

The example is oversimplified, but the establishment and operation of this committee is a clear violation of section 8(a)(2). The group of employees participated in a group that "dealt with" management. The issue they addressed—health and safety—involved conditions of work, namely the safety equipment production and shipping employees were expected to wear. The employer dominated and interfered with the group by initially asking for volunteers and by having it meet on company time and with company supplies. In an era of global competition, it appears that the law is antagonistic to cooperation.

#### WHY THE NLRA IS SO BROAD

After the Great Depression, in 1933, Congress passed the National Industrial Recovery Act to give employees the right to bargain collectively through independent unions. However, the Recovery Act did not adequately protect that right and lacked sufficient enforcement mechanisms. In many companies, management set up company-dominated or "sham" unions where union leaders were merely tools of management. Management then blocked the formation of independent unions on the grounds that employees were already represented by the company-dominated organization.

The NLRA was drafted to level the playing field between employers and employees and to end employer domination of employees through sham unions. Legislative history from the debate over the NLRA indicates that Congress intended to prohibit the practice of company-dominated unions; however, even Senator Wagner, the sponsor of the Act, stated that "[t]he object of [prohibiting employer-dominated unions] is to remove from the industrial scene unfair pressure, not fair discussion." In other words, it appears that Congress intended to remove obstacles to independent unions for collective bargaining, yet intended to permit structures which promote employer-employee discussion and cooperation.

#### THE ELECTROMATION CASE

On December 16, 1992, the National Labor Relation Board [NLRB or Board] issued its decision in *Electromation, Inc.* The case was considered both a litmus test for how the Board would treat cooperation cases and a chance for the Board to clarify what types of cooperation were legal under Section 8(a)(2) of the NLRA. The Board ruled unanimously that the company Electromation had violated Section 8(a)(2) by establishing five "action committees" to deal with workplace issues: absenteeism; no smoking policy; communications; pay progression; and attendance bonus.

The Board found that by establishing and setting the size, responsibilities and goals of the five committees, the company dominated or interfered with a labor organization: a group of employees (the committee members), which dealt with management, on terms and conditions of employment (the subjects the committees dealt with). Far from clarifying the breadth of cooperation, the Board's decision in *Electromation* and subsequent cases have muddled the employee involvement waters.

#### EMPLOYEE INVOLVEMENT IS USED WIDELY

Today's modern workplace includes employee participation committees and teams of all sorts which are as unique as the workplaces in which they are established. From total quality management committees which include gainsharing to self-directed work

teams, over 30,000 workplaces nation-wide are using cooperation to improve employee morale and increase productivity and competitiveness in the workplace.

This has been acknowledged by many officials in the Clinton administration. Secretary of Labor Robert Reich noted: "High-performance workplaces are gradually replacing the factories and offices where Americans used to work, where decisions were made at the top and most employees merely followed instruction. The old top-down workplace doesn't work any more."

Perhaps even more enlightening is Vice President Al Gore's recent report on reinventing government. On page 26 of the report, the Vice President lauds the Maine 200 OSHA program because it requires employee involvement: "Employer/worker safety teams in the participating firms are identifying—and fixing—14 times more hazards than OSHA's inspectors ever could have found \* \* \*" What the Vice President neglects to mention is that it is illegal for worker teams to fix safety problems if it is a nonunion company.

Employee involvement is found nationwide. In my rural western Wisconsin district, I have several companies which use teaming. Jerome Foods, a major turkey farming and manufacturing company in Barron, has experienced substantial gains both in employee morale, customer service, and productivity through teaming.

For example, in its farming operation, the company has reduced back stress by redesigning the equipment it uses to transfer young turkeys from the nursery to the main barn. As a result, employees no longer have to lift a 100-pound gate.

In its manufacturing operation, the White Meat Boning Process Improvement Team revised how the meat is cut, added drip pans to reduce floor waste (improving safety) and revised inspection procedures. These rather minor changes save over \$60,000 per year and improves food quality.

In its packaging operation, 16 Jerome team members redesigned the box department to make it ergonomically sound. The team members added vacuum pumps to lift heavy loads, changed the process used in the department and reduced back stress by 85 percent.

As the examples show, teaming works for employees, it works for companies and it will help keep America competitive into the 21st Century. Some who oppose the TEAM Act fear that it would erode the protections in the NLRA and allow companies to again establish sham company unions, robbing employees of any voice in the workplace.

The TEAM Act is not an attempt to undermine unions or undermine the rights of individual workers. As written, the TEAM Act eliminates no existing language in the NLRA. The Act simply creates an exception in Section 8(a)(2) so that cooperation is not labeled domination. There is no change to the broad definition of labor organization, and we explicitly prohibit teams or committees from collectively bargaining with employers in both union and nonunion firms. The Act also reaffirms the fact that unionized employers can't establish teams to avoid the obligation to bargain with their unions. Unions have veto power over teams in the workplace.

