SENATE COMMITTEE ON FEDERAL, STATE AND LOCAL GOVERNMENTS

Minutes of Meeting -- April 15, 1971

The forty-second meeting of the Senate Committee on Federal, State and Local Governments was held on the 15th day of April, 1971.

Committee members present: James I. Gibson
Stan Drakulich
Lee Walker
Carl F. Dodge
Chick Hecht
Warren L. Monroe

Also present were:

Archie Pozzi, Senator
Harry Winkelman, Assessor, Douglas County
Charles Meneley, Chairman, Douglas County Commissioners
I.R. Ashleman, II, Attorney
Richard Morgan, Nevada State Education Association
Edmond Psaltis, Washoe County Teachers Association
Joe Latimore, NMA committee on Labor Management Relations
Bob Maples, Washoe School District
Angus MacEachern, Personnel Analyst, Las Vegas
Morgan Sweeney, Councilman, Boulder City
Keith Henrikson, Peace Officers-Fire Fighters
Press

Chairman Gibson Called the meeting to order at 4:30 P.M. The two bills before the committee were AB-131 and AB-178.

AB-131 Relaxes conditions for out-of-county public printing.

Mr. Meneley and Mr. Winkelman both testified to the need for this proposal in Douglas County. Their main problem has been with getting the tax lists out and it is not their intent to take the printing away from a local printer. This would give them the authority to take the printing somewhere else in the state if it can't be done on time locally, or in some cases when a local printing office or newspaper is not available. Senator Monroe suggested that an amendment be drafted to the effect that "if the local printer has failed to perform the service and meet the requirements, particularly as to time of delivery, then you would be permitted to take the job elsewhere." Chairman Gibson asked Senator Pozzi to have an amendment drafted in line with Senator Monroe's suggestion.

AB-178 Extends amended provisions of Local Government Employee-Management Relations Act to all government employees; provides for binding arbitration; specifies certain prohibited practices.

Chairman Gibson noted that this bill is now on its fourth reprint. He asked that the committee first hear from the proponents of the bill as to how it now stands.

Mr. Ashleman testified with regard to the amendments that have been made to AB-178 during hearings in the Assembly Government Affairs Committee. One of the most significant amendments was the removal of the words "health and welfare" from the threats to the State of Nevada that can trigger binding arbitration. Now the only thing that is left is the safety of the State of Nevada or any of its political subdivisions. This means that unless a situation grew rather serious there would be no possibility of a board imposing binding arbitration in classes of other than those of police, fire and perhaps prison guards and personnel that man the public water works and so on.

Mr. Ashleman stated that he had heard the opinion expressed by opponents of the bill that one of its chief weaknesses is the fact that the final decision is made by an appointed board rather than elected officials. Senator Hecht has an amendment in the area of whether or not to impose binding arbitration and if so, how much of an arbitrator's decision to impose -- that decision should be made by the Governor, on the grounds that first of all, he can act more expeditiously than a board and if it were in a safety area, we should act very expeditiously; and secondly, that he is after all an elected official and more responsive to the wills of the public. The people that Mr. Ashleman represents have no objection to this amendment, and feel it may strengthen the act.

Mr. Ashleman further testified that they feel this bill even with the amendments would be a tremendous step forward for both the public employer and the public employee -- it does change the time limits, it does give the parties more flexibility in using fact finding, mediation and voluntary arbitration as tools. The more these tools are available, the less likely the parties will have to use them and the less likely to be conflict. This bill, the way it is drawn, as to whether public employees get more or less in the way of benefits, it is absolutely neutral. It simply gives them more ways to try to resolve their differences without reaching the strike, or slow down or crises stage. They strongly and firmly believe that in a time of very tight money and many difficult problems in the public service, the people they represent will be unable to avoid taking some fo of drastic action unless they do have some better and more meaningful ways to resolve their differences.

