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Panel Catalog

NATIONAL WAR LABOR BOARD
1945

RULES OF ORGANIZATION AND PROCEDURE

FOR THE NATIONAL
AND REGIONAL BOARDS

NOTE: This edition of the Rules of Organization and Procedure combines into one publication and supersedes the previous Rules of Organization and Procedure of the National Board and the Jurisdiction and Procedure of Regional Boards.

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These Rules of Organization and Procedure for the National and Regional War Labor Boards may be found in the *Federal Register* under Title 29, Chapter VI, Part 801 and 802.

The sections appear in this booklet in the same sequence as the sections of the *Federal Register*. However, for simplicity Part 801 has been identified as Part 1, Part 802 as Part 2, etc. For example, Section 802.11 in the *Federal Register* is identical with Section 2.11 as it appears in this booklet.

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RULES OF ORGANIZATION AND PROCEDURE

FOR THE

NATIONAL AND REGIONAL WAR LABOR BOARDS

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NATIONAL WAR LABOR BOARD

RULES OF ORGANIZATION AND PROCEDURE

(Adopted November 26 and 27, 1943, by the National War Labor Board)

(These rules are set forth in the *Federal Register* under Title 29, Chapter VI, Part 801)

PART 1. RULES OF ORGANIZATION

Administrative Regulation No. 1 of the National War Labor Board adopted by it on January 22, 1942, as revised, is hereby rescinded and the following provisions are adopted in its stead:

1.1 Definitions

As used in Sections 1.-2. unless the context requires otherwise—

(a) The word "member" includes a regular, alternate, or substitute member of the National War Labor Board.

(b) The term "Board" means the National War Labor Board.

(c) The term "agent" includes Regional War Labor Boards, Industry Commissions of the National War Labor Board, the Wage Adjustment Board for the Building Construction Industry, or any other agency to which the National War Labor Board has delegated, or may hereafter delegate, authority to issue, subject to review by the National War Labor Board, (1) final rulings on voluntary applications for approval of wage or salary adjustments or (2) final directive orders in dispute cases.

1.2 Regional War Labor Boards

Regional War Labor Boards as heretofore established by the Board shall continue to perform the functions set forth in "Jurisdiction and Procedures of Regional War Labor Boards" of April 15, 1943, as amended.

1.3 Industry Commissions and Panels

The industry commissions and industry panels, and any other agencies heretofore authorized to act as agents of the Board, shall continue to perform the functions assigned to them by the Board.

1.4 Meetings

The Board shall hold its regular meetings at 10 a. m. and 2:30 p. m. each day of the week except Sunday, unless otherwise determined in advance by the Board. Special meetings may be called at any time by the Chairman of the Board.

1.5 Executive Sessions

At its regular or special meetings, unless it otherwise determines, the Board shall conduct all its proceedings in executive session.

1.6 Quorum

Six members, including not less than two members from each of the groups represented on the Board, shall constitute a quorum thereof.

1.7 Voting

Each member shall be entitled to one vote on any matter put to a vote before the Board, provided, however, that tripartite equality of voting shall be preserved. A majority vote shall constitute the decision of the Board.

1.8 The New Case Committee of the Board

The New Case Committee shall be appointed by the Board and shall consist of two representatives of industry, two representatives of labor and either one or two representatives of the public as the Board may from time to time prescribe. The public representatives shall act as Chairmen. For a description of the functions and procedures of the New Case Committee see Section 2.1, below.

1.9 The Appeals Committee of the Board

The Appeals Committee shall be appointed by the Board and shall consist of two representatives of labor, two representatives of industry, and two public representatives who shall serve as Chairmen. The Board may establish more than one such committee. As used hereafter the term "Appeals Committee" includes any one of such committees established by the Board. For a description of the functions and procedures of the Appeals Committee see Section 2.41, below.

1.10 Joint Committee of the Board on Executive Order 9240

The Joint Committee shall consist of a representative appointed by the Department of Labor and a representative appointed by the Board. For a description of the functions of this committee see Section 2.9, below.

1.11 The Review Committee of the Board

This Committee shall be appointed by the Board and shall consist of two representatives of labor, two representatives of industry, and two public members, who shall serve as Chairmen. For a description of the functions of this Committee, see Section 2.10, below.

1.12 The Post-Directive Committee of the Board

This Committee shall consist of two representatives of labor, two representatives of industry, and two public members who shall serve as Chairmen. For a description of the functions of this Committee, see 2.12 and 2.13 below. (As amended August 30, 1944.)

1.13 Appointment of Members of Tripartite Committees (Adopted May 31, 1944)

The term of office of all per diem public, industry, and labor representatives of Board agents, and of the Appeals, Review, Post Directive, and other tripartite committees of the National War Labor Board shall be one year, unless terminated at an earlier date by the Board. The term of office of all present per diem members shall expire on August 31, 1944.

1.14 Organization of Regional War Labor Boards

See Section 2.51.

PART 2. RULES OF PROCEDURE

(Source: Adopted by NWLB November 26 and 27, 1943.)

Administrative Regulation No. 2 of the National War Labor Board adopted by it on January 22, 1942, as revised, is hereby rescinded and the following provisions (Section 2-4) are adopted in its stead:

I. PROCESSING OF DISPUTE CASES BY THE NATIONAL BOARD

2.1 The New Case Committee (See 1.8)

(a) Functions

Upon certification of a labor dispute by the U. S. Conciliation Service or upon the amendment of a prior certification, the dispute shall be referred to the New Case Committee (unless by resolution of the Board other procedure appropriate to the particular circumstances is adopted). The New Case Committee may then, in its discretion, take any one of the following actions:

- (1) Retain the case for disposition by the Board.
- (2) Refer the case to the appropriate agent of the Board or to the appropriate industry panel.
- (3) Retain some of the issues in the case for disposition by the Board and refer the rest of the issues to the appropriate agent of the Board or industry panel.
- (4) Return the case to the U. S. Conciliation Service with an appropriate explanation, provided that such action by the New Case Committee in any case may be reviewed by the Board on its own motion.
- (5) Refer the case to an appropriate person or agent of the Board for preliminary investigation in accordance with the Committee's instructions.
- (6) Take such other action with respect to the assignment of the case as may be deemed appropriate by the Committee.

If the Board takes jurisdiction of a case on its own motion under Section 7 of the War Labor Disputes Act the Board may assign the case, itself, or refer it to the New Case Committee for assignment.

(b) Procedure (as Amended April 4, 1944)

The decision of the majority of the members of the New Case Committee with respect to the acceptance or assignment of a particular case shall be put into effect by the Committee on behalf of the Board, subject to the right of any member of the Committee to refer the matter to the Board, and the right of the Board to review the action of the Committee on its own motion.

(c) Assignment of Cases Retained in Washington, D. C.

When all or part of the case is retained for disposition by the Board, the New Case Committee may determine that such case or part thereof shall be referred to one of the following:

- (1) a tripartite panel;
- (2) a single hearing officer, if the parties consent thereto;

(3) an arbitrator, if the parties agree or have agreed that the matter in dispute should be submitted to final and binding arbitration;

(4) the Board in special cases; provided, however, that the Board may direct in any case, the particular method by which the case shall be heard.

2.2 Selection of Tripartite Panels

(a) A tripartite panel shall consist of three members representative respectively of the public, industry, and labor. Each member shall be selected in the manner hereinafter described from a roster maintained by the Disputes Assignment Section. The roster shall be composed of the names of persons who have been approved by the Board. Names of individuals who are considered eligible to serve as public chairmen of tripartite panels shall be proposed by the public members of the Board, and the other members of the Board shall be given opportunity to investigate and report to the public members on the qualifications of the nominee.

(b) Persons on the roster established in the foregoing manner shall be assigned to specific cases in accordance with the following procedure:

The Disputes Assignment Section shall propose a name for the roster on the basis of the special qualifications of the individual, the nature of the case and the location of the employer's establishment. The Labor representative shall be of the same affiliation (AFL or CIO) as the Union involved. If an independent union is involved, the name of an individual associated with another independent union shall be proposed. The proposed labor, industry or public members of a panel shall, before assignment to a particular case, be approved by the Board. When a complete panel has been approved, inquiry shall be made whether the nominees are available to serve. If any nominee declines appointment, a replacement shall be selected in accordance with the procedure described above. Upon acceptance by the members of the panel of their appointment, appropriate notice shall be sent to the parties and to the panel members confirming the appointment of the panel and advising the panel and the parties of their respective rights and duties under the procedures of the Board.

2.3 Selection of Hearing Officers

The Disputes Assignment Section shall select from the roster referred to in Section 2.2 (a), above, the name of an individual who has been initially approved by the Board for service as a public representative on a tripartite panel. The name so selected shall be submitted for approval to the public members of the Board. Upon such approval, inquiry shall be made as to the availability of the nominee, and if he declines appointment a replacement shall be named in accordance with the foregoing procedures. Upon acceptance of the designation, appropriate notice shall be sent by the Dispute Assignment Section to the parties and the hearing officer confirming his appointment and advising the hearing officer and the parties of their respective rights and duties under the procedures of the Board.

2.4 Hearings Before Panels or Hearing Officers

(a) If a case is assigned to a panel or hearing officer, the panel or hearing officer shall advise the parties that they may, if they so desire, submit their evidence and argument in writing. If the parties mutually agree in writing to such a presentation, the Director of the National Disputes Division shall transmit to them any requests for information needed by the panel or hearing officer and shall advise them of the procedure to be followed in submitting their case. If parties do not agree to present their case in writing, a public hearing shall be held upon the merits of the dispute in accordance with the provisions of Sections 2.15 to 2.27, below.

(b) Any person who in a particular case serves as a hearing officer or as a member of a panel reporting to the Board shall be disqualified from participating in the case in any other capacity.

2.5 Hearing Before the Board

(a) If in any dispute case retained for original disposition by the Board, it is determined that the services of a panel or hearing officer are not appropriate, the Board will order a public hearing to be held before it on the merits of the dispute, unless the parties agree to waive such a hearing. The conduct of such a hearing shall be governed by the provisions of Sections 2.15 to 2.27, below.

(b) In any case, following a public hearing on the merits of the dispute, the Board may, in its discretion, prior to the decision of the case, afford the parties opportunity to present oral argument before it. In such cases each party shall be allowed forty-five minutes for oral argument, unless otherwise directed.

2.6 Cases Involving Strikes or Lockouts

If there is a strike or lockout in progress when a case is certified to the Board or when the Board takes jurisdiction of a case on its own motion under Section 7 of the War Labor Disputes Act, the Strikes Section of the Board, unless otherwise directed by the Board, shall notify the parties that the case is pending before the Board and that no action with respect to the merits of the dispute will be taken until the strike or lockout is discontinued.

2.7 Arbitration Proceedings

See Sections 2.28 to 2.35, below.

2.8 Functions of Appeals Committee

See Section 2.41, below.

2.9 Functions of Joint Committee (as Amended June 7, 1944)

See Section 1.10, above.

(a) It shall be the duty of this Committee, prior to any decision thereon, to review and to make recommendations to the Board for the disposition of all applications and dispute cases arising out of a request for a wage or salary adjustment to compensate employees for a loss in earnings caused by the operation of Executive Order 9240, as amended. All such cases shall be decided by the Board. Applications for the approval of voluntary adjustments of this type shall be forwarded by the Board agent by which they are received to the Joint

Committee, after the necessary information in connection therewith has been obtained. When such an issue is involved in a dispute case pending before an agent of the Board, the entire file in the case shall, after receipt of the panel or hearing officer's report, and the comments of the parties, be forwarded by the agent to the Joint Committee, which shall present the issue to the Board, with its recommendation, for disposition. When involved in cases pending before the Board, such issue shall be submitted to the Joint Committee for a recommendation prior to final disposition thereof by the Board. Action by the Board or its agent on other issues in the case need not, in the discretion of the Board or its agent, be withheld pending action on this issue.

