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BUREAU OF LABOR STANDARDS

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Federal Labor Laws and Agencies

... A LAYMAN'S GUIDE


BULLETIN NUMBER 123
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Purpose of This Guide

CITIZENS generally, as well as representatives of labor and management who are responsible for making good industrial relations a part of daily plant operations, often find themselves in need of more adequate knowledge of existing Federal labor laws and services available to them from Government agencies. This bulletin is intended to help give this needed information.

It supersedes Bulletin No. 100, Federal Labor Laws and Agencies, published in 1948 and brings up to date the material contained in that publication. It provides under one cover a quick reference to the important Federal labor laws and regulations of general application. The brief and nontechnical summaries of the Federal labor laws and regulations included in the bulletin, are designed to furnish general information as to the important provisions of the various statutes. These summaries are not official interpretations of any of the acts or regulations. For more detailed information, the reader is, in all cases, referred to the administrative agency.

In addition, information on Government agencies and services available to management and labor in the field of working conditions and labor relations are included in this bulletin.

This bulletin was prepared under the general direction of Beatrice McConnell, Chief of the Division of Legislative Standards and State Services, of the Bureau. The Bureau wishes to express its appreciation to the many staff members of other agencies and of the bureaus of this Department who assisted in preparing the material for this bulletin.

WILLIAM L. CONNOLLY, Director.

WASHINGTON, D. C., September 1950.
Labor Information and General Services

AVAILABLE FROM THE
U. S. DEPARTMENT OF LABOR

THE UNITED STATES Department of Labor was created by Congress in 1913 to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment.

In line with this mandate, one of the primary functions of the Department is to provide informational services to labor and management and to assist them in the improvement of labor standards and working conditions.

Those bureaus of the Department, whose activities are mainly of this type, are described below. Other bureaus of the Department are described later in connection with the summaries of the laws which they administer.

Requests for assistance or publications from any of these bureaus can be made to the U. S. Department of Labor or directly to the appropriate bureau.

BUREAU OF LABOR STATISTICS

The Bureau of Labor Statistics is a fact-finding and research agency covering all fields of labor economics and statistics. The Bureau publishes information in the following major fields:

Employment and the Labor Force

Monthly data on industrial employment.

Information on changes in labor productivity, technological developments, labor turn-over, unemployment, size and composition of the labor force, and the employment outlook for specific occupations and industries.

Labor requirements and volume of activity in construction.
Earnings and Wages

Monthly data on hourly and weekly earnings, by industries. Information on wage rates nationally and for local areas by occupation and industry, and wage rates in union agreements in selected industries and areas.

Industrial Relations and Working Conditions

Studies of union status, paid vacations, sick leave, seniority, pensions and other customary provisions of union agreements.

Studies of collective bargaining in specific industries.

Monthly statistics on work stoppages.

Monthly reports on accident frequency and studies of the causes of industrial injuries.

Monthly data on hours of work.

Prices and the Cost of Living

Monthly Consumer Price Index (cost-of-living) for moderate-income families in large cities, for major cities, and for the United States as a whole.

Data on wholesale and retail prices.

Labor Conditions in Other Countries

Information on labor developments in other countries.


BUREAU OF LABOR STANDARDS

The Bureau of Labor Standards develops and promotes improved standards in the field of industrial safety and labor legislation and its administration. It also serves as a center of information on labor standards and administrative practices and prepares and publishes both technical and popular bulletins on various aspects of labor law.

Standards for labor law and administrative practices are worked out in cooperation with administrators of State labor laws. The subjects covered include workmen's compensation, minimum wages, hours of work, industrial safety, child labor, wage payment and wage collection, regulation of private employment agencies, industrial homework, and mediation of industrial disputes. The Bureau works with State labor officials, labor organizations, and other interested groups in adapting these standards to State use.
The Bureau's activities in the field of industrial safety include assistance to State labor departments in drafting safety standards and codes. It also aids the State labor departments in the development and promotion of State-wide and industry-wide safety programs, gives consultant services on accident-prevention work, and assists in training State safety personnel. It prepares educational safety material primarily for use by the States, and other safety publications for general distribution.

The Bureau services the President's Conference on Industrial Safety and other national and regional conferences on various aspects of labor law.

In the field of child labor and youth employment, the Bureau conducts research and advises on employment conditions and problems affecting working minors. Under the Fair Labor Standards Act, it develops standards and proposes regulations for issuance by the Secretary, under which employment of children 14 and 15 years of age are permitted under certain conditions. It makes studies of occupational hazards for minors 16 and 17 and develops standards for proposed hazardous occupations orders issued by the Secretary. It carries on cooperative programs with the States for use of State employment and age certificates as proof of age under the Fair Labor Standards Act.

The Bureau, in cooperation with the Office of International Labor Affairs, participates in the Department's international activities particularly in connection with the International Labor Organization. It gives technical information and consultant services to the States regarding State action on international labor standards. It also develops technical-assistance programs in the field of labor standards. These include training programs for representatives from foreign countries and giving technical advice and assistance to other countries.

The Bureau administers the provisions of the Labor-Management Relations Act of 1947 relating to the filing of organizational and financial data by labor organizations.

In the Bureau is the President's Committee on National Employment the Physically Handicapped Week, which enlists public support for the employment of qualified handicapped workers.

The services of field consultants are available and publications are sent on request. Inquiries should be addressed to the Bureau of Labor Standards, U. S. Department of Labor, Washington 25, D. C.

WOMEN'S BUREAU

The Women's Bureau studies and reports on all problems affecting women workers. It promotes standards and policies to improve their working conditions, increase their efficiency, and advance their opportunities for profitable employment. It supports enactment and
better administration of labor laws and other legislation for women.

Its research reports deal with employment, hours, wages, wage levels, and working conditions of women; problems of hiring, advancement and lay-off; employment and training opportunities; social problems related to women's employment, such as responsibility for dependents, and nature of their attachment to the labor force; labor legislation for women; legislation relating to women's civil and political status.

An equally important Bureau function is its technical and advisory services to State labor departments, civic organizations, unions and Federal authorities on labor legislation for women, including the preparation of draft legislation and on the administration and enforcement of laws on minimum wages, equal pay, maximum hours, maternity legislation, other working conditions, standards, legislation relating to civil and political status, including jury service, guardianship, control of earnings, and related subjects.

Publications are sent on request. Inquiries should be addressed to the Women's Bureau, U. S. Department of Labor, Washington 25, D. C.

OFFICE OF INTERNATIONAL LABOR AFFAIRS

The Office of International Labor Affairs directs and coordinates the Department's international activities. It advises the Secretary of Labor on the impact of foreign labor developments on domestic policy, advises the Department of State on the implications of domestic labor policy on foreign policy, and recommends to the Department of State international labor policy as a part of total U. S. foreign policy.

Specific functions and responsibilities of the Office include:

Primary responsibility, under the over-all foreign policy guidance of the Department of State, for U. S. participation in the International Labor Organization; statutory membership on the Board of Foreign Service, including responsibility for the labor attaché program; representation and formulation of labor policy in connection with U. S. participation in the United Nations Economic and Social Council and its Commissions; membership on the Interdepartmental Committee on Trade Agreements which determines and carries out the Reciprocal Trade Agreements program; and direction and coordination of the Department's programs of technical cooperation with other countries, including the training and servicing of foreign visitors, providing experts for assistance to various countries, and furnishing technical materials and information with respect to labor matters.

The activities of the Office also include servicing the Secretary of Labor's Trade Union Advisory Committee on International Affairs, composed of top officials of the AFL, CIO and Railroad Brotherhoods.

Inquiries should be addressed to the Office of International Labor Affairs, U. S. Department of Labor, Washington 25, D. C.
The Labor Management Relations Act guarantees the right of workers to organize and to bargain collectively with their employers, or to refrain from all such activities. To enable employees to exercise these rights and to prevent labor disputes which may burden and obstruct commerce, it places certain limits on the activities of employers and labor organizations.

The act applies to all employees and employers engaged in industries affecting commerce between the States. The following employees are not subject to the act:

a. Those employed by an employer subject to the Railway Labor Act.
b. Agricultural laborers (as defined by the Fair Labor Standards Act), domestic servants, or any individual employed by his parent or spouse.
c. Supervisors having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.\(^1\)
d. Government employees.
e. Those employed by Government corporations, Federal Reserve Banks, or any entirely nonprofit hospital.
f. Independent contractors who depend upon profits, rather than commissions or wages, for their income.

\(^1\) Italicized portions throughout this section are direct quotations of the language of the act.
Title I of the act is administered by the National Labor Relations Board, composed of five members, and the General Counsel, all appointed by the President. The principal office of the Board is in Washington, D. C.

**General Statement of the Rights of Employees**

Section 7 of the act contains a general summary of the rights guaranteed to workers. It states that:

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

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

In order to protect workers in the exercise of these rights the act specifically provides for:

a. Prevention of unfair labor practices by either employers or labor organizations [sec. 8].

b. Selection or rejection of representatives for collective bargaining [sec. 9].

The right to strike, except as specifically modified by the act, is preserved [sec. 13].

**Filing of Noncommunist Affidavits and Other Data**

To use the facilities of the Board, a labor organization must file the following:

1. Copies of its constitution and bylaws.
2. An annual report of its finances.
3. Affidavits by each of its officers that they are not Communists or Communist supporters.

These must be filed before the Board or its regional officials will proceed with any case filed by a labor organization.

The Board has ruled that a labor organization which has failed to comply with these filing requirements may participate in only one type of election—an election to determine whether the employees wish to revoke the union's authority to represent them. A noncomplying union is not entitled to any type of certification by the Board. The Board has further ruled that an employer is under no obligation to bargain with a noncomplying union. If the union later complies, it must make a new request of the employer for collective bargaining.
Forms for these filings are available at the Board's regional offices, where the affidavits of local officers should be filed along with copies of the organization's constitution and bylaws. The financial statements and organizational data and additional copies of the union's constitution and bylaws must be filed with the U. S. Department of Labor, Washington, D. C.

Each officer of a labor organization must state under oath:

*That he is not a member of the Communist Party or affiliated with such party, and that he does not believe in, and is not a member of or supports any organization that believes in or teaches, the overthrow of the United States Government by force or by any illegal or unconstitutional methods.*

The provisions of section 35A of the U. S. Criminal Code apply to such affidavits. This section provides a maximum penalty of $10,000 fine and 5 years in prison for giving false statements to a Government agency.

In order for a local union to have a case processed by the Board, any national or international union with which it is affiliated also must comply with all the affidavit and filing requirements.

In the interpretation of the term "labor organization" as used in the law, the Board has held that a committee which seeks to represent a group of employees in bargaining is a labor organization even though it does not have any formally elected officers.

The information which must be filed with the Secretary of Labor must show:

1. Name of the organization and address of its principal place of business.

2. Names, titles, and compensation and allowances of its three principal officers, and the total amount of compensation and allowances paid them. The same information must be given on any other officials who received more than $5,000 in the preceding year.

3. The manner in which the officers mentioned above are elected, appointed, or otherwise selected.

4. The initiation fee or fees which new members are required to pay on becoming members.

5. The regular dues or fees which members are required to pay in order to remain in good standing.

6. A detailed statement, or reference to provisions of its constitution and bylaws, showing the procedure followed with respect to:
   (1) qualifications for or restrictions on membership
   (2) election of officers and stewards
   (3) calling of regular and special meetings
   (4) levying of assessments
   (5) imposition of fines
   (6) authorization for bargaining demands
(7) ratification of contract terms
(8) authorization for strikes
(9) authorization for disbursement of union funds
(10) audit of union financial transactions
(11) participation in insurance or other benefit plans, and
(12) expulsion of members and the grounds therefor.

7. A report showing (1) all of its receipts of any kind and the sources of such receipts, (2) its total assets and liabilities as of the end of its last fiscal year, (3) the amounts paid out during this fiscal year and the purposes of the payments.

8. A statement that it has furnished copies of the financial statement mentioned above to all of its members, detailing the method by which it was distributed.

**Prevention of Employer Unfair Labor Practices**

Employers are forbidden to engage in any of the five unfair labor practices listed below.

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

Following are examples of employer interference which have been forbidden:

a. Threatening employees if they should join a union;
b. Questioning employees as to their union activities or membership;
c. Spying on union gatherings;
d. Making wage increases deliberately timed to defeat self-organization among employees.

**Section 8 (a) (2). To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it:**

*Provided, That subject to rules and regulations made and published by the Board pursuant to section 6, an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay.*

Following are examples of employer conduct which have been declared to be illegal:

a. Taking an active part in the formation of a labor organization;
b. Bringing pressure on workers to join a union;
c. Playing favorites with one union as opposed to another.

Under the amended law, the Board has drawn a line between “domination” of a labor organization by an employer and simple “interference.” It has announced that it will order the dissolution of an employer-supported labor organization only if it is found to be under domination of the employer. If the employer’s support falls short of domination, the Board will apply other remedies such as an order for the employer to stop such support and cease recog-
nizing the organization. This rule applies whether the organization is simply an unaffiliated "company union" or an affiliate of an established national union.

Section 8 (a) (3). By discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization:

Provided, That nothing in this Act, or in any other statute of the United States shall preclude an employer from making an agreement with a labor organization (not established, maintained, or assisted by any action defined in section 8 (a) of this Act as an unfair labor practice) to require as a condition of employment membership therein on or after the thirtieth day following the beginning of such employment or the effective date of such agreement, whichever is the later,

(i) if such labor organization is the representative of the employees as provided in section 9 (a), in the appropriate collective-bargaining unit covered by such agreement when made; and

(ii) if, following the most recent election held as provided in section 9 (e) the Board shall have certified that at least a majority of the employees eligible to vote in such election have voted to authorize such labor organization to make such an agreement:

Provided further, That no employer shall justify any discrimination against an employee for nonmembership in a labor organization.

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

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

Except in cases of certain pre-existing collective bargaining agreements, this section prohibits the closed shop, in which only persons who already hold membership in a labor organization may be hired. However, it permits a union shop, in which employees are required to join a union not less than 30 days after they begin work, but such a requirement must be approved first by secret ballot of a majority of those employees eligible to join. An NLRB poll also is required before adoption of a maintenance-of-membership provision.

Following are examples of employer discrimination which have been forbidden:

a. Discharging or demoting an employee because of his union membership or activity;

b. Refusing to reinstate a laid-off employee because of his unionism, or demanding that he give up union membership in order to be reinstated;
c. Refusing to hire qualified applicants because of previous union membership or activity.

In weighing a worker's charge that he has been discriminated against because of his union activity, the NLRB will want to know:

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

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

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

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

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

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

This section does not affect the employer's right to discharge, transfer, lay off, or otherwise change the conditions of employment of an employee for just cause such as disobedience, bad work, or drinking on the job.

Section 8 (a) (4). To discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this act.

Section 8 (a) (5). To refuse to bargain collectively with the representatives of his employees, subject to the provisions of section 9 (a). (See definition of collective bargaining, p. 13.)

The Board has ruled that an employer violates this section by making a wage increase without consulting the bargaining representative of his employees if they have such a representative. The Board also has ruled that an employer violates this section by making a wage increase that is larger than any he has offered the representative of his employees.

Prevention of Union Unfair Labor Practices

Labor organizations or their agents are forbidden to engage in any of 10 unfair labor practices listed below.

Section 8 (b) (1). To restrain or coerce

(A) employees in the exercise of the rights guaranteed in section 7.