Senator Drakulich asked for clarification of the language on Page 4, Lines 44 through 46. Mr. Ashleman explained that because of the immediacy and the nature of the police and fire service, unlike the schools, a day of police and fire service loss can never be made up, and therefore you must be able to trigger a settlement before you reach the crises stage, which is when you fail to agree. They intend that in the event the police and fire cannot agree with the city officials, and cannot resolve their differences, binding arbitration would result. They believe there is a danger in not having a speedy solution in these particular services.

Mr. Ashleman further pointed out that the studies show that in fact when binding arbitration is available, the parties seldom use it, and when you do reach it you tend to resolve it before you're done.

Senator Dodge referred to the message the Governor gave to the Legislature with regard to his recommendation about the acceptance of binding arbitration which said that "compulsory settlement resulting in higher salaries or other benefits (and these words were underlined) would be permitted only within the seemingly existing revenues." Senator Dodge then offered substitute language as follows: "provided however, the arbitration award may not exceed the existing available revenues within priorities and at a property tax rate and a fee and license structure as determined by the local government employer." This language would go at the top of Page 5 of the Bill. Mr. Ashleman commented on this that one of the things you do negotiate about is priorities, which seems to be subject to some abuse. Senator Dodge stressed that some reservation would have to be written in about the priorities.

Senator Drakulich offered an amendment to Section 2, Page 2, of AB-178, by inserting between lines 19 and 20: "Any action taken under the provisions of this subsection shall not be construed as a failure to negotiate in good faith." Mr. Ashleman responded to this, stating that he would have no objection to this amendment.

There was a further amendment proposed by Senator Drakulich on Page 4, Section 6, of AB-178, be deleting lines 44 through 46 and inserting: "sion may be final and binding. A failure by the parties to agree involving police and fire protection shall not constitute evidence of a threat to the safety of the state or any political subdivision."

Chairman Gibson requested Mr. Ashleman to review the time schedule as presently outlined in the bill. He said that they had changed the dates to provide more flexibility.

It was noted that this procedure could carry into the next fiscal year. Mr. Ashleman stated that they were not fixed necessarily on either the starting date or the intervals, as long as it is a relatively open period. In practice during the timing steps they have found it takes a little longer to get organized on the panels than five days, whereas they have been able to get the factfinding completed in shorter periods of time.

There was extensive discussion between the committee and Mr. Ashleman regarding various provisions of this bill.

Mr. Richard Morgan of the Nevada State Education Association was next to testify on AB-178. He stated that he represents approximately 5,000 educators in this state and they are not the kind of citizens who want to cause Nevada "image" problems outside the state -- they honestly seek a peaceful means to resolve substantial problems that periodically occur with the local school boards. The small counties have more severe problems in this respect than the large counties do, but you hear communication from the large counties because the media is there. Mr. Morgan also testified that the general impression about AB-178 is that it is an employee-interest bill, which he wishes to refute. It is a "public interest" bill and to the best of his knowledge there is not a teachers association in the United States that has ever proposed that they be under a binding arbitration system. They desire, in other states, to have the ability to strike. Nevada's teachers are willing to give up that right in order to have a process where their problems with their employer could be peacefully resolved.

Mr. Joe Latimore spoke as an opponent to AB-178. He stated that he represents, and is the chairman of the Nevada Municipal Association Committee on Labor Management Relations. The Association voted to oppose any changes in the Dodge Act and urged that they be permitted to operate under the Dodge Act as it presently stands for at least another two years. He noted that in their opinion this bill takes away the authority from the elected officials, particularly with regard to money management. With regard to placing of priorities, Mr. Latimore said they feel it is essential on the part of the elected officials to have that authority, particularly in the area of the tax rate.

He specifically noted that in the City of Reno they maintain that they must treat all of their employees alike, and they definitely would oppose a provision pointing binding arbitration toward the police and fire departments.

Mr. Latimore then submitted a statement prepared with regard to the time schedule which is attached hereto as Exhibit "A".

