

Robert J. Dole Institute of Politics
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Majority Leader Speeches Washington, D.C., September 8, 1988

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Labor Policy Association
Washington, D.C. Legislative Conference

LOOKING TOWARDS '89

Schedule of Events

Thursday, September 8, 1988

Dolly Madison Room
The Madison Hotel

9:00 - 9:15 a.m.

Chairman's Opening Remarks

Verle G. Whittington
Chairman, Board of Directors
Labor Policy Association

9:15 - 9:45 a.m.

Labor Law Reform II: Are You Ready?

Senator Ernest F. Hollings (D-SC)
Chairman, Senate Commerce Committee
United States Senate

9:45 - 10:15 a.m.

Civil Rights and Affirmative Action In the 101st Congress

Representative Augustus F. Hawkins (D-CA)
Chairman, House Education & Labor Committee
United States House of Representatives

10:15 - 10:30 a.m.

Coffee Break

10:30 - 11:00 a.m.

Looking Towards '89: The View of the Leadership

Senator Bob Dole (R-KA)
Senate Republican Leader
United States Senate

11:00 - 11:30 a.m.

Republicans and Labor

Representative Tom Ridge (R-PA)
United States House of Representatives

11:30 - 12:00 noon

'89 From Labor's Perspective

Thomas R. Donahue
Secretary-Treasurer, AFL-CIO

12:00 - 12:30 p.m.

Media Portrayal of Employers: Always the Bad Guys?

Frank Swoboda
Assistant Managing Editor - Business & Financial News
The Washington Post

12:30 p.m.

Reception/Luncheon

The Mount Vernon Room
The Madison Hotel

The Way Things Are Going, What Will Be Left For '89?

Senator Orrin G. Hatch (R-UT)
Ranking Republican, Senate Labor & Human Resources
Committee
United States Senate

Chairman's Concluding Remarks

Meeting Adjourns

LABOR POLICY ASSOCIATION
WASHINGTON, D.C. LEGISLATIVE CONFERENCE
September 8, 1988

The Madison Hotel
1177 15th Street, N.W.
Washington, D.C.

PROGRAM

LABOR POLICY ASSOCIATION
WASHINGTON, D.C. LEGISLATIVE CONFERENCE
1988

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Washington, D.C. Legislative Conference

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ABOUT THE SPEAKERS

THOMAS R. DONAHUE

Thomas R. Donahue has served the trade union movement in a wide variety of positions ranging from organizer and business agent to first vice president of the Service Employees International Union, and executive assistant to AFL-CIO President George Meany. He has served in the government as Assistant Secretary of Labor for Labor-Management Relations during the Johnson Administration.

A native New Yorker, he was elected secretary-treasurer of the AFL-CIO in November 1979 and re-elected every two years since then.

He is a member of the Board of Directors of the Muscular Dystrophy Association, National Urban League, National Institute for Dispute Resolution, Work in America Institute, and The Brookings Institution.

SENATOR BOB DOLE

Leadership

Senator Robert Dole, often described as one of Congress' most skillful legislators and gifted speakers, has a distinguished record of public service that spans more than 25 years.

A tough, commonsense conservative from America's heartland, Senator Dole has been cited in Congressional Quarterly as one of President Reagan's top supporters in Congress. Also respected for his exceptional ability to build bridges among the diverse elements of the Senate and Executive Branch -- and for his national leadership -- Dole was re-elected by his Republican colleagues as their Senate Leader on November 20, 1986.

As the ranking Republican in Congress, he has led the fight for such key Reagan initiatives as a Balanced Budget Amendment, tax indexing, the Strategic Defense Initiative, worldwide aid to freedom fighters, and the drive to reduce government spending. Dole's consistent support for sound economic policies and a strong national defense has earned him high ratings from such organizations as the American Security Council, U.S. Chamber of Commerce, and Americans for Constitutional Action.

Service

Dole was first elected to the United States Senate in 1968, after serving four consecutive terms in the House of Representatives. From 1981 to 1984, he was Chairman of the powerful Senate Finance Committee, where he was instrumental with President Reagan in laying the foundation for the United States' strongest economic recovery in thirty years.

As a Midwesterner and a member of the Senate Agriculture Committee, Dole has been an effective spokesman for American farmers, sponsoring and supporting legislation to address their unique problems within a framework of fiscal responsibility.