Provided. That this paragraph shall not impair the right of a labor organization to prescribe its own rules with respect to the acquisition or retention of membership therein; or

(B) an employer in the selection of his representatives for the purposes of collective bargaining or the adjustment of grievances.
The Board has ruled that Section 8 (b) (1) (A) forbids mass picketing, acts of violence and threats of force or violence on the picket line or in connection with the strikes, and threats to employees that they will lose their jobs unless they support the union's activities. The Board has defined mass picketing as picketing in such numbers as to effectively obstruct the entry of nonstriking employees into the plant.

Section 8 (b) (2). To cause or attempt to cause an employer to discriminate against an employee in violation of subsection (a) (3) [above] or to discriminate against an employee with respect to whom membership in such organization has been denied or terminated on some ground other than his failure to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership.

This section reenforces 8 (a) (3) in outlawing the closed shop and in placing certain limits on the union shop.

The Board has ruled that, even under a valid union-shop contract, the Act prohibits the discharge of an employee who tenders payment of the union's regular dues and initiation fees.

Section 8 (b) (3). To refuse to bargain collectively with an employer, provided it is the representative of his employees subject to the provisions of section 9 (a). 2

The Board has ruled that the insistence by a union upon the inclusion in a contract of illegal provisions, such as a closed shop or a discriminatory hiring hall, constitutes a refusal to bargain.

Section 8 (b) (4). To engage in, or to induce or encourage the employees of any employer to engage in, a strike or a concerted refusal in the course of their employment to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities or to perform any services, where an object thereof is:

(A) forcing or requiring any employer or self-employed person to join any labor or employer organization or

any employer or other person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person;

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

(C) forcing or requiring any employer to recognize or bargain with a particular labor organization as the representative of his em-

2 The procedures of collective bargaining are defined in sec. 8 (d), p. 13.
ployees if another labor organization has been certified as the representative of such employees under the provisions of section 9;

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

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

Subsection (A) of this section includes the ban on the secondary boycott and subsection (B) outlaws sympathy strikes or boycotts aimed at compelling an employer to recognize a union which has not been certified by the Board. Subsection (C) forbids a strike or boycott to compel an employer to recognize one union when another has been certified as bargaining agent for the employees involved. Subsection (D) outlaws jurisdictional strikes or boycotts.

The Board has ruled that this section of the act does not outlaw picketing at the premises of an employer with which the picketing union has a direct dispute, even though the picketing may have the secondary effect of inducing employees of another employer to withhold their work or services and thus cause the secondary employer to cease doing business with the employer engaged in the primary dispute.

Section 8 (b) (5). To require of employees covered by an agreement authorized under subsection (a) (3) the payment, as a condition precedent to becoming a member of such organization, of a fee in an amount which the Board finds excessive or discriminatory under all the circumstances. In making such a finding, the Board shall consider, among other relevant factors, the practices and customs of labor organizations in the particular industry, and the wages currently paid to the employees affected.

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

This section prohibits certain practices commonly known as “feather-bedding.”
"Free Speech" Provision

Section 8 (c). The expressing of any views, argument, or opinion, or the dissemination thereof, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this act, if such expression contains no threat of reprisal or force or promise of benefit.

This is sometimes known as the "free speech" section of the act. The Board has held that this section applies only to unfair labor practice cases.

The Board has ruled that this section does not permit a union to picket in furtherance of a secondary boycott nor to place the name of a secondary employer on an "unfair list."

Collective Bargaining Defined

Section 8 (d) defines collective bargaining for the purpose of section 8 as

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

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

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

Bargaining Steps to Change or Terminate a Contract

In the negotiation of new contracts to replace existing ones, the law provides four specific steps which must be observed.

The section states that where there is in effect a collective-bargaining contract covering employees in an industry affecting commerce, the duty to bargain collectively shall mean that no party to such contract shall terminate or modify such contract, unless the party desiring such termination or modification—

(1) serves a written notice upon the other party to the contract of the proposed termination or modification sixty days prior to the expiration date thereof, or in the event such contract contains no expiration date, sixty days prior to the time it is proposed to make such termination or modification;

(2) offers to meet and confer with the other party for the purpose of negotiating a new contract or a contract containing the proposed modifications;
(3) notifies the Federal Mediation and Conciliation Service within thirty days after such notice of the existence of a dispute, and simultaneously therewith notifies any State or Territorial agency established to mediate and conciliate disputes within the State or Territory where the dispute occurred, provided no agreement has been reached by that time; and

(4) continues in full force and effect, without resorting to strike or lock-out, all the terms and conditions of the existing contract for a period of sixty days after such notice is given or until the expiration date of such contract, whichever occurs later.

The last three steps, however, need not be observed by a union or other bargaining representative which has been replaced as the representative of the employees as a result of an intervening Board certification since signing of the existing contract.

The section also states that neither party is required to discuss or agree to any change in the terms of a contract for a fixed period if the proposed changes are to become effective before the reopening date of the contract.

It further provides that:

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

**Procedure in Unfair Labor Practice Cases**

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

A union which has complied with the filing requirements also may file charges against an employer or another union, and an employer may file charges against one or more unions. Charges may be filed against a union even if it has not met the filing requirements.

Charges must be sworn to before a notary public or agent of the Board.

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

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

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

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

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

f. In case of failure to comply with the Board's orders, the Board asks the Circuit Court of Appeals for an enforcing order. The party to whom the order is addressed, whether an employer or labor organization, may similarly request a review of the order.

g. The party to whom the order is directed also has the right to appeal from the circuit court's decision to the Supreme Court.

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

Injunction Procedure

The General Counsel has the power to seek a Federal Court injunction to stop either an employer or a labor organization from committing any unfair labor practice. He may apply for such an injunction at any time after he has issued a formal complaint following investigation of charges filed with one of the NLRB Regional Offices. The procedure to be followed in seeking injunctions against unfair labor practices under the act is set forth in section 10 (j) and (l).

Section 10 (l) makes it mandatory for the General Counsel to seek an injunction whenever charges alleging that certain unfair labor practices are being committed by a labor union are filed, if, after investigation, he has reasonable ground to believe that the charges are true. These unfair labor practices include strikes or boycotts to—

(1) compel an employer to recognize one union when another union has been certified by the Board as bargaining agent for the employees;

(2) enforce a secondary boycott aimed at compelling one employer to stop doing business with another;
(3) compel an employer other than the employer of the employees engaging in the strike or boycott to bargain with a union which has not been certified by the Board, or
(4) force an employer or self-employed person to join any labor or employer organization.

Remedies in Unfair Labor Practice Cases

When the Board determines the existence of an unfair labor practice it has the power to issue a cease and desist order and to take such affirmative action, including reinstatement of employees with or without back pay, as will effectuate the policies of the act [sec. 10 (c)]. The Board's orders may be directed to either an employer or a labor organization or its agents.

Such affirmative action may include orders to the employer:
a. To disestablish a company-dominated union.
b. To reinstate immediately all persons discharged, laid off, or demoted, to former positions without prejudice to seniority rights or other privileges enjoyed prior to unfair labor practices, if necessary discharging all persons hired in place of those discriminated against.
c. To pay back pay for time lost since worker was discharged. Amount of back pay awarded worker is usually the difference between his net earnings since discharge and what he would have earned had he not been discharged. Worker must try to find a new job while awaiting reinstatement.
d. To cease all interference with rights of employees.
e. To post in plant notice of company compliance with National Labor Relations Board order.

Similar orders may be applied to labor organizations and their agents where proper to remedy unfair labor practices and effectuate the policies of the act.

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

Jurisdictional Disputes

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

Section 8 (b) (4) makes it an unfair labor practice for a labor organization or its agents
to engage in, or to induce or encourage the employees of any employer to engage in, a strike or concerted refusal in the course of their employment to use, manufacture, process, transport, or other-
wise handle or work on any goods, articles, materials, or commodities or to perform any services, where an object thereof is:

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

Section 10 (k) gives the Board authority to hear and decide cases involving jurisdiction of work. This section also provides that the parties be given 10 days in which to reach a voluntary settlement among themselves.

The section states that Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of paragraph (4) (D) of section 8 (b), the Board is empowered and directed to hear and determine the dispute out of which such unfair labor practice shall have arisen, unless, within ten days after notice that such charge has been filed, the parties to such dispute submit to the Board satisfactory evidence that they have adjusted, or agreed upon methods for the voluntary adjustment of the dispute. Upon compliance by the parties to the dispute with the decision of the Board or upon such voluntary adjustment of the dispute, such charge shall be dismissed.

Should the parties fail to reach agreement, the procedure before the Board is the same as in any other unfair labor practice case.

**Employee Elections**

The act provides for four general types of elections among employees. These are:

1. Representation elections to determine the employees' choice of a collective bargaining agent. These are held upon petition of an employer, employees, or a labor organization.

2. Decertification election to determine whether or not the employees wish to withdraw the bargaining rights of a labor organization which they previously had designated as their representative. These are held upon petition of employees or labor organizations.

3. Union-shop authorization polls to determine whether or not the employees wish to authorize their bargaining representative to enter into a contract by which they are required to join a labor organization as a condition of continuing their employment. These are held upon petition of the labor organization. For the proposition to carry, a majority of all employees in the unit must vote in favor of it.
(4) De-authorization elections to determine whether or not the employees wish to revoke an authorization they have previously given their bargaining representative to enter into a union-shop contract. These elections are held on petition of employees.

Conduct of Elections

Elections may be held by agreement between the employer and the labor organization or individual claiming to represent the employees. Under such an agreement, the election is authorized by the NLRB Regional Director. If the parties are unable to reach an agreement, the Board may order an election.

A representation election, however, may be held only when a question as to representation has been raised by a labor organization or individual claiming to represent the employees or by the employer’s refusal to recognize the claimant. On the other hand, a union-shop authorization poll may be held only when any question of representation has been settled, either by agreement or an election.

In petitioning for an election, a labor organization or individual seeking representation rights must show that at least 30 percent of the employees involved have indicated, by authorization cards, petitions, or other means, that they would vote in favor of such representation. The 30-percent requirement also applies to union-shop authorization polls. An individual or group of employees seeking to decertify an incumbent bargaining agent or de-authorize a union shop must also make a showing that 30 percent or more appear to favor decertification or de-authorization.

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

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

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

Determination of Collective Bargaining Representative

The Labor Management Relations Act follows the principle of majority rule in determining collective-bargaining representation. Under the law, the Board may certify the choice of the majority of employees for a bargaining representative only after a secret-ballot election.
In a representation election, the employees are given a choice of one of more bargaining representatives or no representative. To be chosen as bargaining representative, a labor organization or individual must receive a majority of the valid votes cast by the employees.

The procedure for conducting representation elections, for either certification or decertification, is set forth in section 9 (c), which states:

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

(A) by an employee or group of employees or any individual or labor organization acting in their behalf alleging that a substantial number of employees

(i) wish to be represented for collective bargaining and that their employer declines to recognize their representative as the representative defined in section 9 (a), or

(ii) assert that the individual or labor organization, which has been certified or is being currently recognized by their employer as the bargaining representative, is no longer a representative as defined in section 9 (a); or

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

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

(2) In determining whether or not a question of representation affecting commerce exists, the same regulations and rules of decision shall apply irrespective of the identity of the persons filing the petition or the kind of relief sought and in no case shall the Board deny a labor organization a place on the ballot by reason of an order with respect to such labor organization or its predecessor not issued in conformity with section 10 (c).

[Section 10 (c) provides that the same regulations and rules of decision shall apply irrespective of whether or not the labor organization affected is affiliated with a labor organization national or international in scope.]

(3) No election shall be directed in any bargaining unit or any subdivision within which, in the preceding 12-month period, a valid election shall have been held.
Employees on strike who are not entitled to reinstatement shall not be eligible to vote.

In any election where none of the choices on the ballot receives a majority, a run-off shall be conducted, the ballot providing for a selection between the two choices receiving the largest and second largest number of valid votes cast in the election.

(4) Nothing in this section shall be construed to prohibit the waiving of hearings by stipulation for the purpose of a consent election in conformity with the regulations and rules of decision of the Board.

Rights of Bargaining Representative

The labor organization or individual winning a majority among the employees casting valid ballots in a representation election shall have the exclusive right to bargain for the employees in the unit covered.

In regard to the exclusive right of the bargaining agent, section 9 (a) of the statute reads:

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

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

Provided further, That the bargaining representative has been given opportunity to be present at such adjustment.

Unit Appropriate for Bargaining

The Board is given sole authority to determine the appropriate unit within which the majority may designate the exclusive bargaining agent. In determining the unit, the act says that the Board shall consider the protection of the right of self-organization and the group of employees most effective for the purposes of collective bargaining.

Such a unit may extend to one or more employers; or it may be a plant-wide unit, or it may be a subdivision thereof such as a unit of skilled craftsmen, professional employees, plant guards, or clerical employees.

The act, however, forbids the Board from including plant guards or watchmen in the same unit with other employees. It also prohibits the Board from certifying a labor organization as the repre-
sentative of a unit of guards or watchmen if it takes other employees as members or if it is "affiliated directly or indirectly" with an organization admitting other employees. A guard is defined as "any individual employed . . . to enforce against employees and other persons, rules to protect property of the employer or to protect the safety of persons on the employer's premises." The Board has held that employees who do this work only part time qualify as guards.

Professional employees may be included in the same unit with other employees if a majority of the professionals vote to be included. Broadly, the act's definition of a professional employee covers lawyers, doctors, architects, engineers, and others who must have completed "a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship . . ."

In this connection, the law states [sec. 9 (b)]:

The Board shall decide in each case whether, in order to assure to employees the fullest freedom in exercising the rights guaranteed by this act, the unit appropriate for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or subdivision thereof:

Provided, That the Board shall not

1. decide that any unit is appropriate for such purposes if such unit includes both professional employees and employees who are not professional employees unless a majority of such professional employees vote for inclusion in such unit; or

2. decide that any craft unit is inappropriate for such purposes on the ground that a different unit has been established by a prior Board determination, unless a majority of the employees in the proposed craft unit vote against separate representation; or

3. decide that any unit is appropriate for such purposes if it includes, together with other employees, any individual employed as a guard to enforce against employees and other persons rules to protect property of the employer or to protect the safety of persons on the employer's premises;

but no labor organization shall be certified as the representative of employees in a bargaining unit of guards if such organization admits to membership, or is affiliated directly or indirectly with an organization which admits to membership, employees other than guards.

Section 9 (c) (5) states further that in determining whether a unit is appropriate for the purposes specified in subsection (b) [above] the extent to which the employees have organized shall not be controlling.
Union-Shop Polls

A labor organization may obtain an authorization to negotiate a union-shop contract only by vote of a majority of all employees eligible to vote in the unit to be covered by the contract.

Under the union-shop provision, the act permits a labor organization to negotiate a contract in which employees are required to join the union within 30 days after employment or 30 days after the effective date of the contract, whichever is the later.

The question posed to employees in a union-shop poll is:

"Do you wish to authorize the union which is your collective-bargaining representative to enter into an agreement with your employer which requires membership in such union as a condition of continued employment?"

On the ballot are squares for the employees to mark "Yes" or "No."

In regard to the conduct of union-shop authorization, and de-authorization polls, the act provides [sec. 9 (e)]:

(1) Upon the filing with the Board by a labor organization which is the representative of employees as provided in section 9 (a), of a petition alleging that 30 per centum or more of the employees within a unit claimed to be appropriate for such purposes desire to authorize such labor organization to make an agreement with the employer of such employees requiring membership in such labor organization as a condition of employment in such unit, upon an appropriate showing thereof the Board shall, if no question of representation exists, take a secret ballot of such employees, and shall certify the results thereof to such labor organization and to the employer.

