

Legislative History for Connecticut Act

SB 872	PA 141	1961
Public personnel	5a, 61	(2)
Labor	296 - 300, 304, 306, 309 - 315	(15)
Senate	890	(1)
House	1391 - 1392	(2)
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TUESDAY

FEBRUARY 28, 1961

SENATOR A. URBINATI PRESIDING

MEMBERS PRESENT: SEN. URBINATI, O'DEA, REP. BROWN, LOJZIM, JAYNES, REPKO, CLARK, BETKOSKI, DEPAOLO, MILLER, CARINI, BUELDEN, TAFT, RYAN, CALCHERA, FISHBONE, SPEILMAN.

Sen. Urbinati: "I have an announcement to make first in reference to S.B. No. 871 and 872. They have been transferred to the labor committee and it is my understanding that they will be heard downstairs in the senate chamber this morning. We will hear first on these bills, the Rep. and Sen., present providing they will be very brief."

Rep. Schlossbach: Of Westbrook. "It's about time that the General Assembly created some kind of a screening board. Screening the bills as they come in, in their proper category so that we do not have to fly around like a bunch of butterflies from one committee to another arguing the same particular bill. And that is for the record."

H.B. No. 3772 ✓ (REP. SCHLOSSBACH) COLLECTIVE BARGAINING AND RECOGNITION OF PUBLIC EMPLOYEES BARGAINING REPRESENTATIVE.

Rep. Schlossbach: "Speaking on H.B. No. 3772 and 2839, I notice that there are two senate bills that also cover some of these details. I am going to be brief on saying for the past four years we have tried to study this question of collective bargaining. In the last session we did come up with a bill following the interim collective bargaining committee activity in which we did have a great deal of work done. Hearings were held with department heads and so forth, and the bill did pass and got lost in the closing of the session because there were some personnel bills that had to go in first, and we did not have time. Perhaps we are not ready for collective bargaining. I personally think we are, but certainly if there is anything this committee should do, if they're not going to come out with a bill this session, it would to create a commission of some kind that would study this problem from beginning to end. Because, I think, that Connecticut is ready for collective bargaining and do away with the so called grievance set-up you have. And you should bring it all out in the open, get your commission and study it. And if you feel that this State is ready for collective bargaining I think that (inaudible) will handle it for you."

Sen. Urbinati: "Any other Representative or Senators? If not we will commence with 474."

S.B.No. 474 ✓ (SEN. O'DEA) GRIEVANCE PROCEDURE FOR STATE EMPLOYEES.

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Patricia Smith:
(cont.)

state employees does not give the board of the department of labor any authority to investigate the status of a labor organization that is recognized, to represent the employees or, there is nothing in this bill nor will there be 4171 that would deny the right to the CSCA to represent employees on grievances it might be a different matter of collective bargaining, but this is not true in respect to grievance decision."

Sen. Urbinati:

"How do you explain the misinterpretation of a situation? Both intelligent groups and yet?"

Patricia Smith:

"Well, I think that the thing is that when we get to talk on collective bargaining bill I was going to bring it up. I think that there is deep rooted fear in organizations that if there is (inaudible)

Sen. Urbinati:

"Anyone else wish to comment on this bill? If not we will close hearing on 474 and proceed with 476. Anyone wish to appear in favor of this bill? Anyone opposed to this bill?"

S.B. No. 476: ✓

(SEN. O'DEA) USE OF THE STATE BOARD OF MEDIATION AND ARBITRATION BY STATE EMPLOYEES.

Edward Gallent:

STATE EMPLOYEES ASSOCIATION: "This brings you under chapter 560 of the general statutes and everything that Dr. Moore said before applies. If you look carefully at that chapter you will find and the related chapters you will find that there are exclusive clauses which would destroy the employee and employer relationship which now exists."

Mr. Zlochiver:

"Originally we favored 476. ✓ Then we discussed this with various officials and we came up with 474 which was a compromise and we are willing to compromise on that bill. While we have the utmost respect for Dr. Moore we think he is confusing two parts with the labor department. There is the State Board of Mediation and Arbitration which these two bills refer to and there is the State Board of Labor Relations which will come up later and will discuss and most of his comments was against coming under the state labor relations."

