for certain enumerated crimes, unless citizenship rights are restored, or unless the Board of Parole of the Department of Justice has determined the suitability of persons convicted of such felonies to serve. In addition, the labor organization or its officers may not knowingly permit a person ineligible for these reasons to hold office.

Improper payments and fees

The Labor-Management Reporting and Disclosure Act tightens and clarifies the prohibitions in section 302 of the Taft-Hartley Act concerning employer payments and loans to employee representatives.

Under Section 302, as amended, employers are prohibited, with certain exceptions, from making any payment or loan to:

1. Any representative of the employer's employees;
2. Any labor organization or any officer or employee thereof which represents, seeks to represent, or would admit to membership employees of the employer;
3. Employees, or committees or groups of employees, to cause them to influence other employees in the exercise of their rights to bargain collectively;
4. Officers or employees of unions with intent to influence official actions.

Among the exceptions are: compensation for services as an employee, payments in satisfaction of legal claims, payments with respect to sales or purchases at the prevailing market price, transmittal of checked-off dues properly consented to by the employee, and payments to certain health and pension trusts.

The amendment also makes clear that these prohibitions do not extend to employer payments to jointly administered funds for employees' vacations, apprenticeship or other training programs, severance, holiday or similar benefits.

This section also makes it unlawful for any labor organization, or for any person acting as an officer, agent, representative, or employee of such labor organization, to demand or accept from the operator of any motor vehicle employed in the transportation of property in commerce or from the operator's employer any money or other thing of value payable to such organization or to an officer, agent, representative or employee thereof as a fee or charge for the unloading, or in connection with the unloading, of cargo from the vehicle. This prohibition does not affect payments by an employer to any of his employees as compensation for their services as employees.

TITLE VI (MISCELLANEOUS PROVISIONS)

1. The Secretary of Labor is granted express power, in order to determine whether any person has violated or is about to violate the provisions of the Act except Title I and amendments to other statutes, to investigate, to inspect records, and to question persons in order to ascertain the facts. For the purpose of investigations provided for in the Act, the provisions of sections 9 and 10 of the Federal Trade Commission Act (relating to attendance of witnesses, and production of documents) are made applicable to the jurisdiction, power and duties of the Secretary.

2. Criminal penalties are imposed for "extortionate picketing," i.e., picketing designed to extract money, other than for bona fide employee benefits, from an employer for the purpose of personal profit.

3. The obligations, rights, benefits, privileges or immunities under the Railway Labor Act, as amended, are not to be construed as impaired by the first six titles of the Act. In addition, nothing contained in these titles (with the exception of section 505 amending section 302 of the National Labor Relations Act, as amended) shall be construed as conferring any rights, privileges or defenses upon employers, or to impair or affect the rights of any person under the National Labor Relations Act, as amended.

4. Nothing in this Act, except as explicitly provided to the contrary, reduces or limits the responsibilities of any labor organization or any officer, agent, or other representative of a labor organization, or of any trust in which a labor organization is interested, under any other Federal law or State law. Similarly, nothing in the Act is to be interpreted as barring the current remedies of union members under State or other Federal law.

5. It is a crime for any person by force or violence to coerce or intimidate union members for the purpose of interfering with rights under this law. It is unlawful for any labor organization to discipline its members for exercising rights under this law.

Welfare and Pension Plans Disclosure Act

Act of August 28, 1958, U.S. Code 1958, Title 29, Sections 301–309

This law, which is a disclosure statute rather than a regulatory measure, places the duty on the administrator of every employee welfare and pension benefit plan, except those listed below, to publish a description of the plan and an annual report, if the plan is established or maintained (1) by any employer or employers engaged in commerce or in any industry or activity affecting commerce; (2) by

an employee organization or organizations representing employees engaged in commerce or in any industry or activity affecting commerce; or (3) by both.

The Act does not apply to—

(1) plans which cover not more than 25 employees;

(2) plans administered by the Federal Government or by State governments, by political subdivisions of a State, or by an agency or instrumentality of any of the foregoing;

(3) plans established or maintained solely for the purpose of complying with applicable workmen's compensation laws or unemployment compensation disability insurance laws;

(4) plans that are exempt from taxation under Section 501(a) of the Internal Revenue Code of 1954 and are administered as a corollary to membership in a fraternal benefit society described in Section 501(c)(8) or by organizations described in Sections 501(c)(3) (such as nonprofit charitable, religious and educational organizations) and 501(c)(4) (such as nonprofit civic organizations) of such Code.

The administrator, in order to comply with requirements for publishing this information, shall—

(1) make available, for examination in the principal office of the plan by a participant or beneficiary, copies of (a) the description of the plan (including all amendments or modifications thereto upon their effective dates) and (b) the latest annual report;

(2) upon written request, deliver to a participant or beneficiary a copy of the description (including all amendments or modifications thereto upon their effective dates) and a *summary* of the latest annual report, by mailing such documents to the last known address of the participant or beneficiary making the request;

(3) file two copies each of the plan description (including all amendments or modifications thereto) and the annual report with the Secretary of Labor.

The description of the plan is required to be filed within 90 days of the effective date of the Act (January 1, 1959) or within 90 days of the establishment of the plan, whichever is later. The annual reports must be published within 120 days after the end of the calendar year (or if the records are kept on a policy or other fiscal-year basis, within 120 days after the end of such policy or fiscal year).

The Secretary is required to make available for public examination in the public document room of the U.S. Department of Labor the plan descriptions and the annual reports, including copies of documents relating to the plan, submitted for filing with the Department.

In addition, the Secretary of Labor is directed to prepare forms for the descriptions of the plans and the annual reports required by the provisions of the Act. He is further directed to make such forms available to administrators on request.

Upon a showing of cause the Federal district courts shall have jurisdiction to enjoin violations of the publication requirements and to punish willful violations of the Act by fine of not more than $1,000 or imprisonment of not more than six months.

In addition, the Act provides for the recovery by a participant or beneficiary in a court of competent jurisdiction in the amount of $50 a day, at the discretion of the court, against any administrator of a plan who fails or refuses, within 30 days of a written request by such

participant or beneficiary, to make publication to this participant or beneficiary of the description of the plan or annual report containing the information required by the Act.

The Act further provides that the law containing criminal penalties for the making of false statements in any matter within the jurisdiction of any department or agency of the United States (18 U.S.C., Sec. 1001) shall be applicable to any description of a plan or any annual report which is sworn to under the Act.

Railway Labor Act

Act of May 20, 1926, as amended, U.S. Code 1952, Title 45, Sections 151–164 and 181–188

The Railway Labor Act governs the labor relations of railroads and airlines and their employees. The act makes it the mutual duty of carriers and employees to make and maintain agreements, guarantees and provides for the exercise of labor's collective-bargaining rights, and prescribes methods for the settlement of various types of disputes.

The act applies to all railroads, express companies and sleeping-car companies engaged in interstate commerce and their subsidiaries (such as refrigerator car companies, bridge companies, and others engaged in transport, transfer, or storage services), and to airlines engaged in interstate and foreign commerce and transportation of mail.

Two agencies administer the act:

The National Mediation Board in Washington, D.C., composed of three members appointed by the President, with the advice and consent of the Senate, handles disputes concerning (1) designation of representatives for collective bargaining purposes, (2) negotiation of changes in rates of pay and new or revised collective bargaining agreements, and (3) interpretation of agreements reached through mediation.

The National Railroad Adjustment Board in Chicago, Ill., is composed of 36 members, 18 of whom represent and are paid by the carriers, and 18 by the national railway labor organizations. Unlike the National Mediation Board, it has jurisdiction only over railway carriers and employees. It makes final and binding decisions in disputes growing out of grievances or the application and interpretation of existing agreements.

RIGHTS OF EMPLOYEES

Section 2 of the act states that: *Employees shall have the right to organize and bargain collectively through representatives of their own choosing.* Section 2 (3), (4), and (5) of the act, outlined below, which protect this right, are made a part of every collective agreement.

In order to protect workers in exercising this right, carriers are forbidden to do any of the following acts:

a. To deny or question the right of their employees to organize or to interfere with their organization (sec. 2(4)).

b. To use funds of the carrier in maintaining any labor organization or to pay any employee representative (sec. 2(4)).

c. To influence employees to join or not to join any labor organization (sec. 2(4)).

d. To require employees to sign any agreement promising to join or not to join any labor organization (sec. 2(5)).

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DETERMINATION OF COLLECTIVE BARGAINING REPRESENTATIVES

Section 2(3) of the act states that collective bargaining representatives *shall be designated by the respective parties without interference, influence, or coercion by either party over the designation of representatives by the other; and neither party shall in any way interfere with, influence, or coerce the other in its choice of representatives.*

It is specifically provided that employee representatives for collective bargaining shall not be required to be employees of the employer.

The act states that *the majority of any craft or class of employees shall have the right to determine who shall be the representative of the class or craft* (sec. 2(4)). While the Board has no power to establish crafts or classes of employees, it may designate who may participate in representation elections. Such determinations are usually made in the light of accepted practice in employee self-organization over a period of years.

Where any labor organization, committee, or employee representative asserts that a dispute exists concerning representation of employees for the purposes of the act, it is the duty of the National Mediation Board to investigate such a dispute and conduct an election by secret ballot or any other suitable method to determine who is the collective bargaining representative of the employees (sec. 2(9)). If a majority of the employees in a craft or class chooses an individual or a labor organization, the Board then issues a certification of that fact to the parties and the carrier.

The act was amended in 1951 to specifically provide (sec. 2(11)) that carriers and labor organizations may negotiate union shop and checkoff agreements.

Interference by carriers in the designation of employee representatives is a misdemeanor. Employees may also appeal to the Federal courts for an injunction to restrain the carrier from violating the act.

DUTIES OF CARRIERS AND EMPLOYEES TO BARGAIN COLLECTIVELY

Section 2(1) states: *It shall be the duty of all carriers, their officers, agents, and employees to exert every reasonable effort to make and maintain agreements concerning rates of pay, rules and working conditions, and to settle all disputes, whether arising out of the application of such agreements or otherwise, in order to avoid any interruption to commerce or to the operation of any carrier growing out of any dispute between the carrier and the employees thereof.*

Every carrier is required to file with the National Mediation Board a copy of every contract with its employees, as well as all changes when made.

PROCEDURE IN MAKING AND REVISING AGREEMENTS

The act provides for the following procedure in making and revising agreements:

a. *Notice.*—Carriers and employees alike are required to give at least 30 days' notice of any intended change in their collective bargaining agreements regarding rates of pay, rules, or working conditions, and within 10 days the time and place for a conference shall be agreed upon.

b. *Mediation.*—In case of a dispute not settled in conference, either party may request the mediation services of the National Mediation Board. The Board, at its discretion, may also proffer its services without a request.

c. *Arbitration.*—If mediation is unsuccessful, the Board shall endeavor to induce the parties to submit their controversy to arbitration. However, the act does not compel the parties to arbitrate. Arbitration boards, when agreed upon, may consist of 3 or 6 members, one-third of the number being appointed by each party to the dispute, who must then choose the remaining members. If they fail to do so within a time limit specified in the act, the Board appoints the neutral members. At the request of either or both parties, any arbitration board so established shall also have authority to pass on any dispute over the meaning or application of its award.

d. *Emergency Boards.*—Should arbitration be refused by either party and the dispute remain unsettled, and should it, in the judgment of the National Mediation Board, *threaten substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service* (sec. 10), the National Mediation Board is required to notify the President. The President may then, at his discretion, appoint an Emergency Board to investigate and report within 30 days. During this period, and for 30 days after the Board has made its report to the President, no change may be made in the conditions which gave rise to the dispute except by mutual agreement of the parties.

PROCEDURE IN DISPUTES ARISING OUT OF EXISTING AGREEMENTS ON RAILROADS

The National Mediation Board, on request of either party, will give interpretations of agreements reached through mediation. The following procedure is prescribed for all other instances of disputes arising out of agreements.

a. When disputes arise growing out of grievances or out of the interpretation or application of agreements, they shall be handled through the regular grievance procedure in the contract, up to and including the chief operating officer of the carrier.

b. If no adjustment is reached, either or both parties may petition the appropriate division of the National Railroad Adjustment Board, submitting a full statement of the facts and supporting data. The board is divided into four divisions, each representing the carriers and the labor organizations equally. Divisional jurisdictions are:

First Division—train, engine, and yard service employees.

Second Division—shop crafts.

Third Division—station, tower, telegraph, dispatching, clerical, store, maintenance-of-way, sleeping car, and dining car employees and signalmen.

Fourth Division—Marine service employees, and all other employees not included in the first three divisions.

c. The appropriate division may hold hearings if requested by either party and make an award.

d. If the division fails to agree and cannot itself agree on a referee, the National Mediation Board is required to appoint a referee to sit with the division and make an award.

e. Awards of the Adjustment Board are final and binding. If a carrier fails to comply with a money award, such as the payment of back pay, the employee or labor organization in whose favor it is made may apply to a United States district court for enforcement.

PROCEDURE IN DISPUTES ARISING OUT OF EXISTING AGREEMENTS ON AIRLINES

Airline carriers and their employees are required by the act to establish machinery for the adjustment of grievances as a part of their collective agreements.

MAINTENANCE OF THE STATUS QUO

While conferences on making or revising agreements are being held and while the National Mediation Board is acting in any dispute, the carrier may not alter rates of pay, rules, or working conditions.

POSTING NOTICES

All carriers covered by the act are required to post notices specified by the National Mediation Board stating that all disputes will be handled in accordance with the act, and reprinting sections of the act relating to the rights of employees.

PENALTIES

Violation by a carrier of the provisions outlined above regarding rights of employees, determination of collective bargaining representatives, giving notice of intended change of agreements, and posting notices, is a misdemeanor, punishable by a fine up to $20,000, imprisonment, or both. Claims of violations should be filed with the United States district attorney in the area where the violation occurred.

Anti-Injunction Act (Norris-La Guardia Act)

Act of March 23, 1932, U.S. Code 1952, Title 29, Sections 101–115, as modified by Act of June 23, 1947, U.S. Code 1952, Title 29, Sections 141–168 (Labor Management Relations Act, 1947)

The Anti-Injunction Act declares it to be a public policy that the worker shall have *full freedom of association, self-organization, and designation of representatives of his own choosing to negotiate the terms and conditions of his employment*, free from employer interference in these or other concerted activities for mutual aid or protection.

The act defines and limits the powers of the Federal courts to issue injunctions in labor disputes, in conformity with this policy.

YELLOW-DOG CONTRACTS

Employment contracts whereby a worker agrees not to join a union, or to resign if he is a union member (*yellow-dog contracts*), are declared contrary to public policy and unenforceable in Federal courts.

WHEN INJUNCTIONS MAY NOT BE USED

No Federal court may issue an injunction, temporary or permanent, in any case involving or growing out of a labor dispute, to prohibit any individual worker or group of workers acting in concert from doing any of the following acts, except as modified by the Labor Management Relations Act.:

1. Ceasing or refusing to work.
2. Joining or continuing membership in a union.
3. Aiding or refusing to aid financially or by other lawful means any person participating in or interested in a labor dispute.
4. Giving publicity to the existence of or the facts involved in any labor dispute whether by advertising, speaking, patrolling, or by any other method not involving fraud or violence.
5. Assembling peaceably to act or to organize to act in promotion of their interests in a labor dispute.
6. Advising or notifying any person of intent to do any of the above, agreeing or refusing to do any of the above, or inducing others to do any of the above acts, without fraud or violence.

The act defines a labor dispute as any dispute over terms and conditions of employment or matters of employee representation in collective bargaining, even though the persons involved are not in the relation of employer and employee.

WHEN INJUNCTIONS MAY BE ISSUED

Except as otherwise indicated below, a Federal court may issue a temporary or permanent injunction in cases involving or growing out of a labor dispute only after hearing the testimony of witnesses in open court with opportunity for cross-examination. Such hearings shall be held only after personal notice to all known persons involved including the public officers responsible for protecting the complainant's property.

The court must also find that—

1. Unlawful acts have been threatened and will be committed unless restrained or have been committed and will be continued unless restrained;
2. Substantial and irreparable property damage will follow;
3. Greater injury will result to the complainant from denying the injunction than to the defendant from granting it;
4. The complainant has no adequate remedy at law;
5. Public officers are unable or unwilling to furnish adequate protection;
6. The complainant has complied with every legal obligation involved in the dispute and has made every reasonable effort to settle the dispute by negotiation or with the aid of available governmental machinery.

The injunction or temporary restraining order may be issued only against the person or persons, association, or organization making the threat or committing the unlawful act or actually authorizing or ratifying the act.

Exception.—Under special circumstances a Federal court may issue a temporary restraining order for a maximum of 5 days without an

open court hearing, on the basis of sworn testimony sufficient to sustain a temporary injunction issued on hearing after notice, and on condition that the complainant posts a bond.

ISSUANCE OF INJUNCTIONS IN SPECIAL CASES

Temporary or permanent injunctions may be issued by Federal courts without regard to the above provisions of the act, even though a labor dispute may exist, in the following instances: (1) Where an injunction is properly sought by the National Labor Relations Board pending the determination of an unfair labor practice proceeding, (2) in cases where the Board seeks to enforce an order issued by it or an aggrieved party desires to contest the Board's order, or (3) where, in the case of a threatened or actual strike affecting an industry engaged in interstate commerce which would imperil the national health or safety, the Attorney General of the United States requests an injunction. The act does not affect the jurisdiction of Federal courts to issue injunctions in labor disputes between the United States and its employees.

Anti-Strikebreaker Law (Byrnes Act)

Act of June 24, 1936, as amended, U.S. Code 1952, Title 18, Section 1231

The Anti-Strikebreaker Law makes it a felony to transport in interstate commerce any person employed for the purpose of interfering by force or threats with—

a. Peaceful picketing by employees during any labor dispute affecting wages, hours, or working conditions; or

b. Exercise of employee rights of self-organization or collective bargaining.

The act applies to persons who willfully transport others or cause others to be transported, and to persons knowingly transported for these purposes. It does not apply to common carriers.

The U.S. Department of Justice is charged with prosecuting violators, who are subject to a maximum fine of $5,000, imprisonment up to 2 years, or both.

Anti-Racketeering Law (Hobbs Act)

Act of June 18, 1934, as amended, U.S. Code 1952, Title 18, Section 1951

The Anti-Racketeering Law makes it a felony to *obstruct, delay, or affect commerce, or the movement of any article or commodity in commerce, by robbery or extortion.*

The act also makes it a felony to act in concert with others to do anything in violation of the above, or to participate in any attempt at such violation, or to commit or threaten physical violence to any person or property in furtherance of any plan to commit such violation.

The provisions of the Anti-Injunction Act, Railway Labor Act, and National Labor Relations Act are specifically preserved.

The U.S. Department of Justice is charged with prosecuting violators, who are subject to a maximum fine of $10,000, imprisonment for a maximum of 20 years, or both.

Unlawful Practices in Radio Broadcasting (Lea Act)

Act of April 16, 1946, U.S. Code, 1952, Title 47, Section 506

This act prohibits certain types of coercive labor practices in the radio industry. These practices usually consist of attempts to compel a radio station to employ more persons than are needed or to restrict the use of recorded or other types of programs. The act makes it a criminal offense for any person to use or threaten to use force, violence, intimidation, duress, or other means to compel any radio station to employ or agree to employ more employees than are needed, or to make any extra payment in place of hiring additional employees.

It is also made unlawful to use similar pressures to compel a radio station to pay or agree to pay more than once for services performed or to pay for services which were not performed, or to refrain from broadcasting noncompensated, noncommercial, educational and cultural programs or programs of foreign origin. In addition, the act prohibits similar pressure upon any person to exact payment for using recordings, transcriptions, reproductions, or other materials used for broadcasting, to restrict the manufacture and use of recordings and transcriptions, or to exact payment for using transcription of programs previously broadcast and paid for.

The U.S. Department of Justice is charged with prosecuting violators who are subject to a maximum fine of $1,000 or imprisonment for not more than 1 year, or both.

II. WAGES, HOURS AND WORKING CONDITIONS

Fair Labor Standards Act (Wage and Hour Law)

***Act of June 25, 1938, as amended. U.S. Code 1958, Title 29, Sections 201 et. seq., as amended by Public Law 87–30, 87th Congress, 1st Session; and as affected by the "Portal-to-Portal Act of 1947", U.S. Code 1958, Title 29, Sections 251–262, and Reorganization Plan No. 6 of 1950 15 F.R. 3174; 64 Stat. 1213*).**

The Fair Labor Standards Act of 1938, as amended—popularly known as the Federal Wage and Hour Law—is administered by the Secretary of Labor through the Administrator of the Wage and Hour and Public Contracts Divisions. This law establishes minimum wage, overtime pay, and child labor standards for employment subject to its provisions.

Since the law was passed in 1938, these standards have been generally applicable to employees who engage in interstate or foreign commerce or in the production of goods for such commerce. Pursuant to the act's 1961 amendments, they are also generally applicable to other employees in certain large enterprises engaged in such commerce or in the production of goods for such commerce, as defined in the act.

BASIC WAGE AND HOURS STANDARDS

Persons whose employment is subject to the act without regard to the 1961 amendments must be paid not less than $1.15 an hour beginning September 3, 1961, and $1.25 an hour on and after September 3, 1963. (The minimum wage rate prior to the 1961 amendments was $1 an hour). Also, unless exempt, such employees must be paid overtime compensation at not less than one and one-half times their regular rates of pay for hours worked over 40 in any workweek.

Employees to whom the act's protection is extended by the 1961 amendments (by expansion of its coverage or changes in certain exemptions) must be paid not less than the minimum wages for hours worked and not less than one and one-half times their regular rates of pay for overtime, as shown in the following schedule:

Beginning September 3, 1961—$1 an hour for all hours worked (no overtime pay required);

Beginning September 3, 1963—$1 an hour and overtime after 44 hours a week;

Beginning September 3, 1964—$1.15 an hour and overtime after 42 hours a week;

On and after September 3, 1965—$1.25 an hour and overtime after 40 hours a week.

The act applies to all covered workers (unless specifically exempt . . . male and female, whether employed in a factory, office, or at home . . . . It does not limit the number of hours of work in a day or in a week . . . . It does not require payment for days or hours not worked, such as holidays, vacations, or sick leave . . . . It does not provide for different rates of pay for work on Saturdays, Sundays, or holidays, as such.

EXCEPTIONS TO THE STATUTORY RATE

The minimum wages specified under the act apply to all covered workers, irrespective of age or sex. Under certificates issued by the Secretary of Labor, rates below the statutory minimum may be paid to certain learners, messengers, apprentices, handicapped workers. Such certificates may also be issued for the employment of full-time students by retail or service establishments outside their school hours, provided this employment is of a type not normally given to a full-time employee.

Rates below the statutory minimum may be set for employees in industries in Puerto Rico, the Virgin Islands, and American Samoa by the Secretary of Labor pursuant to the recommendation of industry committees equally representing labor, management, and the general public. The act requires that each of the rates be reviewed at least once during each biennial period. The act's 1961 amendments contain provisions under which the rates applicable to employees already protected by the act in Puerto Rico or the Virgin Islands will be increased 15 percent, the same increase applicable to mainland industries, unless an appeal is made. Two years after the first increase in the wage rate in any industry has become effective, the rate will be further increased by an amount equal to 10 percent of the rate in effect at the time of the enactment of the amendments. However, such rate shall not exceed the amount applicable to mainland industries, and no rate applicable in these islands which has been in effect for less than 1 year will be increased until a full year has passed. Procedures are provided under which the percentage increases may be superseded upon the basis of recommendations of a review committee under certain circumstances. Provision is also made for setting the initial minimum rate pursuant to recommendations of a special industry committee for employees on the islands to whom protection is newly extended by the 1961 amendments.

With respect to employees in American Samoa, the 1961 amendments provide that in lieu of the statutory rates, these employees shall be paid the applicable rate established by the Secretary of Labor pursuant to the recommendations of a special industry committee or committees appointed in the same manner as provided for Puerto Rico and the Virgin Islands.

WORKERS WHO ARE COVERED

The Federal Wage-Hour Law, since 1938, has applied to employees who are engaged in interstate or foreign commerce or in the production of goods for such commerce. Under the act's 1961 amendments, these workers continue to be covered, except as otherwise provided in the act. They are more specifically described as follows:

Employees "engaged in interstate or foreign commerce" include workers in the telephone, telegraph, radio, television, and transportation industries; those who build, maintain, and repair highways, railroads, and airfields or service vehicles or equipment used in interstate commerce; employees in distributing industries, such as wholesaling, who handle goods moving in interstate commerce as well as workers who order, receive, or keep records of such goods; clerical and other workers who regularly use the mails, telephone or telegraph for interstate communication; employees of businesses such as banks, insurance companies, and advertising agencies, that regularly utilize the channels of interstate commerce in the course of operations; and employees who regularly travel across State lines while working.

Employees "engaged in the production of goods for interstate or foreign commerce" include those who work in manufacturing, processing, and distributing establishments, and in mines, oilfields, and quarries that produce goods for interstate or foreign commerce. This means everyone, including office, management, sales, and shipping personnel, and maintenance, custodial, and protective employees, whether they are employed by the producer or intermediary. Employees may be covered even if their firm does not ship its goods directly in such commerce. The goods may leave the State through another firm. The workers may produce goods which become a part or ingredient of goods shipped in interstate or foreign commerce by another firm. Also covered are workers who are engaged in a closely related process or occupation directly essential to the production of such goods. Their employers may supply such items as machinery, fuel, or utilities to firms for producing goods for, or engaging in, such commerce.

Employees brought under provisions of the act for the first time by the 1961 amendments include (*a*) employees employed in enterprises engaged in commerce or in the production of goods for commerce which are specified and defined in the amended act, and (*b*) employees for whom a previous specific exemption from the minimum wage or overtime pay provisions, or both, was terminated by the amendments.

(*a*) Under the 1961 amendments, provisions of the act are extended to all employees, not specifically exempt, who are employed in certain enterprises. In addition to continuing coverage under previous provisions of the Act which the amendments did not change, coverage is extended by the amendments to all other employees employed in an enterprise (as defined in section 3(r) of the act) if—

(1) there are, in the activities of the enterprise, employees engaged in interstate or foreign commerce or in the production of goods for interstate or foreign commerce, including employees handling, selling, or otherwise working on goods that have been moved in or produced for such commerce by any person, and if—

(2) such enterprise is one which—

(*i*) has one or more retail or service establishments and an annual gross sales volume of $1,000,000* or more, and procures at least $250,000 annually of goods for resale that move or have moved across State lines, or

(*ii*) is engaged in the business of construction or reconstruction and has an annual gross volume of $350,000 or more from its business, or

(*iii*) is a gasoline service establishment which has an annual gross sales volume of $250,000* or more, or

(*iv*) is engaged in urban or interurban transit operations and has an annual gross sales volume of $1,000,000* or more, or

(*v*) is an establishment of any other such enterprise, where the establishment has some employees engaged in interstate or foreign commerce or in the production of goods for such commerce and the enterprise has an annual gross sales volume of $1,000,000 or more.

The act provides that none of the above enterprises will include any establishment which has as its only employees the owner, his spouse, parents, or children.

(*b*) In addition, certain existing exemptions have been changed to bring under the minimum wage provisions of the act seamen on American vessels, and employees engaged in (onshore) processing and other specified operations on fish, shellfish, and other aquatic forms of animal or vegetable life. Also, both the minimum wage and overtime requirements have been made applicable to certain switchboard operators and employees in a local retailing capacity.