(2) Upon the filing with the Board, by 30 per centum or more of the employees in a bargaining unit covered by an agreement between their employer and a labor organization made pursuant to section 8 (a) (3) (ii), of a petition alleging they desire that such authority be rescinded, the Board shall take a secret ballot of the employees in such unit, and shall certify the results thereof to such labor organization and to the employer.

(3) No election shall be conducted pursuant to this subsection in any bargaining unit or any subdivision within which, in the preceding 12-month period, a valid election shall have been held.

The Board has ruled that it will not conduct a union-shop election in any State where union-shop contracts are forbidden by State law. This decision was based upon section 14 (b) which states that

Nothing in this Act shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory in which such execution or application is prohibited by State or Territorial law.
Procedure in Representation Cases

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

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

FOR FURTHER INFORMATION

Write to the Division of Information, National Labor Relations Board, Washington 25, D. C.

NATIONAL EMERGENCIES


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

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

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

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

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

FOR FURTHER INFORMATION

Write to the Claims Division, U. S. Department of Justice, Washington 25, D. C.

RESTRICTIONS ON PAYMENTS TO EMPLOYEE REPRESENTATIVES

Labor Management Relations Act of 1947, Title III, Section 302, U. S. Code 1946, Supp. III, Title 29, Section 186

Payments to employee representatives by an employer are prohibited in industries affecting interstate commerce except that certain payments are recognized as proper and legitimate. The permitted payments are limited to (a) compensation paid to a union representative for work as an employee, (b) payment in satisfaction of a court judgment, arbitration award, or settlement of a claim, (c) the purchase price of an article or commodity sold in the regular course of business at prevailing market prices, (d) money deducted from wages for union dues (check-off), and (e) payments to a welfare fund. The last two types of payment are subject to restrictions as indicated below.

Check-off of union dues is permitted if the employer has received the employee's written consent. The consent may be irrevocable for 1 year or until the termination of a collective agreement establishing the check-off, whichever occurs sooner.

Payments made to welfare funds are subject to the following conditions: The fund must be established as a trust under a written agreement and administered jointly by employers and employees. It must provide for medical or hospital care, pensions, workmen's compensation, insurance of any of the foregoing, unemployment benefits, life insurance, disability and sickness insurance, or accident insurance. Contributions to funds established after January
1, 1947, providing for pooled vacation benefits are prohibited. Pension funds must be kept separately. The restrictions on the administration of the funds do not apply to funds established by collective agreements prior to January 1, 1946.

The Department of Justice is charged with prosecuting violators, who are subject to a fine of not more than $10,000 or imprisonment for not more than 1 year, or both. The Federal courts may also enjoin violations of these provisions.

SUITs BY AND AGAINST LABOR ORGANIZATIONS

Labor Management Relations Act of 1947, Title III, Sections 301, 303, U. S. Code 1946, Supp. III, Title 29, Sections 185, 187

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

In addition any person injured in his business or property as a result of certain listed activities of a labor union in an industry affecting interstate commerce, has a right to sue the union and to recover damages. Generally speaking these activities are limited to boycotts, sympathy strikes, and jurisdictional strikes. The same activities are unfair labor practices under Title I of the Labor Management Relations Act. (See p. 10.)

POLITICAL CONTRIBUTIONS

Labor Management Relations Act of 1947, Title III, Section 304, U. S. Code 1946, Supp. III, Title 18, Section 610

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

The U. S. Department of Justice is charged with prosecuting violators. Corporations or labor unions are subject to a fine of not more than $5,000, and labor and corporation officials may be punished by a fine of not more than $1,000 and imprisonment for not more than 1 year, or both.
The Federal Mediation and Conciliation Service was established to assist labor and management in arriving at peaceful settlements of labor disputes. Generally, the Service attempts to mediate and conciliate if the dispute threatens a substantial interruption of interstate commerce. When a dispute would have only a minor effect upon interstate commerce and a State or local agency is available, the Federal Service usually does not offer its mediation and conciliation facilities.

The Service may intervene in labor disputes at the request of one or more of the parties to the dispute or on its own motion. The Labor Management Relations Act requires employers and unions who wish to modify or terminate existing collective bargaining agreements to serve a notice on each other 60 days before the effective date of such changes. It also requires such parties, if the dispute is not settled within 30 days, to file a notice with the Federal Service and any State mediation or conciliation agency which might have jurisdiction. The Federal Service supplies forms at its regional offices for these “30-day notices.” Failure to file notices may result in a charge that a party is not bargaining collectively, as required by the act.

It is the policy of the Service to promote collective bargaining and encourage the parties to settle industrial disputes by themselves. The Service exists to assist parties who have reached a deadlock in bargaining relations to settle their differences and to reach their own agreements. It has no coercive or compulsory powers. However, the statute says that parties to labor disputes “shall participate fully and promptly in such meetings as may be undertaken by the Service under this act for the purpose of aiding in a settlement of the dispute.”

When the Service decides to intervene in a dispute, a commissioner of the Service immediately contacts the parties and uses his best efforts to bring them to an agreement. If he is unable to bring about settlement by mediation within a reasonable time, he may suggest other means such as arbitration or other procedures. If arbitration is agreed to by the parties, whether or not at the suggestion of the commissioner, the Service furnishes assistance by supplying the parties with a list of qualified arbitrators from which they may make a selection of the arbitrator of their choice. The arbitrator selected is paid by the parties. The procedures and policies of the Service are outlined in a statement, which is available at its regional offices.

The functions and duties of the Federal Mediation and Conciliation Service are administered in the field by a staff of commissioners working under the supervision of twelve regional directors, each of
whom is responsible for the execution of the duties and policies of the Service in his geographical area. A small staff in Washington coordinates field activity and establishes basic policies for the entire Service.

FOR FURTHER INFORMATION

Write or contact the Federal Mediation and Conciliation Service, Washington 25, D. C., or any of its field or regional offices.

RAILWAY LABOR ACT

Act of May 20, 1926, as amended 1934, 1936, and 1940, U. S. Code 1940, Title 45, Sections 151-164 and 181-188

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

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

Two agencies administer the act:

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

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

Rights of Employees

Section 2 of the act states that Employees shall have the right to organize and bargain collectively through representatives of their own choosing. Section 2 (3), (4), and (5) of the act, outlined below, which protect this right, are made a part of every collective agreement.
In order to protect workers in exercising this right, carriers are forbidden to do any of the following acts:

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

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

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

d. To check off union dues [sec. 2 (4)].

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

**Determination of Collective Bargaining Representatives**

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

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

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

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

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

**Duties of Carriers and Employees to Bargain Collectively**

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

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

**Procedure in Making and Revising Agreements**

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

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

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

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

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

**Procedure in Disputes Arising Out of Existing Agreements on Railroads**

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

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

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

First Division—train, engine, and yard service employees.
Second Division—shop crafts.
Third Division—station, tower, telegraph, dispatching, clerical, store, maintenance-of-way, sleeping car, and dining car employees, and signalmen.
Fourth Division—Marine service employees, and all other employees not included in the first three divisions.

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

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

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

Procedure in Disputes Arising Out of Existing Agreements on Air Lines

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

Maintenance of the Status Quo

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

Posting Notices

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

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

FOR FURTHER INFORMATION

Write to the National Mediation Board, Washington 25, D. C.

ANTI-INJUNCTION ACT
(NORRIS-LAGUARDIA ACT)


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

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

Yellow-Dog Contracts

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

When Injunctions May Not Be Issued

No Federal court may issue an injunction, temporary or permanent, in any case involving or growing out of a labor dispute, to prohibit any individual worker or group of workers acting in concert from doing any of the following acts, except as modified by the Labor Management Relations Act. (See p. 15.)

(1) Ceasing or refusing to work.
(2) Joining or continuing membership in a union.
(3) Aiding or refusing to aid financially or by other lawful means any person participating in or interested in a labor dispute.
(4) Giving publicity to the existence of or the facts involved in any labor dispute whether by advertising, speaking, patrolling, or by any other method not involving fraud or violence.
(5) Assembling peaceably to act or to organize to act in promotion of their interests in a labor dispute.

(6) Advising or notifying any person of intent to do any of the above, agreeing or refusing to do any of the above, or inducing others to do any of the above acts, without fraud or violence.

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

**When Injunctions May Be Issued**

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

The court must also find that:

1. Unlawful acts have been threatened and will be committed unless restrained or have been committed and will be continued unless restrained;

2. Substantial and irreparable property damage will follow;

3. Greater injury will result to the complainant from denying the injunction than to the defendant from granting it;

4. The complainant has no adequate remedy at law;

5. Public officers are unable or unwilling to furnish adequate protection;

6. The complainant has complied with every legal obligation involved in the dispute and has made every reasonable effort to settle the dispute by negotiation or with the aid of available Governmental machinery.

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

*Exception.*—Under special circumstances a Federal court may issue a temporary restraining order for a maximum of 5 days without an open court hearing, on the basis of sworn testimony sufficient to sustain a temporary injunction issued on hearing after notice, and on condition that the complainant posts a bond.

**Issuance of Injunctions in Special Cases**

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

FOR FURTHER INFORMATION

Write to the Office of the Solicitor, U. S. Department of Labor, Washington 25, D. C.

ANTI-STRIKEBREAKER LAW

(BYRNES ACT)

Act of June 24, 1936, as amended 1938, U. S. Code 1946, Supp. III, Title 18, Section 1231

The anti-strikebreaker law makes it a felony to transport in interstate commerce any person employed for the purpose of interfering by force or threats with:

a. Peaceful picketing during any labor dispute affecting wages, hours, or working conditions; or
b. Exercise of employee rights of self-organization or collective bargaining.

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

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

ANTI-RACKETEERING LAW

(HOBBS ACT)

Act of June 18, 1934, as amended 1946, U. S. Code 1946, Supp. III, Title 18, Section 1951

The anti-racketeering law makes it a felony to obstruct, delay, or affect commerce, or the movement of any article or commodity in commerce, by robbery or extortion.

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

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

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

UNLAWFUL PRACTICES IN RADIO BROADCASTING

(LEA ACT)

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

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

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

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

FAIR LABOR STANDARDS ACT OF 1938
(WAGE AND HOUR LAW)


THE FAIR LABOR STANDARDS ACT—The Federal Wage-Hour Law is administered by the Secretary of Labor through the Administrator of the Wage and Hour Division. This law has been in effect since 1938 and sets minimum wage, overtime, and child-labor standards which apply to employees engaged in interstate commerce or in the production of goods for interstate commerce. Application does not deal in a blanket way with industries as a whole, but is determined on the basis of an employee’s activities.

The basic standards set by this Act (which was amended in many respects, effective January 25, 1950) provide:

- A minimum wage of 75 cents an hour (except for industries in Puerto Rico and the Virgin Islands, where lower rates may be set by administrative wage orders, based upon recommendation of an industry committee equally representing labor, management, and the general public);
- Time and one-half pay for overtime after 40 hours worked in a workweek (except as otherwise specifically provided);
- A minimum age of 16 for general employment (except for occupations declared hazardous by the Secretary of Labor, where a minimum age of 18 applies, and certain occupations outside of school hours, where the minimum age is 14).

The Act applies to all covered workers (unless specifically exempt) . . . male and female, whether employed in a factory, office, or at home . . . It applies without regard to the number of employees in an establishment . . . It does not limit the number of hours of work in a day or in a week . . . It does not require payment for days or hours not worked, such as holidays, vacations, or sick leave . . . It
does not provide for different rates of pay for work on Saturdays, Sundays, or holidays, as such.

Subminimum Rates

The minimum wage of 75 cents an hour applies to all covered workers, irrespective of age. Under certificates issued by the Wage-Hour Administrator, subminimum rates may be paid to certain learners, messengers, apprentices, and handicapped workers, subject to regulations issued under Section 14 of the Act, which provides for subminimum rates in some instances, "to the extent necessary in order to prevent curtailment of opportunities for employment."

Workers Who Are Covered

Workers considered "engaged in (interstate) commerce" include those in telephone, telegraph, radio, television, and railroad jobs; in the purchasing or ordering of goods from other States; in unloading, unpacking, checking, or otherwise handling goods on receipt directly from outside the State; in maintaining records of such interstate activities; and workers who regularly travel across State lines in the performance of their duties, or who regularly make use of instrumentalities of commerce such as the telephone, telegraph, and the mails for interstate communication.

Workers considered "engaged in the production of goods for (interstate) commerce" are those who manufacture, mine, handle, transport, or in any other manner work on such goods, OR are employed "in any closely related process or occupation directly essential to the production."

Workers Who Are Exempt

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

A large group of workers is affected by one of these exemptions, under which a retail or service establishment may qualify for an establishment-wide exemption applying to all workers. Under this exemption, all workers employed by such an establishment—including those who individually may be engaged in interstate commerce activities—are exempt from the Act's minimum-wage and overtime provisions. This means that the minimum-wage and overtime protection of the Act generally would not apply to workers employed in local establishments, such as grocery stores, variety stores, department stores, drug stores, restaurants, barber shops, beauty parlors, hotels, motion picture theaters, hospitals, nursing homes, and filling stations.
Another large group of workers is affected by the various complete and partial exemptions for certain cannery workers and food processors. Some workers are exempt from the overtime provision of the Act when they are subject to regulation by the Interstate Commerce Commission or are under the Railway Labor Act.

The so-called "white collar" exemptions provide for minimum-wage and overtime exemptions for employees engaged in bona fide "executive," "administrative," "professional," "local retailing," and "outside salesman" capacities, as defined in regulations issued by the Department of Labor. Among others, supervisors may be found exempt as "executive" employees under these regulations. (Further information on exemptions may be obtained from the nearest office of the Wage and Hour and Public Contracts Divisions, U. S. Department of Labor, or from the Wage and Hour and Public Contracts Divisions, U. S. Department of Labor, Washington 25, D. C.)

Calculation of Overtime

Compensation for overtime—work after 40 hours in a workweek—ordinarily is due when the employee customarily receives his pay.

Such overtime payments must be at the rate of not less than one and one-half times the "regular rate" at which the employee is actually employed and paid, except as otherwise specifically provided . . . The employee's "regular rate" of pay—the hourly rate actually paid for the normal, nonovertime workweek—includes all remuneration for employment, with the exception of certain special payments excluded under Section 7 (d) of the Act, such as premium payments at least time and one-half for work on Saturdays, Sundays, or holidays.

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

(The following examples illustrate the method of computing the "regular rate" when the ordinary methods of wage payment are used. If an employee so paid also receives additional earnings which are not excluded from the "regular rate" under Section 7 (d) of the Act, his "regular rate" is increased to the extent of the average hourly increase which the added payment makes in his straight-time earnings for the workweek.)
Example of Hourly-pay Basis of Computation.—“John A” is employed at $1.20 an hour and receives no other compensation for his services. That is his “regular rate” of pay, and he would receive 40 times that amount, or $48, for a week in which he worked 40 hours. If he worked 45 hours in a week, he would be entitled to an additional $9 for the 5 overtime hours at the rate of $1.80 an hour (one and one-half times his “regular rate”), or a total of $57 for that week.

Piece-work Basis of Computation.—For the employee who is employed on a piece-work basis, the regular hourly rate of pay is computed for each workweek by dividing the total piece-work earnings by the total number of hours worked for which such earnings were paid. For overtime work, the piece worker is entitled to be paid, in addition to piece-work earnings for the entire period, a sum equivalent to one-half the regular hourly rate of pay multiplied by the number of hours worked in excess of 40 in the week.