Finally, we don't allow sham company unions. Where employers have tried to thwart an organizing attempt by establishing a work-

place committee and then bargaining with the committee, Section 8(a)(2) would render the employers actions illegal. Where an employer establishes teams to thwart organizing, the employer would still violate existing protections under Section 8 of the NLRA. Further, nothing in this bill would prevent nonunionized employees from forming a union if they so choose.

Mr. Chairman, the NLRA served us well for many years, but just as digital telecommunications has necessitated a new telecommunications policy, we must revise our 1930's labor law to apply to a 1990's workplace. As a moderate Republican, I believe that this bill provides the flexibility needed for high-performance workplaces while providing protections to ensure that our employees are treated fairly. I strongly urge my colleagues to support the TEAM Act.

#### REMEMBERING ALL THOSE WHO SERVED IN WORLD WAR II

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1995

Ms. KAPTUR. Mr. Speaker, today in this joint session of Congress commemorating the victory of freedom in the 20th century, as we remember and honor all those who served in World War II, I want to introduce to the House a veteran, a woman, a pilot who served as a Women Airforce Service Pilot, Lois M. Nelson of Ohio's Ninth District. Lois is a remarkable woman. A pilot before joining the service, she flew our B-17s, B-24's and many other planes from the factories to the front where they could do some good. She also flew planes that had been on the front back to the repair hangers and recalls "you could smell the odor of combat on them; you knew where they had been." Lois and the more than one thousand other Women Airforce Service Pilots performing an invaluable and, unfortunately often overlooked, service in America's war effort. Let us remember them today. Lois represents all veterans from our community who are being commemorated here. Her life reminds us all of the treasured values of duty, honor, and country.

Last August 26, the citizens of Lucas County held a ceremony establishing our community as a World War II Commemorative County. That commemoration was graced with Lois's poignant remarks, and I ask that those remarks be printed at this place in the RECORD on the occasion of the 50th anniversary of the Allied Victory.

As a Nation, and as a people, we are always available to celebrate war. Flesh against flesh, blood against blood, and steel against steel. We mark with pride the winning of war, but with our ego centered on victory. Equally we turn our collective back on war if there is no winner.

Turn back to the ending of the war in Korea. Remember that February day when Viet Nam released and returned prisoners, was it victory when Gerry Denton stepped off the plane and held Jane in his arms for the first time in over seven years? It was for Denton, but not for America.

We celebrate victory perhaps, because we have never learned to celebrate peace.

When I came home to Tucson after my time in the service of my country, my road was perhaps different from yours, and yours,

not because I am a woman, because no sooner was the ink on my separation papers dry—than I was, along with so many other women, lost in the bright light of victory in Asia and in Europe.

My return raised more eyebrows than salutes. The question of patriotism lost in the questions. A widow at 20, a reason, perhaps. A call to do what was needed to be done, a need to compete, anything you can do—I can do better. Or was it a legacy of generations of soldiers and sailors—a bloodline.

An uncle in South Africa and winning the Victoria Cross—dead in the Battle of the Marne in France. Cousins in the Battle of Normandy and in the landings in the Pacific. A brother in the North Atlantic on the run to Murmansk in Russia. Are my genes less willing? Willing to take the oath. Any less willing to work for victory? Parades! Celebrations! And perhaps—thanks for the peace.

But no parades, no thanks, only the challenge that comes from the feeling, as soon as I took off that uniform, put my wings in a drawer and visited my mother's grave; that I was overcome by the feeling, my service had stepped into the glare of challenge, and somehow, never cast a shadow.

Like many other women who answered the call, heard the challenge, we marched home to the sound of muffled drums and vanished. Over the past few years the drums have picked up the beat. Was it Desert Storm? Or was it the women in gun ships, on bomb runs. Or was it the shadow of the women in the 1940s who hit the flight lines running—who heard the call.

Was it my cousin who, as a nurse, lead the children into safe haven from the bombing in Liverpool. Or was my cousin who commanded an ack ack battery near Dover and who met the ragged convoy coming from France and to find her badly burned brother in those wounded.

My challenge to myself, and to you today, will be to pledge to volunteer for peace. To extend that hand that covers your heart and reach out to help. Help the fallen and the falling. To steady the step of those who have lost the way. Take the time to share—time—with those who have only the memory of other times. To wage a war for peace!

Hear again the call to volunteer—when you raise your right hand to pledge your life, your energy, your compassion to win the peace.

As veterans we share a common thread of willingness to be counted. Our Nation is calling on you again to be counted. Get out of the back row and step up front. Into the front lines, get the facts. Get the ammo of involvement and get off your fences and fight for the right to be an American. A nation that shows the way with people—not with the gold of treasury—the strength of industry—but a people who are celebrating peace—hearing and healing.