He further testified and reported to the committee that the City of Reno entered into a contract this year with the Reno Police Department in two categories, supervisory and non-supervisory.

Mr. Bob Maples, Personnel Director of the Washoe County School District, spoke as an opponent to AB-178. He submitted copies of two newspaper articles to the committee, copies of which are attached hereto as Exhibit "B" and Exhibit "C". He emphasized that the Washoe County School District is opposed to binding arbitration in negotiations by a third party who is not responsible to the electorate. It is their opinion that the elected board of trustees are charged with the responsibility of the operation of the school district and that's where the responsibility and the authority should lie. They feel the Dodge Act as it presently stands is "workable" and that negotiations in the Washoe County School District are progressing satisfactorily.

Mr. Angus MacEachern, Personnel Analyst with the City of Las Vegas, testified as an opponent to AB-178. Their position is that they fav or the Dodge Act as it presently stands. They have studied the latest amendments to this bill and will submit material showing different areas in the bill that do create problems for them.

Chairman Gibson asked what the incentive would be for settling short of arbitration on the part of the public employee? Mr. Ashleman answered by pointing out that when you go to arbitration you can get cut rather badly, so in some cases you would be more likely to settle before arbitration. Mr. Ashleman submitted material to the committee, copies of which are attached hereto as Exhibits "D", "E", "F," and "G".

Mr. Edmond Psaltis, Executive Director of the Washoe County Teachers Association testified before the committee with regard to the advisory arbitration last year in the Washoe County School District.

Mr. Morgan Sweeney, councilman from Boulder City, stated that they are members of the Nevada Municipal Association and they concur with Mr. Latimore regarding the Dodge Act. He also spoke directly to the situation as it now stands in the Clark County area on negotiations with public employees.

Chairman Gibson asked that those with suggested amendments have them prepared in written form to submit to the committee for consideration.

Senator Hecht submitted suggested amendments as follows: Section 6, page 4, by deleting lines 40 and 41 and inserting: "visions, the governor may modify the advice or decision of the arbitrator or require" and Section 6, page 4, by deleting lines 43 and 44 and inserting: "and binding. A failure to agree involving police and fire".

Chairman Gibson announced a meeting to be held at 7:30 on Friday morning, April 16, 1971.

AB-78 Requires State and its political subdivisions to comply with local building and zoning laws.

Senator Monroe moved to "Amend and Do Pass," seconded by Senator Swobe. The motion carried.

The meeting was then adjourned.

Respectfully sumitted,

Mary Jean Fondi
Committee Secretary



James I. Gibson,
Committee Chairman

Lat. mo 3-16-80

With respect to Assembly Bill 178

Gentlemen, if there is doubt as to the workability of present NRS 288, this doubt will become fact if certain proposed changes in the Act become effective. Let me give you this one example:

By using maximum dates, sections 15, 16, and 17 of AB 178 provide the following timetable:

Dec. 1 Negotiating notice given by parties and they commence negotiating.

Feb. 20 Either party may request mediation. This would be the date for submitting a meaningless tentative budget for the taxpayers to review.

Feb. 25 Mediator to be appointed.

Apr. 11 Mediation ends. This is also the date (April 10) that a final budget must be submitted after public hearing held in latter part of March. (This would also, in effect, be a meaningless budget if changes were contemplated later.)

Apr. 16 Parties would select a factfinder.

Apr. 21 The two factfinders select a third.

Apr. 26 The Board may have to select the third factfinder.

June 10 Factfinding panel renders a report to the parties.

June 15 Panel makes its findings public.

arbitration

Up to now everything may have been advisory and only at this time would the arbitration phase commence, now add the additional time necessary for arbitration, public hearing, etc. Remember that a budget becomes effective at the start of a fiscal year (or July 1) and now another budget might have to be prepared which would be difficult if not impossible to implement for several weeks. As a matter of fact, two or three months are necessary to gear budgets and payroll information to computerized operations.