(b) It shall also be the duty of the Joint Committee to render assistance and advice to the Board and its agents in the determination of questions involving the application or interpretation of Executive Order 9240, as amended. The Committee may require a Board agent to submit to it for review any case involving the application or interpretation of the Executive Order, and may, in its discretion, should it decide the case raises an issue of national importance, transfer the case to the Board for disposition.

2.10 Functions of Review Committee

Except as otherwise determined by the Board in particular cases, the Review Committee (see 1.11, above) shall, prior to action by the Board, itself, review all cases retained in Washington, D. C., for original disposition by the Board and shall make appropriate recommendations in writing to the Board. These recommendations shall be presented to the Board by one of the Chairmen of the Review Committee.

2.11 Decisions of the Board

(a) *Eligibility of Members of the Board to Participate in the Decision of Cases.*—Any member of the Board who in a particular case serves as hearing officer, as member of a panel reporting to the Board, or as a member of a review or appeals committee shall be disqualified from participating in any other capacity in any further proceedings in the case.

(b) *Remand for Further Hearings.*—At any time before its decision of a dispute case the Board may upon the request of a party or upon its own motion, order a further hearing to be held before the Board, a tripartite panel, or other representative of the Board or of an agent thereof for the purpose of receiving evidence not introduced at any prior provisions of Sections 2.15 to 2.27, below.

2.12 Requests for Interpretation and Clarification of Board Directives in Dispute Cases (other Than Board Directives on Appeals From Directives of a Board Agent)

If, after the issuance by the Board of a directive order in a dispute case, a disagreement arises concerning the interpretation of any provision of the directive order, any party to the case may file with the Board five copies of a request for clarification or interpretation of the directive order, provided that a copy of such request is at the same time transmitted by such party to all other parties to the case, and notice of the date of such transmittal is included in the request. Such other parties shall have ten days from the receipt of a copy of such

request in which to mail comments thereon to the Board. The request and the comments thereon shall be referred to the Post-Directive Committee (see 1.12 above), which shall examine the same in the light of the record in the case. Where the ruling of the committee is unanimous, the Director of Disputes shall communicate the ruling to the parties. Where the ruling of the committee is not unanimous, or in any case where a member of the committee so requests, the question shall be presented by the Chairman of the Committee to the Board for its determination.

2.13 Petitions for Reconsideration of Board Directives in Disputes Cases (Other Than Board Directives on Appeals From Directives of a Board Agent)

A petition for reconsideration of a decision of the Board in a dispute case may be filed by a party thereto within fourteen days after the date of the issuance of such decision to the parties, provided that a copy of such petition is at the same time transmitted by such party to all other parties to the dispute and notice of the date of such transmittal is included in the petition. Such petition, which shall be filed with five copies thereof, shall set forth fully the reasons for requesting reconsideration of the case. The other parties shall have fourteen days from the mailing of a copy of the petition to them in which to mail to the Board an answer to or comments thereon. Such answer or comments, if filed, shall be in writing and shall be accompanied by five copies, and additional copies thereof shall be served on the other parties to the case. The petition and the comments thereon shall be referred to the Post-Directive Committee, which shall examine the petition in the light of the record in the case, and shall make a recommendation to the Board on the question involved. The Chairman of the Committee shall present the petition and comments of the parties to the Board, together with the recommendation of the Committee. The Board will either grant or deny the petition on the basis of the entire record in the case. If the petition is granted, the case will be reconsidered and such disposition made or further procedure ordered therein as the Board may determine. (As amended October 17, 1944.)

2.14 Publication of Official Acts of the Board

All appropriate regulations and all General Orders of the Board and amendments thereto shall be published in the Federal Register, and all decisions and opinions of the Board and its agents, including both majority and dissenting opinions, shall be released to the public and may be published in some appropriate publication to be designated by the Board.

II. RULES FOR THE CONDUCT OF HEARINGS UNDER SECTION 7 OF THE WAR LABOR DISPUTES ACT

2.15 Definition

Panel.—The term "panel" as used hereafter in this part, unless the context requires otherwise, includes any individual or body, including the Board or its agents, conducting a hearing under Section 7 of the War Labor Disputes Act.

2.16 Pre-hearing Procedure

When the case has been set for hearing, the parties shall be notified at least ten days in advance of the date and place of the hearing and of the issues of which the Board or agents have been apprised.

Adequate notice of the issues in a dispute before the National Board or its agents will normally have been acquired by the parties in the course of collective bargaining negotiations, or the mediation or conciliation proceedings which have preceded the hearing, and as a result of such negotiations or proceedings the parties generally will have obtained, prior to the hearing, a better knowledge of the issues to be decided than the Board or its agents will then have.

In an emergency the notice period may be reduced to the extent required by the exigencies of the situation. Such a notice shall not preclude the raising at the hearing of issues not specified therein, provided that for good cause shown a request for adjournment may be granted where necessary to permit a party to meet any issue raised for which he has not had adequate prior notice. The Board or its agent may in its discretion refer back to the parties for direct negotiation any issue which, in the opinion of the Board or agent, the parties have not made sufficient effort to settle through collective bargaining. The parties shall be requested to submit to the Board or its agent, as the case may be, not less than five days prior to the hearing, five copies of (a) a statement of any issues upon which they desire to be heard which are not included in the notice of hearing, (b) existing contracts, and (c) a statement of their position on each issue in dispute. If a union security issue is involved, the union shall be requested to furnish five copies of the union constitution and bylaws. A copy of each of these materials shall be served upon each opposing party at the same time that it is filed with the Board or its agent.

2.17 Public Character of Hearing

A public hearing shall be concluded on the merits of each dispute which has been accepted by the Board, unless the parties have agreed to present their case in writing. The record made at such hearing shall include all documents, statements, exhibits and briefs, which may be submitted, together with the stenographic record, if any. The parties shall have the right to attend the hearing with such persons as they desire, and the hearing shall be open to any other person who wishes to attend, including representatives of the press and radio. The panel shall have authority to make whatever reasonable regulations are necessary for the conduct of an orderly public hearing. The panel may, with the consent of the parties, exclude persons other than the parties at any time when the expeditious settlement of the dispute so requires.

2.18 Participation by Panel in Panel Hearing

(a) An attempt shall be made at the outset of the panel hearing to secure from the parties an agreed statement of any facts bearing on the issues and a definition of the issues still in dispute. The panel may, on its own initiative, at such hearing call witnesses and introduce documentary or other evidence, and may participate in the examination of witnesses for the purpose of expediting the hearing or eliciting material facts.

2.19 Participation by Parties in Hearing

(a) The interested parties or their representatives shall be given reasonable opportunity (1) to be present in person at every stage of the hearing; (2) to be represented adequately; (3) to present orally or otherwise any material evidence relevant to the issues; (4) to ask questions of the opposing party or a witness relating to evidence offered or statements made by the party or witness of the hearing, unless it is clear that such questions have no material bearing on the credibility of that party or witness or on the issues in the case; (5) to know and rebut any evidence, oral, documentary or otherwise; (6) to present to the panel oral or written argument on the issues.

(b) The witnesses at a hearing need not be sworn, but any person who at such hearing knowingly and wilfully makes any false statements, sworn or unsworn, is subject to the penalties provided by law (18 USCA Section 80).

2.20 Stenographic Records

In all cases heard by the Board, itself, or by a Division thereof, an official stenographic record shall be made. In cases heard by, or under the authority of, any agent of the Board, no official stenographic record of the case shall be made save in exceptional circumstances and on instructions of such agent. In cases heard by a panel appointed by the Board, itself, the panel may in its discretion, subject to the approval of the National Disputes Division, order an official stenographic record of the hearing to be made. In all cases where an official stenographic record of a hearing is made, a copy of such record shall be available for inspection by the parties. Whether or not an official stenographic record of a hearing is made, any party may, at his own expense, provide for the making of a stenographic record of the hearing but shall in such case make a copy available to the panel without cost, and to each of the other parties to the proceeding at the regular rate for copies.

2.21 Rules of Evidence

The hearing may be conducted informally. The receipt of evidence at the hearing need not be governed by the common law rules of evidence.

2.22 Facilities Available to Panel and Parties

(a) *Wage Data*—The panel or the parties may, during the proceedings in a case, consult with the appropriate Wage Stabilization Division for the purpose of obtaining information pertaining to any wage or salary issue in the case. A member of such Division may be assigned by the Wage Stabilization Director, after consultation with the Disputes Director, to attend the proceedings before the panel and to furnish any wage data that may be required. Information so obtained by a panel and used as a basis for its report or recommendations shall, prior to the submission of the report and recommendations of the panel, be made available to all the parties for their inspection and comment.

(b) *Disputes Division*.—The services and advice of the appropriate Disputes Division shall be available to the panel and parties upon a proper request. Information of a factual nature furnished by that

Division to a panel and used as a basis for its report or recommendations shall be made available to the parties for inspection and comment prior to the submission of the report and recommendations of the panel.

2.23 Adjournment of Hearing to Permit Direct Negotiation

Where, in the opinion of the panel, the parties should make further efforts to settle an issue by collective bargaining or where the parties agree to do so, the panel may recess a hearing to allow the parties to resume direct negotiations for as long a period as they may mutually agree upon or until a date specified by the panel for reconvening the hearing. Whenever possible, the panel shall, at the time of the recess, notify the parties of the date when the panel will reconvene with the parties. If it is not possible to give such notice at the time of recess, the parties shall be given at least five days advance notice of the date of reconvening, unless the exigencies of the situation require shorter notice.

2.24 Settlement of Issue by Agreement Between Parties

If, during the proceedings in a case, an agreement is reached between the parties with respect to any issue in dispute, they shall be requested to execute in triplicate a statement in writing to that effect, which shall be included in the file of the case, or, if that is not deemed feasible, the panel may, itself, make an appropriate memorandum of the parties' agreement, which shall be included in the record.

2.25 Panel Report and Comments

(a) General

(1) After the conclusion of the hearing the panel shall submit to the Board or its agent, as the case may be, an original and six copies of its report and recommendations on any issues which the parties have not in the meantime settled or agreed to submit to arbitration.

(2) Unless otherwise instructed in the order of reference, or by subsequent order of the Board or its agent, panels appointed by the Board or its agents shall make recommendations as well as findings of fact. Where a novel and important question of policy is presented, however, the panel may present the question to the Board or its agents, as the case may be, together with the contentions of the parties and all pertinent information, without recommendation. When in doubt as to whether or not a given question is of such novelty and importance as to warrant presenting it to the Board or agent in this fashion, the panel shall consult the Director of the appropriate Disputes Division.

(3) The appropriate Director of Disputes shall examine all reports by panels and hearing officers before their issuance to the parties for the purpose of advising the Board or agent, as the case may be, of any special problems or serious departures from established Board policy, and he shall then communicate to each member of the panel any special instructions of the Board or its agents, as the case may be.