PREVIOUSLY AND NEWLY COVERED EMPLOYMENT IN THE SAME ENTERPRISE

It is possible for employees in both groups (those covered under previously applicable provisions and those newly covered by the amendments) to be employed in the same enterprise. For instance, employees in the central warehouse and central office of a retail chain were previously covered by the pay provisions of the act and therefore must be paid not less than $1.15 an hour beginning September 3, 1961, with overtime after 40 hours in a workweek. However, employees in an individual retail store of the chain who become subject to the act on September 3, 1961, need be paid only the $1 an hour minimum wage until September 3, 1964, and no overtime is required for them until September 3, 1963.

ENTERPRISE

An enterprise is defined in the act to mean the related activities performed, either through unified operation or common control, by any person or persons for a common business purpose. The enter-

*Indicates dollar volume exclusive of excise taxes at the retail level which are separately stated.

prise includes all such activities whether performed in one or more establishments or by one or more corporate or other organizational units. Thus, where there is unified operation or common control of related activities performed for a common business purpose in departments of an establishment operated through leasing arrangements, the activities performed in the leased departments are included in the enterprise. On the other hand, the related activities performed for the enterprise by an independent contractor are not so included.

Where an enterprise may be considered to consist only of the activities of a particular retail or service establishment, the act provides some special rules. If such an establishment is under independent ownership, it will not be considered to be so operated or controlled as to be other than a separate and distinct enterprise merely because its place of business and the separate premises occupied by other retail or service establishments are leased from the same lessor. Nor will such a result follow merely because of an arrangement to sell, or sell only, goods specified by a particular manufacturer, distributor, or advertiser, or to join with other such establishments in the same industry for the purpose of collective purchasing, or to have an exclusive right to sell the goods or use the brand name of a manufacturer. distributor, or advertiser within a specified area.

WORKERS WHO ARE EXEMPT

The act specifies a number of exemptions from its minimum-wage and overtime requirements. Some of these exemptions apply to both minimum-wage and overtime-pay provisions, and some apply to overtime provisions only. (See below for different, limited exemptions which apply to the child-labor provisions.)

Workers in agriculture as defined in section 3(f) of the act are exempt from the minimum-wage and overtime provisions of the act.

The 1961 amendments remove from the act's retail or service establishment exemption workers employed by such establishments which are in an enterprise brought under the act for the first time by the amendments. However, the exemption continues to apply to any retail or service establishment having annual sales of less than $250,000. All workers employed by a retail or service establishment having sales of less than this amount—including those workers who individually may be engaged in interstate commerce activities—are exempt from the act's minimum-wage and overtime provisions. Except as noted above, the retail or service establishment exemption applies to workers employed in local establishments such as grocery stores, variety stores, department stores, drugstores, barber shops, and beauty parlors. Certain other retail or service establishments are exempt even if they meet the new test for coverage provided in the 1961 amendments. Including in this category are hotels, motels, restaurants, motion picture theaters, and hospitals; schools for physically or mentally retarded or gifted children; institutions which are primarily engaged in the care of the sick, aged, mentally ill, or defective residing on the premises; and amusement or recreational establishments operated on a seasonal basis. A minimum-wage and overtime exemption is also provided for employees of retail or service establishments primarily engaged in selling autos, trucks, or farm implements. Employees of

certain laundries and drycleaning establishments are similarly exempt irrespective of the volume of their employer's business.

Other minimum-wage and overtime exemptions under the act, as of the effective date of the 1961 amendments (September 3, 1961), are as follows:

The so-called white collar exemptions provide minimum-wage and overtime exemptions for employees engaged in bona fide "executive," "administrative," "professional," and "outside salesman" capacities, as defined in regulations issued by the Department of Labor. Among others, supervisors may be found exempt as "executive" employees under these regulations.

There are also both minimum-wage and overtime exemptions for seamen on other than American vessels; for employees engaged in certain retail food services; for employees of certain transit systems not in an enterprise described in the new coverage provisions of the 1961 amendments and of taxicab companies; for workers employed in the publication of small newspapers and in newspaper deliveries to the consumer; for farmworkers employed in growing and harvesting shade-grown tobacco who are engaged in certain prestemming processing activities; for employees of small lumbering establishments; for switchboard operations of small telephone companies; small telegraph agencies located in retail establishments; for workers engaged in fishing and the first processing and canning of fish at sea and workers engaged in specified handling and processing activities of agricultural commodities within "the area of production." Similar exemptions are also provided for agricultural employees who perform certain livestock auction operations; for employees of country elevators within "the area of production" having not more than five employees; for certain employees engaged in transporting workers to harvest fruits or vegetables or transporting such commodities to the place of first processing or first marketing within the State, and for employees engaged in ginning cotton for market in counties in which cotton is grown in commercial quantities. Homeworkers engaged in the manufacture of natural holly and evergreen wreaths are exempt from the minimum-wage, overtime, and child-labor provisions of the act.

The act also exempts from the overtime provisions only employees of air carriers, railroads, and urban and interurban transit systems and certain employees of motor carriers whose hours of work are subject to regulation by the Interstate Commerce Commission. The overtime exemption also applies to workers engaged in the canning and processing of fish, to outside buyers of some farm commodities and to employees employed at a place where the employer is engaged in the first processing of certain farm commodities. Similar provision is made for employees of gasoline service stations and certain higher paid commission employees of retail or service establishments; for announcers, news editors, or chief engineers of radio or TV stations in certain areas; for certain drivers or drivers' helpers paid on the basis of trip rates or other delivery payment plan; and for employees of certain independently owned and controlled local enterprises engaged in the wholesale or bulk distribution of petroleum products. Seamen are also exempt from the act's overtime provisions.

In addition to these exemptions, the act has provision for limited seasonal exemptions from the overtime provision. A 14-week exemption is permitted employees of employers engaged in the handling of

poultry and livestock, the first processing within the area of production of agricultural products during seasonal operations, or in the first processing or canning of perishable or seasonal fresh fruits and vegetables. A partial exemption from the overtime requirements for 14 weeks is also provided for employees in any industry found by the Administrator to be of a seasonal nature.

Covered employees in American Samoa are exempt from the minimum wage and overtime provisions of the act, unless they are engaged in work subject to a wage order establishing a minimum wage rate. With respect to such employees, the Secretary of Labor, after a public hearing, may modify the overtime provision, if he finds "economic conditions warrant such action."

CALCULATION OF OVERTIME

Premium pay for overtime work must be paid for each hour worked in excess of the maximum workweek applicable to the type of employment in which the employee is engaged. Overtime pay must be paid at a rate of not less than one and one-half times the employee's regular rate of pay. The "regular rate" may be more than the minimum wage; it cannot be less. Except for certain types of payments specified in section 7(d) of the act, such as premium payments of at least time and one-half for work on Saturdays, Sundays, or holidays, an employee's regular rate includes all payments made by the employer to or on behalf of that employee.

Alternative methods of computing overtime compensation are provided under certain conditions for (1) employees employed at piece rates, (2) employees performing two or more kinds of work for which different hourly or piece rates have been established, and (3) for employees whose overtime compensation is based on an established rate substantially equivalent to their average hourly straight-time earnings. For employees whose duties necessitate irregular hours of work, section 7(e) of the act permits that payment may be made pursuant to a certain specified contract arrangement.

Piecework basis of computation.—For the employee who is employed on a piecework basis, the regular hourly rate of pay is computed for each workweek by dividing the total piecework earnings by the total number of hours worked. For overtime work, the pieceworker is entitled to be paid, in addition to piecework earnings for the entire period, a sum equivalent to one-half the regular hourly rate of pay multiplied by the number of hours worked in excess of the maximum workweek applicable to such employment.

Weekly or monthly pay basis of computation.—When a salary is paid for a specified number of hours worked in a workweek, the regular hourly rate is the weekly salary (or monthly salary reduced to a weekly basis) divided by the specified weekly number of hours. When a salary is paid for whatever number of hours is worked in the workweek, the weekly salary is divided by the number of hours actually worked each week, to obtain the "regular rate" of pay.

What the "workweek" is.—A workweek is a regularly recurring period of 168 hours in the form of seven consecutive 24-hour periods. The workweek need not coincide with the calendar week—it may begin any day of the week and any hour of the day. Each workweek stands

alone. Employment for 2 or more workweeks cannot be averaged out for the sake of figuring overtime or minimum wage pay. The minimum wage must be paid for all hours worked in each workweek and overtime must be paid for all hours worked in excess of the maximum workweek applicable to the type of employment in which the employee is engaged. Coverage and the application of most exemptions are also determined on a workweek basis.

What "hours worked" means.—An employee's pay is figured on the basis of all hours worked in the workweek. In general, "hours worked" include all the time an employee is required to be on duty or on the employer's premises or at a prescribed workplace, and all time during which he is suffered or permitted to work for the employer.

Deductions from wages.—Deductions which bring the employee's *free* and *clear* cash wages below the minimum hourly rate are permitted only when the employer makes the deductions for employee facilities as discussed below.

The employer may deduct the reasonable cost of furnishing his employees with board, lodging, or other facilities which are primarily of benefit to the employee if they are customarily furnished by the employer to his employees. *Reasonable cost* does not include a profit to the employer or to any affiliated person. Under the 1961 amendments to the act, the Secretary of Labor is authorized to determine the fair value of such facilities for defined classes of employees and in defined areas. The amendments also provide that the cost of furnishing such facilities shall not constitute part of an employee's wage if it is excluded under the terms of a bona fide collective bargaining agreement.

The cost of furnishing facilities which are primarily for the benefit or convenience of the employer (such as tools of the trade, required safety equipment, required uniforms or their laundering) may not be included in figuring the minimum wage and may be deducted only if the actual cash wage paid after such deductions is at least the minimum wage applicable to such employment.

Deductions for union dues, charitable contributions, and other payments to someone other than the employer, which bring the cash wage below the applicable minimum wage rate, are allowable provided they are made with the consent of the employee and the employer does not derive any profit or benefit from the deduction.

CHILD LABOR

The act's child-labor provisions directly prohibit the employment of "oppressive child labor" in commerce or in the production of goods for commerce—including any closely related occupation or process directly essential to such production. Such employment is likewise prohibited in any enterprise brought under the act by the 1961 amendments.

Also prohibited is the shipment or delivery for shipment in interstate commerce by any producer, manufacturer, or dealer of any goods produced in establishments, in or about which minors have been employed contrary to the minimum-age standards set by the act within 30 days prior to removal of the goods. An exception to the prohibition of such shipments is provided under specified conditions for certain purchasers acting in good faith, in reliance on written statements of compliance.

Agricultural employment is subject to the child-labor provisions of the act during school hours.

OPPRESSIVE CHILD LABOR

(This section remains the same.)

HAZARDOUS OCCUPATIONS

(This section remains the same.)

EXEMPT CHILD LABOR

(This section remains the same.)

AGE CERTIFICATES

Employers can protect themselves from unintentionally employing a minor under the legal age by having on file a certificate of age issued in accordance with regulations of the Secretary of Labor showing that the minor is above the legal age for employment in the occupation in which he is engaged. Age or employment certificates issued under State child-labor laws are accepted as proof of age in 45 States, the District of Columbia, and Puerto Rico. Federal certificates of age are issued in Idaho, Mississippi, South Carolina, and Texas.

HOMEWORK IS REGULATED

(This section remains the same.)

RECORDS

Certain records must be kept. Employers are required to keep records on wages, hours, and other items listed in the recordkeeping regulations. Most of this required information is the kind employers usually keep in ordinary business practices and in complying with other laws and regulations. No particular form of recordkeeping is necessary.

Records required for exempt employees differ from those for nonexempt workers. Special information is required on employees under uncommon pay arrangements or to whom board, lodging, or other facilities are furnished. Employers who have homeworkers must make entries in handbooks supplied by the Divisions. Records of the required information must be preserved for 3 years. Some supplementary items like timecards, piecework tickets, and order and shipping records need be kept only 2 years. Microfilm copies of records are generally acceptable.

ENFORCEMENT

Authorized representatives of the Wage and Hour and Public Contracts Divisions may investigate and gather data regarding the wages, hours, and other conditions and practices of employment. They may enter establishments and inspect the premises and records, transcribe records, and interview employees. They may investigate whatever facts, conditions, practices or matters are considered

necessary to find out whether any person has violated any provisions of the act or which may aid in enforcement of the act. Wage-Hour investigators generally will make suggestions regarding any changes necessary or desirable regarding payroll, recordkeeping and other personnel practices which will aid in achieving and maintaining compliance with the law. Complaints, records, and other information obtained from employers and employees are treated confidentially.

The act provides these methods of recovering unpaid minimum and/or overtime wages: The Divisions' Administrator may supervise payment of back wages and, in certain circumstances, the Secretary of Labor may bring suit for back pay upon the written request of the employee. The employee may sue for back pay and an additional sum, up to the amount of back pay, as liquidated damages, plus attorney's fees and court costs. The employee may not bring suit if he has been paid back wages under supervision of the Administrator, or if the Secretary has filed suit to collect the wages. It is a violation of the law to fire an employee for filing a complaint or participating in a proceeding under the law.

The Secretary of Labor may also obtain a court injunction to restrain an employer from violating the law, including the unlawful withholding of proper minimum wage and overtime compensation. For willful violations, an employer may be prosecuted criminally and fined up to $10,000. A second violation may result in imprisonment.

A 2-year statute of limitations applies to the recovery of back wages.

Walsh-Healey Public Contracts Act

Act of June 30, 1936, as amended, U.S. Code 1952, Title 41, Sections 35–45; Supp. III, Title 41, Section 43(a), as affected by the "Portal-to-Portal Act" of 1947, U.S. Code 1952, Title 29, Sections 251–262

The Public Contracts Act sets basic labor standards for work done on United States Government contracts exceeding $10,000 in value for materials, articles, supplies, equipment, or naval vessels. It applies to all employees, except office and custodial, engaged in or connected with the manufacturing or furnishing, including the fabrication, assembling, handling, or shipment of materials, supplies, articles, or equipment required under such contracts.

The "white collar" exemptions regulations of the Wage-Hour Law apply under the Public Contracts Act, too.

The act requires that the contractor be a manufacturer or regular dealer in the articles called for in the contract. While the act does not generally apply to subcontractors, under special circumstances, as, for example, where it is the regular practice in an industry for the prime contractor to manufacture certain items, secondary contractors are covered.

MINIMUM-WAGE RATES

The Secretary of Labor is authorized to determine prevailing minimum wages in an industry on the basis of standards provided in the act. Such minimum-wage determinations generally are issued by the Secretary after a public hearing. All workers engaged in performance of a contract let under the act must be paid not less than the minimum so set by the Secretary.

HOURS OF WORK

The basic hours of work are 8 in any 1 day, or 40 in any 1 week: Overtime is permitted provided that time and one-half of the worker's basic hourly rate is paid for daily or weekly overtime, whichever results in the greater compensation.

CHILD LABOR

The law prohibits knowing employment of boys under 16 and girls under 18.

CONVICT LABOR

The law prohibits the employment of convict labor.

SAFETY AND HEALTH

The contract may not be performed nor the materials, supplies, articles, or equipment manufactured or furnished under working conditions which are insanitary or hazardous or dangerous to the health and safety of employees engaged in the performance of the contract.

Compliance with the safety, sanitary, and factory inspection laws of the State in which the work is performed is prima facie but not conclusive evidence of compliance with this provision of the act.

HOMEWORK

Industrial homework is prohibited under the definition of *manufacturer*, which provides that a manufacturer is a person *who owns, operates, or maintains a factory or establishment that produces* on the premises *the supplies required under the contract.*

LEARNERS, APPRENTICES, AND HANDICAPPED WORKERS

Under specified conditions, wage determinations of the Secretary for some industries permit payment of less than the established minimum wage to learners and apprentices. When employed in accordance with special regulations, handicapped workers may be employed at less than the prevailing minimum wage.

EXEMPTIONS

The act specifically exempts certain types of contracts, including contracts for transportation by common carriers under published tariffs; utility services; perishable agricultural products; rentals; and seasonal services.

EXCEPTIONS

Upon a written finding of the head of the contracting agency that operations of the act will seriously impair the conduct of Government business, the Secretary of Labor is authorized to make exceptions in certain cases *when justice or public interest will be served thereby.*

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RECORDS; POSTING NOTICES

Contractors are required to display a copy of the Public Contracts Act poster, with applicable attachment, wherever work is being performed under the act. Contractors also are required to keep specified records which are open for inspection by representatives of the Wage and Hour and Public Contracts Divisions, and to maintain records of injury frequency rates.

EMPLOYER LIABILITIES

Possible damages to which a contractor is liable for violating this law are:

A sum equal to the amount due employee under the law on account of underpayment of wages. (Determination of the amount due is made by the Secretary of Labor. Sums recovered are held in a special deposit account of the Government and are paid upon order of the Secretary of Labor directly to the employee concerned upon application of the employee within the statutory period of 1 year.)

Damages to the United States of $10 per day for each boy under 16, girl under 18, or convict laborer knowingly employed on the contract.

PENALTIES

Violation of the act may result in cancellation of the contract by the awarding agency, with any additional costs charged to the original contractor. Sums due the United States may be recovered by withholding payment of monies due or by court action.

No award of Government contracts may be made to the responsible person or firm within 3 years from the date on which the Secretary of Labor determines that a breach of contract occurred, unless the Secretary specifically recommends otherwise.

COURT REVIEW

The amendments of 1952 provided for court review of various official actions under this law in circumstances set forth in the amendments.

Laws Setting Wage Standards for Construction

The laws described below provide for minimum wages on construction work, based on wage determinations by the Secretary of Labor. With the exception of the Federal Airport Act, which requires the payment of *minimum* wages as determined by the Secretary of Labor, each of the following laws is a "prevailing wage law." This means that wages paid to laborers and mechanics must not be less than the wage rates determined by the Secretary of Labor to be *prevailing* for these classifications of workers on similar construction in the locality.

WAGE RATES INCORPORATED IN CONTRACTS

The wage rates determined by the Secretary of Labor under the following described laws for each class of laborer or mechanic are made part of the contract specifications and the contractors and subcontractors have to agree that their workers will not be paid at lower

rates, although higher rates can be paid. The schedule of wage rates determined by the Secretary of Labor must be posted by the contractor on the construction site and all laborers and mechanics working at the site must be paid their wages in full without any unlawful deductions at least once each week.

ENFORCEMENT

Enforcement of the following laws is the duty of the Federal agency that makes the contract or furnishes Federal aid for the project. Under Reorganization Plan No. 14 of 1950, the Department of Labor has the legal duty to see that there is a coordinated and consistent enforcement of these laws by the responsible Federal agencies. Labor Department regulations provide what the contractors, subcontractors, and Federal agencies have to do.

PENALTIES

Regulations, Part 5, issued by the Secretary of Labor (29 CFR (1955 Supp.) 5; as amended, 21 F.R. 7936, 8319) provide that if the contractor or subcontractor fails to live up to any one of the contract provisions under the following laws, he has broken the contract and it may be canceled and the work given to another contractor for completion. In addition, if a contractor has failed to pay required wages under these laws, the Federal Government may withhold or have withheld the full amount of any back wages due, from money that would otherwise be made available for payments to the contractor. Also, on written notice further payments or guarantees of funds may be suspended until violations have been corrected.

Contractors and subcontractors who disregard their obligations under any of these laws may be barred for a period of 3 years from receiving any further contracts to which the laws apply.

Davis-Bacon Act

Act of March 3, 1931, U.S. Code 1952, Title 40, Section 276a et seq., as affected by the "Portal-to-Portal Act" of 1947, U.S. Code, Title 29, Sections 251–262, and Reorganization Plan No. 14 of 1950 (15 F.R. 3176, 64 Stat. 1267)

This act covers direct Federal construction, alteration, or repair of public buildings or public works, including painting and decorating, where the contract is more than $2,000, and applies to all agencies of the Federal Government and of the District of Columbia that directly make construction contracts.

The act provides for withholding money from the contractor to pay workers who have not been paid the required wages and gives the Comptroller General the authority to pay out the money for back wages. To obtain payment of unpaid wages from the money withheld, the employee has to file a claim with the Comptroller General. If enough money has not been withheld to cover all underpayments to laborers or mechanics, a worker who does not receive all that is due him has the right to sue the contractor and the sureties on his bond under the Miller Act. It is no defense for the contractor that the worker has accepted or agreed to accept wages at rates less than the rates determined by the Secretary, or has refunded any of the wages voluntarily.

Federal-Aid Highway Act of 1956

Act of June 29, 1956, Public Law 627, 84th Congress, 2d Session

This act covers the construction of Federal-Aid highway systems including the Interstate System.

Section 115 of the act provides for the application of the Davis-Bacon Act to all laborers and mechanics employed by contractors and subcontractors on the initial construction of highways on the Interstate System. Rates of wages paid to such laborers and mechanics may not be less than those which the Secretary of Labor, in accordance with the Davis-Bacon Act, determines to be prevailing on the same type of work on similar construction in the immediate locality. Such prevailing rates are required to be predetermined by the Secretary after consultation with the highway department of the State in which a project is to be performed and after giving due regard to the information so obtained. The Highway Act provides that the predetermined wage rates shall be set out in each project advertisement for bids and in each bid proposal form, and shall be made a part of the contract covering the project.

United States Housing Act of 1937; Housing Act of 1949

Act of September 1, 1937, U.S. Code 1952, Title 42, Section 1401 et seq.; Act of July 15, 1949, U.S. Code 1952, Title 42, Section 1441 et seq.

These laws cover slum clearance, urban renewal, and low-rent public housing. Construction contracts are awarded by local authorities on projects financed with the assistance of loans and grants from the Federal Government. Laborers and mechanics employed in any part of the development of these projects must be paid not less than the wage rates determined by the Secretary of Labor.

Defense Housing and Community Facilities and Services Act of 1951

Act of September 1, 1951, as amended; U.S. Code 1952, Title 42, Section 1591 et seq.

The prevailing wage provisions of this law cover housing for defense workers or for military personnel, and also cover community facilities such as sewers, waterlines, streets, and other facilities in defense areas, outside military installations.

National Housing Act (FHA) as Amended

Act of June 3, 1939, U.S. Code 1952, Title 12, Section 1703 et seq.

This law covers construction which is financed with assistance by the Federal Government through mortgage insurance by FHA. Its prevailing wage provisions apply to laborers and mechanics working on construction of multitype dwellings for rental purposes (walkup and elevator apartments) and do not apply to building of individual homes under FHA mortgages unless done by cooperatives or unless the mortgage insured by FHA covers a project of 12 or more family homes. Under a 1956 amendment to the law, the requirement for the payment of not less than the prevailing wage scales determined by the Secretary of Labor continues to apply to projects approved

through June 30, 1958, on rental housing built with FHA financing for military personnel on or near Federal military installations. (The Davis-Bacon Act applies to military housing built by the Federal Government on its military installations.)

School Survey and Construction Act

Act of September 23, 1950, as amended; U.S. Code 1952, Title 20, Section 251 et seq.

This law requires the payment of wages at rates not less than the prevailing rates determined by the Secretary of Labor for work on the construction, alteration, remodeling, or improving of schools in federally affected areas, where financial assistance is furnished by a Federal grant-in-aid program.

Hospital Survey and Construction Act

Act of August 13, 1946, as amended; U.S. Code 1952, Title 42, Section 291 et seq.

The prevailing wage provisions of this law cover construction contracts made by State or local authorities or private institutions under Federal grant-in-aid programs for the construction of hospitals and other medical facilities such as clinics and nurses' homes.

Federal Airport Act

Act of May 13, 1946, as amended; U.S. Code 1952, Title 49, Section 1101 et seq.

This law requires minimum wages as determined by the Secretary of Labor to be paid to skilled and unskilled labor employed on contracts of over $2,000 awarded by State or local authorities for construction and repair of their airports with financial assistance from the Federal Government under a grant-in-aid program.

Miller Act

Act of August 24, 1935, as amended; U.S. Code 1952, Title 40, Sections 270a–270e; Supp. III, Title 40, Section 270e

PERSONS AND EMPLOYMENTS COVERED

The Miller Act applies to every contract of over $2,000 for the construction, alteration, or repair of any public building or public work of the United States and provides that, before any contract covered by its provisions is awarded, the contractor must execute a payment bond with a surety or sureties to protect the wages of all persons supplying labor.

This law, while not a prevailing wage law or overtime pay law, is particularly important to laborers and mechanics who work on construction covered by the Davis-Bacon Act—that is, on construction contracts made directly by the Federal Government. Although the law does not apply to Federal-aid projects but only to direct Federal contracts, it is usual for Federal agencies administering grants-in-aid, loan, mortgage guarantee, and similar Federal-aid programs to require by regulation that contractors on construction under these programs execute a performance bond. Generally, the term of such bonds extends to 1 year after completion of the project.

RIGHT TO SUE

The Miller Act gives the worker a right to sue on the contractor's bond if he does not receive payment in full within 90 days after the day on which the last labor was performed. If the worker was employed by a subcontractor, he can sue the prime contractor and sureties on the bond for his unpaid wages, if he first gives written notice to the prime contractor within 90 days after the last labor was performed. This notice must be sent by registered mail, postage prepaid, in an envelope addressed to the contractor at any place he maintains an office or conducts his business; or it may be served in any other way that the U.S. marshal or the Federal district court for the district where the job is located is authorized to serve a summons.

TIME AND MANNER FOR BRINGING SUIT

Suits to recover under the Miller Act must be commenced within 1 year after the date of final settlement of the contract and must be brought in the name of the United States, for the use of the person suing, in the United States District Court in any district in which the contract was to be performed and executed. Suit is brought and prosecuted by the worker's own attorney.

Anti-Kickback Law and Copeland Act

Act of June 25, 1948, U.S. Code 1952, Title 18, Section 874; Act of June 13, 1934, as amended, U.S. Code 1952, Title 40, Section 276c; Reorganization Plan No. 14 of 1950 (15 F.R. 3176, 64 Stat. 1267)

PERSONS AND EMPLOYMENTS COVERED

These laws cover not only direct Federal public building and public work but also all work financed in whole or in part with Federal funds, loans, or grants.

ENFORCEMENT

The Government agencies that let the contracts are primarily responsible for obtaining compliance with these laws and the regulations of the Secretary of Labor.

ANTI-KICKBACK LAW

This law makes it punishable by a fine up to $5,000 or by imprisonment up to 5 years, or both, for anyone, by force, intimidation, threat of procuring dismissal from employment or by any other manner whatsoever, to induce an employee on work covered by the law to give up any part of the compensation to which he has a right under his contract of employment.

COPELAND ACT

This act authorizes the Secretary of Labor to make reasonable regulations for contractors and subcontractors engaged in construction covered by the act. These regulations (29 CFR 3, as amended 29 CFR (1955 Supp.) 3) show under what conditions deductions from wages are and are not permitted, require the contractors to present evidence that proposed deductions are proper ones, and require approval of the

Department of Labor for such deductions. The act and the regulations also require the contractors to file weekly affidavits showing wages paid and deductions made. The regulations also require payroll records showing the information needed to determine whether required wages are being paid. The requirements of these regulations are made a part of every contract for a Federal or Federal-aid job.

Eight-Hour Laws

Act of August 1, 1892, as amended, and Act of June 19, 1912, as amended, U.S. Code 1952, Title 40, Sections 321–326; Reorganization Plan No. 14 of 1950 (15 F.R. 3176, 64 Stat. 1267)

PERSONS AND EMPLOYMENTS COVERED

These laws apply generally to contracts, including contracts for services, made by agencies of the Federal Government, the District of Columbia, and the Territories which may require or involve the employment of laborers or mechanics. Some exceptions are made in the laws, such as contracts for transportation, for communications, for supplies or such other materials or for articles as may be bought in the open market, or the construction or repair of levees or revetments necessary for flood protection. Construction, alteration, and repair including painting and decorating of the kind covered by the Davis-Bacon Act are generally covered by these laws, regardless of the amount of the contract. These laws also cover laborers and mechanics employed by the Federal Government itself.