Sen. Urbinati:

"Anyone else wish to comment on this bill? If not, we will be closing hearing on 476. ✓ As I said before, 871 and 872 have been transferred to the Labor Committee. We will pass on to 2839. ✓"

S.B. NO. 2839: ✓

(REP. SCHLOSSBACH) EXTENDING THE PROVISIONS OF THE LABOR RELATIONS ACT TO STATE, COUNTY AND MUNICIPAL EMPLOYEES.

Leonard Kershner:

SECRETARY TREASURER of the UNIFORMED FIRE-FIGHTERS

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Rep. Patterson:
Old Lyme

testimony on that here today but we feel that you ought, very seriously to consider favorably raising the minimum wage to something like a dollar fifteen cents an hour as a first step and proposing a further increase to \$1.25 as a second step after a reasonable time which I don't wish to be precise on today. I would suggest that maybe the action in Washington will be forthcoming in a few weeks and we might take a look at that before we act finally here.

Secondly, Mr. Chairman, I'd like to just very briefly go on record in favor of S. B. No. 1122 (Joint Committee) DISCLOSURE OF EMPLOYMENT INFORMATION, which as I understand it would implement the agreement which Connecticut and New York State arrived at under which New York State, through legislative action, has very recently amended its tax laws so as to give Connecticut residents who work in New York State the same deductions on their New York State income tax return that New York residents have long enjoyed.

I can't praise too highly the initiative that Governor Rockefeller took in New York State in this matter and I would be less modest if I didn't praise the part Governor Ribicoff played in it when he was Governor here. I think that this agreement that was worked out between the two States does credit to both but Connecticut must now implement the agreement on our part or else the New York legislation will not become effective. I'm informed by our Tax Department that this would do that - would do it in a fair and proper way - and I hope the Committee will consider this bill most favorably. Thank you, Mr. Chairman.

Chairman Miller:

Thank you. Any other members of the General Assembly?

Rep. Morano:
Greenwich

Mr. Chairman, Members of the Committee, I've been asked to appear this morning by the Chairman of the Fairfield County Legislators' Group - Mr. Gennaro Frate who is unable to attend this morning. I appear to support S. B. No. 1122 (Joint Committee) DISCLOSURE OF EMPLOYMENT INFORMATION, the purpose is self-explanatory. I urge your Committee's favorable report.

Chairman Miller:

Thank you. Are there any other Members of the General Assembly here who wish to speak on any of these bills. We have registration blanks at this desk up here if anyone wants to register for or against any of these bills. I talked with Mr. Zanobi, the House Chairman and he agreed to go to the two bills on the State Board of Mediation and Arbitration, S. B. No. 871 (Sen. Hickey) STATE BOARD OF MEDIATION AND ARBITRATION and S. B. No. 872 (Sen. Hickey) STATE BOARD OF MEDIATION AND ARBITRATION, are there any proponents to either of these bills?

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State Labor
Commissioner
Ricciuti:

Mr. Chairman, first on S. B. No. 871 (Sen. Hickey) STATE BOARD OF MEDIATION AND ARBITRATION, I think all of us recognize that in some respects the strike weapon is now rather outmoded and a lot of difficulty arises, a lot of losses as far as production is concerned, lost wages, the dislocation in so far as industry is concerned and it does have a detrimental effect on the state's economy and in this kind of a situation, I think the state should search as far as it can and go as far as it can to try and find an addition to the present procedures which will tend to shorten strikes or try to avoid them where it's possible. Now, we do have, in this state, a very fine mediation set-up and it's been rather successful. However, there have been instances where this voluntary process has not produced results. And so this bill which still retains the voluntary procedures which I think all of us here in Connecticut feel is the proper way to approach labor-management disputes - still retaining that feature of it - it would make it possible for the Governor of this State, where the State Board of Mediation and Arbitration has certified to the Governor that their efforts to achieve a voluntary settlement has been unsuccessful, it would make it possible for the Governor to appoint either a one-man Board of Inquiry, a three-man Board or however he sees fit, to look into the dispute and report to the Governor.

Now, I think that it's being demonstrated in many labor disputes and in some that we now have, that there are so many charges flying back and forth - so many different positions expressed in the press and other methods of communication, that the public becomes somewhat confused as to what the real issues involved are and it seems to me a dispassionate inquiry to a dispute, which would bring out all the facts in report form to the Governor, which he could make public - it might even be used with the force of the public behind it to suggest adequate means of solution of a particular dispute. It adds to the weapons that we now have, voluntary as they may be here in Connecticut. to try and solve labor-management disputes and to try and alleviate the situation where a strike has occurred or where strike is threatened and I think it's something that ought to be considered very carefully and I urge the Committee to give it a favorable report.

