U.S. Supreme Court Says Pregnancy Isn't a Bar to Jobless Pay

The U.S. Supreme Court has ruled that states may not refuse unemployment benefits to women during their last three months of pregnancy and the six weeks following delivery simply because the states presume that all such women are unable to work.

The Court said that this presumption was often inaccurate, noting:

"It cannot be doubted that a substantial number of women are fully capable of working well into their last trimester of pregnancy and of retaining employment shortly after childbirth."

The presumption thus violates the 14th Amendment, the Court said, and must be replaced by "more individualized means" of determining whether the woman is in fact able to work and thus eligible for unemployment benefits should she be out of a job.

The decision is a substantial victory for the women's movement. It came in the case of a young Utah woman, Mary Ann Turner, who contested the Utah employment law in state courts, only to be told by the Utah Supreme Court that "what she should do is work for the repeal of the biological law of nature" instead.

The U.S. Supreme Court's decision reversed the ruling and invalidated the portion of the Utah law denying unemployment benefits to women during the 18-week period in question. Beyond that, it cast serious doubts on the legality of unemployment law provisions in 19 other states—14 of which have laws almost identical to Utah's.

In its ruling, the Court was following a line of cases established in a 1974 case involving forced maternity leave for teachers at the fifth or sixth month of pregnancy. In that case, the court invalidated such requirements because of the conclusive presumption they established as to a woman's inability to work while pregnant.

The Court said in that case (Continued on page 4)

New Organizing Adds 200 in 9 Units to OPEIU Rolls

Organizing successes brought more than 200 new members into nine bargaining units as a result of OPEIU representation elections, management recognition or affiliation of independent groups, according to latest tallies from the field.

Washington, D.C.'s Local 2 led organizing activities, adding three new bargaining units. Other successes included a Detroit hospital, a New York hotel, a group of data processing employees in Whippney, N.J., and two credit unions.

The National Council of Senior Citizens in Washington, D.C., recognized Local 2 as bargaining representative for its 45 office employees after a card check. In a National Labor Relations Board election held among 24 employees at the National Association of Music Educators in Reston, Va., they voted by a margin of three-to-one for representation by Local 2.

In another NRLB election held at the Agriculture Federal Credit Union, Inc., Local 2 scored again with the new unit voting for union representation by a margin of better than five-to-one.

Office employees at Riverside Osteopathic Hospital, in Detroit, voted 29-7 to favor Local 417, while a unit of 21 data processing employees at Inventory Control Systems, in Whippany, N.J., voted for representation by Jersey City Local 142 by a margin of two-to-one.

In New York City, a unit of 20 auditing employees at the St. Regis Hotel voted to affiliate with Local 153.

Other successes include smaller units of clerks and tellers at Youngstown Federal Credit Union, Inc., where the pro-union vote was unanimous; an election among office employees at Sociological Abstracts, Inc., in San Diego, Calif., in which the margin was five-to-one, and a representation by Local 443, with another unit at the DePaul and Mount St. Vincent in Seattle, Wash., voting for bargaining representation by Local 8.

S.S.Wage Tax Base Upped to $15,300

January Boost Affects 1 in Every 5 Workers

The taxable wage base for social security deduction will be raised to $15,300 in January from the current level of $14,400. The new maximum will affect an estimated 16 million persons, about one out of every five covered by social security. Since there is no change in the tax rate, persons earning less than $14,400 will not be affected by the higher wage base. The payroll tax rate paid remains at 7.65% of covered earnings for workers and employers and 7.9% for self-employed persons.

Thus, a person earning $15,300 or more a year will pay a total of $984.05 during 1976, up $70.20 from the current maximum. The increase will be $94.80 for self-employed persons.

Another feature of the new change, however, will enable persons drawing social security retirement payments to earn more during the year without reduction of benefits. Presently, benefits are reduced $1 for every $2 earned in excess of $2,520 per year, or $210 per month. During 1976, the amount of earnings allowed before a reduction in benefit is made will rise to $2,750, or $230 per month.

An estimated 1.3-million beneficiaries will receive higher payments with the rise in exemption earnings.

For workers affected by the rise in the taxable wage base to $15,300, the Social Security (Continued on page 3)
Problems in Bank Organizing

In an article in the October Monthly Review, published by the Department of Labor, Charles J. Coleman and Jane A. Rose of the Rutgers University faculty find that the OPEIU has been the most successful in organizing bank employees, although the pace has been slow in comparison with other industries.

"The one major change that might promote unionization is changing technology—increasing mechanization," the authors suggest. "In the past, it was possible for the banking industry to become routine, repetitive and relatively devoid of skill, such as many jobs in check processing. One observer sees banks as 'data factories' increasingly filled with unskilled employees because they are bored with their jobs. The employees also resent the pressure of their machine-paced work and loss of status."