Except for work under the Defense Housing and Community Facilities and Services Act of 1951, which has its own 8-hour law provision, work under federally assisted construction programs of non-Federal agencies or persons is not covered by the Eight-Hour Laws. These laws do not apply, for instance, to construction work under Federal-aid programs on projects for hospitals, schools, FHA-insured multifamily apartments, slum clearance, low-rent public housing, and airports. However, in the case of low-rent public housing, the contract in general use furnished by the Public Housing Administration which administers the program provides that time and one-half be paid for hours worked over 8 a day or 40 a week.

HOURS OF WORK AND OVERTIME

The Eight-Hour Laws permit overtime work in excess of 8 hours in any calendar day by a covered laborer or mechanic employed on a covered contract if not less than time and one-half his basic rate of pay is paid him for the period of overtime work. Wages must be computed on a basic day rate of 8 hour a day and the basic rate can never be less than the wage rate predetermined for the classification of work by the Secretary of Labor, although it may be higher if the worker is actually paid at a higher rate.

The Eight-Hour Laws provide for overtime pay only when a worker works more than 8 hours in a calendar day. There is no provision for extra pay when he works more than 40 hours in the week, as there is in the Fair Labor Standards Act and in the Public Housing Administration contract mentioned above.

Enforcement of these laws is the responsibility of the Government agency for which the work is performed, subject to standards, regulations, and procedures prescribed by the Secretary of Labor under Reorganization Plan No. 14 of 1950.

The Eight-Hour Laws provide for the withholding from the contractor of a penalty of $5 per day for each violation and each employee involved. Intentional violation by an officer or agent of the Government or by a contractor or subcontractor of that part of the law which limits the hours of employment of laborers and mechanics employed on public works of the United States or the District of Columbia constitutes a misdemeanor, punishable by a fine or imprisonment.

President's Committee on Equal Employment (Executive Order 10925)

Executive Order 10925, issued on March 6, 1961, combined the existing President's Committee on Government Contracts and the President's Committee on Government Employment Policy into a single President's Committee on Equal Employment Opportunity, to insure that Americans of all colors and beliefs will have equal access to employment within the Government and with those who do business with the Government.

The order provided for centralization of responsibility under the Vice President. It required that the Secretary of Labor—with all the resources of the Department at his command—supervise the implementation of equal employment policies. And it grants in specific terms, sweeping sanctions to insure compliance with nondiscrimination clauses in Federal contracts.

The order also directed a complete study of Government employment practices—an examination of the status of members of minority groups in every department, agency, and office of the Federal Government so that an accurate assessment of the situation may be had whereby future progress may be measured.

Interstate Transportation of Migrant Farm Workers

Act of August 3, 1956, Public Law 939, 84th Congress, 2d Session

This act amends the Interstate Commerce Act to provide for the regulation by the Interstate Commerce Commission of certain transportation in interstate and foreign commerce of migrant farm workers.

The amendment defines the term "carrier of migrant workers by motor vehicle" as any person, including any "contract carrier by motor vehicle," but not including any "common carrier by motor vehicle," who transports in interstate or foreign commerce at any one time three or more migrant workers to or from their employment by motor vehicle other than a passenger automobile or station wagon, except migrant workers transporting themselves or their immediate families. A migrant worker is defined as any individual proceeding to or returning from employment in agriculture.

The amendment requires the Interstate Commerce Commission to establish for carriers of migrant farm workers by motor vehicle reasonable requirements with respect to the comfort of passengers, qualifications and maximum hours of service of operators of the vehicles, and safety of operation and equipment. Such requirements are to apply

to any such carrier only in the case of transportation of migrant workers for a total distance of more than 75 miles, and then only if such transportation is across the boundary line of any State, the District of Columbia, or Territory of the United States, or a foreign country.

Railroad Employees—Protection in Mergers (54 Stat. p. 898)

An amendment to the Interstate Commerce Commission Act in 1940 provides that, as a condition of its approval of unifications, mergers, and acquisitions of control of railroads, the Commission shall require a fair and equitable arrangement to protect the interests of the railroad employees affected. "In its order of approval the Commission shall include terms and conditions providing that during the period of four years from the effective date of such order such transaction will not result in employees of the carrier or carriers by railroad affected by such order being in a worse position with respect to their employment, except that the protection afforded to any employee pursuant to this sentence shall not be required to continue for a longer period, following the effective date of such order, than the period during which such employee was in the employ of such carrier or carriers prior to the effective date of such order."

III. JOB TRAINING, EDUCATION, AND EMPLOYMENT SERVICE

Bureau of Apprenticeship and Training

The purpose of the Bureau of Apprenticeship and Training is to improve the working conditions of wage earners of the United States and to advance their opportunity for profitable employment through a program of promoting training for workers in industry.

The apprenticeship service of the Bureau of Apprenticeship and Training is concerned with the promotion of the National Apprenticeship Program (Act of August 11, 1937, U.S. Code 1952, Title 29, Sec. 50–50b.) The objectives of this program are determined with the assistance of the Federal Committee on Apprenticeship which is representative of employers, labor, and government.

An effective apprenticeship program, as recommended by the Federal Committee on Apprenticeship, should contain provisions for the following:

1. The starting age of an apprentice to be not less than 16.
2. A schedule of work processes in which an apprentice is to be given training and experience on the job.
3. Organized instruction designed to provide the apprentice with knowledge in technical subjects related to his trade. (A minimum of 144 hours per year of such instruction is normally considered necessary.)
4. A progressively increasing schedule of wages.
5. Proper supervision of on-the-job training with adequate facilities to train apprentices.
6. Periodic evaluation of the apprentice's progress, both in job performance and related instruction, and the maintenance of appropriate records.
7. Employee-employer cooperation.
8. Recognition for successful completions.

Program recognition by those States having apprenticeship agencies, or in other States by the Bureau of Apprenticeship and Training, is available to those who wish it.

Certificates of Completion of Apprenticeship, attesting to the all-round training received by the individual apprentice, are likewise available through State apprenticeship agencies or the Bureau of Apprenticeship and Training.

Vocational Division of the U.S. Office of Education

The Vocational Division of the U.S. Office of Education administers the Smith-Hughes and George-Barden Acts (U.S. Code 1952, Title 20, Sections 11–33; and Supp. III, Title 20, Sections 11, 15, 15q, 17, 32, 33) which provide for the promotion of vocational education under a Federal-State-local plan.

Under these acts the Vocational Division allots approximately 30 million dollars annually to the States to be used to develop programs of vocational education in trades and industries, distributive occupations, home economics, and agriculture. Funds are distributed to the States on the basis of population, and may be used for salaries of vocational teachers, counselors, teacher trainers, supervisors, and directors; for maintenance of teacher and counselor training, for instructional supplies and equipment, and for research in vocational education.

Local schools carry out the program under State plans prepared by the State boards for vocational education and approved by the U.S. Office of Education. State plans must stipulate, among other things, that the vocational instruction will be given in schools under public control, will be of less than college grade, and that the purpose will be to fit individuals for useful employment.

Principal types of courses made available under these grants are all-day classes which provide preemployment training for young people of high-school age, and part-time and evening classes for apprentices and other workers over 16 years of age.

Office of Vocational Rehabilitation

The Office of Vocational Rehabilitation is a constituent of the Department of Health, Education, and Welfare. Its responsibilities and objectives are defined by a series of laws going back to 1920, the most recent being the act of August 3, 1954 (U.S. Code 1952, Supp. III, Title 29, Sections 31–42).

Known as the "Vocational Rehabilitation Amendments of 1954," this law provides for a progressive expansion of the State-Federal Vocational Rehabilitation program over the next 5 years. Services are available to civilian men and women of working age whose ability to get or hold a job or to secure a better job has been impaired through mental or physical handicap, no matter what the cause.

The Office of Vocational Rehabilitation distributes grants for such services to 88 State and Territorial agencies which have approved vocational rehabilitation plans. It also extends technical assistance and consultation to the States, makes studies and investigations, and disseminates information on the utilization of disabled persons in gainful employment.

Services available to the disabled worker include physical examination, medical, surgical, and psychiatric treatment,* hospitalization,* occupational and physical therapy,* vocational counseling and training, financial help during rehabilitation,* and placement on jobs.

Services to management include retraining injured workers, assistance in plant surveys to determine suitable jobs for disabled persons, and referral of trained skilled workers.

The Vocational Rehabilitation Amendments of 1954 provide for a stronger financial structure and improved administration for the State-Federal vocational rehabilitation program. They are designed to reach an increasing number of disabled people annually.

The 1954 amendments authorize increased Federal appropriations to help the State vocational rehabilitation agencies serve more disabled persons. They also provide for training grants to institutions and traineeships to individuals to increase the number of rehabilitation personnel needed to carry on an expanded vocational rehabilitation program—therapists, social workers, psychologists, rehabilitation counselors and others.

This law provides that Federal funds made available to State agencies may, in turn, be used for grants to private, nonprofit organizations for the establishment or expansion of such centers and workshops. The Medical Facilities Survey and Construction Act of 1954 (U.S. Code 1952, Supp. III, Title 42, Sections 291–291v)—a collateral law—provides Federal grants for the *construction* of comprehensive rehabilitation facilities, chronic disease hospitals, nursing homes, and diagnostic and treatment centers.

The 1954 amendments also open the road to rehabilitation for an increased number of Americans through the encouragement of special projects for research and demonstrations which hold promise of making a substantial contribution to the solution of vocational rehabilitation problems that are common to several States. The Office of Vocational Rehabilitation makes grants to State agencies and to public and private nonprofit groups to pay part of the cost of such projects of a research or demonstration nature or for the establishment of special facilities and services.

The Office of Vocational Rehabilitation also administers the Randolph-Sheppard Act (U.S. Code 1952, Title 20, Sections 107–107f), which was amended by the Vocational Rehabilitation Amendments of 1954. The Randolph-Sheppard Act initially provided for the licensing of qualified blind persons to operate vending stands in Federal and other buildings. As amended, the act permits stands to be operated on Federal *property* as well as in Federal buildings and also gives preference for the establishment of vending stands to licensed blind vending-stand operators.

United States Employment Service

Act of June 6, 1933, as amended, U.S. Code 1952, Supp. III, Title 29, Sections 49b, 49g, 49m, 49n; Act of June 22, 1944, as amended, U.S. Code 1952, Title 38, Sections 695–695f

The United States Employment Service develops policies and maintains methods for the coordination and guidance of a nationwide system of public employment offices operated by State and Territorial

*Conditioned upon economic circumstances of applicant.

agencies affiliated with the United States Employment Service. There are now approximately 1,800 full-time and 2,000 part-time local offices. The United States Employment Service has the responsibility for checking the individual State plans of operation for conformity with Federal laws; promoting uniform methods for operating employment service offices; maintaining a program for referring labor from one area to another; giving technical assistance to the States in legislation and administration; assisting in determining funds necessary for administration of State employment service programs; and maintaining employment service facilities in the District of Columbia.

Having operated under the widest extremes of labor market conditions, the Employment Service has developed a well-rounded, comprehensive employment service program which evolves around six important functions, namely:

1. AN EFFECTIVE PLACEMENT SERVICE

An effective placement service and nationwide clearance system makes it possible for workers to obtain information concerning job opportunities in the community and throughout the entire country. It assists employers in finding workers, and assists workers in finding employment or reemployment in jobs for which they are suited by skills, knowledge, abilities, and interests. This service facilitates the placement of workers in jobs for which their training, experience, and aptitudes fit them. It saves the employer time and effort in recruiting qualified workers, and assists him in preventing unnecessary turnover. In recent years greater attention has been given to the placement problems of the professional workers by encouraging the local offices to stress such placements and by providing specialized convention placement services by the Bureau and cooperating State agencies at conventions of professional groups.

The United States Employment Service also participates with the State Employment Security agencies in the operation of a farm placement service. This program provides special services in addition to basic placement facilities available at all local employment offices. These services include the organization and operation of day-haul programs for seasonal agricultural workers, and provide direction for migratory farm workers to a succession of seasonal jobs. The use of Federal, State, and community resources is encouraged to improve the working conditions, housing, health, education, and welfare facilities available to migrant workers and their families. The Employment Service also operates a program which supplements domestic farm labor with foreign workers brought in for temporary jobs when needed.

2. EMPLOYMENT COUNSELING AND SELECTIVE PLACEMENT SERVICE

The technical assistance furnished through the local offices in counseling and testing as well as selective placement services provides the applicant with an opportunity to discover, analyze, and evaluate his potential abilities; to formulate a suitable vocational plan; and to put the plan into effect. Programs for the counseling and placement of special applicant groups, such as youth, older workers, the physically handicapped, and members of minority groups are developed and coordinated by the Employment Service. Major program activi-

ties of these special applicant groups will be described later in this section.

3. SPECIAL SERVICES TO VETERANS

The public employment service has always had a special obligation to veterans. This originated under the Wagner-Peyser Act of June 6, 1933, which specified that the Bureau was "to maintain a veteran's service to be devoted to securing employment for veterans." The Servicemen's Readjustment Act of 1944, as amended, strengthened the Veterans Employment Service.

4. INDUSTRIAL SERVICES

The failure of workers to retain jobs because of poor selection and assignments caused by inadequate knowledge of job requirements and worker qualifications results in a high turnover and increased unemployment. By assisting employers, labor groups, and organizations in analyzing employment problems involving effective use of skills and abilities of workers, and by aiding them in the application of techniques and materials, the Employment Service can be of service to both the worker and the employer.

5. LABOR MARKET INFORMATION SERVICE

The Bureau of Employment Security, the State employment security agencies, and the local public employment offices provide information on employment and unemployment trends and labor demand-and-supply relationships with respect to specific areas, industries, and occupations. Local area labor market newsletters are prepared and distributed to employers, unions, and public officers in nearly 600 communities. The majority of these include information on unemployment trends. A monthly summary of trends and developments in new and insured unemployment, together with an analysis of the factors responsible for changes during the month, the amount of benefits paid and the number of beneficiaries, data on claimants exhausting benefit rights, and significant developments on a geographic regional basis, is published each month in the Bureau periodical, "Labor Market and Employment Security." The "Bimonthly Summary of Labor Market Developments in Major Areas," prepared by the Bureau, gives classification of major areas according to adequacy of labor supply.

6. COMMUNITY PARTICIPATION

The public employment office is an important cog in the economic life of the community. It is actively engaged in analyzing and developing programs and services which may be applied in alleviating problems of extreme unemployment and underemployment, particularly as these problems relate to the Nation's low-income group. Special assistance is provided by the Bureau to areas faced with a chronic labor surplus due to exhaustion of resources, declining industries, technological changes, and rapidly growing populations.

The Employment Service, through its operations, is familiar with the problems in the community and can offer important information to the community on local matters affecting employment.

In carrying on the foregoing six-point program, the United States Employment Service develops placement and counseling tools including occupational informational materials and tests, and provides services to special applicant groups.

Placement and counseling tools.—The United States Employment Service provides technical tools and information on the content and requirements of jobs. Best known and most widely used is the *Dictionary of Occupational Titles*. Other publications include Job Descriptions, Occupational Guides covering many occupations, and guides for interviewing handicapped applicants. Inquiries concerning these tools and publications should be addressed to the Bureau of Employment Security, U.S. Department of Labor, Washington 25, D.C.

The United States Employment Service test development program produces objective tests and related techniques for the measurement of skills, aptitudes, and interests of applicants.

Services to special applicant groups.—Certain groups such as veterans, the handicapped, older workers, youth, and members of minority groups tend to need special help in locating satisfactory employment. Local employment offices, through the use of specialized techniques and the intensified application of regular services, assist these applicants in resolving their job problems.

Veterans.—Veterans are given full advantage of all services available through local employment offices and they receive priority in referral to all jobs. Preferential service among veterans is extended to those who are disabled. State and local office Veterans Employment Representatives in each State are available to assist veterans in resolving their job problems. Additional special services given veterans include: (1) employment information, registration, and employment counseling services to patients and dischargees at Armed Forces and veterans hospitals, (2) job information and other employment services through Armed Forces separation centers, (3) information and referral service to appropriate agencies through which benefits and services may be obtained, (4) cooperation with employers and government agencies in establishing and maintaining rehabilitation and job training programs for veterans, and (5) job-finding assistance to veterans by maintaining constant contact with employers, veterans organizations, employer organizations, labor organizations, government agencies, civic organizations, and community service groups.

Older workers.—Every fourth person in the population and every third person in the labor force in the United States is 45 years of age, or over. This group therefore constitutes about one-third of the applicants for work at the public employment offices. Yet a majority of the job openings listed by employers with the employment service contain age restrictions specifying a preference for younger workers. As a result, the Employment Service must provide intensive counseling and placement services to many older workers in order to place them in suitable jobs. The Employment Service also draws upon its own resources and those of the entire Department of Labor to develop facts and information concerning the performance and potentialities of older workers in order to educate employers, labor, and the general public, and thereby to promote employment opportunities. Studies are now being conducted of employment patterns, policies, and

practices by age, sex, occupation, and industry. Surveys are being made on the productivity, absenteeism, accident, and turnover rates among older workers as compared to younger workers. Provisions in collective bargaining agreements and pension plans that contribute to the hiring and retention of older workers are being analyzed. Demonstration projects are being conducted on counseling and placement methods and costs. By publicizing the results of these studies and extending and improving placement services to older jobseekers, the Department of Labor and the Bureau of Employment Security hope to increase job opportunities for older workers and reduce age-restrictive hiring practices.

Youth.—When a young person first enters the labor market, it is desirable that his aptitudes, interests, and skills all be evaluated; therefore, the local employment offices provide special services to these new entrants to the labor market. These services include, as needed, counseling and testing to determine vocational aptitudes. The Bureau places special emphasis on the program of cooperation between local employment service offices and secondary schools for the employment, counseling, and placement of high school graduates and dropouts.

The physically handicapped.—The Bureau and the State employment services provide all regular services to the physically handicapped, which include placement and counseling and testing, when needed. In addition to this service, the Bureau has developed special guides to be used in interviewing applicants who have pulmonary tuberculosis, heart disease, epilepsy, diabetes, arthritis, nonarticular rheumatism, and orthopedic disorders. The Bureau and State services work with the Veterans Administration, the State rehabilitation agencies, the Bureau of Employees Compensation, and other Federal and State agencies in an effort to expand and improve the services for the handicapped.

Minority groups.—The Bureau and State agencies continue to work on the placement problems of job seekers who have difficulty in obtaining employment because of color, religion, or national origin. Every effort is made to improve policies, programs, standards, and methods to insure the equitable employment of workers belonging to the minority groups, based on the principle of worker selection according to skill, experience, ability, and job performance without regard to national origin, race, or religion. The Bureau has entered into plans of cooperation geared to promoting employment opportunities with the Bureau of Indian Affairs, American Friends Service Committee, and National Urban League.

IV. SAFETY AND COMPENSATION

Federal Coal Mine Safety Act

Act of July 16, 1952, U.S. Code 1952, Title 30, Sections 451–460, 471–483

The main objectives of the Division of Coal Mine Inspection, operating organizationally as part of the health and safety activities under the Bureau of Mines, are: (1) inspecting coal mines to determine the causes of accidents and occupational diseases therein; (2) reviewing reports and evaluating operations based on such inspections;

(3) revealing, through personnel conferences with interested agencies, correspondence, and published reports, the unhealthful and unsafe conditions and practices in coal mines; (4) recommending practical means for correcting the conditions observed; (5) enforcing the mandatory provisions of Title II of the Federal Coal Mine Safety Act in order to forestall the occurrence of major disasters in coal mines in which 15 or more individuals are employed underground; and (6) promoting and sponsoring safety education programs in the industry.

About 250 coal mine inspectors operate from district and subdistrict offices located near their actual field of operations.

Longshoremen's and Harbor Workers' Compensation Act

Act of March 4, 1927, as amended; U.S. Code 1952, Title 33, Sections 901–950; Supp. III, Title 43, Section 1333(c); Public Law 803, 84th Congress, 2d Session; Public Law 87, 87th Congress, 1st Session.

The Longshoremen's and Harbor Workers' Compensation Act provides workmen's compensation benefits for certain private employments subject to Federal jurisdiction.

PERSONS AND EMPLOYMENTS COVERED

The law covers substantially all maritime employment on the navigable waters of the United States (including drydocks), except the master or members of the crew of a vessel. The principal employments covered are longshoremen and ship repairmen while on board a vessel. The law has been extended to other employments, including all private employment in the District of Columbia, the outer Continental Shelf lands, and employment outside the United States in the service of contractors with the United States at military, air, or naval bases or on public works.

INJURIES AND DISEASES COVERED

The law provides workmen's compensation benefits for accidental injuries arising out of and in the course of the employment, and occupational disease arising naturally out of the employment.

AMOUNT OF BENEFITS

Compensation for disability and death is based on the average weekly wage of the injured worker. There is a statutory limit of $70 on the weekly compensation. [The minimum weekly wage for computing death benefits is $27 but the total weekly compensation cannot exceed the average weekly wage of the deceased.]

TEMPORARY TOTAL DISABILITY

The compensation rate is two-thirds of the average weekly wage, subject to a maximum of $70 a week, and a minimum of $18, or average weekly wages, if less. There is a 3-day waiting period, but if the disability lasts more than 28 days, compensation is paid for the waiting period. Compensation, up to the aggregate maximum of $24,000, continues during the period of disability.

PERMANENT PARTIAL DISABILITY

Compensation for permanent partial disability is paid under a statutory schedule and for nonscheduled injuries on a loss in wage earning capacity. The aggregate compensation is $24,000, exclusive of medical care.

PERMANENT TOTAL DISABILITY

Compensation is payable for life at two-thirds of the weekly wage up to the maximum of $70 per week, and a minimum of $18, or average weekly wages, if less.

DEATH

Burial expenses are provided up to a maximum of $400. Persons eligible for death compensation include a widow, children under 18 years, and those over 18 if incapable of self-support, and dependent parents, brothers and sisters, grandparents, and grandchildren. The aggregate award to all beneficiaries may not exceed two-thirds of the average weekly wage. The average weekly wage shall be considered not to be more than $105, nor less than $27, but the total weekly compensation shall not exceed the weekly wages of the deceased. The maximum compensation in any case may not exceed $70 per week. Compensation to a widow is payable for life, or until remarriage, and to children until they reach 18, or marry. Upon remarriage, the widow receives 2 years' compensation.

MEDICAL TREATMENT

All necessary medical care is authorized for the effects of an injury. The employer is required to arrange for such care. There is no limit on the cost or period of treatment.

VOCATIONAL REHABILITATION

Provision is made for furnishing prosthetic appliances and for the payment of not to exceed $25 per week for maintenance while undergoing vocational training.

SECOND INJURIES

The law sets up a special fund for payment of compensation in certain cases in which the employee suffers a permanent partial disability which, combined with a previous disability, causes permanent total disability.

ADMINISTRATION

This law is administered by the Bureau of Employees' Compensation of the U.S. Department of Labor, through Deputy Commissioners appointed to 13 Compensation Districts. The Deputy Commissioner is responsible for the decision in respect to claims arising in his District.

APPEALS

The decision of a Deputy Commissioner is subject to review on questions of law by the Federal District Court for the District in which the injury occurred.

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Longshore Safety

Act of August 23, 1958, U.S. Code 1958, Title 33, Section 941

This Act amends the Longshoremen's and Harbor Workers' Compensation Act and requires employers subject to its coverage to furnish and maintain employment and places of employment reasonably safe for employees. It also directs and authorizes the Secretary of Labor to issue safety and health regulations applicable to such employment and places of employment.

The amendment provides that the Secretary may not make determinations respecting safety within: (1) the scope of the general authority of the Coast Guard over vessels which navigate in United States waters; (2) the powers of the Coast Guard in times of national emergency, and (3) the authority of the Coast Guard over islands and structures in waters of the outer continental shelf as prescribed in the Outer Continental Shelf Lands Act.

In addition to making safety regulations, the Secretary is authorized to inspect places of employment and investigate practices in connection with employment subject to this Act to determine if violations have occurred; to hold hearings and issue orders with respect to violations, and to secure injunctions when necessary to enforce safety regulations. The Secretary is also authorized to study and investigate causes of injury in covered employment, to promote uniformity in safety standards and to provide for programs of training to prevent unsafe working conditions.

United States district courts have jurisdiction for cause shown in any action brought by the Secretary of Labor to restrain violations of this law or any rule, regulation or order issued by the Secretary to enforce it. Willful violations of the safety requirements or willful interference with the Secretary or his authorized representative in the performance of the Secretary's inspection and enforcement duties may be punished, after conviction, by a fine of not less than $100, nor more than $3,000.

Defense Base Act

Act of August 16, 1941, as amended, U.S. Code 1952, Title 42, Sections 1651–1654, Supp. III, Title 42, Section 1651(f)

Extends the Longshoremen's and Harbor Workers' Compensation Act to employees of private employers on defense bases or employees engaged on public works outside the continental United States under contract with the Federal Government.

Non-Federal Employees Engaged in Work on Federal Property

Act of June 25, 1936, U.S. Code 1952, Title 40, Section 290

This act grants to the States jurisdiction and authority to apply their workmen's compensation laws to non-Federal employees engaged in work on Federal property within the exterior boundaries of any State.

Radiation Hazards

Act of September 23, 1959, Public 86–373, 86th Congress, 1st Session

This Act, which amends the Atomic Energy Act of 1954, authorizes the Atomic Energy Commission, if it finds a State's program for control of radiation hazards to be adequate and compatible with its own, to enter into an agreement with the Governor of the State providing for a discontinuance of the Commission's licensing and regulatory authority with regard to such hazards. The Commission is directed to cooperate with the States in formulating standards for protection against radiation hazards, authorized to enter into agreements with any State to perform inspections or other functions on a cooperative basis, to provide training for State employees, and authorized, on request of the Governor or on its own initiative after notice and opportunity for hearing, to suspend or terminate any agreement.

In addition, this measure creates a Federal Radiation Council composed of the Secretary of Health, Education, and Welfare, the Chairman of the Atomic Energy Commission, the Secretary of Defense, and the Secretary of Commerce, the original members of the Council which was established by Executive Order, and the Secretary of Labor, or their designees, and such other members as the President shall appoint. Functions of the new Council include advising the President with respect to Federal radiation standards and cooperative programs with the States.

LEGISLATIVE ACTION AFFECTING LABOR, 1789–1962

Fortieth Congress (first session, March 4–December 2, 1867; second session, December 2, 1867–November 10, 1868; third session, December 7, 1868–March 3, 1869)

EIGHT-HOUR DAY FOR GOVERNMENT LABORERS AND MECHANICS

FIRST SESSION

H.R. 103—Sets 8-hour workday for Government laborers, workmen and mechanics. Introduced in House and passed same day, p. 425 (apparently this bill never went to committee). Referred to Senate Committee on Finance, p. 414.

SECOND SESSION

H.R. 103—See above. In Senate, committee discharged, p. 4197.
H.R. 365—Same as H.R. 103. Eight-hour law. Passed House, p. 336 (no committee reference). Passed Senate, p. 3466 (no committee reference). Approved, p. 3731.