On S. B. No. 872 (Sen. Hickey) STATE BOARD OF MEDIATION AND ARBITRATION, Mr. Chairman, and Members of the Committee, we now have a tripartite State Board of Mediation and Arbitration which has a tripartite

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Commissioner Ricciuti: method of arbitration. That means that on every arbitration panel, there's one management member, one labor member and one public member. It frequently becomes difficult to get not only these people involved but the members of the parties involved - the representatives of the parties involved - to get a time which is mutually acceptable at or rather to all of them and in the interest of speed, particularly in some of these matters which are rather important which go to arbitration and this is only in arbitration - in the interest of speed and trying to get the dispute resolved in the speediest possible way, I think it would be well to give the parties an option as to whether or not they prefer a three-man Board of Arbitration or a single member. It also has the added incentive and advantage which I'm sure would appeal to the members of the Legislature as well as it does to me that it's less costly since if the parties agree to accept a single person to arbitrate, there would be less expense involved.

So, from these two aspects, from the aspect of speed and trying to get the dispute resolved and from the aspect of an economical operation of the State function, I believe that the bill ought to be supported by the Committee.

Chairman Miller: Thank you. Anyone else in favor? Monsignor Donnelly.

Monsignor Donnelly: Mr. Chairman and Members of the Committee, it's a number of years since I appeared before this Committee and I do so today because I think the two bills being considered this morning which involve the State Board of Mediation and Arbitration are important - important for the welfare of labor and management in Connecticut and also important for the people of Connecticut.

I'll speak first to the second of the two bills mentioned in the talk by the Commissioner, S. B. 872 (Sen. Hickey) STATE BOARD OF MEDIATION AND ARBITRATION. For the information of the Committee and this will take just one minute to do it - the State Board of Mediation and Arbitration - and may I say parenthetically that I feel competent to speak in this field because I've been a member of the Board since 1943 and Chairman since 1949. The Board is composed of six members, two representing industry, two representing the public and two representing labor. We sit in panels of three. We both mediate and arbitrate. Mediate, of course, trying to get the parties to come to a voluntary

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Monsignor Donnelly: agreement - arbitrate when the parties ask us to make a decision on a dispute that they're not able to resolve.

In the history of the Board, the Board goes back about 75 years - the Board was set up in the last century but it was a rather ineffective set-up probably suitable to the conditions then prevailing. The Board was revised in the middle 30's and became more effective. In the 1930's, we had the great organizational drive - labor unions became more effective and there were more labor unions-the caseload of the Board increased relatively. Probably in the 1930's, the Board might meet three or four times a month on a case. Today, that's history. I think it's an infrequent week today when the Board - a panel of the Board meets less than three or four times a week, either on arbitration or mediation.

Now, to get the type of set-up that the Boards needs, we have to have men of caliber and therefore we have taken as members of the Board, representatives of industry who already hold responsible positions in industry and representatives of labor who are important representatives of the organized labor movement. This means these people are busy. It's hard to get them together and when they take on the duties of the membership in the Board, they are adding burdens to their already crowded schedules. So that now with the great increase in the load of the Board, particularly in arbitration cases, we feel that it is decidedly to our advantage to have the flexibility that will permit us, at times, and this is completely permissive as provided in the Statutes, to give the Board the opportunity to have the public member, if the parties agree, serve in some of these disputes.

Many of these disputes are very simple things. It might be a question of holiday pay involving a few employees. Many of them are very complicated and the complicating things we like to have-in complicated issues, there's great benefit in having a representative of labor and a representative of management sitting in the arbitration of that dispute. But many of them are very simple and, as the parties come before the Board, I am sure in great part, recognize they can be well handled by one - the public member of the Board. Board members - we've discussed this on several occasions - and I think that there is a general feeling on the Board that this would be desirable, not only to effectively administer the functions of the Board but also to expedite these hearings.

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Monsignor Donnelly: Of course it's of the essence of arbitration that you get the parties together. What they want is an answer and they don't want to wait two or three weeks for the answer and if we had this flexibility, we feel we could do a better service to the people who use the Board.