(4) Panels shall make no recommendation or ruling on objections raised to the jurisdiction of the Board or agent but shall only hear the evidence and arguments of the parties with respect thereto and shall transmit the objection without recommendation or ruling there-

on to the Board or its agent, as the case may be, together with the entire record of the case including the panel's report and recommendations on the merits of the dispute. In exceptional cases and within its discretion the panel may, prior to hearing the merits of the dispute, transmit for a ruling to the Board or its agent, as the case may be, the objections of the parties to the Board's jurisdiction together with the entire record of the case but without any ruling or recommendation by the panel.

(5) Copies of each panel report, after review by the appropriate Disputes Division, shall be sent to the parties. The parties shall have the right to submit comments upon the report and recommendations within ten days after they are mailed to them, or within such other time as may be agreed upon by the parties, allowed by the panel or by the appropriate Disputes Division. If such comments are furnished by the parties they shall be accompanied by fifteen copies, which shall be distributed together with copies of the panel report to the members of the Board or its agent, as the case may be. Copies of the comments shall be served by the parties on the other parties to the case at the time of submission to the Board or its agent.

(b) Procedure in Cases Involving Price Relief or Increases in Production Cost

If the panel report recommends a wage or salary adjustment, there shall be transmitted to the employer, together with a copy of the panel's report, a request that he transmit, within the period allowed him for filing comments upon such report, information on the following points:

(1) Whether he has a contract with any procurement agency of the United States government for furnishing any product or service, and if so, (a) the name of such agency and the contract number, (b) whether the granting of the wage or salary adjustment recommended by the panel may result in an increase in the cost of the product or service to the United States under such contract and (c) what part, if any, of such adjustment may be granted without resulting in an increase in such cost.

(2) Whether the granting of the wage or salary adjustment recommended by the panel will be made the basis for an application by the employer to the Office of Price Administration for an adjustment of his individual maximum prices or for a petition for an amendment of a regulation which establishes maximum prices for his product or service, and, if so, what part, if any, of such adjustment may be granted without requiring such price relief.

(3) The employer shall be advised at the same time that if he intends to seek price relief from the Office of Price Administration in the event a wage or salary increase is directed, he must within fifteen days after the receipt of the panel's report file with the nearest office thereof an appropriate application for such relief, and notify the Board or its agent, as the case may be, of such filing within the time allowed him for transmitting comments on the panel's report. If the employer advises the Board or its agent that the granting of a wage or salary increase will be made the basis of an application for price relief or may result in an increase in the cost to the United States

Government of his product or service, he shall at the same time (a) transmit to the union a copy of his statement to that effect and (b) notify the Board or its agent of the date of such transmittal. The union may, within ten days after receiving a copy of such statement from the employer, file with the Board or its agent its comments thereon. Fifteen copies of such comments shall be furnished.

2.26 Request for Wage Data by Wage Stabilization Division

If the case involves a wage or salary issue, the appropriate Wage Stabilization Division may request the parties, prior to, during, or after, the hearing to submit specified information relating to such issue and appropriate notice of such request shall be given to the other party together with a reasonable opportunity to inspect and comment upon such data prior to the decision of the case.

2.27 Subpoenas

The Board may, by its Chairman, issue subpoenas requiring "the attendance and testimony of witnesses, and the production of any books, papers, records, or other documents, material to any inquiry or hearing before the Board or any designated member or agent thereof." Such subpoenas may be issued on behalf of the Board or any of its agents, or on behalf of a party to a dispute before the Board or any of its agents.

(a) *Procedure for Issuance of Subpoenas on Behalf of Agents of the Board.*—A request for a subpoena originating with a Regional Board or panel or hearing officer thereof shall be transmitted by the Chairman of such panel or by such hearing officer or Board to the Regional Attorney for transmission to the General Counsel of the National Board, who will present such request to the Chairman thereof. Requests for subpoenas by panels or hearing officers appointed by and reporting directly to the Board or by industry commissions or boards shall be transmitted by the Chairman of the panel or by the hearing officer, or by the Chairman of the commission or board, as the case may be, to the General Counsel of the Board for submission to the Chairman thereof. Such requests shall in all cases be accompanied by a written statement specifying (1) the name and nature of the proceeding in which the subpoena is required; (2) the name of the person whose attendance is required; (3) the body, and names of the persons, before whom such attendance is required; (4) the nature and materiality of the testimony or documentary evidence to be supplied by the witness; (5) a description of the efforts which have been made to obtain voluntary attendance of the witness or voluntary production of the required documentary evidence. The statement shall also contain the information to be inserted in the subpoena, such as the time and place of attendance, and a list of the records and documents whose production is required.

(b) *Procedure for Issuance of Subpoenas on Behalf of Parties.*—The procedure shall be the same as indicated in paragraph (a) above, except that the body or person before whom attendance is required shall transmit with the request for a subpoena, in addition to the information required in paragraph (a) above, a statement as to the identity of the person or persons on whose behalf the subpoena is to be issued and a recommendation as to its issuance.

(c) *Service of Subpoenas.*—If a request for the issuance of a subpoena is granted the subpoena will ordinarily be forwarded to the Regional Attorney or other individual who transmitted the request, who will then transmit the subpoena to the proper authority for service. Save in exceptional cases, service of subpoenas shall be effected through United States Marshals within their respective territorial jurisdiction. In exceptional circumstances, service may be made by any other person who is not a party to the proceeding, and who is not less than 18 years of age. Service of the subpoena shall be made by delivering a copy to the witness personally. An affidavit of service shall be executed by the person or officer making the service. If the witness does not appear at the hearing, the original subpoena with the executed affidavit of service shall be introduced in evidence. Cases of non-compliance with a subpoena shall be reported to the General Counsel of the Board, together with a recommendation with respect to the further action to be taken by the Board under Section 7 (a) (4) of the War Labor Disputes Act. Section 7 (a) (4) of the War Labor Disputes Act empowers the National War Labor Board:

To apply to any Federal District court for an order requiring any person within its Jurisdiction to obey a subpoena issued by the Board; and jurisdiction is hereby conferred on any such court to issue such an order.

(d) *Witness Fees.*—When the subpoena is issued at the request of, or on behalf of, a party, the person whose attendance is required shall, at the time of service, be tendered the fees for one day's attendance and the mileage allowed by law. Witness fees and mileage in the same amounts as are paid witnesses in Federal Courts shall be paid by the party at whose instance the witness appears. Where the subpoena is issued on behalf of the Board, witness fees and mileage need not be tendered at the time of service.

III. ARBITRATION POLICY

(Source: Adopted by NWLB November 26, 1943)

2.28 Definitions

(a) *Dispute Case.*—The term "dispute case" as used herein means a labor dispute which has been certified to the National War Labor Board by the U. S. Conciliation Service or over which the Board has taken jurisdiction on its own motion, under Section 7 of the War Labor Disputes Act or under relevant Executive Orders.

(b) *Arbitrator.*—As used herein, the term "arbitrator" refers to an individual or body which has been authorized by written agreement of the parties or by order of the Board or its agent to render a decision in a labor dispute which shall be final and binding upon the parties (subject only to Board review with respect to wage or salary issues).

2.29 Appointment of Arbitrator

(a) *When Appointed by Board or Agent.*—The Board or agent will appoint an arbitrator, as defined above, in the following cases:

- (1) Upon the joint request of the parties;
- (2) When the parties, having agreed to arbitrate are unable to

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agree on an arbitrator, and such disagreement develops into a labor dispute, which comes before the Board as a dispute case; or

(3) Whenever it is deemed appropriate by the Board or its agent to do so.

(b) *Selection of Arbitrator.*—The appropriate Disputes Division shall select a name from a list of persons who have been approved by the Board or its agents for service as arbitrators. In the case of the appointment of an impartial Chairman, however, the proposed name shall be submitted for approval to the labor and industry members of the Board or its agent, as the case may be. Unless the parties otherwise agree, the appointment of an arbitrator shall not be delegated by the Board or its agent to an association, agency, or individual. (As Amended December 18, 1944.)

2.30 Jurisdiction of Board Over Disputes Involving Arbitration

The Board or its agent will not issue a directive order in any dispute relating to arbitration unless the dispute has come before the Board as a "dispute case," as defined below.

2.31 Review of Arbitrator's Award on Wage or Salary Issues

(a) If an award is rendered by an Arbitrator on a wage or salary issue in any case, a copy of the award, together with all the information submitted to the arbitrator relating to the wage or salary issue, shall be filed by the arbitrator directly with the Board or its appropriate agent at the same time that it is issued to the parties. The Board or its agent shall immediately notify the parties that the award has been filed with it for approval, and the employer shall be requested to include, in accordance with the procedures set forth in Section 2.25 (b), above, a statement whether price relief or an increase in production cost is involved. The award shall then be approved, modified, or disapproved in accordance with the Board's wage stabilization policy. In so acting the Board or its agent will seek to determine whether the arbitrator has correctly applied all the criteria of the Board's wage stabilization policy to the facts of the case. In making such determination, the Regional Board or Industry Commission and their staff members shall accept additional evidence, comments, briefs, or oral argument, only where said Board or Commission has specifically requested such material. Requests for additional information by the Board or its agent shall be made to the arbitrator, who shall, where necessary, secure the information from the parties and transmit it to the Board, or such requests may be addressed directly to the parties, if the circumstances of the case make that procedure more appropriate. If it appears to the Board or its agent that the arbitrator has manifestly erred in applying or failing to apply any material aspect of the Board's wage stabilization policy, the Board or its agent may refer the case back to the arbitrator (for reconsideration and for resubmission to the Board or its agent) with appropriate advice in regard to the policies of the Board which are involved. Referral to the arbitrator of specific issues for reconsideration shall not preclude him from reconsidering other inter-related issues within the scope of the arbitration submission. (As Amended December 18, 1944.)

(b) When an arbitrator re-submits his award to the Board or its

agent, it shall be processed in accordance with the procedure set forth in paragraph (a) above.

2.32 Enforcement of Arbitration Awards

In any dispute case (as above defined) involving the refusal of a party to carry out the provisions of a wage or salary award by an arbitrator as finally ruled on by the Board or its agent, pursuant to Section 2.31 above, or of an arbitrator's award on a non-wage issue, the merits of the award will not be reviewed. In acting upon such a dispute case the Board or its agent will direct that the terms and conditions of employment set forth in the arbitrator's award, or, in the case of a wage or salary adjustment, in the award as ruled on by the Board or agent, shall govern the relations between the parties unless the Board or its agent finds that the award is outside the scope of the reference or submission to arbitration. Any such directive order of the Board or its agent shall be without prejudice to the right of any party to the case to appeal to a court of competent jurisdiction for a judicial determination of rights and obligations arising out of the award and, if such a court renders a decision contrary to the conclusions of the Board or its agent, the order, or such part thereof as may be contrary to the determination of the court, shall be considered of no force or effect.

2.33 The Board's Ultimate Right to Review

In any appropriate case within its jurisdiction, the Board reserves the right on its own initiative to review any arbitration award.

2.34 Cases Involving Executive Order 9240

If the dispute submitted to an arbitrator by the parties or referred to him by the Board or agent involves the interpretation or application of the provisions of Executive Order 9240, as amended, the arbitrators award, before it is acted on by the Board or its agents, shall be submitted, for comment by the Board or its agent to the Joint Committee established to review all cases involving Executive Order 9240, as amended (see Section 1.10, above).

2.35 Effective Date

The provisions of 2.28 to 2.34 above, shall take effect on December 6, 1943, and shall apply to all cases arising thereafter and to all cases arising prior to that date in which no final action has as of that date been taken by the Board or any of its agents. The Board's statement on Arbitration Policy adopted by it on September 1, 1943, is hereby rescinded.