They feel increasingly cut off from management and from the potential of moving into a managerial job. One way of relieving the frustration and resentment would be to form a union that not only protects employee interests, but provides a means of challenging management."

The authors point out that mechanization seems to pose two threats: that the first is loss of status and the second is to job security. However, the authors declare, banks have emphasized job security, "and we know of no case where significant numbers of employees have demonstrated their desire to change employment. Bank management have thus far introduced technological change without threatening employment security, and without introducing uncertainty in the minds of employees over it."

There is an entirely different view on the prospects of bank organizing. True, so far mechanization and its threat has not been grasped fully by bank employees. Moreover, bank failures this year have been the highest since the Great Depression, and as bank profits decline, as a result of the recession, the case can be made that one should expect that mechanization will be speeded up at the expense of job security. This is no time for complacency among bank employees; they owe it to themselves to unionize now before it is too late.

Where's That Tax Reform?

Taxation is a major instrument of social and economic policy but has been a partisan issue among the various income groups so that revenues will promote economic growth, stability and efficiency.

Because of the loopholes in tax laws, however, the wealthy are able to avoid paying fair shares of taxes. Chairman Al Ullman, of the House Ways and Means Committee, recently unveiled a detailed breakdown of 37 federal tax returns which illustrate how the loopholes can be legally used. Here are a few examples:

- A $448,000-a-year executive who paid a total of $1,200 in taxes. He invested in a real estate syndicate organized from December 28 which paid him $108,856, which was used to pay off $472,404 in workers illegally underpaid in the same year under the provisions of the National Labor Relations Act.

Almost a half million workers, who in the past year were paid $206,856,000 in back wages, were replaced by their employers in fiscal 1975, the U.S. Department of Labor reports. The cost of the back wages was $108,856,000, which was used to pay off $472,404 in workers illegally underpaid in the same year under the provisions of the National Labor Relations Act.

Employers Rip Off Non-Union Hands

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OPEIU takes another look at the question of unionization among employees of religious hospitals.

Employers were gainfully employed in the century of the录用 of labor relations, the avoidance of unionization and strikes. Mr. Goodfellow's answers to the questions posed are an eye-opener. If most companies followed Mr. Goodfellow's lead, there would be no need to organize salaried employees. It is equally doubtful, however, that companies could or would adopt his programs.

Director Goodfellow points out that defeating a union in NLRB elections involves considerable cost. A recent academic study covering 146 NLRB elections indicates that each such election costs from $100 to $12,000 per employee. Thus, an election involving 100 hourly employees would cost the company about $12,300.

The study found that every election involves four basic costs: (1) the cost of legal help; (2) the cost of lost business during the campaign; (3) the cost of diminished productivity, set by the office staff during the campaign; and (4) the cost of executive time. The fifth cost of an election, if the company loses, is the increased costs of a collective bargaining contract.

Mr. Goodfellow points out that it takes careful planning of personnel policies and complaint handling procedures and it requires dealing with employees in such a manner that they honestly feel they are getting fair and decent treatment to prevent the possibility of unionization. While every employer believes he handles his employees fairly, such is not always the employees' belief.

Many office managers actually dislike the thought of listening to employees in order to uncover what it is they dislike. Instead, these office managers like to present themselves to the image of strong leaders who are in complete control. They generally overlook constructive suggestions of employees.

Listening to employees and doing something about grievances requires courage and confidence. The view of the fact that this may involve expense and affect the quarterly profit statement, these things are not done. As a result, when they face an NLRB election, personnel heads and supervisors generally explain it to workers and employees as the result of "union agitation" as if they themselves had no role.

Mr. Goodfellow points out that job security is a very sensitive area which concerns employers and employees alike. The view of the fact that the government cannot prevent layoffs. The employee, however, is concerned that there will be no arbitrary layoffs, and that, if necessary, will be done by rule and reason and preferably by seniority.

We agree with much of what Mr. Goodfellow finds to be the case in offices today. We know, however, from experience that companies, particularly those of reasonable size, cannot and must not continue personnel policies that provide the lowest echelon of the work force. Favoritism and, in some instances, nepotism are common practices in large installations.

Despite the fact that even company Presidents may publicly espouse fair treatment of employees, some workers are not content to allow for legitimate grievances, such policy is never carried out in practice. An aggrieved worker is likely to lose much of the work force. Favoritism and, in some instances, nepotism are common practices in large installations.

There is only one way to insulate a fair and equitable method of collective bargaining and grievance administration, up to and including arbitration, and that is through a collective bargaining contract signed by both the company and a responsible union.
OPEIU Delegation to AFL-CIO Convention in San Francisco

Front row from left are Harry Avrutin, former Local 153 Business Representative and now Secretary of the New York Labor Council, who sat with his former OPEIU colleagues next to Vice President Gwen Newton, Business Manager of Local 30, Los Angeles. In second row two other unidentified delegates sat at table to left of Mrs. William A. Lowe and her husband OPEIU Sec-Treasurer William A. Lowe; President Howard Coughlin and Vice President John B. Kinnick.