Now on S. B. No. 871 (Sen. Hickey) STATE BOARD OF MEDIATION AND ARBITRATION, which provides for fact finding. Fact finding is not something new as an instrument of adjusting labor-management disputes. Fact finding goes back to the - oh, I think fact finding was invoked in the big railroad strike in 1870-1880. But then it was a process by virtue of which fact finding would be used to make recommendations for legislative action. The first time that fact finding was adopted in the sense in which we accept it today was in the Railway Labor Act in the middle 1930's. It's not something novel. It's provided for in the emergency disputes section of the Taft-Hartley Act. It's provided for in the Atomic Energy Disputes Act and it's provided for in the Railway Labor Act.

We've had many disputes in my experience on the Board when I feel that if we had the weapon or instrument or tool of fact finding, we probably would have avoided some rather costly and, in some cases, disastrous strikes.

We have a strike in Connecticut, as you know, the Connecticut Railway and Lighting Company, where in the last hour of mediation, we got the parties to agree upon fact finding. They started this procedure and one of the parties, the company refused to go forward finding some dispute or challenging the agreement that they had made with the union and I'm not passing judgment on the merits of the position taken by the company - but, the point I would like to make is that they were able, after we got them to agree to fact finding and, in my opinion, if they had gone through with the process of fact finding, we might have avoided the strike, but the point I'm making is they were able, because this was a voluntary agreement and not a matter of law, they were able to withdraw and we have a strike that reportedly involved 70,000 riders on the Connecticut Railway and Lighting Company buses.

The fact finding procedure that's recommended would provide that the parties would come before a governmentally appointed - appointed by the Governor - panel

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Chairman Miller: Thank you. Are there any other proponents?

Norman Zolot:
Conn. State Labor
Council

Mr. Chairman and Members of the Committee, I speak here also, I would say, as one attorney who appears, quite frequently, before the Connecticut State Board of Mediation and Arbitration in behalf of labor organizations and in respect to S. B. No. 872 (Sen. Hickey) STATE BOARD OF MEDIATION AND ARBITRATION, I would say that such an amendment is a desirable one in so far as it makes available both the Chairman and the Co-chairman for alternate members more freely. Our problem in many instances, as the Commissioner has indicated, is that when you try to get a schedule which involves the Chairmen, the two members besides the Chairmen and the attorneys involved, it's a little difficult, sometimes, to get a prompt and speedy hearing.

The value of a tripartite group to consider an arbitration case lies in the fact that the biased member, whether he be the union member or the industry member, will contribute to the understanding of the impartial, non-partisan Chairman or Co-chairman. There are many situations where the value of the biased arbitrator, if you will, is questionable. And in those cases, it would appear desirable to have only a single arbitrator. And, as indicated to you, we have many, many situations in which the single arbitrator appears. It's the usual role in connection with the American Arbitration Association. It's the usual rule in connection with arbitrators appointed under the Federal Mediation and Conciliation Service.

Since this bill makes it very clear that the single arbitrator will be used only with the consent of the parties, it certainly cannot be said that we are changing the contracts partly or rather currently in force which designate the present Board as the arbitrator. So that if the union and company agree that a single member is desirable, we can do so.

I might say that there's one other problem which this bill does not cover which might also be considered and that is the requirement of a transcript. We have, at the present time, only one stenographer. In many cases, we are prepared to waive the use of a transcript. However, as I understand it, the Attorney-General has ruled that it is necessary to have a transcript and this again limits the availability of the use of the State Board and in this connection, I might say that that problem might also be considered and corrected.

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Norman Zolot: say that the Board itself would have very limited value but I want to make it clear, if it helps to settle one major dispute, it's a worthwhile addition to the weapons available to the State to settle important matters and we are in favor of this type of approach.

Chairman Miller: Thank you. Are there any other proponents? Are there any opponents?

William C. Hart: Mr. Chairman, I might say that we find no objection to S. B. No. 872 (Sen. Hickey) STATE BOARD OF MEDIATION AND ARBITRATION, and we certainly endorse the desire and ideals of the previous speakers who want speedy settlement of strike situations.

But, we wish to be recorded in opposition to S. B. 871 (Sen. Hickey) STATE BOARD OF MEDIATION AND ARBITRATION, for the very reason that it does not add to the speedy settlement. The stated purpose of this bill, and I quote, is "to provide for greater flexibility in the labor dispute settlement procedures of the State" and this obscures its true aim. The bill does not add flexibility. It, in fact, subtracts from the effectiveness of traditional collective bargaining procedures by dignifying "third party intervention" with statutory backing.