IV. APPEALS PROCEDURE

(Source: Adopted by the NWLB November 10, 1943, Effective in all cases in which directive orders and rulings have been issued on and after December 1, 1943.)

2.36 Definitions

The term "Board" refers to the National War Labor Board. The term "Agent of the Board," unless the context clearly requires other-

wise, includes Regional War Labor Boards, Industry Commissions of the National War Labor Board, the Wage Adjustment Board for the Building Construction Industry, or any other agency to which the National War Labor Board has delegated or may hereafter delegate, authority to issue, subject to review by the National War Labor Board, (1) final rulings on voluntary applications for approval of wage or salary adjustments or (2) final directive orders in dispute cases.

2.37 Stay of Order or Ruling of an Agent of the Board

A. Rulings in Voluntary Wage or Salary Cases (as Amended February 15, 1945)

(1) *Effective Date.*—Rulings of an agent of the Board on a voluntary application for a wage or salary adjustment shall take effect when issued to the parties.

(2) *Stay of Issuance to Parties.*—Rulings of an agent on a voluntary application for approval of a wage or salary adjustment may be issued to the parties when made unless two or more public members or one public member of an agent which is permitted to function and in fact does function with a quorum of three, dissent from a ruling request that the issuance of the ruling or any specified portion thereof be stayed and at the same time state the reasons for their request. In such event, the ruling or the specified portion thereof and the accompanying request shall immediately be transmitted to the Board, and, except as provided in paragraph (3) below, shall not be issued to the parties until the expiration of 10 days after receipt in Washington of the request for stay, unless (i) the ruling is earlier approved by the Board, or (ii) within such ten-day period, the Board sets the case down for review. In the latter event, the Executive Assistant to the Board shall communicate the Board's action to the agent of the Board, and the requested stay shall continue in effect until the case is finally disposed of.

(3) If only a specified portion of a ruling is asked to be stayed, as above provided, the agent of the Board may, in its discretion, issue to the parties any other, unrelated provisions of the ruling at any time after the ruling is made.

B. Directive Orders in Dispute Cases (as Amended April 4, 1944)

(1) Agents of the Board shall issue their directive orders to the parties when made. The issuance of any provision of a directive order, however, which relates to a wage or salary adjustment, may be stayed if two or more public members or one public member of an agent which is permitted to function and in fact does function with a quorum of three, dissent from the provision and request that its issuance be stayed. In such event a copy of the directive order and the request, for the stay, together with a statement of the reasons for such request, shall be immediately transmitted to the Board. The provision so sought to be stayed shall not be issued to the parties until the expiration of ten days after receipt in Washington of the request for the stay, unless (i) the issuance of such provision is earlier approved by the Board or (ii) within such ten-day period the Board sets the case down for review. In the latter event, the Executive Assistant to the Board shall communicate the Board's action to the agent of the Board, and the stay shall continue in effect until the case is finally disposed of.

(2) If after the issuance of a directive order by an agent of the Board, no timely petition for review is filed within the period prescribed in Section 2.38, below, and if the Board within such a period does not review the agent's order on its own motion, the order shall on the day following the last day for filing such a petition, stand confirmed as the order of the Board and shall immediately be effective according to its terms; provided that the Board may at any time prior to the expiration of the time for the filing of a petition for review make such an order or any part thereof, immediately effective pending any further proceedings.

(3) If a timely petition for review of a Directive Order of an agent of the Board is filed by a party in accordance with the provisions of Section 2.38, below, or if the Board reviews such an order on its own motion the entire order shall be suspended, unless and until, the Board directs, or has directed, otherwise, or the parties otherwise agree. However, the date of expiration of the escape period fixed in a directive order of an agent of the Board granting a maintenance of membership provision shall not be affected by the filing of a petition for review of this or any other provision of the order.

(4) If only a part of the order is sought to be reviewed, any party may petition the agent of the Board which issued the order to make the rest of the order immediately effective according to its terms. The parties may in any case mutually agree upon the date when the order, or any part thereof, shall take effect, except that where a wage or salary adjustment is made subject to the approval of the Economic Stabilization Director, the parties may not by their agreement make such adjustment effective prior to the date of such approval. (As amended October 6, 1944.)

(5) Notwithstanding the provisions of paragraph (3) of this subsection, that part of a directive order of an agent of the Board which continues in effect the terms and conditions of a prior contract which has expired or been otherwise terminated, shall not be suspended or stayed by the filing of a petition for review, but shall be effective according to its terms, unless and until the Board, upon consideration of a petition for review, otherwise directs. (As amended July 18, 1944.)

2.38 Petitions for Review (as Amended April 7, 1944. The Amendment Applies to All Orders and Rulings Issued on or After May 1, 1944)

Within fourteen days after an agent of the Board mails to a party a directive order in a dispute case or a ruling denying or modifying an application for approval of a voluntary wage or salary adjustment, such party may mail to the agent of the Board which issued the directive order or ruling an original and four copies of a petition, including supporting documents, seeking review by the National War Labor Board of such ruling or directive order. The petition shall (1) state the petitioner's reasons for believing that one or more of the criteria set forth below is satisfied, (2) set forth fully and in detail the contentions of the petitioner with respect to the merits of each issue raised by the petition, with specific references to any pertinent portions of the record in the case, and (3) state that a copy of the petition has been served upon the other parties to the case, and the date of such service.

No such petition seeking review by the Board of a ruling or direc-

tive order of an agent of the Board shall be granted unless the petitioner has demonstrated by substantial proof that (1) the ruling or order exceeds the Board's jurisdiction, or (2) the ruling or order contravenes the established policies of the Board, or (3) a novel question is involved of such importance as to warrant national action, or (4) the procedure resulting in the ruling or order was unfair to the petitioner, and has caused substantial hardship. The party filing a petition shall at the same time serve a copy thereof, together with any supporting documents, upon each of the other parties to the proceeding.

2.39 The Answer (as Amended April 7, 1944. The Amendment Applies on Orders and Rulings Issued on or After May 1, 1944)

Within fourteen days after a copy of such a petition for review is mailed by the petitioning party to any other party to the case, such other party may mail an answer to the petition to the agent of the Board which issued the directive order or ruling. An original and five copies of the answer shall be transmitted to such agent of the Board and a copy shall at the same time be served upon each of the other parties to the case. Such an answer shall include a statement that a copy thereof has been served as required above, and shall show the date of such service. An answer may not contain a request for review of an order or any part thereof; such a request must be filed, if at all, in the form of a petition for review in the manner and within the time limit provided in Section 2.38 above. Each answer should state fully but concisely the respondent's reasons for believing (1) that the petition ought not to be entertained, and (2) that, if the Board decides to entertain the petition, the petition should be denied on the merits.

2.39a Petitions for Review of Rulings or Directive Orders Modified Upon Reconsideration (as Amended April 7, 1944. The Amendment Applies on Orders and Rulings Issued on or After May 1, 1944)

If the ruling or directive order issued by an agent of the Board is modified by such agent in response to a petition for reconsideration or upon its own motion, the agent shall issue to the parties such ruling or order, as modified, in the same manner and with the same effect as is provided in Section 2.37 above. The order or ruling as modified shall be subject to review in accordance with the provisions of Sections 2.38 and 2.39 above, except that the period prescribed therein for filing a petition for review or answer thereto shall be seven instead of fourteen days.

2.40 Review by the Board on Its Own Motion

The Board may, on its own motion, assume jurisdiction over any case at any stage of the proceedings either before or after the issuance of the final order or ruling of an agent of the Board.

2.41 Processing by Appeals Committee of Petitions for Review

(a) All petitions for review of a ruling or directive order of an agent of the Board shall, when filed with the Board, be referred to the Appeals Committee. If the Appeals Committee determines from a review of the petition and the answer, if any, (1) that it has not been demonstrated that any of the criteria enumerated in section 2.38 above have been met, and that the petition should therefore be denied, or (2)

that the petition has met one of these criteria and should therefore be entertained, or (3) that as to some issues the petition should be denied and as to others it should be entertained, the Committee shall make an appropriate recommendation to the Board. If the petition is denied, in whole or in part, the Board shall issue an appropriate directive order or ruling as provided in section 2.42 below. If the Board decides that the petition should be entertained in whole or in part, the Committee shall report to the Board as soon as may be its recommendations as to the merits. When the Committee considers the merits of any issue, it shall limit its consideration to the file of the agent of the Board and the petition and the answer thereto; any subsequent documents received by the Committee from the parties shall not be considered as part of the record. (As Amended December 18, 1944.)

(b) If any members dissent from any recommendation by the majority of the Committee, they may indicate to the Board the grounds of their dissent.

2.42 Decisions of the Board

Form of Decision.—The Board will make its decision on a petition for review upon the basis of the record before the agent of the Board and on the basis of the petition, answer, if any, recommendations of the Appeals Committee and such further argument and proof as the Board may require. If the petition for review is denied because the grounds for review set forth therein are deemed to be insufficient, the Board shall issue an appropriate directive order or ruling adopting as its own the ruling or order to which the petition relates. If the petition for review is granted, the Board will issue an appropriate directive order or ruling adopting, reversing or modifying the order or ruling to which the petition relates or remanding the case to the appropriate agent of the Board for such further action as is specified in the order or ruling of the Board.

2.43 Reconsideration of Board Orders in Appeals Cases

(a) When, pursuant to Section 2.42, above, the Board has issued a directive order or ruling adopting as its own the order or ruling of its agent, the directive order shall, and the ruling may, immediately upon its issuance, be placed into effect in accordance with its terms. In such cases, a petition for reconsideration of the Board's action will not be entertained. (As amended April 4, 1944.)

(b) (1) When pursuant to Section 2.42, above, the Board has issued a directive order or ruling reversing or modifying the order or ruling of its agent, the order or ruling of the Board shall be effective in accordance with its terms. A petition for reconsideration of any provision of the Board's order or ruling which effects a change in the order or ruling of the agent may be mailed to the Board by any party within fourteen days from the date that the order or ruling was mailed to such party. Such petition, if filed, shall be in writing and shall be accompanied by five copies, and additional copies thereof shall be served on the other parties to the case and upon the appropriate agent of the Board. Within fourteen days after a copy of such a petition for reconsideration is served on them, such other parties may mail an answer to the petition or comments thereon to the Board. Such answer or comments, if filed, shall be in writing and shall be accompanied by

five copies, and additional copies thereof shall be served on the other parties to the case. The filing of such a petition shall not stay any provision of the Board's orders or rulings, unless the Board so directs. (As amended October 17, 1944.)

(2) Such a petition for reconsideration shall—

(i) State reasons for believing that one or more of the criteria set forth in paragraph (b) (3), below, is satisfied;

(ii) Set forth fully and in detail the contentions of the petitioner with respect to the merits of each issue raised by the petition, with specific references to any pertinent portions of the record in the case; and

(iii) State the dates when copies of the petition were served upon the other parties to the case.

(3) No such petition shall be granted unless the petitioner has demonstrated by substantial proof that;

(i) The provision challenged by the petition contravenes the established policies, or exceeds the jurisdiction, of the Board; or

(ii) The procedure resulting in the order was unfair to the petitioner and has caused substantial hardship.

(c) The Petition shall be referred to the Appeals Committee, which shall examine the petition in the light of the entire record of the case and recommend to the Board whether the petition should be entertained. If the Board determines to entertain the petition, the case will be reconsidered in accordance with such procedure as the Board may direct.