On behalf of three Presidents, Senator Dole has also traveled throughout the world to address hunger and refugee problems, international trade, and defense matters. Most recently, he headed a Senate delegation to Asia to discuss the problem of trade imbalances between the United States and its friends overseas.

Sacrifice

During the second World War, Bob Dole left premedical studies at the University of Kansas to enlist in the Army. Rising quickly to a position of command, Dole became a leader in the Tenth Mountain Division in Italy. In 1945, he was gravely

wounded on the battlefield and was later twice decorated for heroic achievement.

As a result of his injuries, Dole spent thirty-nine months in hospitals, fighting for his life: an experience that has made him a lifelong advocate for veterans and the disabled. In 1948, he was honorably discharged from the Army with the rank of Captain.

Achievement

At age 26, Dole entered public office for the first time as a member of the Kansas House of Representatives. Two years later, he became Russell County's prosecuting attorney, an office he held until his 1960 election to Congress. Dole later became Republican National Chairman and in the 1976 presidential election, Gerald Ford's running mate.

Bob Dole was born in Russell, Kansas in July 1923, the eldest son of Doran and Bina Dole. He attended local public schools and later the University of Kansas. After the war, he continued his education at the University of Arizona at Tucson, and at Washburn Municipal University in Topeka, from which he earned his law degree in 1952.

Senator Dole is married to Elizabeth Hanford Dole, the former U.S. Secretary of Transportation, and only the seventh woman in history to hold such a position. He also has a daughter, Robin, who resides in Washington, D.C.

REPRESENTATIVE AUGUSTUS F. HAWKINS

Augustus F. Hawkins, Democrat, represents the 29th Congressional District of California which includes South Central Los Angeles and the Cities of South Gate, Huntington Park, and part of Downey.

He was born in Shreveport, Louisiana, the son of a pharmacist. At age 11, his family moved to Los Angeles to escape the grip of racial discrimination and improve their educational prospects. He graduated from the University of California at Los Angeles (UCLA) with an Economics Degree.

On his first professional venture into politics, Congressman Hawkins was elected to the California State Assembly, a post he held for 28 continuous years. His election upset a Republican incumbent who had held that post for 16 years.

As a member of the California State Assembly, he compiled an impressive legislative record, which eventually led to his assuming the powerful position of Chairman of the Rules Committee. During his tenure he authored over 100 laws, including: slum clearance and low cost housing; workman's compensation for domestics; disability insurance; The Fair Housing Act; old age pension; child care centers; The Fair Employment Practice Act of 1959; and the 1961 legislation establishing the construction of the Los Angeles Sports Arena, The Department of Employment Building at 15th and Broadway, and the Law and Medical School Schools at U.C.L.A. As a result of his efforts, Blacks were appointed in some cases, for the first time, to positions as: judges; state commissioners; members of the State Highway Patrol; and supervisory positions in the Post Office.

Congressman Hawkins was elected in 1962 to the U.S. Congress with the strong support of the late President John F. Kennedy. The support of his constituents has remained steadfast. In 1986, he was re-elected by 85 percent of the vote -- the highest in the California Congressional Delegation.

Early in his Congressional career, Congressman Hawkins introduced a bill which helped to change the dishonorable discharge status to "honorable" for the Black soldiers involved in the so-called Brownsville Incident. This incident was the result of a group of townspeople framing 170 Black soldiers of the 25th Infantry for a local crime. Although the white commanders of the fort proved that the accused were not guilty -- they were drummed out of the Army, without honor, without fair trial and without a shred of evidence against them. Sixty-six (66) years later, Congressman Hawkins was able to have the charges dropped and their names cleared.

In December of 1986, he released a "Report on Children in America: A Strategy for the 100th Congress," which detailed a social and economic agenda to improve the health and education of our nation's children.

Birthdate

August 31, 1907

Wife

The former Mrs. Elsie Taylor

Education

Jefferson High School
(Los Angeles)

University of California at Los Angeles (UCLA)
Economics Degree

Attended graduate classes at U.S.C.