Example.—“Helen B” is paid on a piece-work basis. In a week in which she works 45 hours and her piece-work earnings for these hours are $49.50, her regular hourly rate of pay would be $1.10 ($49.50 ÷ 45). But, for the 5 hours of overtime work she would be entitled to additional pay of five times one-half her regular hourly rate of pay, or an additional $2.75, which would bring her total earnings for that overtime week to $52.25.

(As indicated above, the Act provides an alternative method for the computation of overtime pay for piece workers.)

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

Example.—“Mary C” is paid $156 a month for a specified workweek of 40 hours. Her equivalent weekly salary is $36 ($156 ÷ 12 (months) ÷ 52 (weeks)) and her regular hourly rate is 90 cents ($36 ÷ 40). In a workweek in which she works 44 hours, she would be entitled to one and one-half times her hourly rate for the 4 overtime hours, or total pay of $41.40 for that week—$36, plus 4 hours at $1.35, or $5.40 additional.

Example.—“Henry D,” whose hours fluctuate from week to week, is paid $50 for a workweek of an unspecified number of hours. One week he works 37 hours, the next 40, etc. Therefore, his regular hourly rate of pay changes weekly (although it cannot lawfully go below the Act’s minimum-wage rate of 75 cents). In a week in which he works 50 hours, for instance, his regular hourly rate would be $1.00
($50 \div 50) and his total pay would be $55 (the first 40 hours at $1.00, plus 10 hours at $1.50—or 50 hours at $1.00, plus 10 hours at 50 cents).

What the "Workweek" Is. Under the Fair Labor Standards Act, an employee's workweek is a fixed and regularly recurring period of 168 hours—7 consecutive 24-hour periods. A workweek need not coincide with the calendar week—it may begin on any day of the week and at any hour of the day. The beginning of an employee's workweek may be changed if the change is intended to be permanent and not to evade the overtime provisions of the Act.

Each Workweek Stands Alone.—Each workweek stands alone under the Act. There may be no averaging of hours of work over two or more workweeks for determining overtime hours; that is, overtime must be paid for all hours worked over 40 in each workweek.

Deductions From Wages.—Deductions which bring the employee's free and clear cash wages below 75 cents an hour are permitted only when the employer makes the deductions for employee facilities as discussed below.

The employer may deduct the reasonable cost of furnishing his employees with board, lodging, or other facilities which are primarily of benefit to the employee if they are customarily furnished by the employer to his employees. Reasonable cost does not include a profit to the employer or to any affiliated person.

The cost of furnishing facilities which are primarily for the benefit or convenience of the employer (such as tools of the trade, required safety equipment, required uniforms or their laundering) may not be included in figuring the minimum wage and may be deducted only if the actual cash wage paid after such deductions is at least 75 cents an hour.

Deductions for union dues, charitable contributions, and other payments to someone other than the employer, which bring the cash wage below 75 cents an hour, are allowable provided they are made with the consent of the employee and the employer does not derive any profit or benefit from the deduction.

Child Labor

The Act's child-labor provisions (which set a minimum age of 16 for general employment and 18 for hazardous jobs) directly prohibit the employment of "oppressive child labor" in commerce or in the production of goods for commerce—including any closely related occupation or process directly essential to such production. Also prohibited is the shipment or delivery for shipment in interstate commerce by any producer, manufacturer, or dealer of any goods produced in establishments, in or about which minors have been employed contrary to the minimum-age standards set by the Act within 30 days.
prior to removal of the goods. An exception to the prohibition of such shipments is provided under specified conditions for certain purchasers acting in good faith, in reliance on written statements of compliance.

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

**Oppressive Child Labor**

“Oppressive child labor” is defined as:

(a) Employment of child under 16, except employment of children between 14 and 16 years of age in such nonmining and nonmanufacturing occupations and under such conditions as the Secretary of Labor determines not to interfere with their schooling, health, or well-being.

(b) Employment of minors between 16 and 18 years of age, in occupations found, and by order declared, by the Secretary of Labor to be particularly hazardous or detrimental to their health or well-being.

The employment of a child under 14 in any occupation is “oppressive child labor,” unless specifically exempt.

**Hazardous Occupations**

The following hazardous occupations orders, each establishing a minimum age of 18, have been issued to deal with:

(a) Occupations in or about plants manufacturing explosives or articles containing explosive components.

(b) Occupations of motor-vehicle driver and helper.

(c) Coal-mine occupations.

(d) Logging occupations and occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill.

(e) Occupations involved in the operation of power-driven woodworking machines.

(f) Occupations involving exposure to radioactive substances.

(g) Occupations involved in the operation of elevators and other power-driven hoisting apparatus.

**Exempt Child Labor**

The following are exempt from the child-labor provisions of the Act:

(a) Children employed in agriculture outside of school hours for the school district where such child is living while so employed.

(b) Children employed as actors or performers in motion-picture or theatrical productions or in radio or television productions.

(c) Children under 16 years of age employed by their parents, or persons standing in place of parents, in an occupation other than
manufacture or mining or an occupation found by the Secretary of Labor to be particularly hazardous.

(d) Children delivering newspapers to the consumer.

Certificates

Employers can protect themselves from unintentionally employing a minor under the legal age by having on file a certificate of age issued in accordance with regulations of the Secretary of Labor showing that the minor is above the legal age for employment in the occupation in which he is engaged. Age or employment certificates issued under State child-labor laws are accepted as proof of age in 44 States, the District of Columbia, Puerto Rico, and Hawaii. Federal certificates of age are issued in Idaho, Mississippi, South Carolina, and Texas.

Home Work Is Regulated

The Act authorizes the issuance of regulations and orders, regulating, restricting, or prohibiting industrial home work. As of January 1950, the Wage-Hour Administrator had issued regulations restricting home work in the following industries:

- Jewelry manufacturing industry;
- Knitted outer-wear industry;
- Embroideries industry;
- Handkerchief manufacturing industry;
- Button and buckle manufacturing industry;
- Women's apparel industry;
- Gloves and mittens industry.

Records

No particular order or form of records is prescribed by regulations of the Department of Labor for employers generally. It is required only that an employer make and keep clear, accurate, and complete records which shall reflect the information and data required by the regulations with respect to the persons employed by him and of the wages, hours, and other conditions and practices of employment maintained by him.

"Hot Goods"

It is unlawful under the Fair Labor Standards Act "to transport, offer for transportation, ship, deliver, or sell with knowledge that shipment or delivery or sale thereof in commerce is intended" any goods produced in violation of the Act's minimum-wage or overtime provisions. Exemptions are provided under specified conditions for common carriers, and for certain purchasers acting in good faith reliance on written statements of compliance.
Recovery of Back Wages

The Act provides three methods for the recovery of unpaid minimum and/or overtime wages due an employee.

(a) The employee may bring suit against the employer to recover the wages withheld, together with liquidated damages in an amount equal to the back wages due, plus a reasonable fee for an attorney, and suit costs. Under specified conditions, the court may limit or eliminate the recovery of liquidated damages from employers found to have acted in good faith.

(b) The Wage and Hour Division may supervise the payment of back wages for employees. Employees who agree to accept such payment and are paid in full the unpaid minimum wages or the unpaid overtime compensation owing to them under the Act waive their independent statutory rights to such back pay and to liquidated damages.

(c) The Secretary of Labor on the written request of affected employees, may under certain conditions bring suit against the employer to recover back wages due. Employees consenting to the bringing of such suits waive their independent right to sue for such back pay and for liquidated damages. (Suits to recover such back wages must be commenced within two years from the time when the minimum and/or overtime wages became due and the employer failed to pay them.)

Penalties

The Federal Government may prosecute criminally for willful violations of the Fair Labor Standards Act. Upon conviction, the employer may be fined up to $10,000, and, in the case of a second conviction, imprisoned for up to six months.

The Secretary of Labor may ask a Federal district court to restrain violations of the Act by injunction.

Under certain conditions, an employer may have a "good faith" defense against liability or punishment for failing to pay minimum wages or overtime compensation due under the Fair Labor Standards Act.

The Act prohibits discharging or discriminating against an employee because he has filed a complaint or started or participated in a proceeding under the Act.

Complaints, records, and other information obtained by the Department of Labor from employees and employers are treated confidentially.

FOR FURTHER INFORMATION

Further information about application of the Fair Labor Standards Act may be obtained from the nearest office of the Wage and Hour
and Public Contracts Divisions, U. S. Department of Labor, or from the Wage and Hour and Public Contracts Divisions, U. S. Department of Labor, Washington 25, D. C.

WALSH-HEALEY PUBLIC CONTRACTS ACT


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

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

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

Minimum-wage Rates

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

(For information as to which industries are covered by public contracts minimum-wage determinations, communicate with the nearest office of the Wage and Hour and Public Contracts Divisions or write to the Wage and Hour and Public Contracts Divisions, U. S. Department of Labor, Washington 25, D. C.)

Hours of Work

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

Child Labor

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

The law prohibits the employment of convict labor.

Safety and Health

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

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

Home Work

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

Learners, Apprentices, and Handicapped Workers

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

(For further information on this subject consult the nearest office of the Wage and Hour and Public Contracts Divisions.)

Exemptions

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

Exceptions

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

Records; Posting Notices

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

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

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

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

Penalties

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

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

FOR FURTHER INFORMATION

Further information may be obtained from the nearest office of the Wage and Hour and Public Contracts Divisions, U. S. Department of Labor, or from the Wage and Hour and Public Contracts Divisions, U. S. Department of Labor, Washington 25, D. C.

PREVAILING WAGE LAW

(DAVIS-BACON ACT)


The Davis-Bacon Act requires payment by contractors and subcontractors of wage rates determined by the Secretary of Labor to be prevailing in the locality on construction, alteration, or repair of public buildings or public works performed under contract with the Federal Government or the District of Columbia.

A similar requirement is made in connection with construction of hospitals and airports by State agencies using Federal funds
under the Hospital Survey and Construction Act of 1946 \(^1\) and the Federal Airport Act of 1946 \(^2\), respectively, in connection with the construction of rental housing projects insured by Federal funds under certain sections of the National Housing Act, as amended \(^3\), and in connection with the development of projects assisted under Title I (slum clearance and community development) and Title III (low rent public housing) of the Housing Act of 1949 \(^4\).

The Secretary of Labor is authorized to prescribe standards, regulations, and procedures to be observed by the agencies engaged in contracts subject to the Davis-Bacon Act and the agencies responsible for the administration of the above laws in the enforcement of these labor standards. He is also authorized to make such investigations as he deems desirable to insure compliance with, and enforcement of, such standards.

The Davis-Bacon Act applies to laborers and mechanics employed directly upon the site of the work in continental United States, Alaska, and Hawaii on contracts or subcontracts amounting to more than $2,000.

**Determination of Wages**

At the request of the Government agency for whom the contract is being performed, the Secretary of Labor determines the wage rate prevailing in the locality where the work is to be done, for each class of labor involved. These rates are based on information concerning wage rates paid for similar work in the locality submitted by interested parties at the request of the U. S. Department of Labor, or obtained at hearings conducted by a Labor Department referee.

Minimum-wage rates thus determined are advertised in the specifications and inserted in the contract. The minimum-wage rates as determined by the Secretary of Labor for the project must be posted by the contractor at the site of the work.

Payment of wages must be made in full at least once a week, without subsequent deduction or rebate.

**How To Collect Unpaid Wages**

The Government contracting agency is required to see that the contract terms are carried out.

If the specified wages are not paid in full each week, the worker should file a complaint with the Government representative on the job, the Government contracting agency, or the Solicitor of Labor, Washington 25, D. C.

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If the Government agency finds the complaint valid, it will call on the Comptroller General to withhold payments from the contractor and to pay unpaid wages directly to the workers out of the funds withheld.

If the money withheld from the contractor’s payments is not enough to pay all wages due, the workers may also sue the contractor or his bond for performance of the contract. An agreement by the worker to accept less than the required rate or a refund of wages voluntarily made is not a defense in such a suit.

Penalties

Possible penalties to which the contractor is liable for violating this law are:

a. Withholding of payments to the contractor by the Comptroller General.
b. No award of Government contracts for 3 years.
c. Cancellation of the contract by the contracting agency, charging any extra cost incurred to the original contractor.

FOR FURTHER INFORMATION

Write to the Office of the Solicitor, U. S. Department of Labor, Washington 25, D. C.

ANTI-KICKBACK LAW
(COPELAND ACT)


The Copeland Act imposes a penalty on any person who by force, intimidation, threat of dismissal, or by any other means, induces any person employed on public construction work, or on work financed in whole or in part by Federal funds, to give up any part of his compensation.

The Secretary of Labor is authorized to make reasonable regulations for contractors and subcontractors engaged in the above work; to prescribe standards, regulations and procedures to be observed by contracting agencies in the enforcement of the provisions of this Act; and to make such investigations as he deems desirable to assure compliance with and enforcement of the Act. The Government agency letting the contract is responsible for seeing that the Act and the regulations of the Secretary of Labor are complied with.

A fine of not more than $5,000, or imprisonment for not more than 5 years, or both, may be imposed for violations of the act.
EIGHT-HOUR LAW


This law limits to 8 a day the hours of employment of laborers and mechanics employed by the Government or by contractors or subcontractors upon public works of the United States or the District of Columbia or by contractors or subcontractors in connection with the performance of any contract to which the United States, any Territory, or the District of Columbia is a party, except contracts for transportation, communications, supplies, materials or articles as may be bought in the open market, or the construction or repair of levees or revetments necessary for protection against floods, provided, however, that any contractor or subcontractor may employ such persons more than 8 hours a day if time and one-half is paid for overtime.

The Government agencies that let the contracts are responsible for obtaining compliance. The Secretary of Labor, however, is authorized to prescribe standards, regulations, and procedures to be observed by these agencies and to make such investigations as he deems desirable to assure compliance with and enforcement of the law.

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

FOR FURTHER INFORMATION

Write to the Office of the Solicitor, U. S. Department of Labor, Washington 25, D. C.
Social Security

SOCIAL SECURITY ACT


THE SOCIAL SECURITY Act provides for two Nation-wide systems of social insurance to protect wage earners and their families against loss of income due to unemployment, old age, and death:

1. Old-age and survivors insurance, an all-Federal system, operated by the United States Government through the Social Security Administration and approximately 480 field offices (see p. 50); and

2. Unemployment insurance, a Federal-State plan under which each State sets up its own law and State administrative agency, with the Federal Government paying all operating costs (p. 61).

Supplementing these, the Social Security Act provides for public assistance on a Federal-State plan with monthly cash payments to needy old people, needy dependent children, the needy blind, and needy persons who are permanently and totally disabled (p. 56).

The act also provides grants to the States for maternal and child-health services, services for crippled children, and child-welfare services, to supplement State and local funds available for such programs (p. 57).

FOR FURTHER INFORMATION

If you have special questions about any of the social security programs, outlined below, go to the local office of the appropriate agency in your community. (See directory below.) Look in the telephone book or ask at the post office for the address of the local agency.

You may also write to the Federal or State agency concerned. State agencies usually have their headquarters in the capital of the State. The Federal agencies and many State agencies have leaflets explaining these programs in more detail. You can get these by
requesting information on the particular program in which you are interested.