(d) The Board's decision on the merits of a petition for reconsideration shall be made on the basis of the entire record in the case. Any directive order issued by the Board disposing of a petition for reconsideration shall be placed into effect immediately upon its issuance in accordance with its terms.

2.44 Effective Date

The foregoing provisions of Sections 2.36 to 2.43 shall apply to all directive orders and rulings which have been issued on and after December 1, 1943.

V. RECONSIDERATION AND CLARIFICATION OF ORDERS AND RULINGS OF THE BOARD (adopted April 4, 1944)

2.45 Interpretation and Clarification of Board Directives in Disputes Cases (Other Than Directives on Appeals From Directives of a Board Agent)

See Section 2.12.

2.46 Reconsideration of Board Directives in Dispute Cases (Other Than Directives on Appeals From Directives of a Board Agent)

See Section 2.13.

2.47 Requests for Interpretation and Clarification of Board Rulings (Other Than Rulings on Appeals From Rulings of a Board Agent)

If, after the issuance by the Board of a ruling on an application for a voluntary wage or salary adjustment, a question arises concerning the interpretation of any provision of the ruling, any party to the application may file with the Board five copies of a request for clarification

or interpretation of the ruling, provided that a copy of such request is at the same time transmitted by such party to all other parties to the application, and notice of the date of such transmittal is included in the request. Such other parties shall have ten days from the date of the receipt of a copy of the request in which to mail comments thereon to the Board. The request and the comments thereon shall be referred to the Post-Directive Committee (see Section 1.12) which shall examine the same in the light of the record in the case. If the Committee reaches a unanimous decision as to the meaning of the Board's ruling, the decision shall be communicated to the parties. Where the decision of the Committee is not unanimous, or in any case where a member of the Committee so requests, the question shall be presented by the Chairman of the Committee to the Board for its determination.

2.48 Petitions for Reconsideration of Board Rulings (Other Than Rulings on Appeals From Rulings of a Board Agent)

A petition for reconsideration of a ruling of the Board on an application for approval of a voluntary wage or salary adjustment may be filed by any party to the application within fourteen days after the issuance of such ruling, provided that a copy of such petition is at the same time mailed by the petitioner to all other parties to the application, and notice of the date of mailing is included in the petition. Such petition shall be filed with five copies thereof, and shall set forth fully the reasons for requesting reconsideration of the application. The other parties to the application shall have fourteen days from the date of the mailing of a copy of the petition to them in which to mail to the Board an answer to or comments thereon. Such answer or comments, if filed, shall be in writing and shall be accompanied by five copies and additional copies thereof shall be served on the other parties to the case. The petition and comments thereon shall be referred to the Post-Directive Committee, which shall examine the petition in the light of the record in the case and shall make a recommendation to the Board on the question involved. The Chairman of the Committee shall present the petition to the Board together with the recommendation of the Committee. The Board will either grant or deny the petition. If the petition is granted, the case will be reconsidered and such disposition made or further procedure ordered therein as the Board may determine. (As amended October 17, 1944.)

2.49 Reconsideration of Board Orders or Rulings in Appeals Cases

See Section 2.43.

2.50 Rulings by National Wage Stabilization Director (Approved July 17, 1944)

(a) The National Wage Stabilization Director is authorized to approve or disapprove those voluntary applications for wage or salary adjustments properly before the National Board which, in his judgment, do not involve questions of sufficient importance or novelty to warrant presentation to the National Board.

(b) If the National Wage Stabilization Director disapproves the application, or approves a lesser increase than requested, the applicant or applicants may, within fourteen days after the date of the mailing of the ruling, file with the National War Labor Board a petition for

review on the merits by that Board of the ruling of the National Wage Stabilization Director. Such petition, if filed, shall be in writing and shall be accompanied by three copies, and additional copies shall be served upon the other parties to the application, if any, who have not joined in the petition. The National Wage Stabilization Director may review the petition before it is acted upon by the National War Labor Board, and, on the basis of the facts set forth therein, may reverse or modify his ruling and issue a new ruling on the application. If such new ruling is issued, the applicants shall have the same right to appeal as from the original ruling, as provided herein. If the National Wage Stabilization Director does not reverse or modify his ruling, the National War Labor Board shall rule upon the application on the basis of the entire record of the case and such other information as may be available to it. (Amended December 4, 1944.)

VI. JURISDICTION AND PROCEDURE OF REGIONAL WAR LABOR BOARD DATED APRIL 15, 1943, AND AMENDMENTS THERETO

2.51 Constitution of Regions and Regional War Labor Boards

(a) Regional War Labor Boards are created to operate on behalf of the National War Labor Board in each of the following regions:

Region I. Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island.

Region II. New York, the Northern part of New Jersey (including following counties: Sussex, Passaic, Bergen, Warren, Morris, Essex, Hudson, Middlesex, Somerset, Union, Monmouth, Hunterdon).

Region III. Pennsylvania, Maryland, Delaware, District of Columbia, Southern part of New Jersey (including following counties: Mercer Ocean, Burlington, Atlantic, Camden, Gloucester, Salem, Cumberland, Cape May).

Region IV. Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, Florida, Virginia.

Region V. Ohio, Kentucky, West Virginia.

Region VI. Illinois, Indiana, Wisconsin, Minnesota, North Dakota, South Dakota.

Region VII. Missouri, Arkansas, Kansas, Iowa, Nebraska.

Region VIII. Texas, Oklahoma, Louisiana.

Region IX. Colorado, New Mexico, Utah, Wyoming, Idaho, Montana.

Region X. California, Nevada, Arizona.

Region XI. Michigan.

Region XII. Washington, Oregon, Alaska.

(b) (As amended May 31, 1944.) Each Regional War Labor Board shall consist of the following members, to be appointed by the National War Labor Board:

Four regular representatives of labor;

Four regular representatives of industry;

Representatives of the public, 4 of whom are to be available for service with the Regional War Labor Board at any given time.

There shall be a Chairman, and one or more Vice-Chairmen, to be

designated by the National War Labor Board from among the full-time public members.

In addition to the regular public, industry, and labor members, each Regional Board may have not in excess of the following members:

Four alternate representatives of labor, and four alternate representatives of industry, who shall serve on the Board only in the absence of the regular representatives of their respective groups.

Twelve substitute representatives of labor, and twelve substitute representatives of industry, who shall serve on the Board only in the absence of the regular or alternate representatives of their respective groups.

The term of office of all per diem public, industry, and labor representatives on Regional War Labor Boards shall be one year, unless terminated at an earlier date by the National Board. The term of office of all present per diem members shall expire on August 31, 1944.

(c) Six members will constitute a quorum and 12 will constitute full attendance; the composition at any given time is to be equally tripartite.

(d) The National War Labor Board, after considering the recommendations of the Regional War Labor Boards, will appoint tripartite panels in appropriate places throughout the regions to serve in dispute cases, as hereinafter described.

(e) The staff of each Regional War Labor Board shall consist of a Wage Stabilization Director, a Disputes Director, a Regional Attorney, and such other assistants as the National War Labor Board may approve. The staff shall be under the general supervision of the Regional War Labor Board.

(f) Regional representatives designated by the Director of the U. S. Conciliation Service of the Department of Labor, will act as liaison officers between each Regional War Labor Board and the U. S. Conciliation Service.

2.52 Procedure in Dispute Cases Not Involving Wages or Salaries

(a) (As amended Feb. 1, 1944.) If the National War Labor Board refers a labor dispute over which it has obtained jurisdiction to a Regional War Labor Board, the Regional War Labor Board to which the case is referred will be notified and a formal certification, together with all other available data and reports, will be transmitted to it.

(b) (As amended April 25, 1944.) Upon receipt of the certification, the case will be considered by a New Case Committee of the Regional War Labor Board, composed of the Chairman or Vice-Chairman, one industry and one labor member, and the Disputes Director. The New Case Committee, in determining what action to take, will consult with the Regional Representative of the Conciliation Service. If the Committee does not consider the case ready for a hearing, it may refer the case back to the parties for further negotiation or to the Regional Representative of the Conciliation Service for further information, or further investigation or conciliation. If the case is deemed ready for a hearing, the Committee will designate a tripartite panel to hear the case. The Labor representative on the Panel shall be of the same affiliation (AFL or CIO) as the union involved. If an

independent union is involved, the labor representative on the Panel shall be associated with another independent union. If the parties agree to have the case heard by a single person, the Regional War Labor Board will designate one of the public panel members, or some other suitable person, to hear the case. Wherever the term "panel" is hereafter used, it will be deemed to include a single hearing officer in the cases just mentioned. (As amended April 25, 1944.)

(b-1) Where Conciliation Service has certified to the Board a case in which the parties have agreed in writing to waive their right to a hearing and have agreed to submit the issues on briefs, the following procedure shall be followed by the agency to which the case is referred by the New Case Committee.

The Regional New Case Committee or agency assignments officer shall assign the case to an assistant disputes director or hearing officer and shall notify the parties of the receipt of the case, the referral which is being made and the date upon which briefs must be filed. Each party will be instructed to furnish the other party or parties with copies of the brief.

The designated officer will thereupon review the briefs and prepare findings of fact and recommendations a copy of which shall be mailed to each party with notice that written comments may be filed with the Board and other party not later than 7 days after the receipt of the copy. After analysis of the comments, if any, the designated officer will present the case to the Board with his findings of fact, recommendations, and comments. (Adopted August 8, 1944.)

(c) If a case is assigned to a panel, the panel shall advise the parties that they may if they do so desire, submit their evidence and argument in writing. If the parties mutually agree in writing to such a presentation, the Disputes Director shall transmit to them any requests for information required by the panel and shall advise them of the procedure to be followed in submitting their case. If the parties do not agree to present their case in writing, a public hearing shall be held in accordance with the provisions of the Rules of Procedure of the National War Labor Board, adopted November 27, 1943. (See Sections 2.15 to 2.27.) (As amended February 1, 1944.)

(d) Any member of the Regional Board who in a particular case serves as a hearing officer or on a panel shall be disqualified from participating in any other capacity in any further proceedings in the case. (As amended February 1, 1944.)

(e) If the panel's report is unanimous, the Regional War Labor Board will not save in exceptional cases, hear argument upon the matter, but will proceed to a decision. If the report is not unanimous, the Regional War Labor Board may in its discretion, hear argument upon the case before reaching a decision.

(f) Any Regional War Labor Board may certify to the National War Labor Board any case, or any question in any case, upon which it desires the National War Labor Board's decision; but the National War Labor Board may in its discretion reject such certification and require the Regional War Labor Board to decide the case or the particular question, with or without a subsequent review by the National War Labor Board.

(g) At any time before its decision of a dispute case, the Regional

Board may, upon the request of a party or upon its own motion, order a further hearing to be held before the Board or a panel for the purpose of receiving evidence not introduced at any prior hearing in the case. The conduct of such hearing shall be governed by the provisions of the Rules of Procedure of the National War Labor Board, adopted November 27, 1943. (See Sections 2.15 to 2.27 of this Manual.) (As amended February 1, 1944.)

2.53 Procedure in Dispute Cases and in Arbitration Proceedings Involving Wages or Salaries

The procedure will be the same as in other dispute cases, except as follows:

(a) If an agreement between the parties calling for a wage or salary adjustment is brought about, the Conciliator assigned to the dispute, or the panel chairman or the hearing officer as the case may be, will file the agreement directly with the appropriate Regional Wage Stabilization Director together with a complete application Form 10, which he will assist the parties in preparing. Conciliators, through the Regional representatives and panels, will be at liberty in all cases to consult the Regional Wage Stabilization Director in advance of any settlement, regarding the application of the board's wage stabilization policy to the particular situation.