Committee Assignments

Chairman, Education & Labor
Chairman, Subcommittee on Elementary, Secondary & Vocation
Education
Member, Joint Economic Committee

Honorary Degrees

Lincoln University (Doctor of Laws)
Shaw University (Doctor of Laws)
University of Maryland (Doctor of Laws)
Los Angeles Trade-Technical College
(Associates in Arts Degree)
Morehouse School of Medicine (Doctor of Humane Letters)

SENATOR ORRIN G. HATCH

Member,	Labor and Human Resources Committee
Member,	Judiciary Committee
Member,	Select Committee on Intelligence
Member,	Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition.
Member,	Governing Board of the Office of Technology Assessment
Delegate,	International Labor Organization
Member,	Board of Directors of the National Endowment for Democracy
Member,	Senate Caucus on Tourism
Member,	Senate Caucus on Terrorism
Member,	Caucus on Steel
Member,	Caucus on Copper

Since Senator Hatch won his first election in 1976 as a citizen candidate, he has won numerous awards. He has been dubbed "Mr. Free Enterprise," "Guardian of Small Business," "Mr. Constitution." He is also the author of many published pieces.

Responsibilities and Achievements

The Labor and Human Resources Committee's role is to oversee more than 2,000 programs and activities at the Department of Labor, the Department of Health and Human Services, and the Department of Education. Because every American is affected in some way by what happens in the Labor and Human Resources Committee, Orrin Hatch's role as ranking Republican is vitally important. His home health care legislation allows the elderly to receive medical care at home if they so choose; his Omnibus Health bill insures the availability of needed vaccines for children; Hatch's contribution to the Job Training Partnership Act helps train individuals to gain job skills; and his drug price competition and patent term restoration legislation allows generic medicines to compete with brand names, giving the consumer the price option. It was Orrin Hatch who almost single handedly defeated the biased and one-sided Labor Law Reform bill, which, if enacted, would have severely damaged small business in Utah and elsewhere.

Hatch's Judiciary Committee initiatives have included constitutional amendments for silent prayer in school and for a balanced budget. In a recent Congress, Hatch's Balanced Budget/Tax Limitation Amendment passed in committee and on the Senate floor for the first time in history. Although it secured a majority vote in the House of Representatives, it failed to get the mandatory two-thirds vote. Hatch also takes an active part in the conformation of all judicial nominations, a process he believes should be open and fair.

Senator Hatch's expertise in the field of foreign affairs has grown with his membership on the Select Committee on Intelligence and his appointment to the Senate Select Committee investigating the Iran arms deal. Furthermore, he is the only senator who sits on the Board of the National Endowment for Democracy, which encourages free and democratic institutions throughout the world through private sector initiatives.

Hatch's Western Heritage Roots Are Deep

Orrin Hatch was born on March 22, 1934, to Jesse and Helen Hatch, who reside in Midvale, Utah. His great-grandfather, Jeremiah Hatch, founded what is now known as Vernal, Utah, in eastern Utah's great Uintah Basin. The senator is married to the former Elaine Hansen of Newton, Utah; they have six children and four grandchildren.

Hatch -- long before he became a member of the Labor Committee -- knew the value of working with his hands. He apprenticed in the AFL-CIO as a building tradesman, working his way through undergraduate and law schools. He received a Bachelor of Science degree in history from Brigham Young University in 1959, and he was awarded a full honors scholarship to the University of Pittsburgh Law School. He earned the Juris Doctor degree in 1962. Senator Hatch holds an honorary doctorate from the University of Maryland.

SENATOR FRITZ HOLLINGS

It has been said that what a man will do in public office is best told by what he has done. Senator Fritz Hollings (D-SC) has given a lifetime to public service.

Upon graduation from South Carolina's military college, The Citadel, in 1942, Fritz Hollings joined the U.S. Army. He was decorated with seven campaign stars for his service in Africa and Europe.

After the war, Hollings earned his law degree at the University of South Carolina. In 1948 he was elected to the South Carolina House of Representatives, serving as the Legislature's Speaker Pro Tempore from 1951 to 1954. Recognizing his qualities of balanced leadership and pragmatism, the U.S. Junior Chamber of Commerce selected him as one of America's 10 Outstanding Young Men of 1954.

That very same year, Hollings became one of South Carolina's youngest governors. Four years later, he was elected Governor -- once again, one of the youngest men in South Carolina's history to hold the post.

Since 1966 he has been a United States Senator, where he currently serves on the Commerce, Science and Transportation Committee as its Chairman, on the Budget Committee as its senior member, on the Appropriations Committee and on the Select Committee on Intelligence.

As Governor, Fritz Hollings:

- o Balanced state's budget and achieved its first AAA bond-credit rating. And attracted a record number of industries to South Carolina.
- o Started technical education system, training the jobless for jobs and catapulting the state into the age of technology.
- o Provided first massive infusion of state funds for public education to attract better-qualified teachers and administrators. Educators' pay rose by 38% during his term as Governor.