**Agencies Administering Sections of the Social Security Act**

**OLD-AGE AND SURVIVORS INSURANCE**

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<td>Social Security Administration</td>
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<td></td>
<td>Federal Security Agency</td>
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<td>Washington 25, D. C.</td>
</tr>
</tbody>
</table>

**UNEMPLOYMENT INSURANCE**

<table>
<thead>
<tr>
<th>Local State Employment Office, or State Employment Security Agency</th>
<th>Bureau of Employment Security</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>United States Department of Labor</td>
</tr>
<tr>
<td></td>
<td>Washington 25, D. C.</td>
</tr>
</tbody>
</table>

**PUBLIC ASSISTANCE**

(To the needy aged, needy blind, disabled, and dependent children)

<table>
<thead>
<tr>
<th>Local Public Welfare Office, or State Public Welfare Agency</th>
<th>Bureau of Public Assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Social Security Administration</td>
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<tr>
<td></td>
<td>Federal Security Agency</td>
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<tr>
<td></td>
<td>Washington 25, D. C.</td>
</tr>
</tbody>
</table>

**MATERNAL AND CHILD-HEALTH SERVICES**

<table>
<thead>
<tr>
<th>Local Health Department, or Maternal and Child Health Division of the State Health Department</th>
<th>Children's Bureau</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Social Security Administration</td>
</tr>
<tr>
<td></td>
<td>Federal Security Agency</td>
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<tr>
<td></td>
<td>Washington 25, D. C.</td>
</tr>
</tbody>
</table>

**SERVICES FOR CRIPPLED CHILDREN**

<table>
<thead>
<tr>
<th>Local Health or Welfare Department, State Crippled Children's Agency</th>
<th>Children's Bureau</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Social Security Administration</td>
</tr>
<tr>
<td></td>
<td>Federal Security Agency</td>
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<td></td>
<td>Washington 25, D. C.</td>
</tr>
</tbody>
</table>

**CHILD-WELFARE SERVICES**

<table>
<thead>
<tr>
<th>Local Public Welfare Agency, or Child Welfare Division of the State Public Welfare Agency</th>
<th>Children's Bureau</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Social Security Administration</td>
</tr>
<tr>
<td></td>
<td>Federal Security Agency</td>
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<tr>
<td></td>
<td>Washington 25, D. C.</td>
</tr>
</tbody>
</table>

**OLD-AGE AND SURVIVORS INSURANCE**

Old-age and survivors insurance is a Nation-wide insurance system. It provides old-age benefits from $20 to $150 a month to an insured worker and his family after the wage earner reaches 65 and leaves employment covered by the act, and survivors benefits to his family when the worker dies, whatever his age.
Building Up Credits

To qualify for benefits for himself and his family the worker must fulfill the following conditions:

a. He must have worked on a job covered by the law (employment not covered by the law includes generally farm operators, irregularly employed agricultural and domestic workers, railroad employees, government workers now under a retirement plan, and certain professional workers).

b. To be fully insured he must have received at least $50 in wages in each of at least half of the calendar quarters between January 1937 or his twenty-first birthday, whichever date is later, and his sixty-fifth birthday or the date of his death, whichever comes earlier, or he must have been paid at least $50 in half the quarters elapsing after 1950. No person can be fully insured with less than 6 quarters of coverage. Once he has earned 40 quarters of coverage, he becomes fully insured for life. Certain survivors benefits are payable to a worker's dependents if the worker, at the time of his death, was only currently insured; that is, if he had worked on a covered job at least half the last 3 years of his life.

How Are Monthly Benefits Figured?

Monthly benefits are figured according to a formula that takes into account the worker's average monthly wage on covered jobs.

His average wage cannot be calculated exactly until he retires or dies; but on the basis of his usual pay in covered jobs, he can figure out roughly what his benefits may be.

To do this: take 50 percent of the first $100 of the average monthly wage. Add 15 percent of the rest of it (the total wages counted may not be more than $300). The total is his monthly benefit payment.

For example, a certain worker averages $200 a month steadily. The calculation of his benefit would be:

\[
\begin{align*}
50 \text{ percent of the first } $100 & = $50.00 \\
15 \text{ percent of the remaining } $100 & = 15.00 \\
& = 65.00
\end{align*}
\]

This is called the primary insurance benefit. It is the benefit to which the worker himself is entitled when he reaches 65, on the basis of the wages or self-employment income he has earned in covered employment. All other benefits under the old-age and survivors insurance program are figured on the basis of the primary benefit. No

\[1\] A calendar quarter is the 3-month period beginning the first of January, April, July, or October of any year.

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primary benefit will ever be less than $20. In other words, if the benefit calculation should come to less, the amount will be raised to $20.

Who Gets Benefits—and How Much?

There are two kinds of benefits: retirement and survivors.

Retirement benefits may be claimed by a fully insured worker when he retires at 65 or later. The family of a retired worker may also be entitled to receive monthly benefits. Family benefits are based on the primary benefits. The retired worker’s wife (who has reached 65 or at an earlier age if she has a child of the worker in her care) and each child under 18 are entitled to receive amounts equal to one-half the worker’s primary benefit. However, there is a limit on the amount the family can receive. Altogether they cannot get more than 80 percent of his average monthly pay, or $150, whichever is least.

Even though an individual between ages 65 and 75 has been held entitled to benefits, they will not be paid to him for any month in which he, or the worker on whom his entitlement to benefits is based, earns $50 or more for work covered by the law. After age 75 there is no limit on earnings.

Survivor benefits may be claimed by the widow of an insured wage earner. She is entitled to a benefit equal to three-fourths of her husband’s monthly benefit when she reaches 65, if she has not remarried. A younger widow who has children of a fully or currently insured wage earner in her care may receive a similar benefit. In addition, the first child under 18 may receive a benefit equal to three-fourths the father’s monthly benefit amount. Additional children receive one-half. If a fully insured wage earner leaves no widow or children under 18 who could become entitled to benefits, but does leave a parent 65 or over who was chiefly dependent on him, then the parent may receive an amount equal to three-fourths of his benefit amount.

Everyone who was in the military service of the United States in World War II is assumed to have wage credits of $160 for every month or part of a month spent in the service. Service from September 16, 1940, through July 24, 1947, counts as service in World War II. In addition, survivors of World War II veterans who have died within 3 years after discharge are guaranteed the same survivors benefits they would have enjoyed if the veteran were fully insured under old-age and survivors insurance. These survivors benefits will be based on an average monthly wage of $160 per month plus an additional amount for the number of years of military service. Veterans’ survivors who are receiving pensions or compensation from the Veterans Administration are not eligible to receive these special old-age and survivors insurance payments.

In the event of the death of any insured worker, a lump sum equal to three times his monthly benefit may be paid to the surviving spouse.
who was living with the wage earner at time of death, or in the absence of such a spouse to the person who paid the burial expenses.

Any person who is entitled to more than one benefit can claim the larger amount. For example, a woman who has a social security account of her own may, of course, qualify for benefits at 65 on her own account. If she is a wife or a widow and entitled to benefits on her husband’s account also, she cannot get both; but her benefit is increased to equal the larger amount.

The following examples show the benefits payable to retired workers with different average earnings, and also to their wives, children, or survivors. In each of these examples it is assumed that the wage earner earned $200 or more each year in covered occupations.

**RETIREMENT**

<table>
<thead>
<tr>
<th>Average monthly wage</th>
<th>Wage earner's monthly benefit</th>
<th>Wife's monthly benefit</th>
<th>Child's monthly benefit</th>
</tr>
</thead>
<tbody>
<tr>
<td>$50</td>
<td>$25.00</td>
<td>$12.50</td>
<td>$12.50</td>
</tr>
<tr>
<td>150</td>
<td>57.50</td>
<td>28.75</td>
<td>28.75</td>
</tr>
<tr>
<td>200</td>
<td>65.00</td>
<td>32.50</td>
<td>32.50</td>
</tr>
<tr>
<td>250</td>
<td>72.50</td>
<td>36.25</td>
<td>36.25</td>
</tr>
<tr>
<td>300</td>
<td>80.00</td>
<td>40.00</td>
<td>40.00</td>
</tr>
</tbody>
</table>

**SURVIVORS' MONTHLY BENEFITS**

<table>
<thead>
<tr>
<th>Average monthly wage</th>
<th>Widow's benefit</th>
<th>Total benefits, widow and one child</th>
<th>Total benefits, widow and two children</th>
</tr>
</thead>
<tbody>
<tr>
<td>$50</td>
<td>$18.75</td>
<td>$37.50</td>
<td>1 $40</td>
</tr>
<tr>
<td>150</td>
<td>43.12</td>
<td>85.89</td>
<td>115</td>
</tr>
<tr>
<td>200</td>
<td>48.75</td>
<td>97.50</td>
<td>130</td>
</tr>
<tr>
<td>250</td>
<td>54.37</td>
<td>108.75</td>
<td>145</td>
</tr>
<tr>
<td>300</td>
<td>60.00</td>
<td>120.00</td>
<td>150</td>
</tr>
</tbody>
</table>

1 If both the wife's and the child's benefits are payable in this case, they would each have to be reduced to $10.62 because of the limit on the total amount the family may receive.

2 If both the widow's and the children's benefits are payable in this case, their benefits would have to be reduced to a total of $150 because of the limit on the total amount the family may receive.

**Wages earned after 65.**—A worker may continue to build up insurance credits regardless of his age as long as he remains in employment covered by the program. However, wages received from 1937 to 1939 count toward old-age benefits only if they were earned before a worker's 65th birthday.

**Who Pays for the Insurance?**

Wage earners and their employers share the cost of old-age and survivors insurance by paying special taxes into a fund in the United
States Treasury out of which benefits are paid. The schedule of taxes deducted from a worker's pay (on annual wages up to $3,600) is now as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1950-53</td>
<td>1 1/2</td>
</tr>
<tr>
<td>1954-59</td>
<td>2</td>
</tr>
<tr>
<td>1960-64</td>
<td>2 1/2</td>
</tr>
<tr>
<td>1965-69</td>
<td>3</td>
</tr>
<tr>
<td>1970 and subsequently</td>
<td>3 1/4</td>
</tr>
</tbody>
</table>

The employer must contribute, for each employee, the same amount as deducted from the worker's pay.

Once a year the employer must give the worker a receipt for the tax taken out of his pay. This receipt also shows the amount of wages paid. The employer must also furnish a receipt if and when a worker leaves his job. He also reports quarterly to the Government the wages of everybody on his payroll with the amount of tax in each case.

The Social Security Account

To operate the Federal Old-Age and Survivors Insurance System, and pay benefits on the basis of the worker's average monthly pay, the Federal Government must have a record of the pay each worker receives in covered employment. The Social Security Administration keeps such a record, taken from the employer's wage reports, which are turned in every 3 months with the social security taxes. The record is kept in the form of a separate social security account for each individual worker, under his name and a number that identifies his account.

That number appears with the worker's name on his social security card, which he gets from his local Social Security office. The worker should make sure that every employer for whom he works takes down his social security number exactly as it is printed on the worker's card. The employer must have the number in order to report accurately a worker's wages and social security taxes to the Government. A worker should have only one social security number. If he has more than one number, he should report this fact to his local Social Security office, so that his social security account can be straightened out by bringing all of his recorded wages together under one number.

Every worker should take good care of his social security card. For double safety, he should take off the lower half, or stub, and put it some place where he can always find it. The number will be good as long as he lives. When he or any of his family files a claim for benefits, the number will identify his account. The wages credited to that account will then be used to calculate the benefits that may be due.

He can check up on his social security account each year by writing to the Social Security Administration and asking for a statement of his wage credits. Any mistake that might be found should be reported to the local office immediately so that a correction can be made.
Mistakes may occur if the employer has failed to report accurately and completely the worker’s name, his social security account number, and the amount of wages paid him. Almost any mistake can be corrected regardless of when it is discovered. Some cases, however, cannot be corrected unless the mistake is called to the attention of a Social Security office within 4 years.

A post card form for convenient use in asking for a statement of a worker’s wage record may be obtained free of charge at any Social Security Administration field office. Or write to the Bureau of Old-Age and Survivors Insurance, Candler Building, Baltimore 2, Md., giving name, address, and social security account number. A statement of the worker’s wage record will be sent in a sealed envelope.

The receipts furnished by the employer are another check on the worker’s social security account because they show wages as well as taxes.

No Benefits Are Paid Until a Claim Is Filed

When a worker is ready to file a claim, he should either go or write to the nearest Social Security office saying that he wishes to file a claim for benefits. A member of his family who may have a claim should, of course, do the same thing.

Any Social Security office will help the claimant file the necessary papers. It is not necessary to pay for an attorney’s services in connection with a claim.

If the claim is a proper one under the law, it will be approved and certified to the United States Treasury by the Social Security Administration. The United States Treasury sends out the benefit checks.

How to Appeal a Claim

If a claimant thinks that the decision in his case is incorrect, he can appeal as follows:

FIRST STEP:

Either: Ask for a reconsideration by the Bureau of Old-Age and Survivors Insurance,

Or: Ask for a hearing before a referee of the Appeals Council of the Social Security Administration, who is independent of the Bureau of Old-Age and Survivors Insurance.

A request in writing for a reconsideration or hearing must reach the nearest Social Security Administration office within 6 months from the date the Bureau’s decision was mailed to the claimant.

If the claimant chooses to ask for a reconsideration by the Bureau first and then is not satisfied, he can still obtain a hearing before a referee.
SECOND STEP: If he thinks the referee’s decision is wrong, he may ask to have it reviewed by the Appeals Council of the Social Security Administration in Washington.

THIRD STEP: If he still is not satisfied, he may file a civil suit in a United States District Court.

PUBLIC ASSISTANCE

The public assistance program provides a monthly cash allowance to four types of needy people who have not had an opportunity to build up social insurance rights or whose needs are greater than can be met by present social insurance benefits.

The four programs are:

- **Old-Age Assistance** for men and women 65 and over who are in need and living outside of a public institution;
- **Aid to Dependent Children** for needy children under 16 or under 18 if regularly attending school who have lost the support or care of a parent and are living with a parent or with some other close relative;
- **Aid to the Needy Blind** for those who cannot see well enough to provide for themselves, who are not living in a public institution, and are not receiving old-age assistance;
- **Aid to Needy Persons** who are permanently and totally disabled.

Unlike old-age and survivors insurance, which is financed from employer-employee contributions, public assistance funds are obtained from general taxation.

**Federal Standards**

Public assistance is a Federal-State program. The Federal Government sets up certain standards for the four programs and shares the cost of public assistance with every State that maintains these standards. These include, among others:

a. State-wide operation of an assistance program;
b. The distribution of public assistance on the basis of need;
c. No citizenship requirement, such as length of citizenship, which would exclude a United States citizen;
d. The right to a fair hearing before a State agency if a claim for public assistance has been denied;
e. Safeguards to keep confidential names and other information about people applying for assistance; and
f. Selecting on the basis of merit the personnel needed to administer a State agency’s program.

**Wide Variation in Actual Provisions**

It is the State however—not the Federal Government—that decides who shall get aid and how much shall be paid to each person. Wide variation exists from State to State in regard to eligibility and amount of allowances.
MATERNAL AND CHILD WELFARE

The Children’s Bureau of the Federal Security Agency makes grants for three programs to designated State agencies which submit annual plans to the Bureau for approval. The Bureau also gives advisory services through its medical, nursing, medical-social, child-welfare, and other technical consultants to help the State agencies carry on their programs.

Maternal and Child-Health Services.—State health departments provide financial aid and consultation services to local health departments to extend and improve this program. Among the services offered are maternity clinics, child-health conferences on infants and preschool children, public-health nursing services, health supervision for school-age children through which medical, nursing, dental, and nutrition services are given.