(b) If an agreement to refer the wage or salary question to arbitration is brought about, whether as a result of conciliation or without it, and the arbitrator's award provides for a wage or salary adjustment, a copy of the award, together with all of the information submitted to the arbitrator relating to the wage or salary issue, shall be filed by the arbitrator directly with the Regional Board at the same time that it is issued to the parties. Arbitrators should consult the Regional Wage Stabilization Director, in advance of any award, regarding the application to the particular situation of the Board's wage stabilization policy (As amended February 1, 1944).

(c) If an agreement calling for an adjustment has been reached the procedure thereafter will be the same as in voluntary wage and salary adjustment cases. If the case has resulted in an arbitration award, the procedure will be that set forth in the Arbitration Policy of the National War Labor Board, adopted November 27, 1943 (See Section 2.31). A ruling of the Regional Board approving, modifying, or disapproving the award shall have the same effect, and be subject to the same provisions for stay and review, as similar rulings of the Regional Board on an application for the approval of a voluntary wage or salary adjustment. In all cases the conciliator, hearing officer, or panel chairman should remind the employer that he should promptly upon receiving the award or report (and without waiting for the Board's decision) apply to the Office of Price Administration for price relief if he intends to make any order requiring increased payment of wages and salaries the basis for asking such relief. (As amended February 1, 1944.)

2.54 Procedure in Voluntary Wage and Salary Adjustment Cases

(a) The Handling of Preliminary Inquiries About Jurisdiction:

(1) An employer or a union (or an employee, or a group of employees not represented by a union) directly concerned, in a proposed

wage or salary adjustment, may jointly or separately, ask the nearest designated officer of the Wage and Hour and Public Contracts Division of the United States Department of Labor in the region (hereinafter referred to as the Wage and Hour Office) for a ruling as to whether the proposed adjustment may be made without Board approval. The request for a ruling, if filed by the employer alone, shall state whether there is a duly recognized or certified collective bargaining agent for any or all of the affected employees which has not joined with the employer in the request for the ruling, and if so, the name and address of such collective bargaining agent. If filed by a union, or on behalf of any or all of the employees, without joinder by the employer, the request for ruling shall state the name and address of the employer. If the request for a ruling affects any employees represented by a duly recognized or certified collective bargaining agent and the employer or the collective bargaining agent has not joined in the request, a copy of the request for the ruling and the ruling shall, after the ruling has been made, be sent to the employer or the collective bargaining agent, whichever has not joined in the request, and to the appropriate regional attorney by the Wage and Hour Office. (As amended November 15, 1943.)

(2) If said ruling is that the proposed wage and salary adjustment may be made without approval of the Board:

(a) The ruling shall be deemed to be authoritative, and shall remain in effect unless reversed as provided below.

(b) If, on receipt of the ruling from the Wage and Hour Office it is reversed by the Regional Attorney (after consultation, where necessary, with the Regional Wage Stabilization Director) the Wage and Hour Office shall be notified promptly, and it shall immediately notify the person or persons who made the inquiry that the adjustment requires approval. If in the meantime the employer has made the adjustment, relying upon the ruling by the Wage and Hour Office that it did not need approval:

(1) The adjustment may be continued in effect for a period of ten days following the notification by the Wage and Hour Office, within which period the employer may file with the Wage and Hour Office (jointly with a duly recognized collective bargaining agency, or by himself, as subsequently provided), an application for approval of the adjustment and

(2) If such an application is so filed, the adjustment may be further continued in effect until and unless it is finally disapproved. Such disapproval shall take effect only from the date of the issuance of the order of disapproval.

(c) If the Wage and Hour Office to which an inquiry has been addressed, rules that the proposed adjustment cannot properly be made without approval, the ruling shall be deemed to be authoritative. The person or persons who made the inquiry may seek from the Regional Attorney, by written petition, filed within 10 days after the ruling of the Wage and Hour Office, a reversal of the ruling. The Regional Attorney's ruling (after consultation, where necessary, with the Regional Wage Stabilization Director) on the question so submitted shall be final, and shall be transmitted to the applicant and to the other parties, if any, required by sub-paragraph (1), through the Wage and Hour Office. (As amended November 15, 1943.)

(b) *The Filing of Applications for Approval of Wage or Salary Adjustments:*

(1) Each application for approval of proposed voluntary wage or salary adjustments (other than those described in Section 2.53) shall be filed with the nearest Wage and Hour Office in the region. All applications shall be made upon appropriate forms prepared by the National War Labor Board.

(2) Such applications may be of two kinds. The first kind, in which approval is sought of an adjustment agreed upon by the parties, may be signed by either party (or jointly by any or all the parties to the contract). The application shall state whether all the parties to the contract have signed the application, and shall state the name and address of each party who has not signed the application. If there be any such party who has not signed, the Wage and Hour Office at which the application was filed, shall as the agent of the Board, before acting on the application, send said party a notice of the application. The notice shall request the party to state whether he contests the fact of the contract having been made. If, within seven days of the sending of the notice, he has not filed a statement contesting such fact, or if he files a statement admitting it, the application will then be acted upon. If he contests the fact of the contract having been made, the matter will be determined to be a dispute case and the application Form 10 will be returned to the party which filed the application, and a copy of the letter returning the application will be sent to the contesting party, unless (i) the contract was in writing, (ii) the writing or a certified or otherwise authenticated copy thereof has been produced, and (iii) the Wage and Hour Office is satisfied that no substantial question exists as to the party being a party thereto. Where the Wage and Hour Office is so satisfied, it shall rule accordingly and proceed with the handling of the application. The ruling may be reviewed (on petition of the protesting party) by the Regional Attorney when the case is transmitted to the Regional War Labor Board under sub-paragraph (7) of this paragraph. His ruling shall be final. (As amended November 15, 1943.)

(3) The second kind of application, in which an employer on his own initiative wishes to make a wage or salary adjustment, shall be signed either (i) jointly by the employer and a duly recognized collective bargaining agent for any or all of the employees who are to be affected by the proposed wage or salary adjustment, or (ii) by the employer alone. In either case the application shall state whether or not there is a duly recognized collective bargaining agent (for any or all of the affected employees) which has not joined with the employer in the application. If it appears that there is such an organization which has not so joined, the Wage and Hour Office at which the application was filed shall, before acting on the application, send the appropriate local officials of such organization a notice of the application, requesting the organization, if it has any objections to the application being acted upon, so to inform the office. If no such objections are filed within seven days of the sending of the notice, or if the organization in question states that it has no objections, the application will then be acted upon. If objections are made within said period, the matter will be determined to be a dispute case and the application

Form 10 will be returned to the party which filed it and a copy of the letter returning the application will be sent to the contesting party. No action shall, however, be taken by the Regional Board on any application after the National Labor Relations Board or a similar State agency has ordered the holding of an election to determine the status of a labor organization as the collective bargaining agent of any of the employees involved in the application. As used in this document the term "duly recognized collective bargaining agent" refers either to a labor organization which has actually been recognized by the employer for the purpose of collective bargaining or to a labor organization which has been certified by the National Labor Relations Board or a similar State agency where the legal result of such certification is that the employer is obligated to bargain with the union. Where a labor organization has not been duly recognized or certified, it may not receive a copy of the application, but upon inquiry it shall be told whether or not an application has been filed. (As amended November 15, 1943.)

(4) In cases where the employer has signed, or joined in signing, an application for approval of a wage or salary increase, he shall state whether he intends to make the proposed increase, if approved, the basis of an application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices.

(5) In cases where the employer has not signed, or joined in signing, an application for approval of a wage or salary increase, he shall be requested in the notice of the filing of the application sent to him by the Wage and Hour Office, to state whether he intends to make the proposed wage or salary increase, if approved, the basis of an application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices. He shall be asked to make this statement (i) within seven days of the sending of said notice, or (ii) if (as described in subparagraph (2) of this paragraph) he contests the fact of the agreement or arbitration award having been made, within seven days of any ruling by the Wage and Hour Office finding him to be a party to said agreement.

(6) If the employer states that he intends to make the proposed wage or salary increase, if approved, the basis of an application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices (i) his statement shall be entered in an appropriate place on the application before the application is acted on by the Regional Wage Stabilization Director as provided below, and (ii) the employer will be required to furnish further information, the nature and effect of which will be set forth under Section 2.56 below.

(7) When an application has been submitted to a Wage and Hour Office, and no preliminary inquiry about jurisdiction has been made under Section 2.54 (a) above, the Office shall first make certain that the application needs approval. If the office believes that approval is not or may not be required by the applicable regulations and orders, the office shall proceed exactly as if the applicant had asked for a preliminary ruling or jurisdiction. If no jurisdictional question is involved, or if such a question has been cleared up under Section 2.54

(a) above, the Wage and Hour Office shall see that appropriate forms are fully and accurately filled out and shall transmit them to the Regional Wage Stabilization Director of the appropriate Regional War Labor Board.

(8) Upon receipt of the application, the Regional Wage Stabilization Director, acting in collaboration with the Regional Attorney, shall first make certain that the application requires Board approval (unless this question has already been ruled upon and determined under Section 2.54 (a) above). If it is determined by the Regional Attorney that the application does not require Board approval, a written ruling to that effect shall be made and copies sent to the applicant or applicants. If it is determined that the application requires Board approval, it shall be acted upon as provided in Section 2.55 below. In any case, the Regional Wage Stabilization Director may, before acting, obtain further needed information informally from the applicant or applicants, from the Wage and Hour Office, from the Bureau of Labor Statistics or any other source, or refer the application back to the Wage and Hour Office for such information as he may specify. In cases where the application reveals that the employer intends to make the proposed increase the basis of an application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices, the Regional Wage Stabilization Director shall send a copy of the application to the Office of the Economic Advisor, Office of Price Administration, Washington, D. C.

(c) Application by Employers' Association for Approval of Wage or Salary Adjustments

(1) Application for approval of a wage or salary adjustment may be made on a form approved by the National War Labor Board on behalf of more than one employer by an employers' association or other similar organization. Such an application may be executed by the appropriate representative of the association or other similar organization acting on behalf of all such employers.

(2) The application shall state, in addition to the other matters required by Section 2.54, the name and address of each employer on whose behalf it is made and who has not signed the application, and shall be accompanied by (i) a written statement by each such employer stating that the association has been authorized to file the application on the employer's behalf, or (ii) a certification by the association that it is duly authorized to file the application on behalf of the employers covered thereby, or (iii) a duly authenticated copy of the bylaws or regulations of the association, or an agreement or other document demonstrating its authority to file the application on behalf of the employers covered thereby. The application shall be filed with the Wage and Hour Office in the city where the association or other similar organization customarily carries on its wage or salary negotiations. (As amended November 8, 1943.)

(3) Withdrawn.

(4) The application shall be accompanied by individual statements which shall contain for each employer the information required by the National War Labor Board's Form No. 10, except that where such

information is identical for all or some of the employers, an appropriate consolidated statement containing such information may be filed with the application.

(5) In all other respects the procedure herein set forth shall obtain, and the word "employer" wherever used herein shall, for the purpose of this section include, "employers' association or other similar organization."

(d) Single Application by Employer with Plants or Establishments in More than One Region

(1) In the case of an employer with plants or establishments in more than one region a single application may be filed covering employees in all or some of such plants or establishments.

(2) The application may be filed at the Regional Wage and Hour Office in the region where the employer maintains his principal place of business.