Now the principle of "third party intervention" may have a lot of appeal to the general public, which, on the whole, is largely uninformed about the complexities of collective bargaining and which wants any quick way out of a strike situation. But if the principle of settling labor disputes is to become standard, and this bill invites that result, I suggest to you that the integrity of collective bargaining will gradually be destroyed. Labor has worked long and hard, as it well ought to know, to place collective bargaining at the center of employer-employee relationships and collective bargaining has become a generally accepted and an even respected procedure and concept.

And it is rather astonishing to us that labor interests now seek to bypass or dilute the effectiveness of collective bargaining by giving authority to this principle of very dubious merit - this principle of "third party intervention" and a principle which has proved very largely, fruitless.

I want to quote to you from an article or a study requested by former Secretary of Labor Mitchell on

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Leon Lemaire: decide when they are going to settle the dispute. Public opinion does not settle disputes nor does the public have to live with any of the recommendations that are made by any Board, at a later date. The union and the company involved have to live with anything that they decide in any contract negotiation or in any settlement of any dispute. I tell you this - that this is just one step in the wrong direction. It's a step towards compulsion and compulsory arbitration is the most violently opposed principle that we could ever be tending toward. I say let's not take that one step. The parties to these disputes may now, if they see fit, call in outside individuals and tell them to find facts. They can do this if they want to and I say let's leave it a voluntary proposition. Thank you very much.

Chairman Miller: Thank you. There's a question.

Chairman Zanobi: I would ask this both of you and Mr. Hart who spoke previously - am I to understand that you are opposed to S. B. No. 871 (Sen. Hickey) STATE BOARD OF MEDIATION AND ARBITRATION, but in favor of S. B. No. 872 (Sen. Hickey) STATE BOARD OF MEDIATION AND ARBITRATION?

Leon Lemaire: That's right. The latter bill we will go on record as favoring.

William C. Hart: May I say that we don't necessarily go in favor of this last bill but we have no objection to it.

Rep. McGee:
Farmington I direct this question to either Mr. Hart or Mr. Lemaire. But isn't your position substantially watered down by the fact that this Board would only come into action after the Board of Mediation and Arbitration has felt that it is essential and helpful to settle this thing?

Leon Lemaire: Well, it certainly is watered down by the fact that the Board has to make this decision but who-- we're leaving it up to the Board to decide whether or not they want to use this particular weapon or tool as someone put it and it still is a step in the wrong direction. There is just no need for it to begin with. It's not going to resolve what the difference is between the parties. The facts, I already indicated, are known to both parties. A group of people coming in are not going to find anything different than the unions already know or the company already knows exist and what you're doing is interfering with the economic factors which are always in play in these disputes. You're saying the public should have the right to tell an employer: "You must give a pay raise" and I say this is wrong.

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William C. Hart: I would simply add that the anticipation, as I pointed out, of interference by political leaders or government authorities simply prolongs the situation because as labor knows, it stands a good chance of having the weight of public opinion on its side when the situation is presented to the press simply because public in general simply can not understand the complexities and needs of a business organization. The public can not run every business. It's this matter of splitting the difference. For example, labor may ask for an hourly wage, let us say, of \$2.50. Perhaps the current wage is \$2.00. Business suggests \$2.10. Well, this split the difference principle is a fine principle. Why don't we simply split the principle. In our company, for example, if we add one cent an hour to the wages of our people, that an \$8,000,000.00 increase. Now, this is the kind of situation that other companies might feel even more critically than our own.

This split the difference principle which is very acceptable to the American public simply doesn't stand up in this kind of a situation.

Chairman Miller: Thank you. Mr. Lemaire, Mr. Hemingway has a question for you.

Rep. Hemingway: Mr. Lemaire, you made a statement that you were not in favor and you didn't need fact finders. Would you care to explain to this Committee how without fact finders you're going to bring out many hidden assets and things that are hidden in various negotiations that have been brought out in various past negotiations?

Mr. Lemaire: I don't understand your question. Are you inquiring--

Rep. Hemingway: I'm implying that in many negotiations, in many cases, it's been found that employers have had hidden facts, hidden assets that haven't been brought out until they've been brought by fact finders.