Services for Crippled Children.—State crippled children’s agencies, with the assistance of local health and welfare agencies and other groups locate crippled children and provide medical, surgical, corrective, and other services for children who are crippled or suffering from conditions that may lead to crippling. Facilities and services for diagnosis, hospitalization, and after-care for these children are also provided.

Child-Welfare Services.—State public welfare agencies provide supervisory service and financial aid to extend and strengthen local child-welfare services for the protection and care of homeless, dependent, and neglected children, and children in danger of becoming delinquent. Child-welfare workers are provided in local areas to give service to children with special needs which their families cannot meet unaided.

RAILROAD RETIREMENT ACT

U. S. Code 1940 and Supp. IV, Title 45, Sections 215-228r

The Railroad Retirement Act provides retirement benefits up to $144 a month to aged and disabled railroad workers and survivor benefits to their families. The act is administered by the Railroad Retirement Board, composed of three members appointed by the President, with one member recommended by the carriers and one by the railway labor organizations.

The act applies to employees of railroads, sleeping car and express companies, other companies performing services in connection with railroad transportation, and certain railway labor organizations.

Retirement Benefits

There are two kinds of retirement benefits under the act—retirement annuities and pensions. Workers in covered employment are eligible for retirement annuities if they are:
a. Sixty-five years of age or over, regardless of length of service, or
b. Between 60 and 65 years and have completed 30 years of service, except that if the worker is a man the benefit is reduced for each month that he is under age 65, or
c. Permanently disabled for all regular work and have completed 10 years of service, regardless of age, or
d. Permanently disabled for all regular work and between 60 and 65 years of age, or
e. Disabled for work at regular railroad occupation, currently connected with the railroad industry, and have completed 20 years of service, regardless of age, or
f. Disabled for work at regular railroad occupation, currently connected with the railroad industry, and between 60 and 65 years of age.

No person may receive benefits while working in employment covered by the act, or, in the case of disability retirement, if he recovers from disability before age 65. Also, a disabled annuitant who earns more than $75 in each of any six consecutive months is considered to have recovered from his disability in the last of the 6 months, regardless of his physical condition.

The amount of a retirement annuity is based upon the employee’s average monthly compensation and years of railroad service. The average monthly compensation is computed by dividing the employee’s total creditable railroad earnings by the number of months of service counted toward his annuity, except that the average for the years 1924 through 1931 is considered to be the average for all creditable service before 1937. Not more than $300 may be counted for any one month. All service from January 1, 1937, through the end of the year in which the employee becomes 65 is credited; in most cases, service before 1937 is also counted, but only enough to bring the total up to 30 years.

The annuity formula is applied by taking 2.4 percent of the first $50 of average monthly compensation, 1.8 percent of the next $100, and 1.2 percent of the remainder, then multiplying the sum of these three amounts by the number of years of service. The result is the monthly annuity, but there are two exceptions:

1. If a male employee is awarded an old-age annuity between ages 60 and 65 with 30 years of service, the amount is reduced by 1/180 for each month that he is under 65 when the annuity begins.
2. Workers who are connected with the railroad industry when their annuities begin and who have completed 5 years of service will receive a minimum monthly annuity of at least $3.60 multiplied by the number of years of service, or $60, or the actual average monthly compensation, whichever is least.
The Board has also taken over the payment of pensions to employees pensioned by the carriers before the act was passed and not eligible to receive annuities. The maximum pension payment is $144 a month.

**Survivor Benefits**

A. If an employee dies "completely insured," monthly benefits are payable to his survivors as follows:
1. A widow at age 65, if she has not remarried.
2. Dependent unmarried children under 16 (18 if attending school).
3. A widow having dependent unmarried children under 18 in her care.
4. Dependent parents age 65, when the employee is not survived by a widow or eligible child.

If the employee dies leaving no survivor entitled to immediate monthly benefits, an insurance lump-sum benefit is payable to the widow, widower, children, parents, or persons who paid the funeral expenses.

B. If an employee dies only "partially insured," the monthly benefits described under 2 and 3 above, and the insurance lump-sum are payable.

To be "completely insured" at death, an employee must have been receiving a retirement annuity or a pension under the Railroad Retirement Act (if receiving an annuity, it must have begun before 1948 and have been based on at least 10 years of service); or must have had a specified amount of service after 1936. In general, he must have worked under the Railroad Retirement Act or Social Security Act, or both, approximately one-half the time from 1937 until he dies, retires, or becomes 65. If he was under 21 in 1937, he must have worked one-half the time after he became 21.

To be "partially insured," an employee must have worked about 1 1/2 years in the period beginning with the third year before his death.

The amount of monthly survivor benefits is computed by determining first the deceased employee's "basic amount," which is the sum of the following three amounts: (1) 40 percent of the first $75 of his average monthly remuneration; (2) 10 percent of the remainder up to $250; and (3) 1 percent of the sum in (1) and (2) for as many years as he earned $200. In general, the average monthly remuneration is the total of taxable railroad and social security earnings, up to $3,000 a year, after 1936 (or the year in which the employee reached age 22, whichever is later) and before the quarter of death, divided by the number of months in that period.

A widow receives three-fourths of the "basic amount" each month and a child or parent one-half. However, if the total monthly bene-
fits for a family are more than $20 and also more than the smallest of the following: (1) $120, (2) twice the basic amount, or (3) 80 percent of the employee's average monthly remuneration, the total must be reduced to the smallest of the three amounts, but not below $20. The insurance lump-sum death benefit is equal to eight times the basic amount.

C. A residual lump sum may also be payable to the widow (or widower), children, or parents, in that order, regardless of the employee's insured status. It is equal to 1 percent of the employee's taxable compensation from January 1937 through December 1946, and 7 percent thereafter, minus any retirement benefits paid to the employee under the Railroad Retirement Act and any benefits paid with respect to his death under either the Railroad Retirement Act or the Social Security Act. The residual payment can be made only when no benefits or no further benefits are payable with respect to an employee's death. However, a widow (or parent) entitled to monthly benefits on reaching age 65 may elect, some time before attaining that age, to waive all rights to future monthly benefits and thereby make the residual payment available immediately.

If an employee wishes to name someone other than those listed above to receive any residual lump sum which may be due, or if he wishes to change the order of precedence, he must file a designation of beneficiary with the Railroad Retirement Board.

The Cost of Benefits

Railroad workers and their employers share equally the cost of this insurance by paying a special pay-roll tax. The tax is 6 percent each at present and will rise to 6¼ percent in 1952. It is paid only on the first $300 a month of wages.

Claiming Benefits

A worker or his survivor may file a claim for benefits at the Railroad Retirement Board in Chicago, or at any field office of the Board.

Any decision of the initial adjudicating unit of the Board may be appealed to an Appeals Council, then direct to the Board members themselves, and finally to a United States Circuit Court of Appeals or the Court of Appeals for the District of Columbia.

FOR FURTHER INFORMATION

The Railroad Retirement Board has issued a series of pamphlets describing the provisions of the act in detail. For copies or for any further information write to the Railroad Retirement Board, 844 Rush Street, Chicago 11, Ill.
Employment Security

The Bureau of Employment Security of the United States Department of Labor carries out the Federal Government’s responsibilities in connection with the administration of two coordinated programs—the public employment service program and the unemployment insurance program. Through the United States Employment Service, established in 1933 under the Wagner-Peyser Act (see page 69), the Bureau promotes and develops a nationwide system of public employment offices to bring jobless workers and employers together. In its performance of the unemployment insurance functions, authorized by the Social Security Act of 1935 (see page 49), the Bureau assists the States in carrying out their unemployment insurance programs, by which qualified workers are paid insurance benefits during limited periods of unemployment.

The Railroad Unemployment Insurance Act providing both unemployment and sickness benefits to qualified railroad workers, also included in this section, is administered by the Railroad Retirement Board (see page 70).

UNEMPLOYMENT INSURANCE

Authorized by the Social Security Act of August 14, 1935, as amended through August 1948 (see page 49); 1949 Reorganization Plan No. 2, effective August 20, 1949, 3 CFR, 1949 Supp., p. 136

Under the Social Security Act (see page 49), a nationwide system of insurance has been provided to protect wage earners and their families against loss of income due to unemployment. The purpose of unemployment insurance is to provide workers with a weekly income to tide them over periods of unemployment between jobs. It does not assure benefits to every unemployed worker but only to those who have been working on a job covered under their State unemployment insurance law for a specified period, who are able and willing to work, and who are unemployed through no fault of their own. The system is not intended to protect persons who are not physically able to work or who do not want to work.

In California, New Jersey, and Rhode Island, the State agency which operates the unemployment insurance program also administers a
program of similar benefits to workers unable to work because of illness or accident. New York also has a disability insurance law administered by the State Workmen's Compensation Board.

**Federal-State Program**

Unemployment insurance is a joint Federal-State program operated by the States in partnership with the U. S. Department of Labor. All 48 States, the District of Columbia, Hawaii, and Alaska have enacted unemployment compensation laws, which incorporate certain basic standards set forth in the Social Security Act and the Federal Unemployment Tax Act.

**Federal standards.**—These standards provide that State unemployment compensation funds shall be used solely for unemployment benefits, protect the investment of the funds, prevent the lowering of labor standards, offer an opportunity for fair hearing to all individuals whose claims are denied, and require prompt payment of benefits. As long as each State law and its operation meet the requirements of the Social Security Act and the Federal Unemployment Tax Act, the Federal Government pays the costs of administering the State unemployment insurance laws and permits employers in the State to credit the State contribution paid or from which they are excused under the State experience-rating provisions against the Federal tax imposed by the Federal Unemployment Tax Act.

Each State requires employers who come under its unemployment insurance law to pay taxes based on their payrolls. With the exception of two States, employees make no contribution to State unemployment insurance funds.

Benefits are paid out of a fund built up from these taxes. This fund is deposited to the State's account in the United States Treasury. Whatever the State does not draw out for unemployment benefits remains in the trust fund, where it earns compound interest.

The State legislature fixes the rate of tax on employers. States have enacted experience-rating provisions, which allow an employer's tax to vary according to the amount of benefits paid to his former workers, or some other method provided in the State law for measuring the risk of unemployment.

Each State law specifies the conditions under which workers may receive benefits, the amounts they may receive, and the number of weeks they may draw benefits.

**Who Receives Unemployment Insurance?**

**Coverage.**—In about half the States, only those workers in firms employing eight or more persons during 20 weeks in the year are

2 Alabama and New Jersey.
covered. In some States, the law covers firms that have only one employee. In general, State unemployment compensation laws cover jobs in factories, shops, mines, mills, stores, offices, restaurants, laundries, banks, American ships, and other places of private industry and commerce.

The following are generally excluded from State unemployment insurance laws:

a. Railroad workers, now covered by the Federal Railroad Unemployment Insurance Act;
b. Agricultural workers;
c. Domestic workers (New York covers domestic workers if four or more are employed in the same household more than 15 days in a year);
d. State and municipal workers (Wisconsin covers municipal employees; New York covers State employees and several States allow governmental units to elect coverage);
e. Workers in nonprofit educational, religious, or charitable organizations (Hawaii covers some of these workers);
f. Casual labor, that is, occasional work not connected with the employer's regular business; and
g. Service by one spouse for the other, by a parent for a child, or by a minor child for a parent.

Most States will allow a firm, not normally insured by the State law, to elect coverage, if the employer is willing to pay the pay-roll tax.

Eligibility for benefits.—In order to be eligible for benefits, every State law requires a worker to have received at least a specified minimum amount of pay or worked in a minimum number of weeks in a covered firm during a specified period preceding his unemployment. A number of States provide that a worker who has been employed in more than one State may combine his wage credits if this will enable him to meet the wage and employment requirements under a given State law.

Ability to work.—In almost all States a worker cannot draw unemployment insurance if he is sick while out of work or if he is unable to work for any other reason. Idaho, Maryland, Montana, Nevada, Tennessee, and Vermont pay unemployment benefits to claimants who become unable to work after they have registered for work and filed a claim for benefits, until they refuse work which would be suitable but for the disability.

Availability for work.—The variations in State laws and their interpretation are so great as to make any generalized statement possibly misleading with respect to any given State. The State laws generally require that a worker must be ready and willing to accept a suitable job if one is offered to him unless he has good cause for refusing the
offered job. Suitable work generally means a job in which a worker is experienced or trained, that is in line with his skill and usual wages, and within reasonable distance of his home. A worker is usually given some time to look for a job in his own field. As the period of unemployment lengthens, the State agency may take the position that less skilled and lower paid work should be considered suitable. Good cause has been defined as what a reasonable man would do under similar circumstances. Workers may be required to show that they are making active efforts to find suitable work. Some State laws explicitly require evidence of an independent search for work. In other States, such evidence may be required by the local office.

In addition to meeting the availability requirements of the law, a worker must register and report regularly at his local employment office.

Disqualifications

The worker may be disqualified for unemployment insurance benefits if:

a. He quit his job voluntarily—without good cause;
b. He was discharged for misconduct in connection with his work;
c. He is directly engaged in a strike or other labor dispute that results in a stoppage of work; and
d. He refused or failed, without good cause, to apply for or accept an offer of suitable work. Many State laws contain additional disqualifications for quitting because of marriage or other family reasons, or for fraudulent misrepresentation; in many cases students attending school, are disqualified.

In all States, disqualification results in at least a postponement of benefits; in some States it also involves a cancellation of benefit rights or a reduction of benefit rights or a reduction of benefits otherwise payable. In a few States, all benefit rights may be canceled so that a worker cannot draw benefits until he has earned enough wage credits to qualify again.

A worker may not be disqualified for unemployment insurance benefits if he refuses to accept new work if the position offered:

a. Is open because of a labor dispute;
b. Offers wages, hours, or other conditions of work substantially less favorable than those prevailing in the locality for that kind of work; or
c. Would force him to join a company union or to refrain from joining (or to resign from) a bona fide labor organization.

Amount of Benefits

The amount of unemployment insurance a worker receives varies according to the State law. Ordinarily a worker's benefits amount to about one-half his full-time weekly pay—but top and bottom
limits are set. (See table on pp. 67-68.) The weekly benefit is ordinarily not less than $5 and not more than $20 to $26 without dependents' allowances. The number of weeks of unemployment for which an eligible worker can collect these benefits depends on the State law; in 36 States, it depends also upon the worker's past earnings. For workers with irregular past employment, it may be as short a period as 5 weeks in some States. The longest period of unemployment for which benefits will be paid ranges from 12 weeks to 26 and a fraction of weeks.

The District of Columbia law has included dependents' allowances from the beginning of the program. Michigan, Nevada, and Connecticut added them in 1945, Massachusetts in 1947, and, last year (1949), the Alaska, Arizona, Maryland, North Dakota, Ohio, and Wyoming laws were amended to include dependents' allowances.

Dependents are limited to dependent minor children in all 11 States except Alaska, Arizona, the District of Columbia, and Nevada. Arizona includes dependent spouses and parents, as well as children, while Alaska, the District of Columbia and Nevada include, in addition to these three groups, dependent brothers, sisters, and older children.

The dependents' allowances are added to basic benefits which range, in the 11 States, from \( \frac{1}{17} \) to \( \frac{1}{26} \) of highest quarterly earnings. The amounts per dependent vary from $1 to $5 (most often $2), the maximum allowance for dependents from $6 to $15, or, in Massachusetts to an amount dependent only on past earnings, and the maximum augmented weekly benefit varies from $20 to $40 and, in Massachusetts, to an amount dependent only on past earnings. In most of the 11 States, the maximum augmented benefit corresponds to less than 80 percent of estimated weekly earnings.