Exhibit "A"

Business news analysis

# Compulsory arbitration as strike alternative is seen as unworkable

By JOHN CUNNIFF

NEW YORK (AP) — Compulsory arbitration is from time to time advocated as an alternative to strikes, but no less than the head of the American Arbitration Association believes such suggestions are unworkable.

"Anybody who tries to sell the notion is selling snakeoil," says Donald Straus, president of AAA, a nonprofit organization that seeks to develop voluntary arbitration as a peaceful, effective technique for settling disputes.

"Compulsory arbitration hasn't worked in other countries and I don't think it will here," Straus adds. There is, he feels, "no absolute safety to the public against strikes." But voluntary arbitration at least offers an alternative.

To be fully effective, he and others in AAA feel, arbitration must be voluntarily entered and its decisions freely accepted. Introduce compulsion and one side becomes a loser, which violates the spirit of the procedure.

The voluntary kind is getting renewed attention as a means of breaking deadlocks in negotiations. By prior agreement, parties would submit their differences to an impartial arbitrator if it became clear they could not agree.

The parties cannot be forced into arbitration, they must arrive at the decision themselves. Usually when each side feels it has more to lose than to gain by a strike, it becomes more amenable to the idea.

However, one side generally is more powerful and wishes to avoid arbitration. And the weaker side cannot submit differences to the arbitrator without the agreement of its adversary.

Seldom is a balance of power found, and so the arbitration industry is, as Straus puts it, "a fashion industry." It has had periods of popularity, such as following World War II, and has enjoyed some usage in certain industries.

Now, many people feel, the consequences of strikes are becoming so damaging to both sides, and to the public, that the atmosphere for arbitration may be improving.

Even George Meany, AFL-CIO president, concedes, "We are getting to the point where a strike doesn't make sense in many situations." Strikes, he said, sometimes don't settle a thing but voluntary arbitration, he suggested, might.

And so the AAA is studying the possibilities, aided by representatives of labor and management.

Straus already reports some progress but avoids overt enthusiasm.

Voluntary arbitration is being used with some success in dealing with teacher and government employe issues, but Straus says he knows of no instance where it is being used in private enterprise.

He believes that relatively few companies would be unwilling to arbitrate. But, with unions exerting power effectively, there might be more reluctance on their part.

Factors are at work that might change that situation. Unions are questioning the benefits of strikes. The administration is distressed. And the public may have swallowed all the frustration it can.

Exhibit "B"

RENO EVENING GAZETTE
A NEWSPAPER FOR THE HOME
Page four April 10, 1971

Ma 3-4-65

## Editorials

# Worse fate

THE PUBLIC, says Gov. Mike O'Callaghan, should be protected from walkouts and strikes by public employes.

He is taking a stand in favor of Assembly Bill 178 which would provide for binding arbitration in negotiations between public employes and employers.

It is true that many public employes have been threatening to strike lately. In fact, it's remembered, teachers in Washoe County actually did stage a walkout at one point.

But it is also true that the public needs protection from the potential abuses of arbitration.

The most obvious objection is the fact that an arbitrator, very likely from outside the state, would in effect be creating public policy for Nevada of the type reserved for elected officials.

In negotiations in which the two sides could not agree, the arbitrator would decide, and his decision would be binding.

But the trouble goes a good deal deeper than that . . . deeply, in fact, into the public interest. An arbitrator might know the fine points of labor relations, but he could be totally ignorant of other factors involved.

Does he know, for instance, whether the public treasury can stand the raise? Does he understand the tax structure and state or local laws which might prevent changing that structure? Does he understand the mood of the voter and taxpayer, and how they rate employe performance?

Does he understand what a catastrophe can be precipitated by committing funds for which no revenue is available?

Officials in Las Vegas know. They were plunged into fiscal crisis when firemen there won an enormous pay raise by going to the voters. Only emergency taxes, hastily considered and passed, pulled the city through. Serious mistakes could be made when public officials are forced to the wall that way.