(3) The application shall be accompanied by individual statements which shall contain for each plant or establishment covered by the application the information required by the National War Labor Board's Form No. 10, except that the Regional Director of the Wage and Hour Office may, in appropriate cases and for good cause shown, modify this requirement to provide for one or more consolidated statements covering all or some of the plants or establishments.

(4) Upon receipt of the application, together with such statements, the said Regional Director of the Wage and Hour Office, if not satisfied that sufficient data and information have been presented with respect to each plant or establishment, may require the applicant to submit additional data or information, or may refer any statement relating to a particular plant or establishment not in his region to the appropriate Regional Director of the Wage and Hour Office for such additional data or information as may be necessary.

(5) When the Regional Director of the Wage and Hour Office is satisfied that sufficient data and information have been presented he shall transmit the application together with the statements and all other pertinent information to the appropriate Regional War Labor Board which shall inform other affected Regional War Labor Boards and shall act on the application unless it determines that due to the scope of the employer's operation, or because of important policy questions, the application should be referred to Washington.

(6) In all other respects, the procedure herein set forth shall obtain.

2.55 Disposition of Applications for Approval of Wage or Salary Increases in Which the Application Indicates That No Price Relief Will Be Sought if Approval Is Granted

(a) In cases where he is authorized so to do by orders or regulations of the National War Labor Board, the Regional Wage Stabilization Director shall rule upon the application, subject to the rights of review hereinafter set forth, and subject to his right to refer any case for decision, with his recommendation, to the Regional War Labor Board. If he believes that the case is sufficiently important from a stabilization point of view, or presents sufficiently serious and doubtful questions of interpretation of policy, to justify such action.

(b) If the Regional Wage Stabilization Director disapproves the application (or approves a lesser increase than that requested) the

applicant, or any applicant, if there be more than one, may, as a matter of right, within 14 days after the date of the mailing of the ruling, file with the Regional Board a petition for review on the merits by that Board of the ruling of the Regional Wage Stabilization Director. Such petition, if filed, shall be in writing and shall be accompanied by 3 copies, and an additional copy shall be served upon each of the other parties to the application who have not joined in the petition. The Regional Wage Stabilization Director may review the petition before it is acted upon by the Regional Board, and on the basis of the facts set forth therein, may reverse or modify his ruling and issue a new ruling on the application. If such new ruling is issued, the applicants shall have the same right to appeal as from the original ruling, as provided herein. If the Regional Wage Stabilization Director does not reverse or modify his ruling, the Regional Board shall rule upon the application on the basis of the entire record of the case, and such other information as may be available to it. (Amended November 18, 1944.)

(c) Copies of all rulings made by Regional Wage Stabilization Directors shall be promptly filed with the Chairman of the Regional War Labor Board, whose duty it will be to lay before the Regional War Labor Board, for such action as it may care to take, all rulings which involve serious questions of policy. Copies shall also be promptly filed with the National War Labor Board's Wage Stabilization Division, together with such additional information as the Division may require for purpose of review.

2.56 Disposition of Applications for Approval of Wage or Salary Increases in Which the Applicant States That He Intends to Make the Proposed Wages or Salary Increase.
If it is Approved, the Basis of an Application to the Office of Price Administration for an Adjustment of His Maximum Prices or for an Amendment of the Regulations Establishing Those Prices.

The procedure shall be the same as in the cases described under Section 2.55 above, except that

(a) A copy of the application shall be sent by the Regional Wage Stabilization Director to the Office of the Economic Advisor, Office of Price Administration, Washington, D. C. Copies of any forms which the employer has filled out, pursuant to the requirement of the Office of Price Administration (and which have been supplied for that purpose by said Office to the Wage and Hour Offices), shall be sent at the same time as the copy of the application to the Office of Price Administration.

(b) In those cases where the Office of Price Administration determines that the proposed wage or salary adjustment will not require an adjustment of the employer's prices or an amendment of the regulations establishing those prices, the Regional War Labor Board will be so notified. In cases where such notice has been received, the ruling of the Regional Wage Stabilization Director or of the Regional War Labor Board may be made effective without further reference to the Office of Price Administration or the Office of Economic Stabilization.

(c) In those cases where the Office of Price Administration determines that approval of the wage or salary increase will necessitate an adjustment of the employer's prices or an amendment of the regulations establishing those prices, the Regional War Labor Board will be so notified. In such cases, if the application for a wage or salary

increase is approved, the ruling shall state that it will become effective only on final approval by the Economic Stabilization Director, as required by the provisions of Executive Order No. 9250.

(d) Unless the Regional War Labor Board has been notified as in (b) above, copies of every ruling shall be sent to the Office of the Economic Advisor, Office of Price Administration, Washington, D. C.

2.57 Authority of Regional War Labor Boards (as Amended November 22, 1943) (Except Where Otherwise Specified), Effective in All Cases in Which Directive Orders and Rulings Have Been Issued on or After December 1, 1943)

(a) Applications for Approval of Voluntary Wage or Salary Adjustments

(1) Each Regional War Labor Board shall have authority to approve or disapprove applications for voluntary wage or salary adjustments.

(2) Each such ruling shall be final, subject only to the National War Labor Board's right of review on its own initiative, or on a petition for review, as provided for in Paragraph (c) below. Any reversal or modification of such ruling by the National War Labor Board shall take effect only from the date of its issuance: *Provided, however,* That if a ruling denying an application for permission to make a wage or salary adjustment is overruled, the final ruling of the National War Labor Board shall incorporate as the effective date of the adjustment the date specified in the application or such other date as the National War Labor Board shall specify.

(3) Copies of all such rulings and of any accompanying opinions (together with such other material as the Wage Stabilization Division may require) shall, when issued, be filed with the National War Labor Board.

(4) Rulings of the Regional Board on voluntary applications for approval of wage or salary adjustments shall take effect when issued to the parties. Such rulings may be issued to the parties when made, unless two or more public members of the Regional Board who dissent from a ruling request that the issuance of the ruling or any specified portion thereof be stayed and at the same time state the reasons for their request. In such event the ruling or the specified portion thereof and the accompanying request shall immediately be transmitted by the Regional Board to the National War Labor Board and may be issued to the parties only upon the expiration of ten days after its receipt in Washington, unless (i) the ruling is earlier approved by the Board or (ii) within such ten-day period the National War Labor Board sets the case down for review. In the latter event the Executive Assistant to the National War Labor Board shall communicate the National Board's action to the Regional Board, and the requested stay shall continue into effect until the case is finally disposed of. If only a specified portion of a ruling is asked to be stayed, as herein provided, the Regional Board may in its discretion, issue to the parties any other unrelated provisions of the ruling at any time after the ruling is made. (As amended February 14, 1944.)

(b) Directive Orders in Dispute Cases (as Amended April 25, 1944)

(1) Regional War Labor Boards are authorized to issue directive orders in dispute cases in conformity with the policy of the National

War Labor Board. Each such directive order shall bear the date of its actual issue, and shall be issued to the parties when made. The issuance of any provisions of a directive order, however, which relates to a wage or salary adjustment, may be stayed if two or more public members of the Regional Board dissent from the provision and request that its issuance be stayed. In such event a copy of the directive order and the request for the stay, together with a statement of the reasons for such request, shall be immediately transmitted to the National War Labor Board. The provision so sought to be stayed shall not be issued to the parties until the expiration of ten days after receipt in Washington of the request for the stay, unless (i) the issuance of such provision is earlier approved by the National War Labor Board or (ii) within such ten-day period the National War Labor Board sets the case down for review. In the latter event, the Executive Assistant to the National War Labor Board shall communicate the Board's action to the Regional Board, and the stay shall continue in effect until the case is finally disposed of.

(2) If after the issuance of a directive order no timely petition for review is filed within the period provided in paragraph (c) below, and if the National War Labor Board within such a period does not review the order on its own motion, the order shall on the day following the last day for filing such a petition stand confirmed as the order of the National War Labor Board and shall immediately be effective according to its terms; provided that the National War Labor Board may at any time prior to the expiration of the time for the filing of a petition for review make such an order, or any part thereof, immediately effective pending any further proceedings. If a timely petition for review of a directive order of a Regional Board is filed by a party in accordance with the provisions of paragraph (e) below, or if the National War Labor Board reviews such an order on its own motion, the entire order shall be suspended, unless and until the National War Labor Board directs, or has directed, otherwise, or unless the parties otherwise agree. However, the date of expiration of the escape period fixed in a directive order of a Regional Board granting a maintenance of membership provision shall not be affected by the filing of a petition for review of this or any other provision of the order. If only a part of the order is sought to be reviewed, any party may petition the Regional Board to make the rest of the order immediately effective according to its terms. The parties may in any case mutually agree upon the date when the order, or any part thereof, shall take effect, except that where a wage or salary adjustment is made subject to the approval of the Economic Stabilization Director, the parties may not by their agreement make such adjustment effective prior to the date of such approval. Notwithstanding any other provisions of this paragraph, that part of the directive order of a Regional Board which continues in effect the terms and conditions of a prior contract which has expired or been otherwise terminated, shall not be suspended or stayed by the filing of a petition for review, but shall be effective according to its terms, unless and until the National Board, upon consideration of a petition for review, otherwise directs. (As amended October 6, 1944.)

(3) Copies of all directive orders and of any accompanying opinions (together with such other material as the Wage Stabilization Division

may require) shall, when issued, be filed with the National War Labor Board.

(c) *Petitions for Review*

(1) Within fourteen days after a Regional Board mails to a party a directive order in a dispute case, or a ruling denying or modifying an application for approval of a voluntary wage or salary adjustment, such party may mail to the Regional Board an original and four copies of a petition, including supporting documents, seeking review by the National War Labor Board of such ruling or directive order. The petition shall (i) state the petitioner's reasons for believing that one or more of the criteria set forth below is satisfied, (ii) set forth fully and in detail the contentions of the petitioner with respect to the merits of each issue raised by the petition, with specific references to any pertinent portions of the record in the case, and (iii) state that a copy of the petition has been served upon the other parties to the case, and the date of such service. (As amended April 25, 1944.)

No such petition seeking review by the National War Labor Board of a ruling or directive order of a Regional Board shall be granted unless the petitioner has demonstrated by substantial proof that (i) the ruling or order exceeds the National War Labor Board's jurisdiction, or (ii) the ruling or order contravenes the established policies of the National War Labor Board, or (iii) a novel question is involved of such importance as to warrant national action, or (iv) the procedure resulting in the ruling or order was unfair to the petitioner, and has caused substantial hardship. The party filing a petition shall at the same time serve a copy thereof, together with any supporting documents, upon each of the other parties to the proceeding.

(2) Within fourteen days after a copy of such a petition for review is mailed by the petitioning party to any other party to the case, such other party may mail an answer to the petition to the Regional Board which issued the directive order or ruling. An original and five copies of the answer shall be transmitted to the Regional Board and a copy shall at the same time be served upon each of the other parties to the case. Such an answer shall include a statement that a copy thereof has been served as required above, and shall show the date of such service. An answer may not contain a request for review of any order or any part thereof; such a request must be filed, if at all, in the form of a petition for review in the manner and within the time limit provided in subparagraph (1) above. Each answer should state fully but concisely the respondent's reasons for believing (i) that the petition ought not to be entertained, and (ii) that, if the National War Labor Board decides to entertain the petition, the petition should be denied on the merits. (As amended April 25, 1944.)