Forty-first Congress (first session, March 4–April 22, 1869; second session, December 6, 1869–July 15, 1870; third session, December 5, 1870–March 3, 1871)

EIGHT-HOUR DAY FOR GOVERNMENT LABORERS AND MECHANICS

FIRST SESSION

H.R. 74 (House joint resolution)—To regulate the hours of labor of Government laborers, workmen, and mechanics. (This resolution construes the House joint resolution of June 25, 1868, reducing work hours of Government laborers, etc., to eight per day to effect that said reduction shall not mean a corresponding reduction of wages.) Referred to Naval Affairs, p. 506; reported p. 637; passed House, p. 637. Tabled in Senate, p. 653.

THIRD SESSION

H.R. 72—House joint resolution—this was substituted for H.J. Res. 74 in the House; identical provisions. In Senate referred to Education and Labor, p. 55. Reported, p. 1417.

Forty-second Congress, (first session, March 4, 1871–May 27, 1871; second session, December 4, 1871–June 10, 1872; third session, December 4, 1872–March 3, 1873)

COMMISSION ON LABOR

SECOND SESSION

H.R. 374—To provide for appointment of a commission on the subject of labor, including wages and hours, and the division of profits between labor and capital in the United States. Reported from Education and Labor, p. 102. Passed House, p. 258. Referred to Senate Committee on Education and Labor, p. 293 and reported therefrom, p. 425 (with amendment).

THIRD SESSION

Passed over in Senate, p. 75.

CONTRACTS FOR SERVILE LABOR

H.R. 755—To prohibit contracts for servile labor. Referred to Judiciary, p. 199.

THIRD SESSION

Reported and recommitted, p. 1295 (with amendments).

Forty-fifth Congress (first session, October 15–December 3, 1877; second session December 3, 1877–June 20, 1878; third session, December 2, 1878–March 3 1879)

EIGHT-HOUR DAY FOR GOVERNMENT LABORERS AND MECHANICS

SECOND SESSION

S. 941—Sets 8-hour workday for Government laborers, workmen, etc. Reported from Education and Labor adversely, p. 3739.

Forty-eighth Congress (first session, December 3, 1883–July 7, 1884; second session, December 1, 1884–March 3, 1885)

HIRING OUT OF PRISONERS

FIRST SESSION

H.R. 995—Forbids United States Government to hire out its prisoners. Reported with amendments from Labor (H. Rept. 1064), p. 2474.

H.R. 5694—To prohibit working of Federal prisoners more than 10 hours per day. Introduced by Committee on Revision of Laws (H. Rept. 746), p. 1720.

FOREIGN CONTRACT LABOR

S. 2042—Prohibits importation of foreign contract labor. Reported from Education and Labor, p. 3379.

H.R. 2550—Same. Reported back with amendments from Labor (H. Rept. 444), p. 1318. Passed House, p. 5349. Referred to Foreign Relations, p. 5430. Reference changed to Education and Labor, p. 5439. Reported back (S. Rept. 820).

SECOND SESSION

H.R. 2550—See above. Amended and passed Senate, p. 1840. House concurs in Senate amendments, p. 2302. Approved, p. 2409.

EIGHT-HOUR DAY FOR LABORERS ON PUBLIC WORKS

S. 141—To fix at 8 hours per day hours of work of laborers on United States public works. Reported with amendments from Education and Labor, p. 843.

BUREAU OF LABOR STATISTICS

FIRST SESSION

H.R. 1340—To establish Bureau of Labor Statistics (this bureau was merged into the Department of Labor which was created in 1888, q.v.). Reported with amendment from Labor (H. Rept. 342), p. 1066. Amended and passed House, p. 3139. Referred to Education and Labor, p. 3169. Reported back, p. 3379. Amended and passed Senate, p. 4430. House disagrees with Senate amendment, p. 4811. Conference report made and agreed to, p. 5516. Approved by President, p. 5755.

Forty-ninth Congress (first session, December 7, 1885–August 5, 1886; Special session, March 4–April 2, 1885; second session, December 6, 1886–March 3, 1887)

INCORPORATION OF TRADE UNIONS

FIRST SESSION

S. 1657—To legalize the incorporation of national trade unions. Reported with amendments from Education and Labor, p. 2985. Amended and passed Senate, p. 5447. Passed House, p. 5565. Approved, p. 6266.

H.R. 7621—Same. Reported from Labor (H. Rept. 2699), p. 5155.

DISPUTES BETWEEN COMMON CARRIERS AND EMPLOYEES

FIRST SESSION

H.R. 7479—To provide for speedy settlement of disputes between common carriers engaged in interstate commerce and their employees. Introduced by Committee on Labor (H. Rept. 1447) as substitute for other bills. Passed House, p. 3066. Referred to Education and Labor, p. 3106. Reported back, p. 3139.

SECOND SESSION

H.R. 7479—Same. Passed Senate, p. 1431. Examined and signed, p. 2440.

EMPLOYMENT OF CONVICT AND ALIEN LABOR ON PUBLIC WORKS

FIRST SESSION

H.R. 5541—To bar employment of convict labor and alien labor on United States public works. Introduced by Committee on Labor (H. Rept. 369) as substitute for other bills. Passed House, p. 6995.
H.R. 9232—To prohibit importation of alien contract labor. Reported from Labor (H. Rept. 2901), p. 5866. Passed House, p. 6995. Referred to Education and Labor, p. 7037. Reported back, p. 7428.

SECOND SESSION

H.R. 5541—See above. Reported back (S. Rept. 1969), p. 2319. Passed Senate, p. 2377. Examined and signed, p. 2439.
H.R. 9232—See above. Passed Senate, p. 1435. Approved, p. 2222.

HIRING OUT OF PRISONERS

FIRST SESSION

H.R. 1622—Forbids United States Government to hire out its prisoners for labor. Reported from Labor (H. Rept. 217), p. 1104. Passed House, p. 2227. Referred to Education and Labor, p. 2246.

SECOND SESSION

H.R. 1622—See above. Reported back (S. Rept. 1691), p. 793. Passed Senate, p. 1478. Approved, p. 2222.

Fiftieth Congress (first session, December 5, 1887–October 20, 1888; second session, December 3, 1888–March 2, 1889)

TO ESTABLISH DEPARTMENT OF LABOR

FIRST SESSION

H.R. 8560—To establish a Department of Labor under the direction of a Commissioner of Labor without Cabinet rank (the Bureau of Labor Statistics, established in 1884, was merged in this new Department). Reported with amendment (H. Rept. 1199) from Labor, p. 2264. Amended and passed House, p. 3096. Referred to Education and Labor, p. 3140. Reported back, p. 3549. Amended and passed Senate, p. 4507. House nonconcurs in Senate amendments, p. 4578. Conference appointed, p. 4507. Conference report made and agreed to, p. 4744. Approved, p. 5371 (June 13, 1888).

SETTLEMENT OF LABOR DISPUTES

FIRST SESSION

H.R. 8665—To create boards of arbitration to settle railroad labor disputes. Reported from Labor (H. Rept. 1725), p. 3053. Amended and passed House, p. 3109. Referred to Education and Labor, p. 3140. Reported back p. 6958. Passed Senate, p. 8609. Approved, p. 9074.

SECOND SESSION

H.R. 12654—To prevent strikes and lockouts on railroads. Introduced by Committee on Investigation of Labor Troubles in Pennsylvania (H. Rept. 4147), p. 2399.

EMPLOYMENT OF ALIEN LABOR ON PUBLIC WORKS

FIRST SESSION

H.R. 8724—To prohibit employment of alien labor on public works and in departments of the United States Government. Introduced by Committee on Labor (H. Rept. 1282). Amended and passed House, p. 2316. Referred to Education and Labor, p. 2301. Reported back, p. 3918.

Fifty-first Congress (first session, December 2, 1889–October 1, 1890; second session, December 1, 1890–March 3, 1891)

MINIMUM WAGES ON PUBLIC WORKS

FIRST SESSION

H.R. 9790—Sets minimum wage at $2 per day for laborers doing work for United States. Reported from Labor (H. Rept. 2630), p. 7047.

MAXIMUM HOURS OF WORK ON PUBLIC WORKS

FIRST SESSION

H.R. 9791—Sets 8-hour workday for all workmen doing work for United States, or employed by contractors with United States. Reported with amendment (H. Rept. 2649) from Labor, p. 7132. Amended and passed House, p. 9289. Referred to Education and Labor, p. 9305. Reported back, p. 9701. Passed over in Senate, p. 10401.

IMPORTATION OF ALIEN CONTRACT LABOR

FIRST SESSION

H.R. 9632—To amend act barring importation of alien contract labor. Reported from Labor (H. Rept. 2997), p. 9058. Amended and passed House, p. 9437. Referred to Education and Labor, p. 9455. Reported back, p. 9701.

CONVICT LABOR ON PUBLIC WORKS

FIRST SESSION

H.R. 3286—Bars United States Government from using convict labor or product thereof on public works. Reported from Labor (H. Rept. 1786), p. 3913. Passed House, p. 9450. Referred to Education and Labor, p. 9454. Reported back, 9701. Passed over in Senate, p. 10362.

Fifty-second Congress (first session, December 7, 1891–August 5, 1892; second session, December 5, 1892–March 3, 1893)

IMPORTATION OF ALIEN CONTRACT LABOR

FIRST SESSION

S. 3240—To facilitate enforcement of immigration and contract-labor laws of United States. Introduced by Committee on Immigration (S. Rept. 787), p. 5052. Amended and passed Senate, p. 6853.

H.R. 8904—Same. Reported from Immigration and Naturalization (H. Rept. 1573), p. 5012.

SECOND SESSION

S. 3240—See above. Reported back with amendment (H. Rept. 2206), p. 404. Recommitted to House Committee on Immigration and Naturalization, p. 1884. Reported back (H. Rept. 2542), p. 1941. Passed House, p. 2365. Approved, p. 2550.

EMPLOYMENT OF CONVICT LABOR ON PUBLIC WORKS

FIRST SESSION

H.R. 8605—Prohibits use of convict labor, or product thereof, on public works of United States. Introduced by Committee on Labor (H. Rept. 1312) as substitute for numerous other bills on same subject.

MAXIMUM HOURS OF WORK ON PUBLIC WORKS

FIRST SESSION

H.R. 8537—Limits hours of daily service of laborers and mechanics employed upon public works of United States and District of Columbia. *Eight-hour Act of 1892.* Introduced by Committee on Labor (H. Rept. 1267) as substitute for other pending bills. Passed House, p. 5723. Referred to Education and Labor, p. 5765. Reported back (S. Rept. 948), p. 6285. Passed Senate, p. 6524. Approved, p. 7018.

Fifty-third Congress (first session, August 7–November 3, 1893; second session, December 4, 1893–August 28, 1894; third session, December 3, 1894–March 2, 1895)

COMPETITION OF CONVICT LABOR

SECOND SESSION

H.R. 6840—To protect free labor from injurious competition of convict labor. Reported with amendments from Labor (H. Rept. 1233), p. 7386.

SETTLEMENT OF LABOR DISPUTES

SECOND SESSION

H.R. 7727—To create a national board for arbitration of labor controversies. Reported back with amendments (H. Rept. 1343) from Labor, p. 8002.

H.R. 8556—To provide for settlement of railroad labor controversies. Reported with amendments (H. Rept. 1754) from Labor, p. 1712. Amended and passed House, p. 2789. Referred to Interstate Commerce, p. 2819. Reference changed to Education and Labor, p. 2881. Reported back, p. 3075.

ENFORCEMENT PROCEDURE UNDER 8-HOUR LAW

SECOND SESSION

S. 346—To remove statute of limitations and allow appeals in cases of certain claims arising under the 8-hour work law. Reported from Education and Labor (S. Rept. 228), p. 2445. Passed Senate, p. 6980. Referred to Judiciary.

TO CREATE LABOR COMMISSION

THIRD SESSION

S. 2750—To create nonpartisan commission to gather information and recommend legislation to meet problems of labor, agriculture, and capital. Reported from Education and Labor (S. Rept. 938), p. 2206.

H.R. 8494—Same. Reported from Labor (H. Rept. 1640), p. 1226.

Fifty-fourth Congress (first session, December 2, 1895–June 11, 1896; second session, December 7, 1896–March 3, 1897)

TO CREATE LABOR COMMISSION

FIRST SESSION

S. 293—To create a nonpartisan commission to gather information and to recommend legislation to meet problems of labor, agriculture,

and capital. Reported with amendments (S. Rept. 575) from Education and Labor, p. 3217. Indefinitely postponed, p. 6059. (See H.R. 9188.)

H.R. 9188—Same. Reported from Labor (H. Rept. 1999), p. 5773. Passed House, p. 5960. Referred to Education and Labor, p. 5989. Reported back, p. 6059.

SECOND SESSION

H.R. 9188—See above. Amended and passed Senate, p. 2751. House concurs in Senate amendment, p. 2980. Examined and signed, pp. 2932, 2983.

SETTLEMENT OF LABOR DISPUTES

FIRST SESSION

H.R. 268—To provide for arbitration of railroad labor disputes. Reference changed from Interstate and Foreign Commerce to Labor, p. 2937. Reported with amendment (H. Rept. 1058), p. 3463. Made special order, p. 5466.

SECOND SESSION

H.R. 268—See above. Amended and passed House, p. 2387. Referred to Education and Labor, p. 2403.

COMPETITION FROM CONVICT LABOR

FIRST SESSION

H.R. 6116—To protect free labor by banning convict-made goods from interstate commerce. Reported with amendment (H. Rept. 1542) from Labor, p. 4646.

SECOND SESSION

H.R. 8731—To prohibit use of prison labor on Federal buildings. Reported with amendment from Labor (H. Rept. 2654), p. 1236.

IMMIGRANT CONTRACT LABOR

FIRST SESSION

H.R. 7415—To protect American labor against immigrant contract labor; curb immigration. Reported with amendment from Immigration and Naturalization (H. Rept. 1597), p. 4808.

H.R. 8474—Same. Reported with amendment from Immigration and Naturalization (H. Rept. 1589), p. 4706.

MAXIMUM HOURS OF WORK ON PUBLIC WORKS

SECOND SESSION

H.R. 7939—To limit hours of daily service of laborers and mechanics on public works. Reported from Labor (H. Rept. 3078), p. 2987.

Fifty-fifth Congress (first session, March 15, 1897–July 29, 1897; second session, December 6, 1897–July 8, 1898; third session, December 5, 1898–March 3, 1899)

TO ESTABLISH A LABOR COMMISSION

FIRST SESSION

S. 2253—To establish nonpartisan commission to gather information and to recommend legislation in fields of labor, agriculture, and capital. Reported from Education and Labor (S. Rept. 384), p. 2664. Consideration objected to in Senate, p. 2810.

SECOND SESSION

S. 2253—See above. Passed over in Senate, p. 2911. Indefinitely postponed, p. 5086 (see H.R. 4073).

H.R. 4073—Same as S. 2253. Reported with amendment (H. Rept. 353) from Labor, p. 1486. Amended and passed House, p. 4988. Referred to Education and Labor, p. 4993. Reported back as substitute for S. 2253 and placed on calendar, p. 5086. Passed Senate, p. 5800. Approved, p. 6206.

THIRD SESSION

S. 5029—To establish nonpartisan commission to collect information and recommend legislation on labor, agriculture, and capital. Reported back from Education and Labor, p. 401.

SETTLEMENT OF LABOR DISPUTES

SECOND SESSION

S. 3662—To provide for arbitration of railroad labor controversies. Reported back (S. Rept. 591) from Education and Labor, p. 1756. Made special order, p. 4494. Indefinitely postponed, p. 4857 (see H.R. 4372).

H.R. 4372—Same. Reported back (H. Rept. 454) with amendment, from Labor, p. 1749. Consideration in House objected to, p. 4630. Passed House, p. 4638. Amended and passed Senate, p. 4659. Conference appointed, p. 4858. House concurs in Senate amendments, p. 5046. Approved, p. 5586.

MAXIMUM WORK HOURS

SECOND SESSION

H.R. 7389—To limit hours of daily service of laborers and mechanics on public works. Reported back (H. Rept. 957) with amendment from Labor, p. 3536. Amended and passed House, p. 4984. Referred to Education and Labor, p. 4993. Reported back with amendments, p. 6516.

THIRD SESSION

H.R. 7389—See above. Recommitted (to Senate Committee on Education and Labor), p. 403. Reported back with amendments (S. Rept. 1855), p. 1968.

COMPETITION FROM CONVICT LABOR

SECOND SESSION

H.R. 9334—To protect free labor from prison competition. Reported back (H. Rept. 1299) with amendment from Labor, p. 4828. Consideration objected to in House, p. 4989.

Fifty-sixth Congress (first session, December 4, 1899–June 7, 1900; second session, December 3, 1900–March 2, 1901)

SETTLEMENT OF LABOR DISPUTES

FIRST SESSION

S. 4233—To limit meaning of word "conspiracy" and also use of "restraining orders and injunctions" as applied to labor disputes in the District of Columbia and in interstate and foreign commerce. Reported back from Judiciary, p. 6505.

H.R. 8917—Same. Reported with amendments (H. Rept. 1987) from Judiciary, p. 6784.

SECOND SESSION

H.R. 8917—See above. Reported back (H. Rept. 2007) with amendment from Judiciary, p. 18.

MAXIMUM WORK HOURS ON PUBLIC WORKS

FIRST SESSION

H.R. 6882—To limit daily work hours of mechanics and laborers on United States public works. Reported with amendment (H. Rept. 1272) from Labor, p. 5304. Passed House, p. 5801. Referred to Education and Labor, p. 5883. Motion to discharge committee from consideration of bill objected to in Senate, p. 6534.

SECOND SESSION

H.R. 6882—See above. Resolution to discharge committee from further consideration of bill, p. 3019.

COMPETITION FROM CONVICT LABOR

FIRST SESSION

H.R. 5450—To protect free labor from competition of prison labor. Reported with amendments (H. Rept. 1415) from Labor, p. 693. Passed House, p. 5805. Referred to Education and Labor, p. 5883.

PROTECTION OF WAGES ON PUBLIC WORKS

SECOND SESSION

S. 5345—To amend act of August 13, 1894, providing for protection of persons furnishing materials and labor for public works (provides for bonds to guarantee wages). Reported back from Education and Labor, p. 1661.

Fifty-seventh Congress, (first session, December 2, 1901–July 1, 1902; second session, December 1, 1902–March 4, 1903)

MAXIMUM WORK HOURS ON PUBLIC WORKS

FIRST SESSION

H.R. 3076—To limit hours of daily service of mechanics and laborers on public works. Reported with amendment from Labor (H. Rept. 1793), p. 4794. Passed House, p. 5656. Referred to Education and Labor, p. 5666.

SECOND SESSION

H.R. 3076—See above. Reported back with amendments (S. Rept. 2321), p. 464.

SETTLEMENT OF LABOR DISPUTES

FIRST SESSION

H.R. 15157—To authorize appointment of boards of investigation and arbitration in labor disputes. Reported with amendment from Labor (H. Rept. 2722), p. 7548. Consideration objected to, p. 7783.

TO ESTABLISH A DEPARTMENT OF COMMERCE AND LABOR

SECOND SESSION

S. 569—Reported from Committee on Commerce (S. Rept. 82). Passed Senate, January 29, 1902 (vol. 35, p. 1052). Reported from House Committee on Commerce and Labor (H. Rept. 2970). Passed House, January 17, 1903 (vol. 36, p. 930). Approved, February 14, 1903. Public Law 87.

Fifty-eighth Congress (first session, November 9, 1903–December 7, 1903; special session of Senate, March 5–19, 1903; second session, December 7, 1903–April 28, 1904; third session, December 5, 1904–March 4, 1905)

PROTECTION OF WAGES ON PUBLIC WORKS

SECOND SESSION

H.R. 13626—To amend act of August 13, 1894, for protection of persons furnishing labor and materials for public works (contractors must provide bonds to guarantee wages). Reported with amendment from Judiciary (H. Rept. 2360), p. 4667. Amended and passed House, p. 5252. Referred to Public Buildings and Grounds, p. 5294.

THIRD SESSION

H.R. 13626—See above. Reported back (S. Rept. 3918) and passed Senate, p. 2709. Approved, p. 3584.

COMPETITION FROM CONVICT LABOR

SECOND SESSION

H.R. 10006—Bars United States Government from purchasing convict-made goods. Reported with amendment from Labor (H. Rept. 2448), p. 4782.

Fifty-ninth Congress (first session, December 4, 1905–June 30, 1906; second session, December 3, 1906–March 4, 1907)

MAXIMUM WORK HOURS ON PUBLIC WORKS

FIRST SESSION

H.R. 11651—Limits daily work hours of laborers and mechanics on public works. Reported from Labor (H. Rept. 5030), p. 9343.

MAXIMUM WORK HOURS ON RAILROADS

FIRST SESSION

S. 5133—To promote safety of railroad employees by limiting hours of service of employees. Reported from Education and Labor (S. Rept. 4246), p. 8140. By unanimous consent agreed that bill with amendment will be voted upon January 10, 1907, p. 9790.

SECOND SESSION

S. 5133—See above. Amended and passed Senate, p. 895. Referred to Interstate and Foreign Commerce, p. 954. Reported back with amendment (H. Rept. 7641), p. 3155. Senate disagrees to House amendments, p. 3975. Conference report (H. Rept. 8155) made and rejected by Senate, p. 4348. Senate insists on disagreement with House amendments. Conference report made and agreed to, p. 4619. Approved, p. 4656.

CHILD LABOR

FIRST SESSION

S. 50—To regulate child labor in District of Columbia. Reported adversely from District of Columbia (S. Rept. 3704) and indefinitely postponed, p. 7126.

S. 691—Same. Reported adversely from District of Columbia (S. Rept. 3706), and indefinitely postponed, p. 7126.

H.R. 17838—Same. Reported from District of Columbia (H. Rept. 2949), p. 4895. Amended and passed House, p. 4967. Referred to Education and Labor, p. 4977. Reported back with amendment, p. 7914.

COMPETITION FROM CONVICT LABOR

FIRST SESSION

H.R. 12318—To subject to State laws transportation of convict-made goods. Reported from Labor (H. Rept. 4782) with amendment, p. 7972

SECOND SESSION

H.R. 12318—See above. Amended and passed House, p. 173. Referred to Interstate and Foreign Commerce, p. 193.

Sixtieth Congress (first session, December 2, 1907–May 30, 1908; second session, December 7, 1908–March 4, 1909)

WORKMEN'S COMPENSATION ON RAILROADS

FIRST SESSION

S. 5307—Providing for liability of railroads to their employees for injuries caused by employer's negligence. Reported with amendment (S. Rept. 460), p. 4265. Indefinitely postponed (see H.R. 20310), p. 4755.

H.R. 20310—Same. Employer's Liability Act of 1908. Reported from Judiciary (H. Rept. 1386), p. 4389. Passed House, p. 4426. Referred to Judiciary. Passed Senate, p. 4526. Approved, p. 5197. Public Law No. 100.

CHILD LABOR

FIRST SESSION

S. 4812—Bars child labor under 14 in District of Columbia (May 28, 1908). Reported from Education and Labor (S. Rept. 292), p. 2422. Amended and passed Senate, p. 5785. Amended and passed House, p. 6030. Conference report agreed to, p. 6665. Approved, p. 7105. Public Law No. 149.

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SECOND SESSION

S. 7657—To limit child labor in District of Columbia. Reported from District of Columbia with amendment (S. Rept. 882), p. 1558. Amended and passed Senate, p. 1678. Referred to District of Columbia, p. 1723.

LABOR FOUNDATION

FIRST SESSION

H.R. 19662—To establish Foundation for Promotion of Industrial Peace. Reported from Labor (H. Rept. 1451), p. 4840.

SECOND SESSION

H.R. 19662—See above. Passed House, p. 552. Referred to Judiciary, p. 574. Reference changed to Education and Labor, p. 747. Reported back and passed Senate, p. 2386. Approved, p. 3831. Public Law No. 299.

Sixty-first Congress (first session, March 15, 1909–August 5, 1909; special session, March 4–6, 1909; second session, December 6, 1909–June 25, 1910; third session, December 5, 1910–March 4, 1911)

COMPETITION FROM CONVICT LABOR

SECOND SESSION

H.R. 1200—To subject to State laws traffic in products of convict labor. Reported from Labor (H. Rept. 1697), p. 8786.

WORKMEN'S COMPENSATION ON RAILROADS

SECOND SESSION

H.R. 17263—Amends act of April 22, 1908, relating to liability of railroads to their employees in certain cases (employer's liability for wrongful negligence injuring worker). Reported with amendment from Judiciary (H. Rept. 513), p. 2237. Amended and passed House, p. 2253. Referred to Interstate and Foreign Commerce, p. 2302. Reference changed to Judiciary, p. 2540. Reported with amendments (S. Rept. 432), p. 3525. Amended and passed Senate, p. 4124. House concurs in Senate amendments, p. 4158. Approved, p. 4450. Public Law No. 117.

THIRD SESSION

S. 9534—To bar child labor in District of Columbia. Reported with amendment from District of Columbia (S. Rept. 1001), p. 1277.

Sixty-second Congress (first session, April 4, 1911-August 22, 1911; second session, December 4, 1911–August 26, 1912; third session, December 2, 1912–March 4, 1913)

MAXIMUM WORK HOURS ON PUBLIC WORKS

FIRST SESSION

H.R. 9061—Limits hours of work of laborers and mechanics on public works (8 hours). Reported with amendment from Labor, p. 4375; H. Rept. 165.

SECOND SESSION

H.R. 9061—See above. Amended and passed House, p. 396. Referred to Education and Labor, p. 449. Reported back (S. Rept. 601), p. 4572. Amended and passed Senate, p. 7454. House concurs in Senate amendments, p. 7714. Approved, p. 8490. Public Law No. 199.

H.R. 18787—Same as H.R. 9061. Reported from Labor with amendment (H. Rept. 910), p. 8349. Amended and passed House, p. 9980. Referred to Education and Labor, p. 9983. Reported with amendments (S. Rept. 1056), p. 11349.

THIRD SESSION

H.R. 18787—See above. Amended and passed Senate, p. 1780. House disagrees to Senate amendments and asks conference, p. 2139; agreed to, p. 2257. Conference report (No. 1497) made in House, p. 3176 and agreed to, p. 3176. Conference report made and agreed to in Senate, p. 3276. Presented to President, p. 3591. House requests President to return bill. (H. Con. Res. 72), p. 4267. President returns bill, p. 4448. Vote on agreeing to Conference report reconsidered in House, which disagrees to Conference report and asks further conference, p. 4448. Senate agrees thereto, p. 4408. Conference report made and agreed to in Senate, p. 4591. Conference report (No. 1608) made and agreed to in House, p. 4620. Approved, p. 4854. Public Law No. 408.

COMPETITION FROM CONVICT LABOR

FIRST SESSION

H.R. 5601—To subject to State laws the transportation, sale, or storage of products of convict labor. To Interstate and Foreign Commerce, p. 352. Reference changed to Labor, p. 1253.

SECOND SESSION

H.R. 5601—See above. Reported back (H. Rept. 222), p. 832. Amended and passed House, p. 2807. Referred to Judiciary, p. 2815.

DEPARTMENT OF LABOR

SECOND SESSION

H.R. 22913—To create a Department of Labor. Reported with amendment from Labor (H. Rept. 575), p. 5080. Amended and passed House, p. 8878. Referred to Education and Labor, p. 9165. Reported with amendments (S. Rept. 973), p. 9675.

THIRD SESSION

H.R. 22913—See above. Amended and passed Senate, p. 4007. House concurs in Senate amendments, p. 4256. Approved, p. 4844. Public Law No. 426.