AFL-CIO Urges $3 Minimum Wage
Tells Congress Inflation Has Eaten Up Last Raise

The AFL-CIO has asked Congress to boost the federal minimum wage to $3 an hour as soon as possible so that the nation's lowest paid workers will be brought above the poverty level and the economy will be stimulated with additional purchasing power.

Andrew J. Biemiller, AFL-CIO legislative director, said the planned step-up to $2.30 an hour already has been eaten up by inflation. Most workers covered by the Fair Labor Standards Act are now under a $2.10 an hour minimum, scheduled to rise to $2.30 in January. But those whose jobs were most recently brought under the law are not slated to reach $2.30 until 1977 and, in the case of farm workers, 1978.

Biemiller told a House labor subcommittee the increase needed to escape the poverty level passed the $2.30 an hour mark and probably will exceed $3 in 1977.

Research Director Nat Goldberg said the Consumer Price Index has gone up nearly 60% since February 1, 1968, when the minimum wage reached the $1.60 level. In the same time the minimum wage has gone up less than 32%.

The recent AFL-CIO convention went on record for the $3 minimum, plus doubletime pay after eight hours in a day or 40 hours per week and progress toward "the principle of a 35-hour week.

Biemiller said one of the principal purposes of the Fair Labor Standards Act was to bolster the economy in 1938. Today's problems are similar, he said. Any added to the proposed legislation should be regarded as "emergency legislation that will benefit the entire economy by generating additional purchasing power and creating additional jobs."

Biemiller suggested that by raising the overtime standards Congress would discourage employers from scheduling regular, recurring overtime and will encourage them to hire additional workers.

Court Rules on Bankruptcy Effects on Union Contracts

A bankruptcy court may be permitted to reject a collective bargaining agreement under the federal Bankruptcy Act, a U.S. Appeals Court rules.

Kevin Steel Products, Inc., filed a petition with a federal bankruptcy court which subsequently authorized the company to operate the business under the court's control and permitted the company to reject, as an "onerous executory contract," the collective bargaining agreement with a union.

A federal district court reversed the bankruptcy court's decision, agreeing with NLRB that, while the Bankruptcy Act allowed for rejection of a debtor's contracts, it did not cover labor contracts that are governed by the Taft Act.

The appeals court, however, disagreed with both the district court and the Board. Under the federal Bankruptcy Act, the court observed, a bankruptcy employer is "a new entity ... with its own rights and duties," subject to obligations similar to those of a successor employer, who, the court noted, is "generally not bound by the existing labor agreement."

Until the bankruptcy company cites assumes the old agreement or makes a new one, the court stated, the debtor "is not subject to the termination restrictions" of the Taft Act's collective bargaining rules.

Arbitrator Rules for Union in Pension Credits Dispute

Pension plan benefits during the term of their employment by North Carolina Pulp Company must be paid by Weyerhauser Company, its successor, to the office employees, according to a ruling by an arbitrator after Plymouth, N.C. Local 354 brought their grievance to arbitration.

Arbitrator Robert W. Foster of the American Arbitration Association, who is also Dean of the Law School at the University of North Carolina, first ruled that the grievance was non arbitrable over the company's objection. He then decided that the Weyerhauser company had violated its collective bargaining agreement by failing to credit pro 1957 service with the North Carolina Pulp Company, later acquired by Weyerhauser, to members of the bargaining unit in computing pension plan benefits.

S.S. Wage Base

(Continued from page 1)
Administration noted the silver lining: "It is in return for the increase in taxes," Commissioner James B. Cardwell said: "This will mean higher benefits for them and their families in the event of retirement, disability or death than would have been possible without the increase in the base."

OPEIU Bargains in San Juan

The OPEIU recently held negotiations in San Juan, P.R., for a new contract covering employees of Puerto Rico Management, Inc., a government corporation set up some time ago to acquire Sealand Services Inc., as well as other container carriers on the island. Picture shows officials of San Juan Local 402 who greeted the International's negotiators on their arrival. From left are Local 402 Vice President Alfredo Aponte, President Gilberto Cruz, International Vice President John Kelly, Local 402 Secretary Ray Rivera, and New York Local 153 Business Representative Joe Scully. Another negotiating meeting was held in Washington, D.C., to give equal representation to all Local Unions representing more than 500 in the Sealand bargaining unit in various cities along the Atlantic and Gulf coasts. Final agreement has not yet been reached on the new contract.