As United States Senator, Fritz Hollings:

- o Authored the Balanced Budget and Emergency Deficit Reduction Act of 1985, along with Senators Gramm and Rudman, requiring the President and Congress to gradually reduce federal deficits until the budget is balanced.
- o Led the fight for the Textile and Apparel Trade

Enforcement Act to save jobs and forwarded the Technology Competitiveness Act and the concept of a National Trade Council to enhance America's position in the world economy.

- o Focused attention on the real problems of the Challenger space shuttle accident and remains one of the space program's biggest Congressional supporters.
- o Spearheaded drive to provide proper nutrition for poor pregnant women and infants (the WIC program) and to offer low-cost preventive health care to the poor through community health centers.
- o Authored the Coastal Zone Management Act to protect our coastal waters and tidelands.
- o Authored the Automobile Fuel Economy Act requiring the mile-per-gallon sticker on new cars and requiring Detroit to build more fuel efficient cars.
- o And, remains one of the Senate's premier advocates for a strong, yet reasoned defense. He favors beefing up our conventional forces and preserving our technological edge and is leading Congressional support for the Strategic Defense Initiative. Yet, he has called for level-headed arms reductions, mission-related defense budgets and discontinuing the B-1 bomber and MX missile.

His colleagues in the U.S. Senate know Fritz Hollings as a man who can make things happen -- a can-do politician. The people of South Carolina know him as an able executive and legislator who understands state and local government as well as he understands national government. The bottom line is: Fritz Hollings makes a difference.

He has had more major pieces of legislation enacted into law than any sitting senator. And now ninth in seniority, he provides South Carolina with the most senior tandem in the United States Senate.

Born

Charleston, South Carolina, January 1, 1922

Education

Charleston Public Schools

The Citadel, B.A., 1942

University of South Carolina, L.L. B., 1947

Honorary Degrees

The Citadel, L.L.D., 1960

Benedict College, Doctor of Laws, 1971

Baptist College, Doctor of Laws, 1975

University of South Carolina, Doctor of Laws, 1980

Newberry College, Doctor of Laws, 1981

Clemson University, Doctor of Laws, 1981

Medical University of South Carolina, Doctor of
Humane Letters, 1982

Furman, Doctor of Laws, 1984

College of Charleston, Doctor of Letters, 1984

Winthrop College, Doctor of Humane Letters, 1986

Family

Married to the former Rita "Peatsy" Liddy

Children: Michael, Helen, Salley and Fritz

Religion

St. John's Lutheran Church, Charleston, S.C.

Military Service

United States Army, 1942-1945

Served in North Africa and Europe, won seven
campaign stars, discharged as Captain

Public Service

South Carolina House of Representatives, 1948-54

Lieutenant Governor of South Carolina, 1955-59

Governor of South Carolina, 1953-63

U.S. Senate, 1966-Present

Senate Committees

Commerce, Science and Transportation: Chairman

Budget: Senior Member (Chairman in 1980)

Intelligence

Appropriations

Chairman, Subcommittee on State, Justice,
Commerce and the Judiciary

Subcommittee on Defense

Subcommittee on Interior

Subcommittee on Labor, Health and Human
Services, and Education

Subcommittee on Energy and Water Development

Office of Technology Assessment, Board Member

Special Services

Hoover Commission, Task Force on Intelligence Activities, 1955; Advisory Commission on Intergovernmental Relations, appointed by President Eisenhower, reappointed by President Kennedy, 1962; reappointed as Senate member, 1972; Law of the Sea Conference, U.S. delegation, 1977; Regional Advisory Council on Nuclear Energy, Chairman; Presidential Advisory Committee on Federalism, appointed by President Reagan, 1981; Martin Luther King, Jr. Federal Holiday Commission, 1985-present.

Author

The Case Against Hunger: A Demand for a National Policy.
Cowles Book Company, Inc. 1970.

REPRESENTATIVE TOM RIDGE

Congressman Ridge's career in the U.S. House of Representatives began with a stunning upset victory. Now serving his third term, he is particularly active on issues concerning economic and community development, housing, financial services, international trade and export promotion, primary education, federal disaster relief, veteran's benefits and military reform.