Partial unemployment benefits.—All States, except Montana, provide a partial unemployment insurance benefit when a worker's wages and hours have been considerably reduced by slack work.

To Claim Benefits

To claim unemployment benefits, a worker must register for work and file a claim for unemployment insurance at the local public employment office serving his community.

If the worker cannot locate the office, he can inquire at his local post office, or write to his State employment security agency, usually located in the capital city of the State.

A worker's claim generally dates from the time he registers for work and files his claim—not from the date he lost his job or was
laid off. *It is important for a worker to register for work and file a claim for unemployment insurance promptly.*

An unemployed worker must report to his local employment office regularly as instructed, usually every 1 or 2 weeks (depending on the State) in order to be eligible for continued payments. Also, he must do whatever a man in his situation would reasonably do in order to find work.

In almost all States, no benefits are paid for the first week for which claims are filed; Maryland and Nevada have no waiting period, and Colorado, Montana and Wisconsin have a 2-week waiting period. (See pages 67–68.)

*Interstate workers.*—A worker may register for work and file a claim for benefits at any local employment office in the country. For example, if he is living in Illinois, but is eligible for unemployment insurance in Arkansas, he can still file a claim in a local Illinois office. This office will forward his claim to Arkansas, which will send directly to the worker any benefits to which he is entitled.

**The Right to Appeal**

A worker can appeal any decision made regarding his unemployment insurance claim that he feels to be wrong. Usually opportunity for a second appeal before a board of review is also provided.

However, there is always a time limit on appeals. In most States a worker must file his appeal within 5 or 7 days after he is notified of the decision on his claim.

To file an appeal a worker may write or visit his local employment security office where he filed his claim and give notice that he wishes to appeal. That office will help him fill out any necessary papers and explain to him what he should do next.

There is no cost to the worker if he appeals. If, after his appeal has been heard, the worker still feels the decision is wrong, he may carry his case to the courts.

**FOR FURTHER INFORMATION**

SIGNIFICANT PROVISIONS OF STATE UNEMPLOYMENT COMPENSATION LAWS, AUG. 15, 1950

Prepared for ready reference and comparative purposes. Because of the impossibility of giving qualifications and alternatives in brief summary form, the State law and State Employment Security Agency should be consulted for authoritative information.

<table>
<thead>
<tr>
<th>State</th>
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2 Weeks of total unemployment. Some States require additional weeks if workers are only partially unemployed.
3 Where 2 figures are given the lower amount is the basic benefit for claimants without dependents and the higher is the benefit for the claimant with maximum compensable dependents at the specified wage level. See the text for the dependents' allowance formulas in the various States. In the District of Columbia, the maximum shown applies with or without dependents. In the case of Massachusetts, no second figure has been given, because there is no fixed maximum figure which an individual with dependents may receive. Instead, such an individual's maximum is his average weekly wage.
4 In States marked "uniform duration" all eligible claimants may draw an amount of benefits equal to the specified number of weeks of total unemployment. In all other States duration of benefits varies with prior employment and wages and some claimants are eligible for a smaller number of weeks.
5 If benefit is less than $3, benefits are paid at rate of $3 a week, and weeks of duration are accordingly reduced.
6 Actually, an accumulation of 4 effective days in 1 to 4 weeks. Effective day is defined as the fourth and every subsequent day of total unemployment in a week in which not more than $24 is paid to the individual. Benefits are paid for each accumulation of 4 effective days. Waiting period is 4 effective days accumulated in 1-4 weeks.
UNITED STATES EMPLOYMENT SERVICE


The United States Employment Service in the Department of Labor’s Bureau of Employment Security provides national leadership and coordination to a system of public employment offices operated by State and territorial agencies affiliated with the Bureau. These 1,800 full-time local offices and 2,700 part-time offices are the medium through which the public employment service system seeks to bring about the best possible organization of the labor market; its principal function in accomplishing this is helping the worker to find suitable employment and the employer to obtain qualified workers.

Service to Workers and Employers

In addition to providing the basic placement facilities for the matching of workers and jobs, the public employment service provides counseling services to persons having employment problems and applies specialized techniques in finding work for young people, veterans, older workers, and the physically handicapped. Through a representative located in each of the States, the Veterans Employment Service of the United States Employment Service assures that priority in selection and referral is given to all veterans and that preferential service is given to disabled veterans. The United States Employment Service also participates with the State employment services in the special activities involved in placing agricultural workers and in operating a system for clearing workers across State lines from areas of labor supply to areas of labor demand. Through occupational tests developed by the Employment Service and studies of the content and interrelationships of jobs, employers are assisted in the assignment and effective allocation of workers within their establishments.

Informational Services

The Employment Service collects, analyzes, and releases labor market information which not only is needed for its own operations, but also is of value to employers and workers seeking information on economic conditions in specified industries, occupations, and areas. It also publishes occupational information (such as the “Dictionary of Occupational Titles” and “Job Families”), which is used by workers, employers, schools, and community groups in solving employment problems as well as by local offices in interviewing, counseling, and placing workers.

FOR FURTHER INFORMATION

See the local State employment office, or write to the Bureau of Employment Security, U. S. Department of Labor, Washington 25, D. C.
RAILROAD UNEMPLOYMENT INSURANCE ACT


The Railroad Unemployment Insurance Act provides for the payment of unemployment and sickness benefits (including maternity benefits) to qualified railroad workers under a uniform Nation-wide system. This act also authorizes the operation of free employment offices in which the activities are primarily directed toward the reemployment of claimants for unemployment benefits. The act is administered by the Railroad Retirement Board.

The act applies to employees of railroads, sleeping car and express companies, other companies performing services in connection with railroad transportation, and certain railway labor organizations.

In order to qualify for benefits under the Act in any benefit year (July 1 to June 30), a worker must have earned at least $150 from covered employers during the preceding calendar year (base year). For unemployment benefits he must also be able to work and be available for work. He may be paid benefits when he is unemployed, as, for example, furloughed, discharged, or suspended from employment, or when he is sick and unable to work.

Unemployment and sickness benefits for railroad workers are paid for by a pay-roll tax on the carriers. No part of the employer's contribution can be deducted from wages. The contribution rate varies from ½ to 3 percent, depending upon the balance in the railroad unemployment insurance account. For the present, the minimum rate of ½ percent is payable.

Benefit Payments

Benefit payments are based on earnings in the base year in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Base-year earnings:</th>
<th>Daily benefit rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>$150 to $199.99</td>
<td>$1.75</td>
</tr>
<tr>
<td>$200 to $474.99</td>
<td>$2.00</td>
</tr>
<tr>
<td>$475 to $749.99</td>
<td>$2.25</td>
</tr>
<tr>
<td>$750 to $999.99</td>
<td>$2.50</td>
</tr>
<tr>
<td>$1,000 to $1,299.99</td>
<td>$3.00</td>
</tr>
<tr>
<td>$1,300 to $1,599.99</td>
<td>$3.50</td>
</tr>
<tr>
<td>$1,600 to $1,999.99</td>
<td>$4.00</td>
</tr>
<tr>
<td>$2,000 to $2,499.99</td>
<td>$4.50</td>
</tr>
<tr>
<td>$2,500 and over</td>
<td>$5.00</td>
</tr>
</tbody>
</table>

In the first 14-day registration period in a benefit year in which an employee is unemployed for 7 or more days, he is paid for all days over 7. In all later 14-day registration periods in that year, he is paid for all days over 4. Benefits for sickness are computed similarly.
The maximum number of days for which benefits may be paid to an employee are 130 for unemployment and 130 for sickness.

**Disqualifications**

A worker may be disqualified for unemployment benefits:

a. For any day he receives unemployment benefits under any other law or receives sickness benefits under the Railroad Unemployment Insurance Act;

b. For any day he is unemployed due to a strike in violation of the Railway Labor Act;

c. For 30 days if, without good cause, he leaves work voluntarily, refuses suitable work, or fails to comply with instructions from the Board to apply for work or to report to an employment office;

d. For 75 days if he knowingly makes false or fraudulent statements or claims to get benefits.

The worker may be disqualified for sickness benefits:

a. If he does not take medical examinations required by the Board;

b. If he receives sickness benefits for the same time under any other law;

c. If he receives unemployment benefits under the Railroad Unemployment Insurance Act or any similar act;

d. For 75 days if he knowingly makes false or fraudulent statements or claims to get benefits.

**Claiming Benefits**

To claim unemployment benefits, a railroad worker must register with a designated unemployment claims agent, who is usually a railroad employee, such as a foreman or supervisor. He must register for each day that he considers a day of unemployment, but generally need not appear at the claims agent’s office oftener than once a week.

Sickness benefits must be claimed on the basis of a statement of sickness signed by a person authorized by law and filed within the time prescribed by the law. If not filed within 10 days, beginning with the first day claimed as a day of sickness, one or more days’ benefits may be lost.

The worker may appeal the decision of the initial adjudicating unit of the Railroad Retirement Board on his claim: first to a referee or other reviewing body assigned by the Board; second to the Board itself, and finally, to a United States Circuit Court of Appeals or the Court of Appeals for the District of Columbia.

**FOR FURTHER INFORMATION**

The Railroad Retirement Board has issued a booklet containing information on the Railroad Unemployment Insurance Act. For copies or for any further information on the law write to the Railroad Retirement Board, 844 Rush Street, Chicago 11, Ill.
Job Training and Education

BUREAU OF APPRENTICESHIP

THE BUREAU OF APPRENTICESHIP of the U. S. Department of Labor was established under the Apprenticeship Act of August 16, 1937 (U. S. Code 1940, Title 29, Secs. 50-50b) to provide service to management and labor in training all-round skilled workers under a combined program of training through employment and part-time vocational school instruction.

The Federal Committee on Apprenticeship, composed of labor, management, and Government representatives, has established the following basic standards of apprentice training:

a. An apprenticeable occupation requires 4,000 or more hours to learn.

b. A schedule of work processes to be learned on the job is set forth.

c. Progressively increasing wage scale should average not less than 50 percent of the journeyman's rate over the apprenticeship period.

d. Receives related classroom instruction.

e. The terms of employment and training of each apprentice are stated in a written agreement and registered with a State Apprenticeship Council, or where no such council exists, with the Federal Committee.

f. Local apprenticeship programs are reviewed by a State Apprenticeship Council.

g. Programs are jointly established by the employer and the employees.

h. There is adequate supervision and record-keeping.

Assistance in establishing and servicing apprentice-training programs and joint apprenticeship committees may be obtained from Bureau of Apprenticeship field representatives in the major cities.

FOR FURTHER INFORMATION

Write to Bureau of Apprenticeship, U. S. Department of Labor, Washington 25, D. C.
The Vocational Division of the U. S. Office of Education administers the Smith-Hughes and George-Barden Acts (U. S. Code 1940, Title 20, Secs. 11–30) which provide for the promotion of vocational education under a Federal-State-local plan.

Under these acts the Vocational Division allots approximately 27 million dollars annually to the States to be used to develop programs of vocational education in trades and industries, business, home economics, and agriculture. Funds are distributed to the States on the basis of population, and may be used only for salaries of vocational teachers, counselors, supervisors, and directors, for maintenance of teacher and counselor training, and for instructional supplies and equipment.

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

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

FOR FURTHER INFORMATION

Contact your local school, your State Board for Vocational Education, or the Vocational Division of the U. S. Office of Education, Federal Security Agency, Washington 25, D. C.

The Office of Vocational Rehabilitation of the Federal Security Agency was established by Public Law 113 of July 6, 1943 (Supp. IV to U. S. Code 1940, Title 29, Secs. 31–41) which amended the old Vocational Rehabilitation Act.

This act provides services under a Federal-State program to enable disabled persons to prepare for and secure employment. Services are available to civilian men and women of working age whose ability to get a job, hold a job, or secure a better job has been impaired through mental or physical handicap, no matter what the cause.

The Office of Vocational Rehabilitation distributes grants for such services to specified State agencies which have approved vocational rehabilitation plans. It also sets standards and assists the States in training their rehabilitation staff members.
Services available to the disabled worker include medical, surgical, and psychiatric examination, diagnosis and treatment, hospitalization, occupational therapy, vocational counseling and training, financial help during training, and placement on jobs.

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

For several years Congress has made appropriations available for grants to State agencies to cover one-half of the cost of the acquisition of vending stands and other equipment for business enterprises (controlled by the State agencies) for the use of blind persons.

The Office of Vocational Rehabilitation also administers the Randolph-Sheppard Act (20 U. S. C. 107, et seq.) which provides for the licensing of qualified blind persons to operate vending stands in Federal and other buildings.

**FOR FURTHER INFORMATION**

Contact the Division of Vocational Rehabilitation in your State Board of Vocational Education, State agency for the blind, or write to the Office of Vocational Rehabilitation, Federal Security Agency, Washington 25, D. C.
Veterans' Employment
and Labor Matters

**VETERANS' REEMPLOYMENT RIGHTS**


**The Bureau of Veterans' Reemployment Rights, U. S. Department of Labor, assists former members of the armed forces in the exercise of their reemployment rights as provided by Section 8 of the Selective Training and Service Act of 1940, as amended, and related reemployment statutes and Section 9 of the Selective Service Act of 1948.**

Information to ex-servicemen, employer, labor and veteran organizations, and others interested in the reemployment provisions of the various acts is provided by local offices of the State Employment Services affiliated with the Bureau of Employment Security, Department of Labor. Local offices of the employment service refer ex-servicemen to Volunteer Reemployment Committeemen located in their communities. Assistance to ex-servicemen and employers on reemployment problems is provided by Volunteer Reemployment Rights Committeemen who serve under the supervision of the Bureau's field representatives in resolving controversies with employers over reemployment rights by negotiation and voluntary settlement.

These procedures are designed to promote the expeditious settlement within the local community of controversies between veterans and employers. Controversies not so resolved are forwarded by Volunteer Reemployment Committeemen to the nearest field representative of the Bureau of Veterans' Reemployment Rights, who analyzes the factors involved in the claims and continues negotiations short of legal action, giving all parties the benefit of his knowledge and experience on similar claims, opinions rendered by the Solicitor of Labor, and conclusions reached by the courts. In those cases where
a settlement is not reached, ex-servicemen are advised of their right to representation by the United States District Attorney and, upon their written request, the complete file is referred to the United States District Attorney for the district in which the employer has a place of business. The District Attorney determines if the claim has sufficient merit to justify legal action.

The Bureau in cooperation with the Solicitor of Labor issues periodically Field Letters containing questions and answers, interpretations, opinions and analyses of court decisions concerning the reemployment rights statutes. Copies of the Field Letters are available upon request.

FOR FURTHER INFORMATION

Further information may be obtained from the Bureau of Veterans’ Reemployment Rights, U. S. Department of Labor, Washington 25, D. C., field offices of the Bureau, or local employment service offices.

GI BILL OF RIGHTS

(SERVICEMEN’S READJUSTMENT ACT)

Act of June 22, 1944, as amended 1945, 1946, 1947, and 1948, U. S. Code 1946, Title 38, Sections 696-696m, and 701 (f)

The Servicemen’s Readjustment Act, commonly known as the “GI Bill of Rights,” provides education and training benefits for those who pursue school, institutional on-farm, apprentice or other training on-the-job courses offered by approved educational institutions or business establishments. Included in the education and training benefits are subsistence allowances, tuition payments and necessary training supplies. It also provides for guarantees for loans to veterans for the purchase of homes, farms and business property.

Title V of the act, establishing readjustment allowances, and the provisions of Title II dealing with on-the-job training are summarized below. For information on all other provisions write to the Veterans’ Administration, Washington 25, D. C.