SETTLEMENT OF LABOR DISPUTES

SECOND SESSION

H.R. 25109—Provides for mediation, conciliation, and arbitration of labor disputes. To Judiciary but reference changed to Interstate and Foreign Commerce, p. 7736. Reported back (H. Rept. 853), p. 7834.

H.R. 23635—To restrict granting of injunctions in labor disputes. Reported from Judiciary (H. Rept. 612), p. 5514. Passed House, p. 6470. Referred to Judiciary, p. 6477. Motion to discharge committee debated, p. 7986.

MAXIMUM WORK HOURS ON RAILROADS

SECOND SESSION

H.R. 26023—To limit hours of work of railroad employees. Reported from Interstate and Foreign Commerce (H. Rept. 1141), p. 10257.

LABOR AGREEMENTS WITH EMPLOYEES

SECOND SESSION

H.R. 23189—To make unlawful certain agreements between employees and laborers, and persons engaged in agriculture, and to limit issuing of injunctions in certain cases. Reported with amendments (H. Rept. 588), p. 5162.

WORKMEN'S COMPENSATION ON RAILROADS

SECOND SESSION

S. 5382—To provide compensation for accidental injuries causing disability or death to railroad employees in interstate commerce. Reported with amendments (S. Rept. 553), p. 4232. Unanimous-consent agreement for vote on, p. 4979. Amended and passed Senate, p. 5958. Senate requests House to return bill, p. 5998. House returns bill, p. 6047. Referred to House Committee on Judiciary, p. 6099.

THIRD SESSION

S. 5382—See above. Reported with amendment (H. Rept. 1441), p. 2580. Amended and passed House, p. 4547. Motion to concur in House amendments made and debated in Senate, p. 4562.

MAXIMUM WORK HOURS IN DISTRICT OF COLUMBIA

THIRD SESSION

S. 7723—To limit hours of work of females employed in District of Columbia. Reported with amendments (S. Rept. 1243), from District of Columbia, p. 3321. Amended and passed Senate, p. 4208. Referred to District of Columbia, p. 4471.

H.R. 27281—Same. Reported from Labor (H. Rept. 1574), p. 4123.

Sixty-third Congress (first session, April 7, 1913–December 1, 1913; second session, December 1, 1913–October 24, 1914; third session, December 7, 1914–March 4, 1915)

SETTLEMENT OF LABOR DISPUTES

FIRST SESSION

S. 2517—To provide for mediation, conciliation, and arbitration in certain labor disputes. Reported from Interstate Commerce, p. 2133, Rept. No. 72. Passed Senate, p. 1934. Passed House, p. 2442. Senate concurs in House amendments, p. 2024. Approved, p. 2471. Public Law No. 6.

H.R. 6141—Same. Reported from Judiciary with amendments, p. 2215 (Rept. No. 30). Laid on table, p. 2430. See S. 2517.

WELFARE OF MERCHANT SEAMEN

FIRST SESSION

S. 136—To promote welfare and working conditions of merchant seamen; safety at sea, etc. Reported from Commerce (Rept. No. 117), p. 5298. Placed on Calendar, p. 5298. Made the unfinished business, p. 5495. Unanimous-consent agreement for consideration and vote on agreed to in Senate, p. 5516. Amended and passed Senate, p. 5792. Referred to Merchant Marine and Fisheries, p. 5814.

SECOND SESSION

S. 136—See above. Reported from Merchant Marine and Fisheries with amendment (H. Rept. 852), p. 10758. Amended and passed House, p. 14362. Senate disagrees to House amendment and asks conference, p. 14378. Motion to reconsider vote in Senate disagreeing to House amendment; House requested to return bill, p. 14412. House returns bill, p. 14425. Vote reconsidered in Senate; referred to Committee on Commerce, 14413.

S. 136—See above. Senate disagrees to House amendment and asks for conference, p. 901. House insists on its amendment and agrees to conference, p. 1006. Conference report (No. 1439) made

in House, p. 4631; agreed to in House, p. 4631. Conference report made in Senate, p. 4560; agreed to in Senate, p. 4728. Motion to reconsider vote in Senate agreeing to conference report laid on table, p. 4811. Approved, p. 5507. Public Law No. 302. Act of March 4, 1915.

WORKMEN'S COMPENSATION ON COMMON CARRIERS

FIRST SESSION

H.R. 2944—To provide compensation for injuries causing death or disability to employees of common carriers. To Interstate and Foreign Commerce, p. 227. Change of reference to Judiciary debated, p. 1869.

COMPETITION OF CONVICT LABOR

SECOND SESSION

S. 4161—To prohibit importation of convict-made goods. Reported with amendment from Manufacturers, p. 4134: Rept. No. 306.

H.R. 14330—Same. Reported with amendment, p. 4566; Rept. No. 358. Amended and passed House, p. 5476. Referred to Manufacturers, p. 5650. Debated. Reported, p. 9206; Rept. No. 557.

S. 2321—To subject to State laws the transportation and sale of convict-made goods. Reported from Interstate Commerce with amendments (Rept. No. 771), p. 14413.

H.R. 1933—Same. Reported from Labor, p. 92; Rept. No. 93. Passed House, p. 4302. Referred to Education and Labor, p. 4510. Committee discharged, p. 4721.

MAXIMUM WORK HOURS FOR FEMALES IN DISTRICT OF COLUMBIA

FIRST SESSION

S. 1294—To regulate hours of work for female workers in District of Columbia. Reported from District of Columbia, p. 1392; Rept. No. 34. Passed Senate, p. 2368. Referred to District of Columbia.

SECOND SESSION

S. 1294—Same. Reported from District of Columbia, p. 3098; Rept. No. 224. Passed House, p. 3418. Approved, p. 3821. Public Law No. 60.

H.R. 29—Same. Reported from Labor, p. 92; Rept. No. 96.

BUREAU OF LABOR SAFETY

SECOND SESSION

H.R. 10735—To create Bureau of Labor Safety in Department of Labor. Reported from Labor, p. 1816; Rept. No. 167. Amended and passed House, p. 4706. Referred to Education and Labor, p. 4723. Reported back, p. 13122; Rept. No. 712.

CHILD LABOR

SECOND SESSION

H.R. 12292—To prevent interstate commerce in products of child labor. Reported with amendment from Labor, p. 13706; Rept. No. 1085.

THIRD SESSION

H.R. 12292—See above. Reported with amendment (H. Rept. 1400), p. 3739. Amended and passed House, p. 3836. Referred to Interstate Commerce, p. 3875. Reported with amendments, p. 4911; Rept. No. 1050.

NATIONAL EMPLOYMENT BUREAU

THIRD SESSION

H.R. 19015—To establish a national employment bureau in Labor Department. Reported from Labor with amendments, p. 4242; Rept. No. 1429.

RECOGNITION OF LABOR UNIONS UNDER ANTITRUST LAWS

SECOND SESSION

H.R. 15657—Antitrust Act: Recognizes as legitimate labor unions not in violation of its provisions, and prohibits issuance of restraining orders or injunctions against unions in legitimate dispute with management, inter alia. Reported with amendments (H. Rept. 627), p. 8201. Amended and passed House, p. 9909. Unanimous-consent agreement for vote on agreed to in Senate, p. 14451. Amended and passed Senate, p. 14609. House disagrees to Senate amendments and asks conference; Senate agrees, p. 14718. Conference report (S. Doc. 583) made in Senate and withdrawn, p. 15588. Conference report (S. Doc. 585) made in Senate, p. 15589. Conference report agreed to in Senate, p. 16170. Conference report (No. 1168) made in House, p. 16264; agreed to in House, p. 16344. Approved, p. 16756. Public Law No. 212 (act of October 15, 1914).

Sixty-fourth Congress (first session, December 6, 1915–September 8, 1916; second session, December 4, 1916–March 4, 1917)

CHILD LABOR

FIRST SESSION

H.R. 8234—To prevent interstate commerce in the products of child labor. Reported with amendments from Labor, p. 1180; Rept. No. 46. Amended and passed House, p. 2035. Referred to Interstate Commerce, p. 2191. Reported with amendment, p. 6416; Rept. No. 358. Amended and passed Senate, p. 12312. Senate asks for conference, p. 12313. House agrees to conference, p. 12380. Conference report (No. 1107) made and agreed to in House, p. 12845. Conference report made and agreed to in Senate, p. 12917. Approved, p. 14157. Public Law No. 249.

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VOCATIONAL EDUCATION

FIRST SESSION

S. 703—To provide for promotion of vocational education; cooperation with States. *Smith-Hughes Vocational Education Act of 1917.* Reported from Education and Labor, p. 1781; Rept. No. 97. Amended and passed Senate, p. 11878. Referred to Education.

SECOND SESSION

S. 703—See above. Committee on Education discharged, p. 714. Amended and passed House, p. 1083. Senate disagrees with House amendments and asks conference, p. 1189; House agrees, p. 1332. Conference report (S. Doc. 711) made in Senate, p. 3262; made in House, p. 3315. Conference report agreed to in House, p. 3423; agreed to in Senate, p. 3408. Approved, p. 3965. Public Law No. 347.

MAXIMUM WORK HOURS ON RAILROADS

FIRST SESSION

H.R. 17700—Hours of Service Act: Sets 8-hour workday for railroad workers. September 3 and 5, 1918. Reported with amendments from Interstate and Foreign Commerce, p. 13609; Rept No. 1184. Amended and passed House, p. 13607. Debated in Senate, pp. 13378–13406, etc. Unanimous-consent agreement for vote on, agreed to, p. 13577. Passed Senate, p. 13655. Approved, p. 14158. Public Law No. 252.

S. 6981—Same. Reported from Interstate Commerce, p. 13552; no report. Indefinitely postponed (see H.R. 17700).

BUREAU OF LABOR SAFETY

FIRST SESSION

H.R. 153—To create Bureau of Labor Safety in Department of Labor. Reported from Labor, p. 1180; Rept. No. 44. Amended and passed House, p. 1267. Referred to Education and Labor, p. 1312. Reported with amendments, p. 11518; Rept. No. 734. Recommitted to committee, p. 12166. Recommitting motion reconsidered, p. 12411.

NATIONAL EMPLOYMENT BUREAU

FIRST SESSION

H.R. 5783—To establish National Employment Bureau in Labor Department. Reported from Labor, p. 4886 (amended); Rept. No. 424.

COMPETITION FROM CONVICT LABOR

FIRST SESSION

S. 4060—To give States right to regulate interstate commerce in convict-made goods. Reported from Education and Labor, p. 6626 (with amendments); Rept. No. 385.

H.R. 6871—Same. Reported from Labor, p. 1542; Rept No. 75.

Sixty-fifth Congress (Special session, March 5–16, 1917; first session, April 2, 1917–October 6, 1917; second session, December 3, 1917–November 21, 1918; third session, December 2, 1918–March 4, 1919)

MINIMUM WAGES IN DISTRICT OF COLUMBIA

SECOND SESSION

H.R. 12098—A bill to set minimum wages for women and minor workers in District of Columbia. *Nolan Act.* September 19, 1918. Reported from District of Columbia, p. 6570; Rept. No. 571. Amended and passed House, p. 9537. Referred to District of Columbia, p. 9574. Reported (Rept. 562), p. 10059. Passed Senate, p. 10285. Approved, p. 10704. Public Law No. 215.

CHILD LABOR

SECOND SESSION

H.R. 12863—To prohibit child labor in interstate and foreign commerce via taxation. Reported from Ways and Means, p. 9894; Rept. No. 767. Amended and passed House, p. 10547. Referred to Finance, p. 10561.

THIRD SESSION

H.R. 12863—See above. Reported from Finance with amendments, p. 174; Rept. No. 617. Amended and passed Senate, p. 832. Senate asks for conference, p. 834. House disagrees to Senate amendments and agrees to conference, p. 861 (see H. Res. 488). Conference report made in House, p. 2819; Rept. No. 1037; agreed to in House, p. 3035. Conference report made in Senate, p. 2818; agreed to, p. 3117. Approved, p. 4245. Public Law No. 254.

Sixty-sixth Congress (first session, May 19, 1919–November 19, 1919; second session, December 1, 1919–June 5, 1920; third session, December 6, 1920–March 4, 1921)

PROHIBITION OF STRIKES IN INTERSTATE COMMERCE

SECOND SESSION

S. 4204—A bill to prohibit strikes in interstate and foreign commerce. Reported from Interstate Commerce with amendment, p. 7873; Rept. No. 644.

LABOR DISPUTES ON RAILROADS

FIRST SESSION

H.R. 10453—An act to provide, among other things, for settlement of disputes between carriers and their employees; re-established procedures of arbitration. Reported from Interstate and Foreign Commerce, p. 8265; Rept. No. 456. Amended and passed House, p. 8692.

SECOND SESSION

H.R. 10453—Same. Amended and passed Senate, p. 952. Senate asks for conference, p. 952. House disagrees to amendment and agrees to conference, p. 1004. Conference report submitted in Senate, p. 3034; agreed to, p. 3326. Conference report submitted in House (Rept. No. 650), p. 3098. Agreed to, p. 3243. Approved, p. 3709. Public Law No. 152.

WORKING CONDITIONS OF MERCHANT SEAMEN

FIRST SESSION

H.R. 10378: Merchant Marine Act of 1920—Among other things, provide better working conditions for seamen and includes them under provisions of Employer's Liability Act of 1908. Reported from Merchant Marine and Fisheries, p. 8052; Rept. No. 443. Amended and passed House, p. 8173. Referred to Commerce, p. 8267.

SECOND SESSION

H.R. 10378—Same. Reported from Merchant Marine and Fisheries with amendments; p. 6494; Rept. No. 573. Amended and passed Senate, p. 7420. Senate asks for conference, p. 7420. House disagrees to Senate amendments and agrees to conference, p. 7504. Conference report submitted in House, Rept. No. 1093, p. 8290. House insists on its disagreement to Senate amendments and asks for further conference, p. 8398. Conference report submitted in Senate, p. 8163. Senate insists on its amendments and agrees to further conference, p. 8334. Conference report submitted in Senate, p. 8338; agreed to p. 8470. Conference report submitted in House, p. 8572; Rept. No. 1102. House further insists on its disagreement to Senate amendments and asks further conference, p. 8576. Senate agrees to conference, p. 8487. Reported submitted in Senate, p. 8493; agreed to, p. 8502. Conference report submitted in House (Rept. No. 1107), p. 8588; agreed to, p. 8609. Approved, p. 8678.

Sixty-seventh Congress (first session, March 4, 1921–November 23, 1921; second session, December 5, 1921–September 22, 1922; third session, November 20, 1922–December 4, 1922; fourth session, December 4, 1922–March 4, 1923)

REGULATION OF WAGES, AMONG OTHER THINGS, IN COAL INDUSTRY

FIRST SESSION

S. 3940—A bill for the comprehensive regulation of the coal industry, covering production, distribution, prices, wages. Reported with amendments from Interstate Commerce, p. 11728; Rept. No. 895. Indefinitely postponed.

SECOND SESSION

H.R. 12472—Same. Reported from Interstate and Foreign Commerce, p. 11948; Rept. No. 1196. Amended and passed House, p. 12058. Amended and passed Senate, p. 12235. Senate insists on its

amendments and asks for conference, p. 12235. House disagrees to Senate amendments; agrees to conference, p. 12349. Conference report submitted in Senate (S. Doc. 251), p. 12568. Conference report submitted in House (H. Rept. 1222), p. 12615. Approved, p. 13182. Public Law No. 348.

Sixty-eighth Congress (first session, December 3, 1923–June 7, 1924; second session, December 1, 1924–March 4, 1925)

LABOR DISPUTES IN INTERSTATE COMMERCE

FIRST SESSION

S. 2646—To provide for expeditious and prompt settlement, mediation, conciliation, and arbitration of disputes between carriers and their employees and subordinate officials, and for other purposes. Reported from Interstate Commerce with amendments, p. 10936; Rept. 779.

H.R. 7358—Same. Reported to Interstate and Foreign Commerce, p. 3294. Committee discharged and committed to State of the Union, p. 7875. Enacting clause striken out, p. 8939.

H.R. 646—Bill to make valid and enforceable written provisions or agreements for arbitration of disputes arising out of contracts, maritime transactions, or commerce. Reported from Judiciary, p. 1430; Rept. 96. Passed House, p. 11082. Referred to Commerce, p. 11124.

H.R. 7698—A bill to regulate transportation and importation of strikebreakers in labor disturbances. Reported with amendments from Labor, p. 6289; Rept. 500.

Sixty-ninth Congress (first session, December 7, 1925–July 3, 1926; second session, December 6, 1926–March 4, 1927)

SAFETY DIVISION

FIRST SESSION

H.R. 12263—To create a Safety Division in the Bureau of Labor Statistics of the Department of Labor. Reported from Labor Committee, June 24, 1926; Rept. No. 1537.

SECOND SESSION

H.R. 12263—See above. Passed House, January 3, 1927. Reported in Senate, January 21, 1927; Rept. No. 1288.

WORKMEN'S COMPENSATION IN MARITIME EMPLOYMENTS

FIRST SESSION

H.R. 12063—A bill to provide compensation for employees injured and dependents of employees killed in certain maritime employments, and providing for administration by the United States Employees

Commission. Reported from Judiciary, May 13, 1926; Rept No. 1190.

S. 3170—Longshoremen's and Harbor Workers' Act (March 4, 1927—provides workmen's compensation in maritime employment for disability or death resulting from injury. Reported from Judiciary, p. 4119; Rept. No. 973. Amended and passed Senate, p. 10614. Referred to Judiciary, p. 10820.

SECOND SESSION

S. 3170—See above. Reported with amendments, p. 1687; Rept. No. 1767. Amended and passed House, p. 5414. Senate concurs in House amendments, p. 5900. Approved (Public Law No. 803), p. 5917.

LABOR DISPUTES ON RAILROADS

FIRST SESSION

H.R. 9463—To provide for prompt disposition of disputes between railway carriers and their employees, and for other purposes. *Railway Labor Act.* Reported from Interstate and Foreign Commerce, February 19, 1926; H. Rept. 328. Passed House, March 1, 1926. Reported in Senate, April 16, 1926; Rept. No. 606. Passed Senate, May 11, 1926. Approved, May 20, 1926. Public Law No. 257.

Seventieth Congress (first session, December 5, 1927–May 29, 1928; second session, December 3, 1928–March 4, 1929)

CHILD LABOR

FIRST SESSION

H.R. 6685—To regulate conditions of child labor in the District of Columbia. Reported from District of Columbia Committee, February 17, 1928; House Report No. 703. Reported in Senate, amended, April 19, 1928; Senate Report No. 842. Passed Senate, amended, May 23, 1928. House agrees to Senate amendments, May 28, 1928. Approved, May 29, 1928. Public Law No. 618.

WORKMEN'S COMPENSATION

FIRST SESSION

H.R. 12320: Longshoremen's and Harbor Workers' Compensation Act—Amends. Reported from House Judiciary Committee, March 28, 1928; House Report No. 1070. Passed House, April 2, 1928. Reported in Senate, April 23, 1928. Passed Senate, April 24, 1928. Approved, May 4, 1928. Public Law No. 349.

SECOND SESSION

S. 5503: Longshoremen's and Harbor Workers' Compensation Act—Amends. Reported in Senate, February 11, 1929, from Judiciary Committee. Passed Senate, February 26, 1929. Referred to House Judiciary Committee, February 28, 1929.

DIVISION OF SAFETY IN LABOR DEPARTMENT

FIRST SESSION

S. 1266—To create a Division of Safety in Department of Labor. Reported in Senate from Committee on Education; Report No. 347.

H.R. 6848—To create a Division of Safety in Department of Labor. Reported from Labor Committee, February 23, 1928; Report No. 745.

VOCATIONAL EDUCATION

FIRST SESSION

H.R. 12241—A bill to provide for the further development of vocational education in the several States. Reported from House Education Committee, March 30, 1928; Report No. 1097.

S. 1731—Same. Reported in Senate, March 2, 1928, from the Committee on Agriculture; Report No. 451. Passed Senate, April 9, 1928. Referred to House Education Committee, April 11, 1928. Reported May 15, 1928; Report No. 1667.

SECOND SESSION

Passed House, amended, January 28, 1929. Senate agrees to House amendments, January 29, 1929. Approved, February 5, 1929. Public Law No. 702.

H. Res. 297—Same. Reported from House Rules Committee, January 23, 1929; Report No. 2208. Passed House, January 28, 1929.

WORKING CONDITIONS OF MERCHANT SEAMEN

FIRST SESSION

S. 744: Merchant Marine Act of 1928—An act to further develop an American merchant marine, to assure its permanence in foreign trade (contains labor regulation concerning merchant seamen). Reported from Commerce with amendments, p. 1158; Rept. No. 39. Amended and passed Senate, p. 2251. Referred to Merchant Marine and Fisheries, p. 2350. Reported with amendment, p. 6675; Rept. No. 1279. Made special order (H. Res. 175). Amended and passed House, p. 7921. Senate disagrees to House amendments and asks for conference, p. 8044. Conferees appointed, p. 8044. House insists upon its amendments and agrees to conference, p. 8131. Conference report submitted in House, p. 8531, (S. Doc. 104). Agreed to, p. 8810. Approved, p. 8927. Public, No. 463.

Seventy-first Congress (first session, April 15, 1929–November 22, 1929; second session, Decemper 2, 1929–July 3, 1930; third session, December 1, 1930–March 4, 1931)

SAFETY DIVISION IN LABOR DEPARTMENT

SECOND SESSION

H.R. 995—To establish a Safety Division in the Bureau of Labor Statistics of the Department of Labor. Reported from the House Labor Committee, May 7, 1930; Report No. 1392.

MINIMUM WAGES OF LABORERS ON PUBLIC WORKS

SECOND SESSION

H.R. 9232—To regulate the rates of wages to be paid to laborers and mechanics employed by contractors and subcontractors on public works of the United States and the District of Columbia. Reported from House Labor Committee, April 15, 1930; Report No. 1162.

PROMOTION OF EMPLOYMENT

SECOND SESSION

S. 3060—An act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes. Reported in Senate, April 10, 1930; Committee on Interstate and Foreign Commerce. Passed Senate, May 12, 1930. Referred to House Committee on the Judiciary, May 13, 1930. Reported June 26, 1930; Report No. 2033.

S. 3059—An act for the prevention of unemployment by advancing public works. Reported in Senate, April 3, 1930, Commerce; Report No. 320. Passed Senate, April 28, 1930. Referred to House Judiciary Committee, May 5, 1930. Reported June 19, 1930; Report No. 1971. Passed House, amended, July 1, 1930. Sent to conference, July 2, 1930.

S. 3061—To authorize monthly report on unemployment statistics by the Labor Department. Reported in Senate, April 10, 1930, Commerce; Report No. 321. Passed Senate, April 28, 1930. Referred to House Labor Committee, May 5, 1930. Reported, May 19, 1930; Report No. 1531. Passed House, July 1, 1930. Approved, July 7, 1930. Public Law No. 537.

PROTECTION OF WAGES ON PUBLIC WORKS

THIRD SESSION

S. 5904: Davis-Bacon Act (March 3, 1931)—Covers direct Federal construction, alteration, or repair of public buildings or public works, including painting and decorating, where the contract is more than $2,000; protects workers by withholding payment to contractor who has not paid wages. Reported from Manufacturers, p. 3833; Report No. 1445. Passed Senate, p. 3918. Passed House, p. 6521. Approved, p. 6906. Public Law No. 798.

H.R. 16619—Same. Reported from Labor, p. 3736; Report No. 2453. Laid on table, p. 6521 (S. 5904 passed in lieu).

COMPETITION FROM CONVICT LABOR

THIRD SESSION

H.R. 16517—To prohibit importation of products of convict and forced labor, to protect labor and industry, etc. Reported from Ways and Means, p. 4649; Report No. 2590. Passed House, p. 5677. Referred to Finance, p. 5721.

Seventy-second Congress (first session, December 7, 1931–July 16, 1932; second session, December 5, 1932–March 4, 1933)

SETTLEMENT OF LABOR DISPUTES

FIRST SESSION

S. 4565—To make applicable to air mail lines and common carriers by air the procedures set up by the Railway Labor Act for the settlement of disputes between such carriers and their employees. Reported in Senate, May 19, 1932. Commerce; Report No. 713.

H.R. 5315 (S. 935): Norris-LaGuardia Act—To define and limit jurisdiction of courts sitting in equity in regard to injunctions in labor disputes. Reported from Judiciary, March 2, 1932; Report No. 669. Passed House March 8, 1932. Passed Senate, amended, March 9, 1932. Sent to conference March 10, 1932. House agrees to conference report, March 17, 1932. Senate agrees to conference report, March 18, 1932. Approved March 23, 1932. Public Law No. 65.

BUREAU OF EMPLOYMENT SERVICE

FIRST SESSION

S. 2687—To create Bureau of Employment Service; provides for establishment of national employment system and for cooperation with States in promotion of such system. Reported in Senate, April 22, 1932. Commerce; Report No. 589.

MAXIMUM WORK HOURS FOR INTERSTATE COMMERCE

SECOND SESSION

H.R. 14518—To provide for 5-day week, 6-hour day; prevents interstate commerce in certain commodities and articles produced or manufactured in industrial activities in which persons are employed more than 5 days per week or 6 hours per day. Reported from Labor, February 10, 1933; Report No. 1999.

UNION LABELS

FIRST SESSION

S. 2173—To authorize the adoption and protection of union labels in the District of Columbia. Reported in Senate, January 9, 1932. District of Columbia; Report No. 75. Passed Senate, January 13, 1932. Referred to District of Columbia, January 18, 1932. Reported, February 5, 1932; Report No. 374. Passed House, February 8, 1932. Approved, February 18, 1932. Public Law No. 35.

MINIMUM WAGES ON PUBLIC WORKS

FIRST SESSION

H.R. 10739—A bill to provide that the prevailing rate of wages shall be paid to laborers and mechanics employed on certain public works of the United States, the District of Columbia, the Territories,

and the Panama Canal, and for other purposes. Reported from Labor, March 23, 1932; Report No. 877

H.R. 11200—Same as H.R. 10739. Reported from Labor, April 9, 1932; Report No. 1028.

S. 3847—Substantially same as H.R. 10739 and 11200, for which these bills made way. Passed Senate, April 18, 1932. Referred to Labor, April 22, 1932. Reported, May 26, 1932; Report No. 1441. Passed House, amended, June 8, 1932. Sent to conference, June 14, 1932. House agrees to conference report, June 16, 1932. Senate agrees to conference report, June 20, 1932. Vetoed, July 1, 1932. Laid on table, July 1, 1932.

WORKING CONDITIONS OF COMMON CARRIER EMPLOYEES

SECOND SESSION

S. 1060—Assumption of risk of employment by employees of common carriers. Reported in Senate, February 20, 1933, Judiciary; Report No. 1257.

PUBLIC WORKS ADMINISTRATION

FIRST SESSION

H.R. 11011—To create a Public-Works Administration, and transfer to and consolidate and coordinate therein all the public works activities of the Government. Reported from Expenditures in Executive Departments. April 4, 1932; Report No. 989.

VOCATIONAL REHABILITATION

FIRST SESSION

H.R. 4743—Authorizes continuation of, and appropriation for, vocational rehabilitation. Reported from Education. March 25, 1932; Report No. 898. Passed House, May 18, 1932. Reported in Senate, June 13, 1932. Education and Labor; Report No. 821. Passed Senate, June 27, 1932. Approved, June 30, 1932. Public Law No. 222.

Seventy-third Congress (first session, March 9, 1933–June 16, 1933; second session, January 3, 1934–June 18, 1934)

SETTLEMENT OF LABOR DISPUTES

SECOND SESSION

S. 2926—To create National Labor Board, to equalize bargaining power of employers and employees, to encourage amicable settlement of disputes, etc. Reported in Senate, May 26, 1934; Education and Labor; Report No. 1184.