Mr. Lemaire: Well, I feel this--that certainly the company should not be required, in any case, to divulge its entire financial structure simply for the benefit of the union. I don't feel this is right nor is it recognized. There are certain--certainly if a company says: "I cannot afford 5¢ an hour,"--it will attempt to justify this. It will justify this on the basis of fact and I think that this is always so. I can cite cases of unreasonable demands that are stuck to by unions and you can, certainly, probably, find instances where companies may be unreasonable but this is an interference that we object to.

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Chairman Miller: Thank you. Are there any other opponents?

Harmon E. Snoke: Messrs. Chairman Miller and Zanopi, I would like to appear in favor of S. B. 872 (Sen. Hickey) STATE BOARD OF MEDIATION AND ARBITRATION, and most private arbitrators - there's no reason why they should not be extended to as a privilege before the State Board of Mediation and Arbitration. It would help them get settlement of arbitrable cases which, of course, again are something entirely different from what you are talking about in S. B. No. 871 (Sen. Hickey) STATE BOARD OF MEDIATION AND ARBITRATION, WHICH, as has been indicated here would lead virtually, if not to compulsory arbitration to a dictation of a settlement over terms of a contract.

Now, if we go back into our concept of labor bargaining and negotiation as we have it going back to the Wagner - and we still have a little Wagner Act here in the State of Connecticut. It was to give the employees the right to organize and to utilize their economic power through a strike - to equal the economic power of an employer. That is the basic concept of bargaining or the powers that are involved in striking or the end result in case you come to a disagreement as a result of free and collective bargaining. I think this is all recognized on this - I'm just stating I hope some truisms here or the facts as this was originally conceived.

In Connecticut, we have had for years, a splendid Board of Mediation and Arbitration which has functioned. I would say as near as any public board can operate in this area, well and effectively in accomplishing a very desirable purpose and that is to try to get parties who are engaged in collective bargaining who may be at variance, into some kind of an agreement so the dispute may be settled.

Now, if we enter into a fact finding board and we have just heard a question given Mr. Lemaire on this point - fact finding boards are people who have no knowledge or connection say with the dispute. I notice here that in the discussion previously it was referred to as an impartial board. This doesn't say that. It says: "a board of inquiry for the purposes of this article shall consist of a chairman and such other persons as the Governor shall from time to time appoint". Now, we hope they would be impartial. There's no guarantee that any man, any time, any place will be impartial or that he will always represent the public impartially. We always try to endow them with that kind of wisdom. However, it brings a new element into the inquiry

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Harmon E. Snoke: here which has powers that are not enjoyed by the present Board of Mediation and Arbitration and those powers would require even though the cause be not as under Federal law. As you say under the Federal now if you refuse to give information, they can require you to produce the books of the company. This, regardless of cause here, this would permit them to make you produce all your private and corporate records for any purpose or any extent and to publish them, actually. And if they find that they might be available from some other thing or source. True, it says over here that they're supposed to get some kind of consent but they still have the right to decide before asking for the consent whether this information is available from some other source. Well, a lot of information is available through the published reports of public corporations. Nothing is hidden there. They are publicly audited. They make reports. It doesn't mean because someone has some assets, we're going to divide them up or whack them up. Assets are brick and mortar - materials and process, machine tools. It's not just cash that you can whack up and pass out around here - one for me and one for you type of business. Just amazed at some of the thinking in this.

This is serious business. I'm reminded that I published, as I think I laid it before the Committee at the last Session of the Legislature - I'll be glad to bring up additional copies this time - a statistical booklet called "Your Personal Strength Cost Computer" and in it, it shows how if you strike for one cent how long it takes to get it back if you're out one week, two weeks, ten weeks, twenty weeks or however many you want to compute. And that was published in 1954 because of the fact that I knew that one of our companies had had a strike for seven weeks when it was never more than one cent difference between the union's demand and the-- what the company felt it could honestly afford to pay. It's a company that's had a marvelous record of steady employment. The reason they've been able to provide steady employment was because they ran their business intelligently. And when they needed to keep a penny in the bank, they kept it in the bank so that when things got a little bad, they could keep their employees employed. They didn't have to have a big lay-off. They could stretch a point and keep people on the job.