Ridge's legislation to enact U.S. federal disaster recovery programs passed the House overwhelmingly and is currently moving through the U.S. Senate. His legislation to enable American children from Vietnam to immigrate to the U.S. was signed into law by President Reagan in December, 1987. A resolution sponsored by Congressman Ridge supporting negotiations with the Vietnamese over the fate of American POW/MIAs also passed the House in 1987. As Republican Chairman of the Military Reform Caucus, Ridge has authored several amendments approved by the House to improve our conventional military forces. He recently co-chaired a Center for Strategic and International Studies task force and co-authored its report "National Security Choices for the the Next President"

As a member of the Housing Subcommittee, he successfully sponsored several amendments to improve existing housing stock rather than pay for expensive new construction. Recognized by the House leadership, he was appointed as a negotiator on both the Housing and Community Development and Homeless bills in 1987. Ridge played a key role in working with the Administration to gain enactment of both laws.

Ridge initiatives during the second half of the 100th Congress include legislation to increase competition in financial services, to reduce primary school class size, to curb pornography through the mail, to deal with hostile corporate takeovers, to prevent the counting of illegal aliens by the Census Bureau for congressional reapportionment purposes, and to ensure more efficient use of federal funds for the homeless.

Career

Attorney, Erie, Pa., 1972-1982

Former assistant district attorney, Erie County, Pa.,
1980-1981

U.S. House of Representatives (R.PA-21) first elected 1982
upset victory by 729 votes

- o re-elected 1984 with 65% of vote

- o re-elected 1986 with record-setting 80.8% of vote

Congressional Committees

Banking, Finance, Urban Affairs
Veterans' Affairs
Select Committee on Aging

Congressional Affiliations

Military Reform Caucus, Republican Chairman
Republican Labor Council, Chairman
92 Group (House Republicans noted for budget and fiscal initiatives)
Congressional Steel Caucus and Congressional Coal Group

Military Service

Vietnam, 1969-1970 (Only enlisted Vietnam combat veteran in the U.S. House)
Infantry Staff Sergeant with the American Division, I Corps
Awarded Combat Infantry Badge, Bronze Star for Valor, Vietnamese Cross of Gallantry

Awards

National Coordinating Council on Emergency Management Man of the Year, 1986
Miracle Mile Award, Rural Electric Cooperative Association, 1987
Watchdog of the Treasury Award, National Taxpayers Union, 1987 and 1988
Distinguished Pennsylvanian Award, William Penn Society, 1987
Erie-Chautauqua Man of the year, 1988
National Association of Counties' Distinguished Service Award, 1988

Education

Cathedral Preparatory School, 1963
Harvard College, academic scholarship, B.A. with honors, 1967
Dickinson School of Law, J.D., 1972

Personal

Born near Pittsburgh in Munhall, Pa., 1945, and resides in Erie with his wife, Michele Moore Ridge, executive director of the Erie County Library System, and their children, Lesley and Thomas.

FRANK SWOBODA

Frank Swoboda is the assistant managing editor/business and financial news for the Washington Post. He joined the staff in 1978 as an assistant editor in the business and financial news section.

He had been a reporter for the Baltimore Sun where he covered national labor and economics. He covered the same issues for the Washington Bureau of Business Week magazine, and labor and the White House for United Press International.

Born in Hanover, New Hampshire, Mr. Swoboda was the recipient of a Nieman Fellowship at Harvard University in 1974.

KEY DATES

Future Association Meetings

- 1988 December 7-9
 The Fairmont
 San Francisco, California
- 1989 March 16-18
 Conference Center
 Colonial Williamsburg, Virginia

Future LPA Seminiars

- 1988 October 28
 Plant Closing Seminar
 The Mayflower Hotel
 Washington, D.C.
- November 14-17
 Marco Island Marriott
 Marco Island, Florida

ATTENDANCE LIST

09/06/88

Mr. Creigh H. Agnew
Government Affairs Manager
Weyerhaeuser Company
Washington, DC

Ms. Peggy Almond
Manager - Legislative Liaison
McDonnell Douglas Corporation
Arlington, VA

Mr. Donald L. Arnold
Labor Counsel
Meredith Corporation
Des Moines, IA

Mr. John M. Baitzell
Manager, Ind. Rels. & Reg. Affairs
Mobil Oil Corporation
New York, NY

Mr. Doug Bates
Assistant Executive Director
Business Roundtable
Washington, DC

Mr. Richard B. Berman
President
Berman and Company
Washington, DC

Mr. Robert L. Berra
Sr. Vice President, Administration
Monsanto Company
St. Louis, MO