Like many of those Las Vegas voters, though, the arbitrator would not have to face the music. He'd pick up his briefcase and go home, leaving others to solve the problems.

Gov. O'Callaghan claims the bill has the answer to that objection. One section, he says, contains a provision that the arbitrator shall base his decision on "reasonableness" of employe requests. It also would have to be pegged to prevailing conditions in public and private employment.

But, who is to decide what is reasonable? A social-oriented arbitrator would not hesitate to tax the public far beyond present levels, and call that reasonable.

And, prevailing conditions can be highly variable, and thus misleading. Wages in Alaska, for instance, are much higher than they are in Nevada.

Evidently, the public employes who would likely be affected believe that the arbitration clause would win them substantial benefits, otherwise they would surely not be lobbying so tenaciously for its passage.

What's more, binding arbitration will still not guarantee public protection. Though the Las Vegas firemen received their big raise, it is warned that they're again on the verge of striking for more benefits.

If they're ready to break their pledge not to strike, what's to prevent them from striking if binding arbitration does become a law?

Elected officials and taxpayers of Nevada have evidently not done badly by their public employes, since few public jobs are going begging.

And while the employes are being fairly treated it would be senseless to turn over a big piece of the public responsibility to a an arbitrator who answers to no one.

Exhibit "C"

# Public Employees Have Made Right to Strike

Unions of public employees have established the "de facto right to strike in almost every state in the union" in the face of laws prohibiting such walkouts, according to Professor Ronald W. Haughton of Wayne State University.

The nationally recognized arbitrator and industrial relations expert from Michigan told the Commonwealth Club in San Francisco that the strength of unions in the public sector is the determining factor in both the outcome of negotiations and the attitude of public officials, just as it is in private industry.

"My observation," he said, "is that public management generally is in favor of binding arbitration when unions are so strong they can get what they want."

When unions are weak, public officials oppose binding arbitration, he said.

"The record is loud and clear that unions are opposed to a ban on strikes," the professor said.

He predicted more strikes among public employees in the future, after a temporary decline this year.

"In this country we reward overt action and tend to do nothing if there is no action," he said.

Nationally the number of strikes among public employees has increased from 42 in 1955 to 250 last year. Teachers have led the parade, with 130 walkouts last year.

So far this year in Michigan alone there have been 21 teacher strikes and seven lockouts by school boards, he said.

### Laws Called Inadequate

He predicted that "for a long time to come we will work with something much less" than the legal right of public employees to strike or the right of binding arbitration.

However, he noted, that "laws don't really do the job."

Haughton is known in the Bay Area for his arbitration of the farm workers strike against Di Giorgio Corporation in 1966 and his participation last spring in settling the teachers strike at San Francisco State College.

He suggested that "maybe binding arbitration might be the answer" in situations where public employees and racial matters become involved in the same dispute—"they are frequently so hopeless of solution."

Haughton said that California is "a little bit pregnant" on the matter of binding arbitration since it recognizes its validity in public transit disputes.

In response to questions from Commonwealth Club members he said:

A freeze on prices and wages "is just not the answer."

He is "dead set against" labor courts.

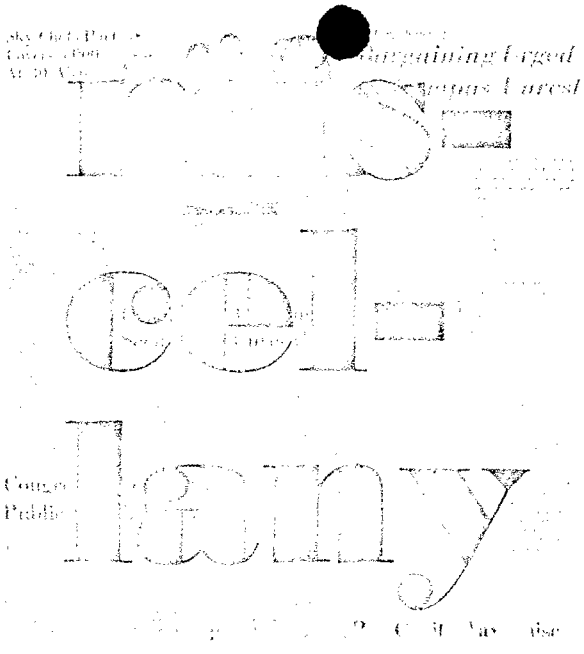
Attorneys are "not unanimous" on whether strikes of public employees are illegal in California.