(3) The National War Labor Board will make its decision on a petition for review upon the basis of the record before the Regional Board and on the basis of the petition, the answer, if any, the recommendations of its Appeals Committee and such further argument and proof as the National War Labor Board may require. If the petition for review is denied because the grounds for review set forth therein are deemed to be insufficient, the National War Labor Board shall issue an appropriate directive order or ruling adopting as its own the

ruling or order to which the petition relates. If the petition for review is granted, the National War Labor Board will issue an appropriate directive order or ruling adopting, reversing or modifying the order or ruling to which the petition relates or remanding the case to the Regional Board for such further action as is specified in the order or ruling of the National War Labor Board.

(4) The National War Labor Board may, on its own motion, assume jurisdiction over any case at any stage of the proceedings either before or after the issuance of the final order or ruling of the Regional Board.

(d) Reconsideration of Directive Orders and Rulings

(1) Regional War Labor Boards may reconsider directive orders or rulings on their own motion or on petition, except while the case is under consideration by the National Board following the granting of a petition for review, or the taking of a review by the National Board on its own motion.

(2) The party petitioning for reconsideration shall serve a copy of the petition on all other parties at the same time that it is filed with the Regional Board. The other parties shall have fourteen days from the mailing of the copy of the petition to the Regional Board in which to mail to the Regional Board an answer to or comments thereon. Such answer or comments, if filed, shall be served on the other parties to the case. The filing of such petition for reconsideration does not preclude the filing of a petition for review but shall not extend the time for filing a petition for review nor change the date when the directive order takes effect. (As amended October 17, 1944.)

(3) The Regional Board shall not act on any petition for reconsideration of a directive order or ruling unless (i) the petition is mailed to the Regional Board within fourteen days after the mailing by the Regional Board of the order or ruling in question and sets forth with particularity the grounds upon which the petition is based, or (ii) the petition is filed promptly upon the petitioner's discovering material and substantial evidence which the petitioner was unable, despite due diligence, to discover in time to present to the Regional Board before it issued its order or ruling, and sets forth with particularity such evidence, or (iii) the petition is filed promptly upon the occurrence of events after the date of the order or ruling which make the order or ruling harsh or unfair, and sets forth with particularity such events. If a petition for reconsideration is filed under subdivision (ii) or (iii) of this subparagraph, and the Regional Board deems that the evidence submitted warrants reconsideration of the directive order or ruling, it shall provide the parties a hearing of such new matters. (As amended February 1, 1944.)

(4) Regional Boards may adopt rules further restricting reconsideration. Refusal of reconsideration by a Regional Board shall have no bearing on the validity of a petition for review.

(5) If the ruling or directive order issued by the Regional Board is modified by the Regional Board in response to a petition for reconsideration or upon its own motion, the Regional Board shall issue to the parties such ruling or order, as modified, in the same manner and with the same effect as is provided in paragraphs (a) and (b)

of this section. The order or ruling as modified shall be subject to review in accordance with the provisions of paragraph (c) of this section, except that the period prescribed therein for filing a petition for review or answer thereto shall be seven instead of fourteen days. (As amended April 25, 1944.)

2.58 Regional War Labor Boards Subject to National War Labor Board Policies

Decisions, regulations and policies which the National War Labor Board will continue to announce from time to time shall control the Regional War Labor Boards, Wage and Hour Offices, and staff in performing the duties and exercising the powers assigned to them herein.

(Sections 2.59–2.69 Not Yet Assigned)

VII. VIOLATION PROCEEDINGS (As Amended Sept. 13, 1944)

2.70 Composition of Enforcement Divisions and Panels

(a) Cases arising in any War Labor Board region involving alleged contravention of the Stabilization Act of 1942, as amended (56 Stat. 765) and the Orders and Regulations promulgated thereunder (hereinafter referred to as the "Act") shall be dealt with by an Enforcement Division designated by each Regional War Labor Board.¹ Each Regional Enforcement Division shall be tripartite in character, and shall be composed of one or more representatives each of Labor, Industry, and the Public. A representative of the Public shall be designated as Chairman of each Enforcement Division. Each Regional War Labor Board may appoint as members of the Enforcement Division such number of representatives of Industry, Labor, and the Public as it sees fit, provided that in any particular case of alleged contravention of the Act, any hearing shall be held before, and Findings and Determination made by, not less than three nor more than six members of the Enforcement Division consisting of equal representation of Labor, Industry, and the Public, with a public member acting as Chairman. Such members shall constitute the Enforcement Division for purposes of such case.

(b) An Enforcement Division may from time to time appoint ad hoc Panels of tripartite composition, consisting of non-members of the Enforcement Division, to hear any specified case or cases involving alleged contravention of the Act. Any such Panel shall, after hearing a case, make its Proposed Findings and Determination which shall be reviewed by the Enforcement Division, as provided in Paragraph 2.73.

2.71 Jurisdiction of Enforcement Divisions

(a) In any case involving alleged contravention of the Act by any Employer, an Enforcement Division shall have authority, by majority vote, to make findings as to all pertinent facts and, if it finds that there has been a contravention of the Act by the employer, to determine whether, in the light of all the circumstances in the case, any portion or all of the sanctions prescribed by the Act shall be withheld. Unless such determination in any case provides for a withholding of all the

¹ Wherever in this procedure the term Enforcement Division is used, it shall also include the West Coast Lumber Commission or any agency especially designated by the National War Labor Board with jurisdiction over enforcement cases.

sanctions prescribed by the Act, or unless the employer waives a hearing or consents to the making of a determination, by the Enforcement Division, the determination shall be made only after a hearing, as prescribed by this procedure.

(b) Action of an Enforcement Division in any case of alleged contravention of the Act, as evidenced by its Findings and Determination, shall be final, subject to appeal to the National War Labor Board as provided in Paragraph 2.74. Each Enforcement Division, however, shall be subject to general policy directives of the Regional War Labor Board and shall report to the Regional War Labor Board from time to time on its activities.

(c) If the situation requires such action, any party may be called upon to show cause before the Enforcement Division, within such time as is deemed proper by the Enforcement Division, why he should not refrain from making or receiving payment of wages at rates reported to be in contravention of the Act, pending hearing and decision by the Enforcement Division.

2.72 Notice and Conduct of Hearing

(a) In any case where the Regional Attorney believes that an employer has made wage or salary payments in contravention of the Act and that a hearing should be held in the matter, he shall report such case to the Enforcement Division. The Enforcement Division, after consideration of the allegation, may direct that the employer with respect to whom the allegation is made be notified to appear at a hearing before the Enforcement Division or before a Panel designated by it.

(b) Not less than ten days' written notice of a hearing shall be served personally or by registered mail upon the employer. Such notice shall contain (1) a concise statement of the nature of the alleged contravention of the Act; (2) a statement advising the employer that at the hearing he may be represented by counsel and will be given full opportunity to present written or oral testimony and to examine and cross-examine witnesses on all matters relating to the allegations.

(c) If any party to a proceeding appears by attorney, notice of that fact shall be filed with the Enforcement Division and thereafter all papers shall be served upon him.

(d) For good cause shown, any hearing may be adjourned from time to time by the Enforcement Division or Panel.

(e) An employer may, at his own expense, provide for the making of a stenographic transcript of proceedings, in which case copies thereof shall be furnished without cost to the Enforcement Division or Panel and at the regular cost per copy to other persons.

(f) Evidence in support of the allegation shall be presented by the Regional Attorney. Opportunity shall be given to the employer or his counsel to present all relevant evidence and argument, written or oral.

2.73 Findings and Determinations of Enforcement Division

(a) If a hearing is before a tripartite Panel, the Panel shall, after the conclusion of the hearing, make Proposed Findings and Determination which shall be mailed to the employer or his attorney and filed with the Enforcement Division. Within 14 days after mailing of the Proposed Findings (unless such time is extended by the Enforcement

Division), the employer and the Regional Attorney may exchange and submit to the Enforcement Division written comments or objections to the Proposed Findings. At the expiration of such 14 days, the Enforcement Division shall, unless it directs a rehearing, make its final Findings and Determination in the case.

(b) If a hearing is before the Enforcement Division, the latter shall, after conclusion of the hearing, make its Findings and Determination in the case.

(c) The Findings and Determination of the Enforcement Division shall be in writing, showing the names of the members of the Division participating in such decision. If the Enforcement Division finds that the allegation of contravention of the Act has been established by a preponderance of the evidence, it shall, in appropriate cases, also make findings as to the existence of any extenuating circumstances in connection therewith, and shall determine whether there shall be withheld by the Executive Departments and other governmental agencies all or any portion of the sanctions prescribed by the Act. Any dissent from the majority decision of the Enforcement Division shall be recorded on the Findings and Determination.

(d) The Findings and Determination shall be forwarded to the National War Labor Board, and a copy thereof shall be served, by registered mail on the employer or upon his attorney.

2.74 Appeal to the National War Labor Board

(a) The Findings and Determination of an Enforcement Division shall be final, subject, however, to the right of the employer or the Regional Attorney, to appeal to the National War Labor Board for a review of the Findings and Determination. Such appeal shall be taken within 14 days from the date of receipt by the employer of the Findings and Determination. If the employer appeals he shall, within such 14 days, mail an original and five copies of a Petition for Review, including any supporting memorandum of law, to the Regional Attorney. If the Regional Attorney appeals he shall, within such 14 days, file the Petition for Review and four copies, including any supporting memorandum, with the Enforcement Division and mail a copy thereof to the employer or his attorney. If timely request is made to the Enforcement Division within such 14 days, the time for filing a Petition for Review may be extended by the Enforcement Division or agreement for such extension may be made by the Regional Attorney and the employer or his attorney.

(b) Any petition for Review shall set forth concisely the respects in which it is claimed the Findings were erroneous and shall state in detail the particular ground of objection to the Findings or Determination making specific reference to those portions of the record upon which reliance is placed.

(c) Either the employer or the Regional Attorney may, within 14 days from the date of mailing of a Petition for Review, make a reply thereto. Such reply shall be mailed and filed in the same manner and subject to the same conditions as are prescribed in paragraph (a) above for the Petition for Review.

(d) Upon receipt of all appeal papers filed in any case, the Enforce-

ment Division shall cause to be sent to the National War Labor Board the entire file of the case.

(e) If no timely Petition for Review is filed and if the National War Labor Board does not review on its own motion, the Findings and Determination of the Enforcement Division shall, on the day following the last day for filing a Petition for Review, stand confirmed as the Findings and Determination of the National War Labor Board.

(f) Upon consideration of a Petition for Review, the National War Labor Board will render its decision upon the entire record of the case. In special cases, upon request duly made in the Petition for Review and upon good cause shown, the National War Labor Board may permit further oral or written argument or proof. In rendering its decision the National War Labor Board may affirm, reverse or modify the Findings or Determination or any part thereof or send the case back to the Enforcement Division for appropriate action.

2.75 Transmittal of Findings to Appropriate Government Agencies

(a) If within the 14 days stated above, a Petition for Review is not filed, or the time therefor extended, the National War Labor Board will, in due course, forward the Findings and Determination in a case to the appropriate governmental agency or agencies.

(b) If a timely Petition for Review is filed, the National War Labor Board, after its consideration and decision will, in appropriate cases, likewise forward the Findings and Determination in the case, accompanied by its order, to the appropriate governmental agency or agencies.



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(a) It is hereby declared that the National
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and the determination of the Employment Division shall, on the day fol-
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the findings and recommendations of the National War Labor Board.
(1) Upon consideration of a Petition for Review the National War
Labor Board will render its decision on or before the day of the case.
A special case, upon request, may be made.
The Board may, in its discretion, refer the case to the National War
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