Mr. Zack Bettis
Asst. V.P., Labor Relations
Southwestern Bell
St. Louis, MO

Mr. Richard H. Bierly
Vice President, Government Affairs
Unisys Corporation
Washington, DC

Mr. Barry Blitstein
Corporate Personnel Director
Monsanto Company
St. Louis, MO

Mr. Jack Bonner
President
Bonner & Associates
Washington, DC

ATTENDANCE LIST

09/06/88

Mr. J. Thomas Bouchard
Sr. V.P., Hum. Res. & Organization
United Technologies Corporation
Hartford, CT

Mr. W. Perry Brown
Vice President & Director, Personnel
American Cyanamid Company
Wayne, NJ

Mr. Roger W. Brown
Vice President, Human Resources
Sanders Associates
Nashua, NH

Mr. James D. Burge
Corporate Vice President
Motorola, Inc.
Schaumburg, IL

Ms. Erica Carden
Exec. Assistant
Business Roundtable
Washington, DC

Mr. Bruce Carswell
Sr. Vice President, Human Resources
GTE
Stamford, CT

Mr. Paul E. Chevalier
Senior Vice President, Employee Rel.
Carter Hawley Hake Stores, Inc.
Los Angeles, CA

Mr. Paul M. Cholak
Executive Vice President, Human Res.
Shearson Lehman Hutton, Inc.
New York, NY

Mr. William Coffey
Corporate Director
NYNEX
White Plains, NY

Mr. William J. Colucci
Vice President, Personnel
IBM Corporation
Purchase, NY

Mr. Thomas F. Connors
Corporate Director, Human Resources
AMAX, Inc.
Greenwich, CT

ATTENDANCE LIST

09/06/88

Mr. James D. Davis
Vice President, Ind. Relations
Deere & Company
Moline, IL

Mr. Charles E. Davis
Manager, Industrial Relations & Benefits
Atlantic Richfield
Los Angeles, CA

Mr. Patrick J. Eagan
Section Manager - Human Resources
McDonnell Douglas Corporation
Arlington, VA

Mr. Bruce Ellig
Vice President - Personnel
Pfizer, Inc.
New York, NY

Ms. Patricia Engman
Assistant Executive Director
Business Roundtable
Washington, DC

Mr. Michael C. Feiner
Sr. Vice President, Personnel
PepsiCo., Inc.
Somers, NY

Mr. Joseph A. Fernandez
Vice President
Citibank
New York, NY

Ms. Pamela P. Flaherty
Senior Human Resources Officer
Citicorp
New York, NY

Mr. Michael W. Garrison
Vice President - Adm. & Ind. Rel. Coun.
Island Creek Corporation
Lexington, KY

Ms. Sara B. Glenn
Government Relations Advisor
Mobil Corporation
Washington, DC

Ms. Elizabeth M. Guyer
Employee Relations Representative
Electronic Data Systems Corporation
Dallas, TX

ATTENDANCE LIST

09/06/88

Mr. Mike Harrington
Director of Labor Rels./Safety/Equ. Emp.
Boise Cascade Corporation
Boise, ID

Ms. Helen Houley
Associate Council
United Technologies Corporation
Washington, DC

Mr. Roy B. Howard
Vice President, Industrial Relations
BellSouth
Atlanta, GA

Mr. L. D. Hudson
Divison Manager
AT&T
Morristown, NJ

Mr. Timothy W. Hughes
Vice President, Human Resources
Cox Enterprises, Inc.
Atlanta, GA

Mr. Joseph L. Ignar
Director, Prsnl. Rels. & Devel. Division
Du Pont Company
Wilmington, DE

Ms. Madelyn P. Jennings
Sr. Vice President, Personnel
Gannett Co., Inc.
Arlington, VA

Mr. Harold E. Johnson
Sr. Vice President, Human Resources
The Travelers Insurance Company
Hartford, CT

Mr. John H. Johnson, Jr.
Vice President
Newmont Mining Corporation
New York, NY

Mr. J. Bruce Johnston
Executive Vice President
USX Corporation
Pittsburgh, PA

Mr. John A. Jordan
Sr. Vice President, Steel Bus. Serv.
Bethlehem Steel Corporation
Bethlehem, PA

ATTENDANCE LIST

09/06/88

Mr. Thomas Kiddy
Corp. Manager, Human Res. Liaison
General Dynamics Corporation
Arlington, VA