Most wildcat strikes of public employees could be eliminated if public officials would accept binding arbitration of grievances as the private sector has done.



Exhibit "D"

3-16



■ In New Bedford, Mass., police recently discovered some explosives in a house along with a list of "targets" around the city. Included in the list were three fire houses, according to New Bedford Local 841 Secretary Henry Horrocks.

■ The Illinois State Supreme Court has handed down a precedent-setting decision affirming, in effect, the right to strike for 500,000 Illinois state and local public employees. The Illinois ruling centered on a December, 1968 strike by the State, County and Municipal Employees against a Peoria public nursing home. President Thomas Bestudik of the Illinois Association of Fire Fighters hailed the ruling as a "landmark decision." Bestudik said the state supreme court decision also confirms the right of public employees, including fire fighters, to bargain.

■ Former Attorney General Ramsey Clark, Jr., has called on members of Congress, state legislators, public employee organizations and others to join with him in a "national crusade for public workers' rights."

Clark, who was Attorney General in the Johnson administration, recently assumed chairmanship of the new National Committee for Equal Justice for Public Employees.

Spokesmen for the new committee said Clark's appeal—which is in the form of a 16-page booklet, "In the Public Interest"—has been mailed to key members of state legislatures where there are proposals for new public employee bargaining laws or for modification of existing antistrike laws.

Local unions wishing a free copy of the report and additional information about the committee may write to: Citizens' Committee for Equal Justice for Public Employees, Box 28086, Washington, D.C. 20005.

■ A former Washington University student in St. Louis, Mo., has been sentenced to five years in prison for violation of the 1968 civil disobedience law. A jury found the student guilty of violating the law by interfering with police and fire fighters when he threw a cherry bomb during the burning of an Air Force ROTC building on the Washington University campus in May, 1970. This is the maximum sentence provided and marked the first time a person has been convicted under the 1968 law.

■ A 17-nation report on International fire statistics showed that the United States far exceeded all the other nations reporting combined for loss of life and property damage due to fire. The NFPA report listed the U.S. with $2.5 billion in property loss to fire and 12,200 deaths in 1969. Closest to the U.S. were West Germany and the United Kingdom. Both nations were near the $290 million mark in property loss while the UK had 987 fire deaths. There was no data on West German fire deaths.

■ A 30-month study by the North Carolina League of Municipalities found that unions or local employee organizations existed in 25 percent of the communities reporting to a survey. The NCLM study noted that the "most prevalent national union in the state's municipalities is the International Association of Fire Fighters." In March, 1969, the IAFF won a long legal battle when a District Federal Court ruled unconstitutional a North Carolina law that prohibited public employees from joining a union. This ruling opened the gates for North Carolina fire fighters to rejoin IAFF local unions. The NCLM study testifies that they have done so in record numbers.

■ Fire fighters in several major cities who daily risk their lives are "working for peanuts" when their salaries are compared with pay increases going to certain administrative posts.