New OPEIU Local Chartered

Secretaries and clerical employees of trade union offices in Pascagoula, Miss., were recently granted a charter as Local 489 to expand organizational efforts and other union activities throughout the state of Mississippi. Celebrating the establishment of the new Local are its officers and charter applicants. Kneeling from left: Betty Connor, Vice President Carolyn Phillips and Kathleen Alexander. Standing from left are Gwen Freeman, Sec.-Treas.; President Marilyn Ray, holding charter with Ed Lowe, President of the Pascagoula Metal Trades Council and advisor to the new Local; Dian Morgan, Recording Secretary, Sara Monceiff and Dolly Fulton.
New York OPEIU Stewards Hold Annual Meeting

Approximately 500 Local 153 stewards from bargaining units all over Greater New York attended their annual conference in sessions. Local 153 is not only the largest OPEIU Local anywhere in North America, but is also said to be larger than all AFL-CIO unions throughout the nation. It now numbers approximately 15,000 members. International Vice President John Kelly presided.

First OPEIU Staffer Gets AB Degree in Labor Studies

Donald E. Olson, Jr., Business Representative of Seattle's Local 8, is the first OPEIU staff member to receive a Bachelor of Arts degree in labor studies after completing a course at the AFL-CIO Labor Studies Center at Silver Spring, Md. The degree is conferred in conjunction with Antioch College.

The core of the program is the Labor Studies major which enables students to relate their day-to-day activities in the labor movement to general economic, social and political developments.

The most distinctive feature of the Center's college degree program is the way it is adapted to fit the needs of individuals who cannot attend regular classes at traditional schools or colleges. The degree program revolves around week long "residence" sessions every six months at the Center's campus.

In addition to credits earned directly through the program, students receive credit for other learning experiences such as previous college work, experience in the labor movement, long-term labor education programs, and technical and vocational education.

Any union officer, representative or full time staff member interested in the college degree program can get complete information by contacting the College Degree Coordinator, AFL-CIO Labor Studies Center, 10000 New Hampshire Ave., Silver Spring, Md. 20903.

Arbitrator Upholds Union in Fight for Member's Job

A member of Local 112 in Poughkeepsie, N.Y., was exonerated when the Union filed a grievance against his employer who had accused him of "falsifying company records" for personal gain, and brought the case to arbitration.

Following a hearing, Arbitrator George Nicolau ruled that the De Laval Separator Company had failed to prove its case. He ordered that the grievant be completely exonerated, and restored to his job with full compensation including overtime pay.

Meanwhile, Local 112 President Gus L. Bonanno reports that a new two-year contract has been renegotiated with the company. It provides a $14.80 weekly wage increase for the lowest grade, rising to a maximum of $21.60 in the top classification for the first year, plus other fringe benefits.

Similar wage increases are scheduled for the second year.

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Our WHITE COLLAR mailing list is now being maintained by social security numbers. If you move, your old and new address, with zip code and social security or social insurance number, should be included when you notify:

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U.S. Supreme Court (Continued from page 1) that there must be an individualized determination of whether or not particular teachers would work.

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The Supreme Court noted in a footnote that this contention "conflicts" with the state's arguments before the Utah Supreme Court.

In the opinion, it said, that the Utah law established a "blanket disqualification" of women during the 18-week period involved and that this provision was "constitutionally invalid."

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New Haven OPEIU Prexy Wins Discipline Dispute

The Connecticut Board of Mediation & Arbitration ruled that Dominic Furco, president of New Haven Local 466, had been suspended for three days without "just cause" by the Community Health Care Center Plan, Inc., and ordered that he be made whole for lost pay after the Union filed a grievance.

Classified as an "enrollment associate," he integrates "open house activities with other enrollment personnel" and was willing to work "on all days of the week." He had performed these duties many times but declined to work one held on March 9 for "personal reasons." As a consequence he was suspended for three days for insubordination.

After hearing arguments of the employer and the Union, Arbitrator Harry B. Purcell declared:

"In view of the grievant's past excellent record his declining to work on the day in question should not have been regarded as insubordination but more of a withholding of cooperation. At the most, it should have drawn an oral warning if progressive discipline deserved to be applied."

The arbitrator concluded that the employer did violate the contract in this matter in that it exercised its rights under the management clause in "an unreasonable and arbitrary manner.

International Representative Justin F. Manning prepared and presented the case before the arbitrator.

Quirk in Calendar Brings 4-Day Weekend Holidays

Four-day weekends await many workers due to a quirk in 1975's calendar, says The Wall Street Journal. Employees by the droves are deciding to take off the day after Christmas and New Year's this year because both holidays fall on Thursday.

"It's good for employee morale," according to one company spokesman.

Some companies merely switch normal days off for Christmas or New Year's for the Fridays, or deduct them from vacation time.

First OPEIU staffer to receive degree in Labor Studies at AFL-CIO Labor Studies Center, Seattle's Local 8 Business Representative Donald E. Olson, Jr., chats with AFL-CIO President George Meany, who handed him his diploma at the graduation.

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