H.R. 9861 (*S. 3266*)—Railway Labor Act, amended as to settlement of disputes between employers and employees. Reported from Interstate and Foreign Commerce, June 11, 1934; Report No. 1944. Passed House, June 15, 1934. Passed Senate, amended, June 18,

1934. House agreed to Senate amendments, June 15 (calendar day, June 18), 1934. Approved, June 21, 1934. Public Law No. 442.

WORKMEN'S COMPENSATION

SECOND SESSION

S. 3041—To prevent evasion of compensation rate laws. Reported in Senate, April 23, 1934; Judiciary; Report No. 803. Passed Senate, April 26, 1934. Referred to Judiciary, April 30, 1934. Reported, May 23, 1934; Report No. 1750. Passed House, June 4 (calendar day, June 7), 1934. Approved, June 13, 1934. Public Law No. 324.

S. 2794 (H.R. 8057)—Makes certain changes in the Longshoremen's and Harbor Workers' Compensation Act as to the awarding of compensation. Reported in Senate, April 3, 1934; Judiciary; Report No. 588. Passed Senate, April 25, 1934. Passed House, May 21, 1934. Approved, May 26, 1934. Public Law No. 257.

MAXIMUM WORK HOURS FOR INTERSTATE COMMERCE

FIRST SESSION

S. 158 (H.R. 4557)—A bill to prevent interstate commerce in certain commodities and articles produced or manufactured in industrial activities in which persons are employed more than 5 days per week or 6 hours per day. Reported in Senate, March 30, 1933; Judiciary; Report No. 14. Passed Senate, April 6, 1933. In Senate motion to reconsider, entered April 7, 1933. Passed, April 13, 1933. Referred to Labor, April 17, 1933. Reported, May 10, 1933; Report No. 124. House Calendar.

UNITED STATES EMPLOYMENT SYSTEM

FIRST SESSION

S. 510—Establishes United States Employment System to coordinate and further employment program. Reported in Senate, May 11, 1933; Education and Labor; Report No. 63. Passed Senate, May 29, 1933. Passed House, amended, June 1, 1933. Senate agreed to House amendments, June 2, 1933. Approved, June 6, 1933. Public Law No. 30.

REGULATION OF NATIONAL WAGES AND HOURS

FIRST SESSION

H.R. 5755: National Industrial Recovery Act—To encourage industrial recovery; to foster fair competition; provides for construction of certain useful public works; sets up codes of fair competition wherein minimum wages and prices are to be set by codes of industry. Reported from Ways and Means, May 23, 1933; Report No. 159. Passed House, May 26, 1933. Reported in Senate, amended, June 15, 1933; Finance; Report No. 114. Passed Senate, amended, June 9, 1933. Sent to conference June 9, 1933. House agreed to conference report June 10, 1933. Senate agreed to conference report, June 13, 1933. Approved, June 16, 1933 Public Law No. 67.

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MAXIMUM WORK HOURS ON COMMON CARRIERS

SECOND SESSION

H.R. 7430—A bill to establish a 6-hour day for employees of carriers engaged in interstate and foreign commerce, and for other purposes. Motion to discharge Committee on Interstate and Foreign Commerce. No. 27. Entered May 11, 1934. Discharge Calendar. Reported from Interstate and Foreign Commerce, May 24, 1934; Report No. 1763. Union Calendar.

Seventy-fourth Congress (first session, January 3, 1935–August 26, 1935; second session, January 3, 1936–June 20, 1936)

MINIMUM WAGES AND MAXIMUM HOURS ON GOVERNMENT CONTRACTS

FIRST SESSION

S. 3055—To provide conditions for the purchase of supplies and the making of contracts. Reported from Senate Committee on Education and Labor; Reports. 1157 and 1193. Passed Senate, August 12, 1935 (vol. 79, p. 12896).

SECOND SESSION

Reported from House Committee on Judiciary; Report 2946. Passed House, June 19, 1936 (vol. 80, p. 10201). Approved, June 30, 1936. Public Law 846.

STRIKEBREAKERS IN LABOR DISPUTES

FIRST SESSION

S. 2039—To make a felony to transport in interstate and foreign commerce persons employed to picket during labor controversies. *Anti-Strikebreaker Law.* Reported in Senate, August 20, 1935; Judiciary; Report No. 1420. Passed Senate, August 22, 1935. Referred to Judiciary August 23, 1935.

SECOND SESSION

Reported April 17, 1936; Report No. 2431. Passed House June 19, 1936. Approved June 24, 1936. Public Law No. 776.

REGULATION OF WAGES IN COAL INDUSTRY

FIRST SESSION

H.R. 9100—To stabilize the bituminous coal industry (also S. 2481). Like NIRA, a comprehensive regulatory scheme for coal business, including provisions for wages and prices. Reported from Ways and Means, August 14, 1935; Report No. 1800. Passed House, August 19, 1935. Passed Senate, amended, August 22, 1935. Sent to conference, August 22, 1935. Senate agreed to conference report, August 23, 1935. House agreed to conference report August 23, 1935. Approved, August 30, 1935. Public Law No. 402.

MINIMUM WAGES IN FEDERAL HIGHWAY PROGRAM

SECOND SESSION

H.R. 11687—To amend Federal Aid Highway Act. Provides for prevailing wages for laborers on federally aided highway construction. Reported from Roads, April 3, 1936; Passed House, April 16, 1936. Reported in Senate, April 30, 1936; Post Offices and Roads; Report No. 1976. Passed Senate, amended, May 8, 1936. Sent to conference, May 19, 1936. Senate agreed to conference report, May 19, 1936. House agreed to conference report, June 2, 1936. Approved June 16, 1936. Public Law No. 686.

WORKMEN'S COMPENSATION

FIRST SESSION

H.R. 8293 (S. 2791)—A bill to amend the Longshoremen's and Harbor Workers' Compensation Act. Reported from Judiciary, August 16, 1935; Report No. 1807.

SECOND SESSION

Recommitted, March 16, 1936. Reported March 26, 1936; Report No. 2237.

S. 2791—Same.

FIRST SESSION

Reported in Senate August 5, 1935, Judiciary; Report No. 1199.

S. 3238—To provide compensation for disability or death to employees on public works.

SECOND SESSION

Reported in Senate May 28, 1936, Education and Labor; Report No. 2119. Passed Senate, June 1, 1936. Referred to Judiciary, June 3, 1936.

H.R. 12599—Non-Federal employees engaged in work on Federal property (Act of June 25, 1936): Grants to States jurisdiction to apply their workmen's compensation laws to non-Federal employees engaged in work on Federal property within a State. Reported from Labor, p. 6702; Rept. No. 2656. Passed House, p. 8842. Referred to Education and Labor, p. 8802. Reported with amendments, p. 9022; Rept. No. 2294. Amended and passed Senate, p. 9180. House concurs in Senate amendments, p. 9643. Approved, p. 10896. Public Law No. 814.

MINIMUM WAGES IN THE STATES

FIRST SESSION

S.J. Res. 148 (H.J. Res. 321)—To grant consent to minimum-wage compact among States. Reported in Senate, June 21, 1935, Education and Labor; Report No. 922.

MINIMUM WAGES IN FEDERAL HOUSING PROGRAM

SECOND SESSION

H.R. 11689—To amend Title I of the National Housing Act. Provides for prevailing wage rates for laborers on federally aided housing. Reported from Banking and Currency, March 23, 1936; Report No. 2220. Laid on table, March 26, 1936.

S. 3247—To amend title II of National Industrial Recovery Act to execute housing program. See H.R. 11689. Reported in Senate, March 16, 1936, Finance; Report No. 1693. Passed Senate, March 27, 1936. Referred to Ways and Means, April 1, 1936. Reported, May 14, 1936; Report No. 2660. Passed House, amended, June 1, 1936. Sent to conference, June 8, 1936. House and Senate agree to conference report, June 19, 1936. Approved, June 29, 1936. Public Law No. 837.

SETTLEMENT OF LABOR DISPUTES

FIRST SESSION

S. 1958 (H.R. 7978)—A bill to promote equality of bargaining power between employers and employees, to diminish the causes of labor disputes, to create a National Labor Relations Board, and for other purposes. *National Labor Relations Act.* Reported in Senate May 2, 1935, Education and Labor; Report No. 573. Passed Senate, May 16, 1935. Referred to Labor, May 17, 1935. Reported, May 21, 1935; Report No. 972. Recommitted, June 5, 1935. Reported, June 10, 1935; Report No. 1147. Passed House, amended, June 19, 1935. Sent to conference, June 21, 1935. House agreed to conference report, June 27, 1935. Amendments to title in disagreement, June 27, 1935. Senate agreed to conference report, June 27, 1935. Approved, July 5, 1935. Public Law No. 198.

S. 2496—To amend the Railroad Labor Act. Pertains to settlement of labor disputes. Reported in Senate, June 17, 1935, Interstate Commerce; Report No. 895. Passed Senate, June 25, 1935. Referred to Interstate and Foreign Commerce, June 27, 1935.

SECOND SESSION

Reported March 26, 1936; Report No. 2243. Passed House, April 6, 1936. Approved, April 10, 1936. Public Law No. 487.

SAFETY ON RAILROADS

SECOND SESSION

S. 2511—To promote safety of employees and travelers on railroads. Reported in Senate, June 3, 1936; Interstate Commerce; Report No. 2213. Passed Senate, June 6, 1936.

S. 2496—To amend the Railway Labor Act to include air transportation.

FIRST SESSION

Reported in Senate, June 17, 1935, Interstate Commerce; Report No. 895. Passed Senate, June 25, 1935. Referred to Interstate and Foreign Commerce, June 27, 1935.

SECOND SESSION

Reported, March 26, 1936; Report No. 2243. Passed House, April 6, 1936. Approved, April 10, 1936. Public Law No. 487.

MAXIMUM HOURS OF WORK FOR INTERSTATE COMMERCE

FIRST SESSION

H.R. 7198—A bill to prevent shipment in interstate commerce of certain articles, in connection with which persons are employed more than 5 days per week or 6 hours per day, and prescribing certain conditions with respect to purchases and loans by United States, and codes, agreements, and licenses under National Industrial Recovery Act. Reported from Labor, July 18, 1935; Report No. 1550.

PROTECTION OF WAGES ON PUBLIC WORKS

FIRST SESSION

H.R. 8519—To require contractors on public works to furnish bonds; gives workers right to sue for wages. Miller Act. Reported from Judiciary, June 19, 1935; Report No. 1263. Passed House, July 23, 1935. Reported in Senate, August 12, 1935. Judiciary; Report No. 1238. Passed Senate, August 16, 1935. Approved, August 24, 1935. Public Law No. 321.

MINIMUM WAGES IN TEXTILE INDUSTRY

SECOND SESSION

H.R. 12285—A bill to rehabilitate and stabilize labor conditions in the textile industry of the United States; to prevent unemployment and to provide minimum wages, maximum hours, and other conditions of employment in said industry; to safeguard and promote the general welfare. *National Textile Act.* Reported from Labor, May 6, 1936; Report No. 2590.

WORKING CONDITIONS OF MERCHANT SEAMEN

H.R. 8597—Merchant Marine Act of 1936. Relates to welfare and safety of seamen.

FIRST SESSION

Reported from Merchant Marine and Fisheries, p. 9897; Report No. 1322. Made special order (H. Res. 356). Passed House. Referred to Commerce, p. 14446.

SECOND SESSION

Reported in Senate with amendment, p. 7565; Report No. 2059. Amended and passed Senate, p. 8421. House disagrees to Senate amendments and asks conference. Conference report submitted, No. 3041. Agreed to, p. 10030. Approved, p. 10895. Public Law No. 808.

RELIEF OF THE BLIND

H.R. 4688: Randolph-Sheppard Act—Provides for licensing of blind persons to operate vending stands in Federal buildings. Act of June 20, 1936.

FIRST SESSION

Reported from Labor, p. 8661; Report No. 1094.

SECOND SESSION

Amended and passed House, p. 3793. Referred to Education and Labor. Reported with amendments, p. 7455. Report No. 2052. Passed Senate, amended, p. 8431. Approved, p. 10700. Public Law No. 732.

MINIMUM WAGES ON PUBLIC WORKS

FIRST SESSION

S. 3303—Pertains to minimum wages of workers on public buildings. Reported from Education and Labor with amendments, p. 11815; Report No. 1155. Amended and passed Senate, p. 12072. Referred to Labor, p. 12295. Reported back, p. 12862; Report No. 1756. Passed House, p. 14384. Approved, p. 14753. Public Law No. 403.

Seventy-fifth Congress (first session, January 5, 1937–August 21, 1937; second session, November 15, 1937–December 21, 1937; third session, January 3, 1938–June 16, 1938)

STRIKEBREAKERS IN LABOR DISPUTES

FIRST SESSION

S. 2403—A bill to prohibit the interstate or foreign transportation of strikebreakers during labor controversies. Reported in Senate, June 28, 1937; Education and Labor; Report No. 821. Passed Senate, August 14, 1937. Referred to Judiciary, August 17, 1937.

SECOND SESSION

Reported, June 3, 1938; Rept. No. 2579. Passed House, amended, June 16, 1938. Senate agrees to House amendments, June 16, 1938. Approved, June 29, 1938. Public Law No. 779.

FAIR LABOR STANDARDS (WAGES, HOURS)

FIRST SESSION

S. 2475—A bill to establish standards for wages and hours in labor affecting interstate commerce. Sets minimum wage, overtime, and child-labor standards for employees engaged in interstate commerce or in producing goods therefor. *Fair Labor Standards Act of 1938.* Reported in Senate, July 8, 1937; Education and Labor; Report No. 884. Passed Senate, July 31, 1937. Referred to Labor, August 2, 1937. Reported, Aug. 7, 1937; Report. No. 1452.

SECOND SESSION

Recommitted to the Committee on Labor, December 17, 1937.

THIRD SESSION

Reported, April 21, 1938; Report No. 2182. Passed House, amended, May 24, 1938. Senate asks for a conference, May 26, 1938. House agrees to a conference, May 31, 1938, and agrees to conference report, June 14, 1938. Senate agrees to conference report, June 14, 1938. Approved, June 25, 1938. Public Law No. 718.

APPRENTICE LABOR

FIRST SESSION

H.R. 7274—A bill to formulate and to promote the furtherance of labor standards and to safeguard the welfare of apprentices. Reported from Labor June 7, 1937; Report No. 945. Passed House June 30, 1937. Reported in Senate, August 4, 1937; Education and Labor; Report No. 1078. Passed Senate, August 7, 1937. Approved, August 16, 1937. Public Law No. 308.

MINIMUM WAGES IN COAL INDUSTRY

FIRST SESSION

H.R. 4985: Bituminous Coal Act of 1937—Comprehensive regulation of coal industry, including wages. Reported from Ways and Means, February 23, 1937; Report No. 294. Passed House, March 11, 1937. Reported in Senate, March 25, 1937; Interstate Commerce; Report No. 252. Passed Senate, amended, April 5, 1937. Sent to conference, April 7, 1937. Senate agrees to conference report, April 9, 1937. House agrees to conference report, April 12, 1937. Approved, April 26, 1937. Public Law No. 48.

WORKMEN'S COMPENSATION

THIRD SESSION

H.R. 10296—A bill relating to the liability of common carriers by railroad to their employees in certain cases. Reported from Judiciary, April 28, 1938; Report No. 2251. Passed House, June 6, 1938.

H.R. 5690—To amend Longshoremen's and Harbor Workers' Compensation Act. Reported from Judiciary, March 14, 1938; Report No. 1945. Passed House, March 21, 1938. Reported in Senate, June 6, 1938: Judiciary; Report No. 1988. Passed Senate, amended, June 7, 1938. House agrees to Senate amendments, June 14, 1938. Approved, June 25, 1938. Public Law No. 727.

S. 531—To provide compensation for employees injured while employed on public works. Reported in Senate, March 2, 1938; Education and Labor; Report No. 1417. Passed Senate, March 25, 1938. Referred to Judiciary, March 29, 1938.

H.R. 10250—A bill to amend an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases." Reported from Judiciary, April 18, 1938; Report No. 2153.

MINIMUM WAGES IN FEDERAL HOUSING

FIRST SESSION

S. 1685: U.S. Housing Act—Covers slum clearance, urban renewal, and low-rent public housing (as amended in 1949). Sets minimum wage rates for laborers and mechanics employed on federally assisted projects. Reported from Education and Labor, p. 7464, with amendments; Rept. 933; amended and passed Senate, p. 8373. Referred to Banking and Currency, p. 8575. Reported with amendment, p. 8879; Rept. 1545. Amended and passed House, p. 9294. Senate disagrees to House amendments and asks conference, p. 9297. House insists on its amendments and agrees to conference, p. 9357. Conference report submitted in House (No. 1634), p. 9628. Agreed to. Submitted and agreed to in Senate, p. 9580. Approved, p. 9612. Public Law No. 412.

Seventy-sixth Congress (first session, January 3, 1939–August 5, 1939; second session, September 21, 1939–November 3, 1939 (special); third session, January 3, 1940–January 2, 1941)

FAIR LABOR STANDARDS (WAGES AND HOURS)

H.R. 5435—Fair Labor Standards Act of 1938, amend.

FIRST SESSION

Reported from Labor April 27, 1939; Report No. 552. Union Calendar.

THIRD SESSION

Recommitted May 3, 1940.
S. 2682—Same, amend as to Puerto Rico and Virgin Islands.

FIRST SESSION

Reported in Senate, July 24, 1939; Education and Labor; Report No. 904. Passed Senate, August 1, 1939. Referred to Labor, August 5, 1939.

S. 1234—Same, amend section 13(a) to provide that the minimum wages and maximum hours provisions of Fair Labor Standards Act should not apply to any switchboard operator employed in a public telephone exchange which has not more than 750 stations.

Reported in Senate, July 26, 1939; Education and Labor; Report No. 980. Passed Senate, August 1, 1939. Referred to Labor, August 2, 1939. Reported, August 3, 1939; Report No. 1448. Passed House, August 3, 1939. Approved, August 9, 1939. Public Law No. 344.

H.R. 6406—Same, amend.

Reported from Labor, July 27, 1939; Report No. 1376. Union Calendar.

MINIMUM WAGES ON FEDERAL HOUSING

FIRST SESSION

H.R. 5324—National Housing Act (FHA), as amended: this law covers construction financed by the Federal Government and provides for payment of prevailing wages to laborers and mechanics. Reported from Banking and Currency, March 25, 1939; Report No. 313. Passed House, April 12, 1939. Reported in Senate, April 21, 1939; Banking and Currency; Report No. 318. Passed Senate, amended, April 27, 1939. Senate asks for conference, April 27, 1939; House agrees, May 1, 1939. House and Senate agree to conference report, May 25, 1939. Approved, June 3, 1939. Public Law No. 111.

PROTECTION OF EMPLOYEES IN RAILROAD MERGERS

FIRST SESSION

S. 2009—Amends Interstate Commerce Act so as to, among others things, provide that the Interstate Commerce Commission should protect the employees of railroads which are merging. Reported in Senate, May 16, 1939; Interstate Commerce; Report No. 433. Passed Senate, May 25, 1939. Referred to Interstate and Foreign Commerce, May 30, 1939. Reported July 18, 1939; Report No. 1217. Passed House, amended, July 26, 1939. Senate asks for conference, July 27, 1939. House agrees to conference, July 29, 1939.

THIRD SESSION

Conference report recommitted, May 12, 1940. House agrees to conference report, August 12, 1940. Senate agrees to conference report, September 9, 1940. Approved, September 18, 1940. Public Law No. 785.

WORKMEN'S COMPENSATION

FIRST SESSION

H.R. 4988—To amend act relating to liability of carriers by railroad to their employees. Reported from Judiciary, July 19, 1939; Report No. 1222. Passed House, July 31, 1939.

S. 835—Public works liability of contractors for disability of their employees. Reported in Senate, March 3, 1939; Education and Labor; Report No. 249. Passed Senate, April 20, 1939. Referred to Judiciary, April 24, 1939.

H.R. 6881—Shipowners' liability convention of 1936 for sick and injured seamen. Reported from Merchant Marine and Fisheries, July 26, 1939; Report No. 1328. Passed House, July 31, 1939.

THIRD SESSION

H.R. 2008—Workmen's Compensation Act, increase lump-sum payment. Reported from Judicary, February 19, 1940; Report No. 1619. Passed House, March 4, 1940.

SAFETY IN COAL MINES

FIRST SESSION

S. 2420—Provides for inspection and investigation of certain coal mines. Reported in Senate, July 20, 1939; Mines and Mining; Report No. 887.

THIRD SESSION

Passed Senate, January 18, 1940. Referred to Mines and Mining, January 23, 1940.

OPPRESSIVE LABOR PRACTICES

FIRST SESSION

S. 1970—A bill to eliminate certain oppressive labor practices in interstate commerce. Reported in Senate, July 24, 1939; Education and Labor; Report No. 901.

THIRD SESSION

Passed Senate, May 27, 1940. Referred to Labor, May 28, 1940.

SETTLEMENT OF LABOR DISPUTES

THIRD SESSION

H.R. 9195—To amend the National Labor Relations Act. Reported from Labor, April 4, 1940; Report No. 1928, minority views Part II. Minority view Part 3. Supplemental report, part 3A. Passed House, June 7, 1940.

Seventy-seventh Congress (first session, January 3, 1941–January 2, 1942; second session, January 5, 1942–December 16, 1942)

COMPETITION FROM CONVICT LABOR

FIRST SESSION

H.R 3191—To amend an act relating to convict-made goods. Makes it illegal to transport such goods in interstate commerce. Reported from Judiciary, February 28, 1941; Report No. 173. Passed House, April 23, 1941. Reported in Senate, June 28, 1941; Judiciary; Report No. 489. Passed Senate, June 30, 1941. Approved, July 9, 1941. Public Law No. 160.

SAFETY IN COAL MINES

FIRST SESSION

H.R. 2082—To provide for inspection of safety of mines and mining. Reported from Mines and Mining, February 27, 1941; Report No. 168. Passed House, March 13, 1941. Reported in Senate, March 24, 1941; Mines and Mining; Report No. 140. Passed Senate, amended, March 27, 1941. House asks for a conference,

April 17, 1941. Senate agrees to a conference, April 18, 1941. Senate agrees to conference report, April 25, 1941. House agrees to conference report, April 28, 1941. Approved, May 7, 1941. Public Law No. 49.

SETTLEMENT OF LABOR DISPUTES

SECOND SESSION

H.R. 5580—A bill to prohibit subversive individuals from representing employees for the purposes of the National Labor Relations Act. Reported from Labor, March 13, 1942; Report No. 1897.

WORKMEN'S COMPENSATION

SECOND SESSION

H.R. 6132—Workmen's compensation laws, Puerto Rico, Alaska, and Hawaii. Reported from Labor, January 30, 1942; Report No. 1708. Passed House, February 16, 1942.

Seventy-eighth Congress (first session, January 6, 1943–December 21, 1943; second session, January 10, 1944–December 19, 1944)

SAFETY AND HEALTH IN WORKING CONDITIONS

SECOND SESSION

H.R. 4371—A bill to provide for cooperation with State agencies administering labor laws in establishing and maintaining safe and proper working conditions in industry and in the preparation, promulgation, and enforcement of regulations to control industrial health hazards. Reported from Labor, March 23, 1944; Report No. 1282. Union Calendar.

ANTI-RACKETEERING

FIRST SESSION

H.R. 653—To amend the Anti-Racketeering Act. Reported from Judiciary, January 28, 1943; Report No. 66. Supplemental report, part II. Passed House, April 9, 1943.

DISCRIMINATION IN EMPLOYMENT

SECOND SESSION

S. 2048—To prohibit discrimination in employment on account of race, color, creed, ancestry, or national origin. Reported in Senate, September 20, 1944; Education and Labor; Report No. 1109.

H.R. 3986—Same; to create Fair Employment Practices Commission. Reported from Labor, December 4, 1944; Report No. 2016. Union Calendar.

WORKMEN'S COMPENSATION

FIRST SESSION

H.R. 2232—Longshoremen's and Harbor Workers' Compensation Act, amended. Reported from the Judiciary, November 30, 1943; Report No. 918. Passed House, December 6, 1943.

SETTLEMENT OF LABOR DISPUTES

FIRST SESSION

S.J. Res. 91 (H. Res. 559)—To aid in effectuating the purposes of the Railway Labor Act. Reported in Senate, December 3, 1943; Interstate Commerce; Report No. 563. Passed Senate, December 9, 1943. Referred to Interstate and Foreign Commerce, December 10, 1943.

SECOND SESSION

Reported February 2, 1944; Report No. 1073. Union Calendar.

VOCATIONAL REHABILITATION

FIRST SESSION

H.R. 2536—Vocational Rehabilitation Act, amended substantially the 1920 act relating to rehabilitating workers injured in industry. Reported from Education, May 7, 1943; Report No. 426. Passed House, June 10, 1943. Reported in Senate, June 18, 1943; Education and Labor; Report No. 320. Passed Senate, amended, June 22, 1943. Senate asks for conference, June 22, 1943. House agrees, June 24, 1943. House agrees to conference report, June 29, 1943. Senate agrees to conference report, June 29, 1943. Approved July 6, 1943. Public Law No. 113.

Seventy-ninth Congress (first session, January 3, 1945–December 21, 1945; second session, January 14, 1946–August 2, 1946)

UNLAWFUL PRACTICES IN BROADCASTING

FIRST SESSION

S. 63—To amend Title V of the Communications Act of 1934 so as to prohibit certain coercive labor practices affecting radio broadcasting (Lea Act). Reported in Senate, January 18, 1945; Interstate Commerce; Report No. 9. Passed Senate, February 1, 1945. Referred to Interstate and Foreign Commerce, February 5, 1945. Committee discharged.

SECOND SESSION

Passed House, amended, February 21, 1946. Senate asks for conference, February 27, 1946. Pursuant to H. Res. 541, House agrees to a conference, March 12, 1946. House agrees to conference report, March 29, 1946. Senate agrees to conference report, April 6, 1946. Approved, April 16, 1946. Public Law No. 344.

MINIMUM WAGES IN FEDERAL HOSPITAL CONSTRUCTION

FIRST SESSION

S. 191—Hospital Survey and Construction Act, the prevailing wage provisions of this law cover construction contracts made by State or local authorities or private institutions under Federal grant-in-aid programs for the construction of hospitals and other medical facilities such as clinics, etc. Reported in Senate, October 30, 1945; Education and Labor; Report No. 674. Passed Senate December 11, 1945. Referred to Interstate and Foreign Commerce, December 12, 1945.

SECOND SESSION

Reported July 13, 1946; Report No. 2519. Rules suspended. Passed House, amended, July 26, 1946. Senate asks for a conference, July 27, 1946. House agrees to conference, July 27, 1946. House recommitted conference report, July 30, 1946. Senate agrees to House amendments, August 1, 1946. Approved, August 13, 1946. Public Law No. 725.

MINIMUM WAGES IN FEDERAL AIRPORT CONSTRUCTION

FIRST SESSION

S. 2.—Federal Airport Act, this law requires minimum wages as determined by the Secretary of Labor to be paid to skilled and unskilled labor employed on contracts of over $2,000 awarded by State or local authorities for construction and repair of their airports with financial assistance from the Federal Government under a grant-in-aid program.