In a survey covering more than a dozen cities the Associated Press reported these examples of salary increases for public officials: The Director of City Development in Kansas City (Mo.) earns $28,920, up nearly 108 percent in five years. In Philadelphia, the Managing Director gets $34,000, up $7,500 since 1965, and the Recreation Director is paid $26,500, up $4,500, while the Mayor's salary has been increased from $30,000 to $40,000. In Los Angeles, the Administrative Officer earns $42,887, up from $28,692 in 1965, while the Mayor is paid $35,000, up from $25,000. The General Manager of Water and Power in Los Angeles earns $57,630, the Airports General Manager $46,000. In Baltimore, where the Mayor's salary has remained at $26,000, the Superintendent of Education gets $50,000, the Commissioner of Health $32,000.

Last month Dr. James G. Haughton, First Deputy Administrator of New York City's Health Services Administration left his $37,500 post to become Executive Director of the Cook County Hospital Governing Commission in Chicago at $60,000, making him the highest paid public official in Illinois. The salary of the Governor is $45,000, the Chicago Mayor's $35,000.

A Chicago fire fighter, one of the highest-paid in North America, makes less than $13,000.



Exhibit "E"

3-16

perative "to seek passage of legislation at the federal, state and local level for the purpose of repealing repressive laws that inhibit the rights of public employes to organize and bargain collectively, and to make available to public employes the same basic rights that have existed in the private sector for over 30 years."

There are currently laws on the books of 27 states which extend some form of collective bargaining to fire fighters. These include "meet and confer" laws "which have generally been interpreted as less than mandatory bargaining", laws so permissive they "make collective bargaining *collective begging*" and laws which—although they provide for mandatory bargaining—offer no final recourse in the event of a stalemate. "Nothing positive has even been proposed in most of the other states", says Albertoni. He offers the following guidelines for effective legislation:

1) full coverage to all state and local employes,

2) recognition of the right of public employes to bargain collectively,

3) emphasis on the obligation of both sides to bargain in good faith,

4) procedures for exclusive recognition under the supervision of a non-political board or commission,

5) machinery for third party dispute settlement with provisions for final solutions.

Experience has shown, however, that merely getting the needed law on the books is not always sufficient for securing bargaining rights. Often the final battle must be won in court.

## Compulsory and Binding

Rhode Island, for example, passed its Fire Fighter's Arbitration Act in 1956. The law required that municipalities recognize the fire fighters' bargaining agent and bargain with it in good faith. It also stipulated that all issues which remain unresolved after 30 days of negotiation must go to arbitration and that "a majority decision of the arbitrators shall be binding upon both the bargaining agent and the corporate authorities."

The city of Warwick took the case to court, appealing on the grounds that the compulsory and binding arbitration provisions were unconstitutional. The case finally reached the State Supreme Court late last year and, in a landmark decision, the law was upheld.

A similar, but more complicated case occured in Pennsylvania, where, back in 1962, compulsory and binding arbitration (for public employes) was held to be unconstitutional by the State Supreme Court. Then, in November 1967, Pennsylvania voters approved in a referendum an amendment to the constitution which gave the state legislature the right to enact a compulsory and binding arbitration statute (for public employes), which it proceeded to do in 1968. There was the inevitable test case, but this time the State Supreme Court found that the statute was not in conflict with the amended constitution.

At present there are only six states with compulsory and binding arbitration for public employes —Vermont, Michigan, Wyoming and Nebraska, in addition to the two mentioned above. Union officials are hopeful, however, that it will be here—in the legislatures and

MEMBERS OF LOCAL 112 HAD TO CUT AWAY PART OF THE CAB OF THIS WRECKED TRUCK BEFORE THEY COULD RESCUE DRIVER ROBERT BENNETT WHO HAD SUFFERED A BROKEN LEG AND LACERATIONS AFTER CRASHING ON RAIN-SLICKED HARBOR FREEWAY.

Exhibit "F"

3-169

# Strike Ban Called Deterrent to Living Wage

The distinguished editor of a highly respected labor-management publication recently wrote that any ban on public employees right to a just strike tends to perpetuate their traditionally low wages.