Now, this is not just an easy trick. Now, maybe and it's been cited here if you want to provide a few things that effect the public greatly, such as the

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Harmon E. Snoke: emergency provisions of the Taft-Hartley Act that brings on a national calamity or under the Labor Railroad Act where they're governed by the or by a National Commission or the Atomic Energy Commission which may be effective in national defense or other matters. Maybe you need something like this in the way of fact finding but in the day to day negotiations of labor contracts between management and labor, if we have proper collective bargaining, you do not need an agency such as that by any stretch of the imagination believe me, if we're going to have rational people engaged in rational bargaining.

I think the Mediation Board, unless they want to, themselves, ask for the fact finding powers - just as it would be granted to entirely new bodies - you have no knowledge of who it might be. Unless they feel that they need that to carry on their work, I think this is clear out and shall I say out of the can. I've worked nigh on to four years now for management in this type of work and various types of work.

I'll tell you a story that during the depression I worked for a Chamber of Commerce in Indianapolis, Indiana and then I have had men who were in business come in and walk up and down this carpeted hall up here, saying: "What can I do now?" And I said: "Well, have you tried this and have you tried that?" It's only to help them get their thinking through. I was a very young man then. And, very often by asking them, they could find their own solutions. They were more worried about people, keeping people on their payroll and keeping people employed, believe me, than, in a sense, than the employees were.

I learned about management then - that they're men of integrity and they're men who try to be considerate of people. They're in business and the only way they can be in a successful business is to put people to work and keep them at work. That's a successful business.

Now, going back in the old days when we talked about the public be damned and the railroad--whoever it was at three o'clock in the morning. Well, maybe there's a little bit of this attitude creeps out on both sides at times in collective bargaining. We hope that that is not the cause of it. The public gets in the middle sometimes, it's true and sometimes people

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Harmon E. Snoke:

won't go or agree to go on and operate or to work or to do this during a dispute until they can negotiate a settlement. Just as much could be gained very often by that but they don't choose to do that. They don't have to do this under the law and I don't believe that if you adopt this new agency which is upon an agency, etc., that it would add anything more. Certainly, if the Board asked the Governor to intervene and try to bring people together as he has done in a case recently - it's been done by other people, other times - if they can't get together, it's no use trying to try to go in and pull out a lot of dirty linen or - which I-a word I hate to use- or to uncover something nasty that someone has hidden away-or to go out and say because people have on behalf of their employees and their stockholders and the public try to build up a good solvent company and keep it running and keep people employed that they can always acceded to demands whether it be for money or for anything else that could be reasonable or unreasonable.

I think you're defeating the very collective bargaining process by this. Your or you are getting down to where you have a-a - utilize public opinion as a club, so to speak and you may or you may not have the correct interpretation of the facts. We hope these people would have some kind of a fair - let's not say even correct - a fair interpretation of these facts that they might get. The thing of it is that there's no reason why people should go into the private operation of companies to decide whether or not as of today they should give another holiday, they could do something or give another penny on wages. A friend here spoke of eight million dollars, that eight million dollars to that company, believe me, can be just as important to a company over here that is much smaller, who might have less credit, who might not have the funds to get over a rough spot. It only takes one cent sometimes to make or break a company. Believe me, it can be done and what we want to do is keep people in business.

I hope I'm not digressing from the subject but I just wanted to say that I don't believe that the public interest-the true public interest nor the true interest of labor nor the true interest of management-would be served by something which is set up a fact finding or alleged fact finding process which would be generally applicable to labor relations settlements or the settlement of labor disputes.

LABOR

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Chairman Miller: Thank you. Are there any other opponents?

Rep. R. Noyes: Mr. Chairman, Members of the Committee, I will try to entertain the Committee with a little change of pace and not stick to the bill which is before us and I will hope not to try your patience too much.

Speaking against S. B. No. 871^v(Sen. Hickey) STATE BOARD OF MEDIATION AND ARBITRATION, the purpose of the bill, I think is the first thing I would call to your attention. The Statement of Purpose at the end of the bill says, "To provide for greater flexibility". It's a matter of some amazement to me the way in which this purpose and the words fact finding have been tossed around here because it seems to me that nobody has bothered to say what fact finding is and nobody has bothered to look at Section 31-95, which I urge you to do at your leisure, and Section 31-99. Now, that is part of the Act which currently governs the State Board of Mediation and Arbitration and without going into great detail and bothering you by reading aloud what you can read for your own amusement, 31-95, the subject of it is 'powers of the Board's subpoena' and as I read it, without being a lawyer, it gives the Board all the power and more which is included in the bill before you.