Reported in Senate, April 30, 1945; Commerce; Report No. 224. Passed Senate, September 12, 1945. Referred to Interstate and Foreign Commerce, September 13, 1945. Passed House, amended, October 18, 1945. Senate asks for conference, October 26, 1945; House agrees November 1, 1945.

SECOND SESSION

House agrees to conference report, April 2, 1946. Senate agrees to conference report, April 30, 1946. Approved, May 13, 1946. Public Law No. 377.

VOCATIONAL EDUCATION

SECOND SESSION

S. 619.—Vocational Education and Training Act of 1946. Reported in Senate, June 26, 1946; Education and Labor; Report No. 1588. Passed Senate, July 5, 1946. Referred to Education, July 8, 1946. Reported July 24, 1946; Report No. 2658. Rules suspended. Passed House, amended, July 26, 1946. Senate agrees to House amendments, July 27, 1946. Approved, August 1, 1946. Public Law No. 586.

FIRST SESSION

S. 1080.—Vocational education; amend act relating to promotion of (Public Law 347, 67th Cong.). Reported in Senate, June 14, 1945; Education and Labor; Report No. 368. Passed Senate, June 14, 1945. Referred to Education June 20, 1945.

S. 619.—Vocational education, amend act relating to further promotion of, in the several States.

SECOND SESSION

Reported in Senate, June 26, 1946; Education and Labor; Report No. 1588. Passed Senate, July 5, 1946. Referred to Education, July 8, 1946. Reported July 24, 1946; Report No. 2658. Passed House, amended, July 26, 1946. Senate agrees to House amendments, July 27, 1946. Approved, August 1, 1946. Public Law No. 586.

KICKBACKS ON PUBLIC WORKS

FIRST SESSION

H.R. 2284.—To eliminate the practice of kickbacks on public contracts by subcontractors. Reported from Expenditures in the Executive Departments, February 22, 1945; Report No. 212. Passed House March 5, 1945. Reported in Senate April 5, 1945; Expenditures in the Executive Departments; Report No. 177.

SECOND SESSION

Passed Senate, February 21, 1946. Approved, March 8, 1946. Public Law No. 319.

FAIR LABOR STANDARDS (MINIMUM WAGE)

SECOND SESSION

H.R. 4130.—A bill to increase the minimum wage rate under the Fair Labor Standards Act of 1938 to 65 cents an hour. Reported from Labor, June 19, 1946; Report No. 2300. Union Calendar.

S. 1349.—To same effect. Reported in Senate, March 5, 1946; Education and Labor; Report No. 1012. Passed Senate, April 5, 1946. Referred to Labor, April 8, 1946.

SETTLEMENT OF LABOR DISPUTES

SECOND SESSION

H.R. 6578.—Federal Mediation Act of 1946, a bill designed to facilitate settlement of industrial disputes through Federal mediation. Rules suspended. Passed House, May 25, 1946. Reported in Senate, May 25, 1946; Interstate Commerce. Passed Senate, amended, May 31, 1946. Senate asks for a conference, June 3, 1946.

H.R. 4908.—Provides for the appointment of factfinding boards in labor disputes. Reported from Labor, January 28, 1946; Report No. 1493. Passed House, February 7, 1946. Reported in Senate, April 16, 1946; Education and Labor; Report No. 1177. Passed Senate,

amended, May 25, 1946. Pursuant to H. Res. 644 House agrees to Senate amendment, May 29, 1946. Vetoed, June 11, 1946. Failed of passage over Presidential veto, June 11, 1946.

EQUAL PAY FOR WOMEN

SECOND SESSION

S. 1178 (H.R. 5221).—Bills to provide equal pay for equal work for women. Reported in Senate, June 21, 1946; Education and Labor; Report No. 1576.

VETERANS' LABOR RIGHTS

FIRST SESSION

H.R. 3384.—A bill to protect honorably discharged veterans in their rights to join or refrain from joining labor and other organizations. Reported from World War Veterans Legislation, July 9, 1945; Report No. 874. July 10, 1945, minority views, pt. III. Union Calendar.

DISCRIMINATION IN EMPLOYMENT

FIRST SESSION

H.R. 2232.—A bill to prohibit discrimination in employment because of race, creed, color, national origin, or ancestry. Reported from Labor, February 20, 1945; Report No. 187. Union Calendar.

SAFETY AND HEALTH IN WORKING CONDITIONS

FIRST SESSION

H.R. 525.—A bill to provide for cooperation with State agencies administering labor laws in establishing and maintaining safe and proper working conditions in industry and in the preparation, promulgation, and enforcement of regulations to control industrial health hazards. Reported from Labor, May 29, 1945; Report No. 628. Union Calendar. Objected to and struck from Consent Calendar, October 2, 1945.

S. 1271.—Same.

SECOND SESSION

Reported in Senate, April 18, 1946; Education and Labor; Report No. 1210.

WORKMEN'S COMPENSATION

SECOND SESSION

S. 1561.—Provides compensation for injury, death, or detention of employees of contractors with the United States outside of the United States. Reported in Senate, June 21, 1946; Education and Labor; Report No. 1574. Passed Senate, July 17, 1946. Referred to Judiciary, July 18, 1946. Passed House, July 25, 1946. Approved, August 7, 1946. Public Law No. 650.

EMPLOYMENT ACT OF 1946

FIRST SESSION

S. 380.—To establish a national policy and program for assuming continuing full employment in a free competitive economy, through the concerted efforts of industry, agriculture, labor, State and local governments, and the Federal Government. Reported in Senate (S. Rept. 583) Committee on Banking and Currency; (vol. 91; p. 9153). Passed Senate, September 28, 1945. Reported in House (H. Rept. 1334) Committee on Expenditures in Executive Departments; (vol. 91; p. 12095). Passed House, December 14, 1945. Approved, February 20, 1946. Public Law 304.

Eightieth Congress (first session, January 3, 1947–December 19, 1947; second session, January 6, 1948–December 31, 1948)

SAFETY IN COAL MINES

FIRST SESSION

H.J Res. 244 (*S.J. Res. 130*)—To provide for safety in coal and lignite mines. Reported from Education and Labor July 18, 1947; Report No. 1004. Laid on table, July 25, 1947. S.J. Res. 130 passed in lieu (Public Law 328, August 4, 1947).

WORKMEN'S COMPENSATION

SECOND SESSION

H.R. 6045—To provide for compensation for injury and death of employees of contractors with the United States. Reported from Education and Labor, June 1, 1948; Report No. 2094. Passed House, June 8, 1948.

S. 2237 (*H.R. 6647*)—To increase benefits under Longshoremen's and Harbor Workers' Compensation Act. Reported in Senate, May 17, 1948; Labor and Public Welfare; Report No. 1315. Passed Senate, May 24, 1948. Referred to Education and Labor, May 25, 1948. Committee discharged. Passed House, amended, June 8, 1948. Senate asks for conference, June 9, 1948. House agrees to a conference, June 10, 1948. House and Senate agree to conference report, June 14, 1948. Approved, June 24, 1948. Public Law No. 757.

DISCRIMINATION IN EMPLOYMENT

SECOND SESSION

S. 984: Fair Employment Practices Act—Prohibits discrimination in employment in interstate commerce. Reported in Senate, February 26, 1948; Labor and Public Welfare. Report No. 951.

FAIR LABOR STANDARDS (SUITS FOR WAGES)

FIRST SESSION

H.R. 2157: Portal-to-Portal Pay Act—amends the Fair Labor Standards Act of 1938 by withdrawing from Federal courts suits to recover "portal-to-portal" wages due under judicial interpretation of that act. Reported from Judiciary, February 25, 1947; Report No. 71. Passed House, February 28, 1947. Reported in Senate, March 10, 1947; Judiciary; Report No. 48. Passed Senate, amended, March 21, 1947. Senate asks for a conference, March 21, 1947. House agrees to a conference, March 25, 1947. House agrees to conference report, May 1, 1947. Senate agrees to conference report, May 1, 1947. Approved, May 14, 1947. Public Law No. 49.

MINIMUM WAGES IN FEDERAL HIGHWAY CONSTRUCTION

SECOND SESSION

H.R. 5888 (*H. Res. 521*)—Federal-Aid Highway Act of 1948, amends and supplements Federal-Aid Road Act of 1916 to authorize appropriations for continuance of highway construction, and other purposes. Reported from Public Works, March 22, 1948; Report No. 1594. Passed House, April 12, 1948. Reported in Senate, June 3, 1948; Public Works; Report No. 1458. Passed Senate, amended, June 10, 1948. House asks for a conference, June 11, 1948. Senate agrees to conference, June 11, 1948. House agrees to conference report, June 19, 1948. Senate agrees to conference report, June 18, 1948. Approved June 29, 1948. Public Law No. 834.

MINIMUM WAGES IN FEDERAL HOUSING CONSTRUCTION

SECOND SESSION

H.R. 6959—The National Housing Act of 1948, to amend. Reported from Banking and Currency, June 17, 1948; Report No. 2389. Rules suspended. Passed House, June 18, 1948. Passed Senate, amended, August 6, 1948. Pursuant to H. Res. 709, House agrees to Senate amendments, August 7, 1948. Approved, August 10, 1948. Public Law No. 901.

SAFETY AND HEALTH ON RAILROADS

SECOND SESSION

H.R. 6696—Amends Interstate Commerce Act to provide safety and sanitation standards for baggage cars. Reported from Interstate and Foreign Commerce, May 26, 1948; Report No. 2053. Passed House, June 8, 1948.

FARM LABOR

SECOND SESSION

S. 2767—Recruitment and distribution of farm labor, to provide assistance in and for improved agricultural output. Reported in Senate, June 9, 1948; Labor and Public Welfare; Report No. 1576.

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Passed Senate, June 12, 1948. Referred to Agriculture, June 14, 1948. Reported June 16, 1948; Report No. 2379. Passed House, amended, June 19, 1948. Senate agrees to House amendments, June 19, 1948. Approved, July 3, 1948. Public Law No. 893.

SETTLEMENT OF LABOR DISPUTES

FIRST SESSION

H.R. 2861—A bill to protect the public health, safety, and interest from the cessation, as a result of certain labor disputes, of interstate or foreign commerce in essential public services. Reported from Education and Labor, April 2, 1947; Report No. 235.

H.R. 3020: Labor Management Relations Act of 1947—Guarantees collective bargaining, unfair labor practices of unions added to those of employers, against which latter may appeal to Labor Board; provides for injunctions against unions, outlaws certain labor practices. Reported from Education and Labor, April 12, 1947; Report No. 245. Passed House, April 17, 1947. In Senate read twice and placed on calendar, April 18, 1947. Passed Senate, amended, May 13, 1947. Senate asks for conference, May 13, 1947. House agrees to conference, May 14, 1947. House agrees to conference report, June 4, 1947. Senate agrees to conference report, June 6, 1947. Vetoed, June 20, 1947. Passed House over veto, June 20, 1947. Passed Senate over veto, June 23, 1947. Became Public Law No. 101, June 23, 1947.

LABOR EXTENSION SERVICE

SECOND SESSION

S. 1390—Labor Extension Act of 1947: to broaden cooperative extension system by providing for cooperative extension work between colleges receiving benefit of Act of May 8, 1914, and other qualified colleges, and United States Department of Labor. (Program to compile information to further general welfare of labor movement.) Reported in Senate, May 17, 1948; Labor and Public Welfare; Report No. 1314.

Eighty-first Congress (first session, January 3, 1949–October 19, 1949; second session, January 3, 1950–January 2, 1951)

FAIR LABOR STANDARDS (OVERTIME)

FIRST SESSION

H.R. 858—Fair Labor Standards Act of 1938, overtime provisions clarified. Reported from Education and Labor, February 15, 1949; Report No. 121. Rules suspended. Passed House, February 21, 1949. Reported in Senate, May 18, 1949; Labor and Public Welfare; Report No. 402. Passed Senate, amended, May 23, 1949. Pursuant to H. Res. 264 House agrees to Senate amendments, July 14, 1949. Approved, July 20, 1949. Public Law No. 177.

FAIR LABOR STANDARDS (MINIMUM WAGES AND CHILD LABOR)

FIRST SESSION

H.R. 5856—To establish *Fair Labor Standards Act of 1949*; amends Fair Labor Standards Act of 1938 relating to minimum wages and child labor. Pursuant to H. Res. 183 debated August 8, 1949. Passed House, August 11, 1949. In Senate ordered placed on calendar, August 11, 1949. Passed Senate, amended, August 31, 1949. Senate asks for conference, August 31, 1949; House agrees, September 22, 1949. Conference report filed, October 17, 1949; Report No. 1453. House and Senate agree to report, October 18, 1949. Approved, October 26, 1949. Public Law No. 393.

SETTLEMENT OF LABOR DISPUTES

FIRST SESSION

S. 249—To repeal Labor-Management Relations Act of 1947. Reported in Senate, March 8, 1949; Labor and Public Welfare; Report No. 99. Passed Senate, June 30, 1949. Referred to Education and Labor, July 1, 1949.

S. 3295—To amend the Railway Labor Act so as to permit deductions from wages.

H.R. 7789—Same amend.

SECOND SESSION

Reported from Interstate and Foreign Commerce, August 7, 1950; Report No. 2811. Re-referred from Union Calendar No. 996 to House Calendar No. 294 December 7, 1950.

S. 3463—To amend the Railway Labor Act relating to disputes which interfere with the movement of interstate commerce. Reported in Senate, August 25, 1950; Labor and Public Welfare; Report No. 2445.

MARITIME HIRING HALLS

SECOND SESSION

S. 2196—To legalize maritime hiring halls. Reported in Senate, June 12, 1950; Labor and Public Welfare; Report No. 1827.

SAFETY IN LABOR IN GENERAL

FIRST SESSION

S. 1439—Assistance to State agencies to provide safe work places and practices. Reported in Senate, August 8, 1949; Labor and Public Welfare; Report No. 850.

SAFETY AND WELFARE IN COAL MINES

FIRST SESSION

S. 1031—To amend the law relating to welfare in coal mines. Reported in Senate July 18, 1949; Labor and Public Welfare; Report No. 695.

DISCRIMINATION IN EMPLOYMENT

FIRST SESSION

H.R. 4453 (S. 1728)—Federal Fair Employment Practice Act to prevent racial discrimination in employment affecting interstate commerce. Reported from Education and Labor August 2, 1949; Report No. 1165.

SECOND SESSION

Passed House February 23, 1950. In Senate ordered placed on calendar February 23, 1950.

FIRST SESSION

S. 1728—Same amend. Reported in Senate, October 17, 1949; Labor and Public Welfare.

MINIMUM WAGES IN FEDERAL HIGHWAY CONSTRUCTION

SECOND SESSION

H.R. 7941.—To amend Federal-aid Road Act to authorize appropriations to continue road construction and for other purposes. Reported from Public Works, April 5, 1950; Report No. 1888. Passed House, May 19, 1950. Reported in Senate, July 14, 1950; Public Works; Report No. 2044. Passed Senate, amended, August 22, 1950. Senate asks for a conference, August 22, 1950. House agrees to conference, August 23, 1950. Conference report filed, August 28, 1950; Report No. 3010. House agrees to conference report, August 29, 1950. Senate agrees to conference report, August 29, 1950. Approved, September 7, 1950. Public Law No. 769.

MINIMUM WAGES IN FEDERAL AIRPORT CONSTRUCTION

FIRST SESSION

S. 1279: Federal Airport Act—Wages need be specified only in contracts in excess of $2,000. Reported in Senate, June 16, 1949; Interstate and Foreign Commerce; Report No. 513. Passed Senate, June 21, 1949. Referred to Interstate and Foreign Commerce, June 22, 1949. Reported, July 8, 1949; Report No. 1004. Passed House, August 1, 1949. Approved, August 15, 1949. Public Law No. 227.

MINIMUM WAGES IN FEDERAL HOSPITAL CONSTRUCTION

FIRST SESSION

S. 614—Hospital Survey and Construction Act, to extend and provide greater financial assistance. Reported in Senate, July 26, 1949; Labor and Public Welfare; Report No. 790. Passed Senate, August 9, 1949. Referred to Interstate and Foreign Commerce, August 10, 1949. Committee discharged. Passed House, amended, October 3, 1949. Senate agrees to House amendments, October 12, 1949. Approved October 25, 1949.

MINIMUM WAGES IN FEDERAL HOUSING PROGRAM

FIRST SESSION

S. 1070: Housing Act of 1949—Provides for the protection of labor standards as to wages under Davis-Bacon Act in programs aided by federal funds. Reported in Senate, February 25, 1949; Banking and Currency; Report No. 84. Passed Senate, April 21, 1949. Referred to Banking and Currency, April 25, 1949. Committee discharged. Passed House, amended June 29, 1949. Senate asks for a conference, June 30, 1949. House agrees to conference, July 1, 1949. Conference report filed, July 6, 1949. Senate agrees to conference report, July 8, 1949. Approved, July 15, 1949. Public Law No. 171.

SAFETY ON RAILROADS

SECOND SESSION

H.R. 378—A bill to amend section 25 of the Interstate Commerce Act to require certain carriers by railroad to install and maintain communication systems and to establish and observe operating rules, regulations, and practices to promote safety of employees and travelers on railroads, and for other purposes. Reported from Interstate and Foreign Commerce January 31, 1950; Report No. 1558.

MINIMUM WAGES IN FEDERAL SCHOOL CONSTRUCTION

FIRST SESSION

S. 2317—School Survey and Construction Act. Sets wages for Federal-aided school construction at locally prevailing levels. Reported in Senate, August 22, 1949; Labor and Public Welfare; Report No. 948. Passed Senate, October 17, 1949. Referred to Education and Labor, October 18, 1949.

SECOND SESSION

Reported, August 7, 1950; Report No. 2810. Passed House, amended, August 22, 1950. Senate asks for conference August 23, 1950. House agrees, August 24, 1950. Senate agrees to conference report, September 7, 1950. Conference report filed, September 14, 1950. Report No. 3064. House agrees to conference report, September 15, 1950. Approved, September 23, 1950. Public Law No. 815.

IMPORTATION OF MEXICAN AGRICULTURAL WORKERS

FIRST SESSION

S. 984—Agricultural Act of 1949. Reported in Senate (S. Rept. 214); Committee on Agriculture and Forestry (v. 97; p. 4979). Passed Senate, May 7, 1951.

H.R. 3283—Same as S. 984. Reported in House (H. Rept. 326); Committee on Agriculture (v. 97; p. 7277). Passed House, June 27, 1951. Approved, July 12, 1951. Public Law No. 78.

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Eighty-second Congress (first session, January 3, 1951–October 20, 1951; second session, January 8, 1952–July 7, 1952)

SETTLEMENT OF LABOR DISPUTES

SECOND SESSION

S. 2999—Labor-Management Relations Act, to amend so as to make more effective in dealing with labor disputes in vital industries which affect the public interest. Reported in Senate, July 2, 1952; Labor and Public Welfare; Report No. 2073.

S.J. Res. 161—Labor-Management Relations—Commission created. Reported in Senate, June 26, 1952; Labor and Public Welfare; Report No. 1853.

MINIMUM WAGES IN DEFENSE HOUSING

FIRST SESSION

S. 349 (H.R. 2988)—Defense Housing and Community Facilities and Services Act of 1951. A bill to assist the provision of housing and community facilities and services required in connection with national defense. Sets wage standards for defense workers and military personnel in connection with these activities. Reported in Senate, March 21, 1951; Banking and Currency; Report No. 189. Passed Senate, April 9, 1951. Referred to Banking and Currency, April 10, 1951. Reported August 6, 1951; Report No. 795. Passed House, amended, August 15, 1951. Senate asks for conference and House agrees August 16, 1951. Conference report filed, August 20, 1951; Report No. 901. Senate agrees to same, August 21, 1951. Approved, September 1, 1951. Public Law No. 139.

HEALTH AND SAFETY IN COAL MINES

SECOND SESSION

S. 1310: Federal Mine Safety Act—Promotes health and safety in coal mines. Reported in Senate, February 27, 1952; Labor and Public Welfare; Rept. No. 1223. Passed Senate, May 7, 1952. Referred to Education and Labor, May 8, 1952. Rules suspended. Passed House, amended, July 2, 1952. Senate agrees to House amendments, July 2, 1952. Approved, July 16, 1952. Public Law No. 552 (passed in lieu of H.R. 7408; House Rept. No. 2368).

WORKMEN'S COMPENSATION

FIRST SESSION

H.R. 168—Railroad employees, extends statute of limitations in relation to, with respect to certain suits. Reported from Judiciary, June 27, 1952; Rept. No. 2329. Passed House, July 2, 1952.

Eighty-third Congress (first session, January 3, 1953–August 3, 1953; second session, January 6, 1954–August 20, 1954)

SAFETY OF MERCHANT SEAMEN

SECOND SESSION

S. 602: Merchant Marine Act of 1936—Safety at sea, rules for loading. Reported in Senate, May 12, 1954; Interstate and Foreign Commerce; Rept. No. 1324. Passed Senate, May 17, 1954. Referred to Merchant Marine and Fisheries, May 18, 1954.

VOCATIONAL REHABILITATION

SECOND SESSION

S. 2759 (H.R. 9640)—Vocational Rehabilitation Act of 1954, amendments; greatly expands the Federal Government's program to aid the handicapped. Reported in Senate, June 22, 1954; Labor and Public Welfare; Rept. No. 1626. Passed Senate, July 7, 1954. Passed House, amended, July 8, 1954. House asks for a conference, July 8, 1954. Senate agrees to conference July 8, 1954. Conference report filed, July 19, 1954; Rept. No. 2286. Senate and House agree to conference report, July 19 and 21, 1954. Approved, August 3, 1954. Public Law No. 565.

IMPORTATION OF MEXICAN AGRICULTURAL LABOR

(Program extended for 2 years)

FIRST SESSION

H.R. 3480—Reported in House, Committee on Agriculture. Passed House, April 15, 1933 (vol. 99; p. 3158); S. Rept. 264, Committee on Agriculture and Forestry. Passed Senate, July 6, 1953 (vol. 99; p. 7990). Conference Committee changed extension from 1 to 2 years. Approved, August 8, 1953. Public Law No. 237.

Eighty-fourth Congress (first session, January 5, 1955–August 2, 1955; second session, January 3, 1956–July 27, 1956)

FAIR LABOR STANDARDS (OVERSEAS)

SECOND SESSION

S. 3956: Overseas Fair Labor Standards—Amendments of 1956. Reported in Senate, June 29, 1956; Labor and Public Welfare; Rept. No. 2394. Passed Senate, July 11, 1956. Passed, July 26, 1956. Approved, August 8, 1956. Public Law No. 1023.

WORKMEN'S COMPENSATION

FIRST SESSION

S. 2280: Longshoremen's and Harbor Workers' Compensation Act—Benefits increased. Reported in Senate, July 13, 1955; Labor and Public Welfare; Rept. No. 853. Passed Senate, July 18, 1955. Referred to Education and Labor, July 19, 1955. Committee discharged. Passed House, amended, July 13, 1955. Senate agrees to House amendments, July 17, 1955. Approved, July 26, 1955. Public Law No. 803.

FARM WORKERS' WELFARE

SECOND SESSION

S. 3391—Interstate transportation of migrant farm workers: pertains to comfort and safety of such workers, and to qualifications and work hours of drivers. Reported in Senate, April 26, 1956; Interstate and Foreign Commerce; Rept. No. 1870. Passed Senate, April 30, 1956. Referred to Interstate and Foreign Commerce, May 1, 1956. Reported, July 19, 1956; Rept. No. 2810. Passed House, amended, July 23, 1956. Senate agrees to House amendments, July 25, 1956. Approved, August 3, 1956. Public Law No. 939.

FAIR LABOR STANDARDS (WAGES)

FIRST SESSION

S. 2168—Fair Labor Standards Act, minimum wages increased to $1 per hour. Reported in Senate, June 7, 1955; Labor and Public Welfare; Rept. No. 498. Passed Senate, June 8, 1955. Passed House, amended, July 20, 1955. House asks for conference, July 20, 1955. Senate agrees to conference, July 21, 1955. Conference report filed, July 28, 1955; Rept. No. 1561. Senate agrees to conference report, July 29, 1955. House agrees to conference report, July 30, 1955. Approved, August 12, 1955. Public Law No. 381.

MINIMUM WAGES IN FEDERAL HIGHWAY CONSTRUCTION

SECOND SESSION

H.R. 10660: Federal-Aid Highway Act of 1956—Applies Davis-Bacon Act to all laborers and mechanics employed by contractors and subcontractors on interstate highways. Reported from Public Works, April 21, 1956; Rept. No. 2022. Passed House, April 27, 1956. Reported in Senate, May 10, 1956; Public Works; Rept. No. 2054. Passed Senate, amended, May 29, 1956. Senate asks for a conference, May 29, 1956, and House agrees June 5, 1956. Conference report filed, June 25, 1956; Rept. No. 2436. House and Senate agree to conference report, June 26, 1956. Approved, June 29, 1956. Public Law No. 627.

IMPORTATION OF MEXICAN AGRICULTURAL LABOR

(Program extended from 1955 to 1959)

FIRST SESSION

H.R. 3822—Reported in House (H. Rept. 625), Committee on Agriculture. Passed House, July 6, 1955 (vol. 101; p. 10006). Reported in Senate (S. Rept. 1045), Committee on Agriculture and Forestry (vol. 101; p. 11231). Passed Senate, July 22, 1955. Approved, August 9, 1955. Public Law No. 319.

Eighty-fifth Congress (first session, January 3, 1957–August 30, 1957; second session, January 7, 1958–August 24, 1958)

SAFETY IN COAL MINES

SECOND SESSION

S. 3290—To amend Federal Coal Mines Safety Act to remove exemption applying to mines employing no more than 14 workers. Reported in Senate, July 25, 1958; Labor and Public Works; Rept. No. 1963.

FIRST SESSION

S. 2039—Mining claims, makes certain changes in the definition of the word "labor" in regard to the jurisdiction of Bureau of Mines over mine conditions. Reported in Senate, July 11, 1957; Interior and Insular Affairs; Rept. 608. Passed Senate, August 5, 1957.

SECOND SESSION

Reported, August 11, 1958; Rept. No. 2540. Passed House, amended, August 23, 1958. Senate agrees to House amendments, August 23, 1958. Approved, September 2, 1958. Public Law No. 876.

FAIR LABOR STANDARDS (OVERSEAS)

FIRST SESSION

H.R. 7458—Fair Labor Standards Act, application overseas. Reported from Education and Labor, July 12, 1957; Rept. No. 808. Passed House, July 15, 1957. Reported in Senate, August 16, 1957; Labor and Public Welfare; Rept. No. 987. Passed Senate, amended, August 20, 1957. House agrees to Senate amendments, August 21, 1957. Approved August 30, 1957. Public Law No. 231.

LABOR PRACTICES

SECOND SESSION

S. 3974—Labor practices of labor organizations and employers. Reported in Senate, June 10, 1958; Labor and Public Welfare. Rept. No. 1684. Passed Senate, June 17, 1958. Referred to Education and Labor, July 28, 1958. (Failed of passage under suspension, August 18, 1958.)

MINIMUM WAGES IN TERRITORIES

SECOND SESSION

H.R. 12967—Provides for biennial instead of annual review of wage orders for Puerto Rico and the Virgin Islands, and for additional review, in the discretion of the Secretary of Labor, during any biennial period. Reported from Education and Labor, July 21, 1958; Rept. No. 2235. Rules suspended and passed House, July 29, 1958. Reported in Senate, August 11, 1958; Labor and Public Welfare; Rept. No. 2313. Passed Senate, August 14, 1958. Approved, August 25, 1958. Public Law No. 750.