Eammon Barrett, editor of *Labor-Management Panel,* a publication of the Labor-Management School of the University of San Francisco, says the four criteria for a "just" strike are: 1. A just cause; 2. A proportionate cause; 3. A right use of means and, 4. A reasonable hope of success.

Regarding criteria No. 1, "a just cause," Barrett says that as long as the ban on strikes continues to exist in the public service, two situations are likely to prevail: The wages in the public sector generally will remain below wages for comparable jobs in the private sector and, working conditions will suffer.

Barrett points out that throughout California there is no uniformity in police and fire pay from one area to another, despite the fact that both groups daily risk their lives.

### Cites Vallejo Strike

In his article, he cites the Vallejo, Calif., fire and police department strike last year (see September, 1969 Fire Fighter, p. 7) where a wage raise was won despite city protests that it didn't have the money for wage raises.

"However, in the face of this strike, although an illegal one, that was backed by many citizens, the money was found. Without the strike, all the talk and negotiations in the world would not have won them an increase," Barrett wrote.

The second requisite for a just strike is a proportionate cause. That means the benefits anticipated or hoped for from the strike must be sufficiently great to compensate for the inconveniences which it is likely to produce. This is further explained that any harm that may be inflicted on the employer or the general public must not be out of proportion to the expected goals.

Here Barrett cites a recent strike by fire fighters in London, England, a city of two million people. There the strike took the form of a refusal to accept wages and to obey any orders within the confines of the fire house. Although the job action was viewed with apprehension by Londoners, the strike was soon settled and the fire fighters were granted the majority of their demands.

In commenting on the London strike, Barrett said "other than resorting to strike action, the only short-run remedy open to the fire fighters there was to go on accepting wages lower than that to which they were entitled—either that, or lobby for paternalistic handouts from politicians concerned about their own reelection.

"Politicians do not wish to jeopardize their chances of reelection by either a tax increase or a change in the allocation of the tax monies. By accepting a wage lower than that to which they are entitled, fire fighters can be said to be keeping incumbent politicians in office and discriminating against political opponents who might be more just and less discriminatory."

The third requisite for a just strike is a right use of means. Strikes must confine themselves to what is permitted by the natural and civil law. It is difficult to define in detail what is permitted and what is forbidden in this matter. Certainly both physical violence and destruction are forbidden; on the other hand, peaceful picketing is allowed.

The fourth requisite for a just strike is a reasonable hope of success. In dealing with the strikes in the public sector, two important factors must be taken into consideration:

a) In the first place, strikes are outlawed in the public sector, and in some jurisdictions sanctions are attached to breaking the law. On the face of it, the existence of these laws and sanctions would make it appear that strikes in the public sector would have no reasonable hope for success and thus could not be justified.

b) However, the number of strikes has increased substantially in the last three years, thereby establishing a de facto right to strike.

Many of these strikes have been successful, as seen in the cases of the 1966 and 1968 nurses' strikes in San Francisco, and the police and fire fighters' strike in Vallejo. In addition, the general duty nurses at Jackson Memorial Hospital in Miami won a 15 percent wage increase as a result of strike action.

"These examples of success could be multiplied, and in light of this fact it is difficult, if not impossible, to state categorically that future public employee strikes do not have a reasonable hope for success," the article concluded.

## Minimum Staff During Convention

All members, and particularly the officers of subordinate organizations, have been advised that only a reduced staff will be on duty in the International Office during the period of the convention in Miami Beach, Fla.

There may be some delay encountered in correspondence, Secretary-Treasurer A. E. Albertoni has declared. He urged that, wherever possible, such correspondence be initiated before the convention or held in abeyance until after the session is completed.

The principal officers and key staff members will be in Miami Beach on convention business several days in advance of the convention and will also be preoccupied with convention matters for several days following the session. The convention dates are August 3-7.

Requests for supplies and other routine correspondence should be moved forward for most efficient functioning, Secretary-Treasurer Albertoni advised.



Exhibit "G"