I am proud of my American birth, I must also thank the warriors my family gave me in my heritage. A heritage I pledged for war and continue to pledge—again—for peace.

My husband, of only four weeks, name is on this monument. I honor his name and will not forget his sacrifice.

#### TRIBUTE TO JASON CHAO

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 11, 1995*

Mr. KING. Mr. Speaker, I am proud to rise in tribute to Jason Chao who is leaving the Taipei Economic and Cultural Representative

Office in Washington, DC, after many years of outstanding service.

J.C., as he is known by his many friends, has been an outstanding representative and advocate for the Government of the Republic of China in Taiwan. He has established strong professional and personal relationships with many Members of this body who greatly admire his integrity and ability.

Over the years Taiwan has become an economic superpower and a model democracy. It is because of the efforts of people like Jason Chao that Taiwan has been able to make these great strides.

J.C. now returns to his native Taiwan to pursue a career in the media. While I certainly wish him well in his new career, I also look forward to the day he returns to Government service so that he can continue to strengthen the ties of friendship between Taiwan and the United States.

#### ENDING GENDER BIAS IN THE CLASSROOM

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 11, 1995*

Mrs. SCHROEDER. Mr. Speaker, I would like to congratulate the Women's College Coalition and the Ad Council for launching the first-ever public service campaign promoting girls' achievement in school. In light of recent cutbacks in programs that encourage gender equity in the classroom, such as the elimination of programs administered by the Women's Educational Equity Act, it is becoming increasingly important for groups such as these to pick up where we, as legislators, have left off.

The campaign's call to action, "Expect the best from a girl and that's what you'll get," should soon become as familiar as other slogans the Ad Council has coined, such as "take a bite out of crime" and "a mind is a terrible thing to waste." The campaign features four real-life role models for girls who tell their stories of personal achievement via television, radio, and print ads and promote public awareness of the gender bias against girls. The ads urge teachers, parents, and adolescent girls to get involved in the sciences and math, the basis for the careers of tomorrow. And they tell girls that it's cool to speak up in class. They call on parents to buy their daughters chemistry sets instead of tea sets.

I commend these two groups for investing in the development of tomorrow's leaders and for showing such a strong dedication towards achieving equality.

#### HELP FOR THE NATIONAL PARK SERVICE

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 11, 1995*

Mr. HANSEN. Mr. Speaker, I am today introducing a bill which will help to depoliticize and professionalize the National Park Service. My bill will accomplish this by establishing a 5-year term for the National Park Service Direc-

tor and by making the Director subject to Senate confirmation.

Mr. Speaker, at the beginning of the Clinton administration, there were stories indicating that a movie star and television actor were being considered for the position of Director of the National Park Service. While those stories indicated that such persons were being considered because the agency currently faces a morale crisis, I would suggest that it will take more than selection of a celebrity as Director to resolve those problems. In fact, selection of someone whose major qualification is that they have visited national parks since childhood, but who have no prior experience in Federal land management issues would in my opinion be adverse, not beneficial, to the agency and employee morale.

The media has also been replete with stories about how key slots in this administration are being selected. According to some reports, ethnic diversity, gender, and political paybacks are being considered just as much as qualifications in the selection of key positions within the administration. In my view, this is wrong.

My bill would address this problem by setting professional standards as the basis for selecting the Director of the National Park Service. It would further ensure that the National Park Service is able to develop and carry out its programs in a professional manner by isolating the appointment of the Director from the Presidential election cycle.

Currently, the heads of the Bureau of Land Management and Fish and Wildlife Service are subject to Senate confirmation. The Forest Service, has throughout its history been headed by a career professional, until the recent politicalization of this position by the Clinton administration. While the Senate confirmation process has in recent years focused too heavily on factors unrelated to the qualification of an individual for a particular position, overall I believe this process has merit and can see no reason for the current double standard in the selection of heads for the land management agencies.

Therefore, I hope my colleagues will join me in supporting this important measure.

#### A TRIBUTE TO COL. ERNEST R. ZUICK

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 11, 1995*

Mr. FAZIO of California. Mr. Speaker, I rise today to honor Col. Ernest R. Zuick, who will retire from the California Air National Guard on November 1, 1995, after completing a long and distinguished career of more than 37 years of service to our Nation, including 13 years service as an adjunct staff member of the Reserve Forces Policy Board in the Office of the Secretary of Defense. I want to take a few minutes to highlight some of his accomplishments.

Colonel joined the California Air National Guard as an airman basic on May 17, 1958, and rose to the grade of staff sergeant. After completing over 10 years enlisted service, he was appointed as a first lieutenant on March 31, 1969. He subsequently rose through the commissioned ranks and was promoted to the grade of colonel on December 31, 1984. His