So if you're talking about fact finding, fact finding already exists in 31-95. This is in the case of a strike.

And Section 31-99 broadens the power to include a situation in which, in the judgement of the Board or at the request of either party, either party, just one of them, a strike threatens. In other words, the power of subpoena, the powers of fact finding, which include, incidentally, looking at company's payrolls and other records. It's right in there - can be had - can be utilized by the present Board of Mediation and Arbitration - either when a strike exists or when either party, labor or management requests the Board to do so. So I think that takes care of the fact finding proposition. We've already got it in the Statute.

Now, the last sentence in the existing Statute governing the mediation and arbitration says this: "The Board shall hold confidential all information submitted to it by any party to an industrial dispute and shall not reveal such information unless specifically authorized to do so by such party".

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retaining its place on the calendar.

THE CLERK: Cal. No. 276, file No. 290. SB No. 872. An Act concerning procedure by a single member of the State Board of Mediation and Arbitration in certain cases. Favorable report of the JC on Labor.

THE CHAIR: Senator Miller of the 13th District.

SENATOR MILLER: Mr. President, I move acceptance of the committee's favorable report and passage of the bill.

THE CHAIR: Will you remark?

SENATOR MILLER: This bill would allow the two parties in a dispute to use a single arbitrator by mutual agreement.

THE CHAIR: Any further remarks? If not, the question is on the acceptance of the committee's favorable report and passage of the bill. All in favor will signify in the usual fashion, opposed, the bill is carried.

THE CLERK: Cal. No. 277, file No. 289, SB No. 673. An Act concerning the Public Health Code. Favorable report of the JC on Public Health & Safety.

THE CHAIR: Senator Hickey of the 21st District.

SENATOR HICKEY: I move acceptance of the committee's favorable report and passage of the bill.

THE CHAIR: Will you remark?

SENATOR HICKEY: Mr. President and members of the Senate, this bill simply changes the word "sanitary" to "public health" when it concerns the code, as it does by the public health council. The original wording "Sanitary Code" was passed and adopted in 1878. Since that time the scope of activities covered by this

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of Employee Trust Funds be mailed to all employees covered by the Trust Fund. This bill allows these reports to be made available at the Fund's office during business hours and upon written request to such employers, labor organization or employee, during the year following such reports. This puts the Employee Trust Fund in line with the Financial Reporting Law of Labor Organizations adopted by the General Assembly in 1957.

THE SPEAKER:

Will you remark further? If not, all those in favor say aye; opposed no; the ayes have it and the bill is passed.

THE CLERK:

Calendar No. 457, File No. 290, Senate Bill 872, an Act concerning Procedure by a Single Member of the State Board of Mediation and Arbitration in Certain Cases.

Favorable report of the Joint Committee on Labor.

A VOICE: Mr. Speaker.

THE SPEAKER: The gentleman from Norfolk.

MR. ZANOBI OF NORFOLK:

I move the acceptance of the Committee's Joint favorable report and the passage of the bill in concurrence with the Senate.

THE SPEAKER:

The question is on the acceptance of the Committee's favorable report and the passage of the bill in concurrence. Will you remark?

MR. ZANOBI OF NORFOLK:

In this bill, Section 31-93, is amended so as to allow by

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joint agreement of the parties involved a single member of the Board of Mediations and Arbitration, to act and to have all the powers of the Board itself. This bill was favored by both management and labor and it was designed to expedite arbitration at less expense.

THE SPEAKER:

Will you remark further? If not, all those in favor say aye; opposed no; the ayes have it and the bill is passed.

THE CLERK:

Calendar No. 458, File No. 289, Senate Bill 673, an Act concerning the Public Health Code.

Favorable report of the Joint Committee on Public Health and Safety.

A VOICE: Mr. Speaker.

THE SPEAKER: The gentleman from Bethany.

MR. TURNER OF BETHANY:

I move for adoption of the Joint Committee's favorable report and passage of the bill in concurrence with the Senate.

THE SPEAKER:

The question is on the acceptance of the Committee's favorable report and the passage of the bill in concurrence. Will you remark?

A VOICE: Mr. Speaker.

THE SPEAKER: The gentleman from Bethany.

MR. TURNER OF BETHANY:

This bill merely changes the wording of a section that was