READJUSTMENT ALLOWANCES

Note: The GI Bill of Rights limits the periods for which readjustment allowances may be paid to those weeks of unemployment which occur not later than two years after discharge or release from active service or two years after termination of the war, whichever is the later date. Termination of the war within the meaning of this provision was fixed at July 25, 1947, Public Law 239, 80th Congress, July 25, 1947. Therefore, except as to persons with wartime service separated from active service for the
first time after July 25, 1947, and persons enlisted under Public Law 190, 79th Congress, October 6, 1945 (as to whom the termination date of the war may be extended) entitlement to readjustment allowances expired not later than July 25, 1949. Consequently there would be only a limited number of veterans who presently would be entitled to readjustment allowances.

Unemployed veterans of World War II are entitled to readjustment allowances for a maximum of 52 weeks. The weekly allowance is $20 less any wages received over $3.

Eight weeks of allowances will be paid for each of the veterans' first 3 months of service and 4 weeks for each additional month or major fraction thereof. No waiting period is required.

No allowances will be paid for any period of unemployment more than 5 years after the official end of the war.

The Veterans' Administration administers the payment of readjustment allowances through the State employment security offices.

Qualifications for Receiving Allowances

To be eligible for readjustment allowances, the veteran must:

a. Be discharged under conditions other than dishonorable after at least 90 days' service or by reason of a service-connected disability.

b. Not be receiving subsistence allowance for education or training under title II of this act or increased pension for vocational training.

c. Live in the United States.

d. Be unemployed or partially employed at wages of less than $23 a week.

e. Be registered with and report to a public employment office.

f. Be able to work and available for suitable work. The definition of suitable work is in general the same as under the State unemployment compensation laws. The act specifies, however, that no work shall be deemed suitable if:

1. The position offered is vacant due directly to a strike, lockout or other labor dispute; or

2. The wages, hours, or other conditions of the work offered are substantially less favorable than those prevailing for similar work in the locality.

Disqualifications

A veteran otherwise eligible under the conditions listed above, will be disqualified from receiving unemployment allowances if he:

a. Leaves suitable work voluntarily without good cause; or

b. Is suspended or discharged for misconduct; or
c. Fails to apply, without good cause, for suitable work or to accept suitable work offered; or
d. Refuses to attend available free training courses; or
e. Participates in or is directly interested in a labor dispute which causes a stoppage of work. This disqualification does not apply unless it can be shown that the veteran belongs to a grade or class of workers of which immediately before commencement of the stoppage there were members employed at the premises at which the stoppage occurs, any of whom are participating in or directly interested in the dispute; Provided, however, That if in any case separate branches of work, which are commonly conducted as separate business in separate premises, are conducted in separate departments of the same premises, each such department shall, for the purposes of this subsection, be deemed to be a separate factory, establishment, or other premises.

Readjustment Allowances for the Self-Employed

A self-employed veteran who meets qualifications “a” and “b” on page 79, and whose net earnings in a trade, business, profession, or vocation have been less than $100 in the previous calendar month, is entitled to receive the difference between $100 and his net earnings for such month.

Adjustment of Duplicate Benefits

A veteran who is entitled to payment under this act and for the same period receives payment under any Federal or State unemployment or disability compensation law, will receive only the difference between the latter payment and what he would otherwise be entitled to under this law.

Where to File a Claim

Claims for readjustment allowances under the act should be filed with the nearest State employment security office.

Appeals

A claimant whose claim for an allowance has been denied is entitled to a fair hearing before an impartial tribunal of the State unemployment compensation agency or such other agency as may be designated by the Administrator of Veterans’ Affairs.

If not satisfied, the veteran may appeal further to the State representative of the Veterans’ Administration, and finally to the Administrator of Veterans’ Affairs.

Penalties

Any claimant who knowingly accepts an allowance to which he is not entitled shall be ineligible to receive any further allowance under this act.
Any person who makes or causes to be made any false statement or representation in connection with a claim, or anyone who obtains money or allowance under this act with intent to defraud the United States, shall be fined not more than $1,000 or imprisoned for not more than 1 year, or both.

FOR FURTHER INFORMATION

See your nearest State employment security office, the nearest office of the State employment service, or write to the Veterans' Administration, Washington 25, D. C.

ON-THE-JOB TRAINING

Qualified veterans of World War II are entitled to subsistence allowances to supplement their wages while receiving on-the-job training at an approved industrial or business establishment.

Veterans may be eligible to receive educational and training benefits for 1 to 4 years, depending on their length of service in the armed forces. However, training must start within 4 years after the veteran's discharge date or the official end of the war, whichever is later, and no allowances may be paid more than 9 years after the end of the war.

The Veterans' Administration administers the payment of subsistence allowances for on-the-job training programs which have been approved by the appropriate State agency.

Qualifications for Receiving Allowances

To be eligible for on-the-job training allowances, the veteran must:

a. Have active service since September 16, 1940.

b. Be discharged under conditions other than dishonorable.

c. Have at least 90 days' active service or be discharged by reasons of a service-connected disability.

Allowance Payments

Monthly subsistence allowances up to $65 per month are paid to veterans without dependents, and up to $90 per month with a dependent or dependents. The Veterans' Administration determines the exact amount to be paid to each veteran.

The law provides that when the veteran's income from productive labor exceeds $210 per month for a veteran without dependents, $270 for a veteran with one dependent, or $290 for a veteran with two or more dependents, no subsistence allowance shall be paid. Where the combined amount of the veterans' income from productive labor and the subsistence allowance paid by the Veterans' Administration exceed these amounts, the subsistence allowance is reduced in the amount of such excess. In addition the rate of subsistence allowance payable
is never greater than the difference between the monthly wages received by the trainee and the minimum entrance wage paid the trained worker at the end of the course of training.

Veterans may be provided also with such tools, equipment and supplies as are commonly required to be personally owned by other trainees not under Veterans' Administration jurisdiction who are pursuing the same training in the particular establishment.

**Standards for Approving On-the-Job Training Programs**

Standards to be used by State agencies in approving on-the-job training establishments are set forth in the amended GI bill. These include requirements that:

a. The training is adequate.
b. There is a reasonable certainty that the job will be available to the veteran at the end of his training period.
c. The job is one in which progression and appointment to the next higher classification are based upon skills learned through organized training on the job and not on such factors as length of service and normal turn-over.
d. Wages are not less than those customary in the establishment and the area to a nonveteran learner in the same job, and conform to State and Federal laws and applicable collective agreements.
e. The job customarily requires a full-time training period of at least 3 months and no more than 2 years (except apprenticeship).
f. The length of the training period is no longer than customarily required in the establishment and the area.
g. Related instruction is provided where needed.
h. Adequate facilities, supervision, and record keeping are provided.
i. Adequate records are kept to show progress of the veteran in training and a periodic report of conduct and progress is furnished the Veterans' Administration.
j. Credit is given for previous job experience and appropriate wage adjustments are made accordingly. A course will not be considered bona fide if given to a veteran who is already qualified for the job.
k. Copies of the individual training program are provided to the veteran and to the Veterans' Administration.
l. The veteran is awarded a certificate upon completion of his training.

**Steps in Securing On-the-Job Training Allowances**

There are two essential steps:

a. The employer's establishment must be approved and certified by the appropriate State agency to the Veterans' Administration,
as being equipped to provide training in the occupation for which
the veteran is being trained.

The appropriate State agency may be the State labor depart-
ment, State department of education, or any other agency design-
nated by the Governor for that purpose.

b. The veteran must have a Certificate of Eligibility and Entitle-
ment from the Veterans’ Administration. The certificate shows
how much training the veteran is entitled to receive.

The veteran may apply for his certificate by filling out a Vet-
erans’ Administration Form 1950 and mailing it to the Veterans’
Administration regional office for the area. These forms may be
obtained at any office of the Veterans’ Administration, local State
employment service office, or veterans’ center.

There is no waiting period for allowances. The veteran will be
paid his allowance from the date he is employed under the training
program or from the date his Veterans’ Application Form 1950 is
received in the regional office of the Veterans Administration, which-
ever is later.

The employer of a veteran receiving subsistence allowances for
on-the-job training is required to furnish the Veterans’ Administra-
tion a periodic report of the veteran’s attendance, wages received,
and training progress. If the Administration finds that the training
program does not conform to the standards listed above, it may stop
payment of allowances to the veteran.

FOR FURTHER INFORMATION

Contact the nearest regional office of the Veterans’ Administration
or the State employment service to apply for a Certificate of Eligi-
bility and Entitlement. For further information about on-the-job
training, contact the Veterans’ Employment Representative in your
local State employment service office.

VOCATIONAL REHABILITATION OF DISABLED VETERANS

(VOCATIONAL REHABILITATION ACT)

Act of March 24, 1943, Seventy-eighth Congress, as amended 1944, 1945, 1947,
and 1948. U. S. Code 1946, Title 38. Chapter 12

On-the-Job Training

Qualified veterans of World War II are entitled to subsistence allow-
ances to supplement their wages while receiving on-the-job training
at an approved industrial or business establishment.

Veterans may be eligible to receive training ordinarily not to exceed
4 years dependent upon the length of the training program deter-
mined to be necessary to accomplish vocational rehabilitation. Since
no benefits may be provided more than 9 years after the end of the war, training programs must be started in such time as to allow for whatever period of time is determined necessary for vocational rehabilitation so as to be completed within the period set by the law. The Veterans' Administration administers the payments of subsistence allowance for on-the-job training programs which have been approved by the appropriate regional office of that agency.

Qualifications for Receiving Allowances

To be eligible for on-the-job training allowances while pursuing vocational rehabilitation the veteran must:

a. Have active service since September 16, 1940, and prior to the termination of World War II.

b. Be discharged from military or naval service under conditions other than dishonorable.

c. Have a disability incurred in or aggravated by such service for which compensation is payable under laws administered by the Veterans' Administration.

d. Be found in need of vocational rehabilitation to overcome the handicap of a disability such as described.

Allowance Payments

Monthly subsistence allowance payments of $65 are paid to veterans without dependents and $90 per month to veterans with dependents. The law provides further that the minimum payment of such allowance plus disability compensation or other benefit shall not be less than $105 per month for a person without a dependent or $115 per month for a person with a dependent where the service-connected disability is rated less than 30 per centum; and where the service-connected disability is rated 30 per centum or more, not less than $115 per month for a person without a dependent and $135 per month for a person with a dependent. The minimum combined amount of such allowance is increased according to the number and type of dependents which the veteran has established in his claim. The Veterans' Administration determines the exact amount of subsistence allowance to be paid to each veteran and such allowances are subject to the restriction outlined in the succeeding paragraph.

The law requires that the employer of an on-the-job trainee pursuing training under Public Law 16 submit a monthly statement of the wages, compensation, or other income paid by him to the trainee. Based upon such statements, the Veterans' Administration is authorized to reduce the subsistence allowance of such a trainee to an amount considered equitable and just. Veterans' Administration regulations provide that the total of wages and subsistence allowance may not exceed the wage of an experienced worker in the job for which the
veteran is being trained. Veterans are provided also with such tools, equipment and supplies as are commonly required to be personally owned by other trainees not under Veterans' Administration jurisdiction who are pursuing the same training in the particular establishment.

**Standards for On-the-Job Training Programs**

On-the-job training programs for the vocational rehabilitation of disabled veterans are prescribed by the Veterans' Administration in accordance with the following requirements:

a. That the training is adequate to restore employability of the disabled veteran in the employment objective which has been selected for his rehabilitation.

b. There is a reasonable certainty that the job for which he is being trained will be available to the veteran at the end of his training period.

c. That the length of the training period is no longer than is necessary to accomplish vocational rehabilitation.

d. Related instruction is provided where needed.

e. Adequate facilities, supervision and record keeping are provided.

f. Credit is given for previous training and experience. The training program is arranged to fit the particular needs of the individual veteran.

**Steps in Obtaining Vocational Rehabilitation Training**

There are two essential steps:

a. The employer must enter into an agreement with the Veterans' Administration to provide training to disabled veterans in accordance with the rules and regulations established by that agency; and must be equipped to provide training in the occupation for which a particular veteran is being trained.

b. The veteran must be authorized by the Veterans' Administration to enter into a course of training for vocational rehabilitation. In order to obtain such an authorization a veteran must apply for vocational rehabilitation on VA Form 7-1900; must meet the qualifications which have been outlined; and, have selected for him an employment objective for which training will be authorized. The application form may be obtained at any office of the Veterans' Administration, local State employment office, or veterans' center.

Upon being authorized to enter into training for vocational rehabilitation the veteran will be paid his allowance from the date he enters into the training program or from the date of the authorization issued by the Veterans' Administration, whichever is later.
The employer of a veteran pursuing a training program for vocational rehabilitation is required to furnish the Veterans' Administration a monthly report of the veteran's attendance, wages received and training progress. If the Administration finds that the training program does not conform to the rules and regulations or that the veteran is not making progress in his training program, it may remove the veteran from the place of training or, in certain instances, may stop the payment of allowances to the veteran.

FOR FURTHER INFORMATION

Write to the nearest regional office of the Veterans' Administration, or to the Veterans' Administration, Washington 25, D. C.
THE LONGSHOREMEN'S and Harbor Workers' Compensation Act provides workmen's compensation benefits for certain private employments subject to Federal jurisdiction.

Persons and Employments Covered

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

Injuries and Diseases Covered

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

Amount and Period of Benefits

Compensation for disability and death is based on the average weekly wage of the injured worker. There is a statutory limit of $35 on the weekly compensation. The minimum weekly wage for computing compensation is $12 but the award cannot exceed the average weekly wage.

Temporary Total Disability

The compensation rate is two-thirds of the average weekly wage subject to the maximum of $35. There is a 7-day waiting period but if the disability lasts more than 49 days compensation is paid for
the waiting period. Compensation continues during the period of such disability.

**Permanent Partial Disability**

Compensation for permanent partial disability is paid under a statutory schedule and for non-scheduled injuries on a loss in wage earning capacity. The aggregate compensation in a scheduled award case is $11,000 and in a non-scheduled award $10,000, both exclusive of medical care.

**Permanent Total Disability**

Compensation is payable for life at two-thirds of the weekly wage up to the maximum of $35 per week.

**Death**

Burial expenses are provided up to a maximum of $400. Persons eligible for death compensation include a widow, children under 18 years, and those over 18 if incapable of self-support, and dependent parents, brothers and sisters, grandparents, and grandchildren. The aggregate award to all beneficiaries may not exceed two-thirds of the average wage, or a maximum rate of $35 per week. Compensation to a widow is payable for life or until marriage, and to children until they reach 18 or marry.

**Medical Treatment**

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

**Vocational Rehabilitation**

Provision is made for furnishing prosthetic appliances and for the payment of not to exceed $10 per week for maintenance while undergoing vocational training.

**Second Injuries**

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

**Administration**

This law is administered by the Bureau of Employees' Compensation of the U. S. Department of Labor, through Deputy Commissioners appointed to 12 Compensation Districts throughout the United States. The Deputy Commissioner is responsible for the decision in respect to claims arising in his District.
Appeals

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

DEFENSE BASES ACT

Act of August 16, 1941, as amended, 42 U. S. C. 1651

Extends the Longshoremen's and Harbor Workers' Compensation Act to employees of private employers engaged in public work outside the continental United States under contract with the Federal Government.

FOR FURTHER INFORMATION

Write to the Bureau of Employees' Compensation, U. S. Department of Labor, Washington 25, D. C.
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