WORKMEN'S COMPENSATION

SECOND SESSION

H.R. 10504—Longshoremen's and Harbor Workers' Compensation Act, amend act to make certain changes in the procedure whereunder civilian employees may make claim for disability or death while working on military installations. Reported from Post Office and Civil Service, April 28, 1958; Rept. No. 1659. Passed House, May 5, 1958. Reported in Senate, July 1, 1958; Post Office and Civil Service; Rept. No. 1791. Passed Senate, July 8, 1958. Approved, July 18, 1958. Public Law No. 538.

H.R. 13021—Same, amended as to certain safety regulations. Reported from Education and Labor, July 28, 1958; Rept. No. 2287. Rules suspended and passed House, July 30, 1958. Reported in Senate, August 1, 1958; Labor and Public Welfare and ordered placed on calendar, August 1, 1958. Passed Senate, amended, August 11, 1958. House agrees to Senate amendments, August 13, 1958. Approved August 23, 1958. Public Law No. 742.

REGULATION OF UNIONS

SECOND SESSION

S. 2888 (H.R. 13507)—Welfare and Pensions Plans Disclosure Act—Requires the administrator of every employee welfare and pension benefit plan, with certain exceptions, to publish a description of the plan and an annual report. Reported in Senate, April 21, 1958; Labor and Public Welfare; Report No. 1440. Passed Senate, April 28, 1958. Referred to Education and Labor, April 29, 1958. Committee discharged. Passed House, amended, August 6, 1958. House asks for a conference, August 8, 1958. Senate agrees to conference, August 8, 1958. Conference report filed, August 15, 1958; Report No. 2656. Senate agrees to conference reports August 16, 1958. House agrees to conference report, August 19, 1958. Approved, August 28, 1958. Public Law No. 836.

IMPORTATION OF MEXICAN AGRICULTURAL LABOR

(Program extended from 1959 to 1961)

SECOND SESSION

H.R. 10360—(H. Rept. 2357), Committee on Agriculture. Passed House, August 14, 1958 (v. 104; p. 17662). No printed report in Senate. Passed Senate, August 18, 1958 (v. 104; p. 18108). Approved, August 21, 1958. Public Law 85–719 (72 Stat. 934).

Eighty-sixth Congress (first session, January 7, 1959–September 14, 1959; second session, January 6, 1960–September 1, 1960)

STATE REGULATION OF RADIATION HAZARDS IN PRODUCING FACILITIES

FIRST SESSION

S. 2568—Radiation hazards (act of September 23, 1959), amends Atomic Energy Act of 1954 and permits the Atomic Energy Commission to allow for the control of radiation hazards by the States if it finds that their programs are adequate. This would cover workers in producing facilities, as well as general public. Reported in Senate, September 1, 1959; Joint Committee on Atomic Energy; Report No. 870. Passed House, September 11, 1959. Approved, September 23, 1959. Public Law No. 373.

REGULATION OF UNIONS

FIRST SESSION

S. 1555—Labor-Management Reporting and Disclosure Act of 1959—To provide for the reporting and disclosure of certain financial transactions and administrative practices of labor organizations and employers, to prevent abuses in the administration of trusteeships by labor organizations, to provide standards with respect to the election of officers of labor organizations, and for other purposes. Reported in Senate, April 14, 1959; Labor and Public Welfare; Report No. 187. Passed Senate, April 25, 1959. Referred to Education and Labor, April 29, 1959. Committee discharged and passed House, amended, August 14, 1959. House asks for conference, August 14, 1959; Senate agrees August 17, 1959. Conference report filed, September 3, 1959; Report No. 1147. Senate agrees to conference report, September 3, 1959. House agrees to conference report, September 4, 1959. Approved September 14, 1959. Public Law No. 257.

FAIR LABOR STANDARDS (MINIMUM WAGE, EXTENDED COVERAGE)

SECOND SESSION

H.R. 12677—Fair Labor Standards, amendments to raise minimum wage, and broaden coverage. Reported from Education and Labor, June 22, 1960; Report No. 1933. Passed House, June 30, 1960. In Senate ordered placed on calendar, August 11, 1960. Passed Senate, amended, August 18, 1960. Senate asks for conference, August 18, 1960. Pursuant to House Resolution 624, House agrees to conference, August 25, 1960.

S. 3758—Same. Reported in Senate, June 27, 1960; Labor and Public Welfare; Report No. 1744.

IMMIGRANT FARM LABOR

SECOND SESSION

H.R. 12759—Amends title V of Agriculture Act of 1949 and ends United States participation in furnishing Mexican laborers to United States employers for farm work (formerly Secretary of Labor supervised such program and guaranteed rights of laborers). Reported from Agriculture, June 22, 1960; Report No. 1954. Passed House, June 29, 1960. Reported in Senate, August 23, 1960; Agriculture and Forestry; Report No. 1901. Passed Senate, amended August 31, 1960. House agrees to Senate amendments, September 1 (legislative day, August 31), 1960. Approved, September 14, 1960. Public Law No. 783.

SETTLEMENT OF LABOR DISPUTES

SECOND SESSION

H.R. 9070—A bill to amend section 8(b)(4) of the National Labor Relations Act, as amended, relating to strikes or refusal to perform services. Reported from Education and Labor April 27, 1960; Report No. 1556. Additional views, pt. II. House Calendar.

SAFETY IN COAL MINES

FIRST SESSION

S. 743—A bill to amend the Federal Coal Mine Safety Act in order to remove the exemption with respect to certain mines employing no more than 14 persons.

Reported in Senate September 10, 1959; Labor and Public Welfare; Report No. 995.

SECOND SESSION

Passed Senate, April 27, 1960. Referred to Education and Labor, April 28, 1960. Reported, August 29, 1960; Report No. 2186. Union Calendar.

ANTI-KICKBACK IN CONTRACTS

SECOND SESSION

S. 3487—To amend the "Anti-Kickback Statute" to extend it to all negotiated contracts. Reported in Senate, June 15, 1960; Government Operations. Report No. 1585. Passed Senate, June 18, 1960. Passed House, amended, June 24, 1960. Senate agrees to House amendments, August 24, 1960. Approved, September 2, 1960. Public Law No. 695.

H.R. 12604—Same. Reported from Government Operations, June 15, 1960; Report No. 1880. Laid on table, June 24, 1960. S. 3487 passed in lieu.

ECONOMIC STABILITY AND WAGE INCREASES

FIRST SESSION

H.R. 6263—A bill to amend the Employment Act of 1946 to provide for its more effective administration, and to bring to bear an informed public opinion upon price and wage increases which threaten economic stability. Reported from Government Operations, June 12, 1959; Report No. 539. Union Calendar.

WORKMEN'S COMPENSATION

SECOND SESSION

H.R. 12777—Longshoremen's and Harbor Workers' Compensation Act. Reported from Education and Labor August 29, 1960; Report No. 2189. Passed House August 31, 1960.

H.R. 12574—Same. Selection of physician. Reported from Education and Labor, August 29, 1960; Report No. 2187. Passed House, August 31, 1960. Passed Senate, September 1 (legislative day, August 31), 1960. Approved, September 13, 1960. Public Law No. 757.

FIRST SESSION

H.R. 451—Same, third party suits (payment of compensation in cases where third persons are liable for injury). Reported from Education and Labor, March 19, 1959; Rept. No. 229. Passed House, April 8, 1959. Reported in Senate, June 24, 1959; Labor and Public Welfare; Rept. No. 428. Passed Senate, amended, July 6, 1959. House agrees to Senate amendments, August 10, 1959. Approved, August 18, 1959. Public Law No. 171.

SAFETY OF RAILROAD EMPLOYEES

SECOND SESSION

S. 1425—A bill to provide for protection of railroad employees. Amends Interstate Commerce Act so as to provide for safety of railroad employees by requiring use of certain devices and traffic systems. Reported in Senate June 10, 1960; Interstate and Foreign Commerce; Report No. 1546.

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MINIMUM WAGES IN FEDERAL SCHOOL CONSTRUCTION

SECOND SESSION

H.R. 10128—School Construction Assistance Act of 1960. An amendment makes Davis-Bacon Act applicable to school construction aided by Federal funds so that locally prevailing wages shall be the minimum wage. Reported from Education and Labor, March 25, 1960, with amendment; Rept. No. 1426. Passed House May 26, 1960. Passed Senate, amended, June 8, 1960. Senate asks for a conference June 8, 1960.

IMPORTATION OF MEXICAN AGRICULTURAL LABOR

SECOND SESSION

H.R. 12759—(H. Rept. 1954), Committee on Agriculture. (S. Rept. 1901), Committee on Agriculture and Forestry. Passed House, June 29, 1960 (v. 106; p. 14991). Passed Senate, August 31, 1960 (v. 106; p. 18624, 18630). Approved, September 14, 1960. Public Law No. 86–783 (74 Stat. 1021).

Eighty-seventh Congress (first session, January 3, 1961–September 27, 1961; second session, January 10, 1962–October 13, 1962)

FAIR LABOR STANDARDS (MINIMUM WAGE, EXTENDED COVERAGE)

FIRST SESSION

H.R. 3935—Fair Labor Standards Act amendments to increase the minimum wage to $1.25 an hour and to provide coverage for employees of large enterprises engaged in retail trade or service and for other employees engaged in commerce or in the production of goods for commerce. Reported from Education and Labor, March 13, 1961; Report No. 75. Passed House, as amended, March 24, 1961. Reported in Senate, as amended, April 12, 1961; Report No. 145. Senate asks for conference and House agrees, April 24, 1961. Conference report filed, May 2, 1961; Report No. 327. Senate agrees to same, May 3, 1961. House agrees to same, May 3, 1961. Approved, May 5, 1961. Public Law No. 30.

UNEMPLOYMENT IN ECONOMICALLY DISTRESSED AREAS

FIRST SESSION

S. 1: Area Redevelopment Act of 1961: To establish an effective program to alleviate condition of substantial and persistent unemployment in certain economically distressed areas. Reported by Senate Banking and Currency, with amendments, March 8, 1961; Report No. 61. Passed Senate, as amended, March 15, 1961. Reported by House Banking and Currency, with amendments, March 22, 1961. Passed House, as amended, March 29, 1961. Senate requests conference, March 30, 1961. House agrees to conference, April 12, 1961. Conference report, April 20, 1961; Report No. 256. Senate agrees to report, April 20, 1961. House agrees, April 26, 1961. Approved, May 1, 1961. Public Law 27.

IMPORTATION OF MEXICAN AGRICULTURAL LABOR

FIRST SESSION

H.R. 2010—To amend title V of the Agriculture Act of 1949 to permit the importation of Mexican farmworkers.

Reported by House Agriculture, with amendment, April 24, 1961; Report No. 274. Passed House, with amendment, May 11, 1961. Reported by Senate Agriculture and Forestry, with amendment, July 25, 1961; Report No. 619. Passed by Senate, with amendments, September 11, 1961. Senate requests conference, September 11, 1961. House agrees to conference, September 15, 1961. Conference report submitted and agreed to in House, September 16, 1961; Report No. 1198. Agreed to in Senate, September 21, 1961. Approved, October 3, 1961. Public Law 345.

VOCATIONAL EDUCATION (PRACTICAL NURSES)

FIRST SESSION

S. 278—To amend title II of the Vocational Education Act of 1946, relating to practical nurse training.

Reported by Labor and Public Welfare, March 2, 1961; Report No. 57. Passed by Senate, March 3, 1961.

H.R. 4104—Same. Reported by Education and Labor, March 24, 1961; Report No. 199.

S. 278—Passed House, as amended, April 11, 1961. H.R. 4104 laid on table. Senate concurs in House amendment, April 12, 1961. Approved, April 24, 1961. Public Law 22.

SAFETY IN COAL MINES

FIRST SESSION

H.R. 4237: Federal Coal Mine Safety Act—To remove exemption with respect to mines employing no more than 14 individuals. Reported by Education and Labor, April 25, 1961; Report No. 301, clean bill H.R. 5741. Rule denied, June 7, 1961.

SAFETY IN METALLIC AND NONMETALLIC MINES AND QUARRIES

FIRST SESSION

H.R. 5435—Authorizing inspections of metallic and nonmetallic mines and quarries by Bureau of Mines. Reported by Education and Labor, August 18, 1961; Report No. 997, clean bill H.R. 8341. Passed House, August 22, 1961. Reported by Labor and Public Welfare, September 14, 1961; Report No. 1000. Passed Senate, September 18, 1961. Approved, September 26, 1961. Public Law 300.

WORKMEN'S COMPENSATION

FIRST SESSION

H.R. 1258: Longshoremen's and Harbor Workers' Compensation Act—To provide increased benefits in case of disabling injuries. Re-

ported by Education and Labor, March 6, 1961; Report No. 57. Passed House, March 21, 1961. Reported by Labor and Public Welfare, June 28, 1961; Report No. 481. Passed Senate, June 29, 1961. Approved, July 14, 1961. Public Law 87.

MANPOWER DEVELOPMENT AND TRAINING

FIRST SESSION

H.R. 7373: Manpower Development and Training Act of 1962—Reported by Education and Labor, August 10, 1961; Report No. 879, clean bill, H.R. 8399. Deferred by Rules Committee, September 6, 1961.

S. 1991—Same. Reported by Labor and Public Welfare, with amendments, July 31, 1961; Report No. 651. Passed Senate, with amendments, August 23, 1961.

SECOND SESSION

Passed House, with amendment, February 28, 1962; H.R. 8399 tabled. House asked for conference, appoints conferees, February 28, 1962. Senate disagreed to House amendment and agreed to conference, appointed conferees, March 1, 1962. Senate agreed to conference report, March 8, 1962. House agreed to conference report, March 13, 1962; Report No. 1416. Approved, March 15, 1962. Public Law 415.

PUBLIC WORKS ACCELERATION

SECOND SESSION

S. 2965: Public Works Acceleration Act of 1962—Authorizing the initiation and speed-up of capital improvement projects in areas of substantial and persistent unemployment. Reported by Senate Public Works, with amendments, April 25, 1962; Report No. 1358. Passed Senate, as amended, May 28, 1962.

H.R. 10113—To establish an Office of Public Works Coordination and Acceleration. Reported by House Public Works, with an amendment, June 2, 1961; Report No. 1756. Made special order by H. Res. 755, August 28, 1962. Passed House, as amended, laid on table. S. 2965 amended and passed in lieu, August 29, 1962. Senate agrees to House amendments, September 10, 1962. Approved, September 14, 1962. Public Law 658.

MAXIMUM HOURS ON GOVERNMENT CONTRACTS

SECOND SESSION

H.R. 9657: Work Hours Act of 1962—To establish standard for hours of work and overtime pay of laborers and mechanics employed on work done under contract for or with the financial aid of the United States. Reported from Education and Labor, April 5, 1962; Report No. 1553, clean bill H.R. 10786. Passed House, as amended, April 16, 1962. Reported from Labor and Public Welfare, July 11, 1962; Report No. 1722. Passed Senate, July 25, 1962. Approved, August 13, 1962. Public Law 581.

MINIMUM WAGES IN FEDERAL CONSTRUCTION

SECOND SESSION

H.R. 9656—Amends the Davis-Bacon Act to include fringe benefits within the term "wages"; requires contractors for the construction of projects under the Federal Airport Act and the National Housing Act to comply with the Davis-Bacon Act. Reported from Education and Labor, April 5, 1962; Report No. 1554, clean bill H.R. 10946.

EQUAL PAY FOR WOMEN

SECOND SESSION

H.R. 8898—Providing for equal pay for equal work without regard to sex. Reported by Education and Labor; Report No. 1714, clean bill, H.R. 11677. Rule granted, June 6, 1962. Passed by House, as amended, July 25, 1962. Passed by Senate, as amended as an amendment to H.R. 11880, October 3, 1962. House objects to conference on H.R. 11880, October 10, 1962. No further action by House prior to adjournment, October 13, 1962.

YOUTH EMPLOYMENT

FIRST SESSION

H.R. 7536—To authorize pilot training and employment programs for youth, including on-the-job and other appropriate training, local public service programs, and conservation programs. Reported from Education and Labor, August 2, 1961; Report No. 833, clean bill H.R. 8354.

S. 404—To authorize the establishment of a Youth Conservation Corps. Reported by Labor and Public Welfare, with amendments, September 12, 1961; Report No. 976.

SECOND SESSION

H.R. 10682—To authorize the establishment of a Youth Conservation Corps to provide healthful outdoor employment for young men and to advance the conservation, development, and management of national resources of timber, soil, and range, and of recreational areas; and to authorize pilot local public service employment programs. Reported from Education and Labor, March 29, 1962; Report No. 1540.

OCCUPATIONAL SAFETY

SECOND SESSION

H.R. 11192—Relating to grants to States for occupational safety programs. Reported from Education and Labor, July 5, 1962; Report No. 1965.

REGULATION OF UNIONS

FIRST SESSION

H.R. 4929: Welfare and Pension Plans Disclosure Act Amendments—Gives Secretary of Labor full responsibility for insuring dis-

closure of operation of such plans, authorizes investigations of violations and enforcement through injunctive action in Federal courts, requires bonding of plain administrators and employees, provides criminal penalties for bribes or kickbacks or for embezzling plan funds or property. Reported from Education and Labor, August 18, 1961; Report No. 998, clean bill, H.R. 8723. Defeated under suspension of the rules, September 6, 1961.

S. 2520—Same. Reported from Labor and Public Welfare, September 8, 1961; Report No. 908.

SECOND SESSION

H.R. 8723—Same. Rule granted, February 1, 1962, passed House, as amended, February 7, 1962. Passed Senate, as amended, February 8, 1962. Senate conferees appointed, February 8, 1962. House conferees appointed, February 21, 1962. Conference report filed, March 12, 1962; Report No. 1417. House agrees to same, March 15, 1962. Senate agrees to same, March 15, 1962. Approved, March 20, 1962. Public Law No. 420.

DISCRIMINATION IN EMPLOYMENT

SECOND SESSION

H.R. 8219—Proposed Federal equal employment opportunity legislation. Reported from Education and Labor, February 21, 1962; Report No. 1370, clean bill H.R. 10144.

JOINT INDUSTRY PROMOTION

SECOND SESSION

H.R. 10767—Permit payments by employers to representatives of employees under section 302(c)(6) of the Labor-Management Relations Act if payment is for a trust fund for the purpose of joint industry promotion. Reported by Education and Labor, May 1, 1962; Report No. 1719, clean bill H.R. 11537, as amended.

FAIR LABOR STANDARDS (CHILD LABOR IN AGRICULTURE)

FIRST SESSION

S. 1123—To amend section 13(c) of the Fair Labor Standards Act of 1938 with respect to the exemption of agricultural employees from the child labor provision of the act. Reported by Labor and Public Welfare, with amendments, August 9, 1961; Report No. 696. Passed Senate, with amendments, September 1, 1961.

SECOND SESSION

Reported by Education and Labor, with amendments, May 8, 1962; Report No. 1666. Rule granted, September 20, 1962. Debated in House, October 4, 1962. No action taken.

REGISTRATION OF CONTRACTORS OF MIGRANT FARMWORKERS

FIRST SESSION

H.R. 5289—To provide for registration of migrant agricultural workers. Reported by Education and Labor, July 19, 1961; Report No. 743, clean bill H.R. 7812. Denied a rule, August 23, 1961.

S. 1126.—Same. Reported by Labor and Public Welfare, with amendments, August 9, 1961; Report No. 695. Passed Senate as amended, August 25, 1961.

SECOND SESSION

Reported by Education and Labor, with amendment, April 18, 1962; Report No. 1623. Denied a rule, September 20, 1962.

EDUCATIONAL OPPORTUNITIES OF CHILDREN OF MIGRATORY FARMWORKERS

FIRST SESSION

S. 1124—To provide payments for improving the educational opportunities for the children of migratory agricultural employees. Reported by Labor and Public Welfare, with amendment, August 9, 1961; Report No. 698. Passed Senate, as amended, August 25, 1961.

SECOND SESSION

Reported by Education and Labor, July 5, 1962; Report No. 1962.

MIGRATORY LABOR HEALTH SERVICES

FIRST SESSION

S. 1130—To amend title III of the Public Health Service Act to authorize grants for family clinics for domestic agricultural workers. Reported with amendments by Labor and Public Welfare, August 9, 1961; Report No. 699. Amended and passed by Senate, title amended. August 25, 1961.

SECOND SESSION

H.R. 12365—Same. Reported by Interstate and Foreign Commerce, August 20, 1962; Report No. 2253. Passed House, September 10, 1962. Proceeding vacated, S. 1130 passed in lieu, September 10, 1962. Approved, September 25, 1962. Public Law No. 692.

NATIONAL ADVISORY COUNCIL ON MIGRATORY LABOR

FIRST SESSION

S. 1132—To establish a council to be known as the National Advisory Council on Migratory Labor. Reported by Labor and Public Welfare, with amendments, August 9, 1961; Report No. 697. Passed Senate, with amendments, September 1, 1961.

SECOND SESSION

Reported by Education and Labor with amendments, July 5, 1962; Report No. 1623.

ENTRY OF ALIEN SKILLED SPECIALISTS

SECOND SESSION

S. 3361—To facilitate the entry of alien skilled specialists. Reported with amendments by Senate Judiciary, October 4, 1962; Report No. 2276. Passed Senate, with amendments, October 5, 1962. Passed House, with amendments, October 5, 1962. Senate disagrees to House amendments and asks for a conference, October 5, 1962. House insists on its amendments and agrees to a conference, October 6, 1962. Conference report submitted in House and agreed to October 12, 1962; Report No. 2552. Report agreed to in Senate, October 13, 1962. Approved, October 24, 1962. Public Law No. 885.

FIRE DEPARTMENT WORKWEEK, DISTRICT OF COLUMBIA

SECOND SESSION

S. 3086—To reduce the workweek of the Fire Department of the District of Columbia from 54 to 48 hours. Reported with amendments, Senate District of Columbia, April 19, 1962; Report No. 1348. Passed Senate, with amendments, May 17, 1962. Reported with amendments, House District of Columbia, July 20, 1962; Report No. 2018. Passed House, with amendments, August 13, 1962. Senate concurs in House amendments, September 13, 1962. Approved. September 25, 1962. Public Law No. 697.

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LEGISLATIVE ACTION AFFECTING LABOR, 1789–1962

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Subject	CONGRESSES																																										
	40th	41st	42d	48th	49th	50th	51st	52d	53d	54th	55th	56th	57th	58th	59th	60th	61st	62d	63d	64th	65th	66th	67th	68th	69th	70th	71st	72d	73d	74th	75th	76th	77th	78th	79th	80th	81st	82d	83d	84
1. 8-hour day for Government laborers and mechanics	E	A, B																																						
2. Commission on Labor			A, B						A	E	E																													
3. Prohibits contracts for servile labor			A																																				
4. Forbids hiring out of prisoners				A	E																																		
5. Prohibits importation of contract labor				E			A, B			A																	A, B													
6. Establishes Bureau of Labor Statistics				E																																			
7. Legalizes incorporation of trade unions					E																																		
8. Provides for settlement of disputes on railroads					E	E			A, B		E											E		A, B	E	E			E	E			A, B			A, B				
9. Maximum hours for laborers on public works				A			A, B	E	A	A	A, B	A	A	A	A			E																						
10. Bars employment of convict and alien labor on public works.					E																																		
11. Establishes Department of Labor						E							E					E				E		A, B	E	E			E	E			A, B			A, B				
12. Bars employment of aliens on public works and in Gov't Depts.						A, B																																		
13. Sets minimum wages on public works							A																				A	V		E										
14. To facilitate inforcement of alien and contract labor laws								E																									E							
15. To protect free labor from competition with convict labor									A	A		A		A														E											
16. Limits use of restraining orders and injunctions												A						A, B										E											
17. Protection of wages on public works												A			E												E												
18. Maximum work hours on railroads														A				A		E																			
19. Regulates child labor in District of Columbia															A, B	E	A	A, B	B	A						E													
20. Subjects transportation of convict-made goods to State law															A, B		A	B, C								E													
21. Workmen's compensation on railroads																E	E																						
22. Establishes Foundation for Promotion of Industrial Peace																E																							
23. Limits hours of females in District of Columbia																		A, B	E																				
24. Provides for mediation and arbitration of certain disputes																			E																				
25. To promote welfare of merchant seamen																			E			E																A, B
26. Creates Bureau of Safety in Department of Labor																			A, B	A, B							A, B	A	A										
27. To prevent commerce in products of child labor																			A, B	E	E																		
28. Establishes national employment service																				A	A						B, C	A	E										
29. Recognition of unions under antitrust laws																				E																			
30. Promotion of vocational education																					E													E					
31. Sets minimum wages for women and children in D.C																						E																	
32. To prohibit strikes in interstate and foreign commerce																						A																	
33. Regulation of wages in coal industry																							E						E	E									
34. Workmen's compensation in maritime employment																									E	E			E	A									
35. Extends Railway Labor Act to airlines																														E									
36. 30-hour week in interstate commerce																												A											
37. Authorizes protection of union labels in D.C																												A	A, C	A									
38. Assumption of risk by employees of common carriers																												E											
39. To create a Public Works Administration																												A											
40. Vocational rehabilitation																												A											
41. To create a National Labor Board																												E											
42. To prevent evasion of compensation rate laws																													A										
43. Regulation of minimum wages and maximum hours (N.R.A.)																													E										
44. National Labor Relations Act																														E									
45. Fair Labor Standards Act																														E									
46. 6-hour day for employees of carriers																															E				A	E	E		
47. Minimum wages and maximum hours on Government contracts.																														A									
48. Antistrikebreaker law																															E								
49. Prevailing wages on highway construction																															E	E						E	
50. Workmen's compensation to non-Federal employees																															E					E	E		
51. Consent to minimum wage compacts among States																															E								
52. Prevailing wages on federally aided housing																															E								
53. Labor-Management Relations Act																															E	E	E			E	E		
54. Safety of employees on railroads																																	A, B	A		E, X	A, B	A		
55. Requires contractors to furnish bonds																															A, C					A, B	A		
56. Minimum wages and maximum hours in textiles																															E								
57. Licensing of blind to operate vending stands																															A								
58. To safeguard welfare of apprentices																															E								
59. Compensation while employed on public works																																E							

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1. 8-hour day for Government laborers and mechanics.					A	E	E																																
2. Commission on Labor.	E																																						
3. Prohibits contracts for servile labor.			A, B			A																	A, B																
4. Forbids hiring out of prisoners.	E																																						
5. Prohibits importation of contract labor.	E	E			A, B		E											E		A, B	E	E			E	E			A, B				A, B						E
6. Establishes Bureau of Labor Statistics.			A, B	E	A	A	A, B	A	A	A	A			E																									
7. Legalizes incorporation of trade unions.		E							E									E		A, B	E	E			E	E			A, B				A, B						E
8. Provides for settlement of disputes on railroads.		A, B																					A	V		E													
9. Maximum hours for laborers on public works.			A																																			
10. Bars employment of convict and alien labor on public works.				E																																		
11. Establishes Department of Labor.					A	A		A		A				A, B										E					E										
12. Bars employment of aliens on public works and in Gov't Depts.								A			E					E																							
13. Sets minimum wages on public works.								A						A																									
14. To facilitate enforcement of alien and contract labor laws.										A						E																							
15. To protect free labor from competition with convict labor.											A, B	E	A		B							E																	
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6. Establishes Bureau of Labor Statistics		E																																																	
7. Legalizes incorporation of trade unions				E																																															
8. Provides for settlement of disputes on railroads				E																																															
9. Maximum hours for laborers on public work		A			R				A, B																																										
10. Bans employment of convict and alien labor on public works				E																																															
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