Mr. J. Roger King
Senior Vice President, Personnel
PepsiCo., Inc.
Purchase, NY

Mr. William J. Kirby
Vice President - Administration
FMC Corporation
Chicago, IL

Mr. Christian C. Kjeldsen
Vice President, Corporate Staff
Johnson & Johnson
New Brunswick, NJ

Mr. Howard V. Knicely
Vice President, Human Relations
TRW, Inc.
Cleveland, OH

Mr. William J. Kovack
Director, Employee Relations
Union Carbide Corporation
Danbury, CT

Mr. Robert W. Lang
Vice President - Personnel
The Timken Company
Canton, OH

Mr. Charles A. Lawrence
Associate General Counsel
McDonnell Douglas Corporation
St. Louis, MO

Mr. Donald M. Levinson
Executive Vice President
CIGNA Corporation
Philadelphia, PA

Mr. William L. Lurie
President
The Business Roundtable
New York, NY

Mr. J. Randall MacDonald
Vice President - Organization Dev.
GTE Corporation
Stamford, CT

ATTENDANCE LIST

09/06/88

Ms. Gwynn Mannes
Sr. Vice President
Bonner & Associates
Washington, DC

Mr. Samuel L. Maury
Executive Director
The Business Roundtable
Washington, DC

Mr. Paul S. McAuliffe
Director, Benefits, EEO, Labor/Placement
BP America
Cleveland, OH

Mr. Jeffrey C. McGuinness
President
Labor Policy Association
Washington, DC

Mr. Sidney F. McKenna
Sr. Vice President, Public Affairs
United Technologies Corporation
Hartford, CT

Ms. Susan R. Meisinger
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American Society for Personnel Admin.
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Issue No. 1

September 1, 1988

AGE DISCRIMINATION CLAIMS ASSISTANCE

Legislation S. 2117, the Age Discrimination Claims Assistance Act, by Sen. John Melcher (D-MT).

Practical Effect Extends the time for filing federal lawsuits in approximately 1600 Age Discrimination in Employment Act (ADEA) cases which had expired because of mishandling by the EEOC.

Contents

Present Law. The ADEA requires individuals to file lawsuits within a specific time frame after a charge has been filed with the EEOC. EEOC has the authority to conciliate these charges, which extends the period for filing a suit. Parties can lose their right to file a lawsuit if they are under the mistaken impression that EEOC is conciliating when it really is not.

Extension of time for filing ADEA lawsuits. The legislation provides an additional 540 days for filing an ADEA lawsuit from date enacted if:

- (1) The original charge was filed with EEOC after 12/31/83.
- (2) The EEOC did not conciliate and did not notify the charging party in writing of the right to bring a lawsuit.
- (3) The statute of limitations to bring a lawsuit expired before the date of enactment of S. 2117.
- (4) A lawsuit was not brought by the EEOC or the charging party before the statute of limitations expired.

Status

Public Law 100-283 - April 7, 1988.

Issue No. 2

September 1, 1988

ANWR LABOR AMENDMENTS

Legislation Amendment by Rep. Tom Manton (D-NY) to H.R. 3061, the Arctic National Wildlife Refuge (ANWR) Act

Practical Effect Requires contractors of oil companies leasing ANWR lands to abide by union contracts covering oil company employees.

Contents

ANWR legislation would permit oil and gas drilling in the Arctic National Wildlife Refuge under leases from the federal government. The Manton amendment would establish for all ANWR construction and maintenance work a unique set of government requirements not found on any other public or private sector construction projects.

Wage Controls. The amendment requires all employers performing construction and maintenance work on ANWR projects to pay union wage rates, benefits and other compensation as established in contracts negotiated by "local or national building trades unions." The legislation mandates that union wages be applied to private sector companies unilaterally, regardless of whether the covered employees are represented or by whom.

Imposition of Labor Agreements On Subcontractors. All subcontractors must abide by all provisions of union contracts signed by contractors or other subcontractors on the same project. This includes union security clauses, work restrictions, exclusive hiring hall arrangements, grievance/arbitration procedures, among others.

Union v. Union. Contracts negotiated by the building trades would apply exclusively, even to employees performing maintenance work. Other unions, such as OCAW, which are not considered building trades unions, are excluded.

Extension to Work In the Lower 48. A literal interpretation of the amendment would require subcontractors to abide by union contracts wherever the subcontractor operates, even if some of its operations are outside of Alaska.

Status

H.R. 3601 with the Manton amendment included was approved by the House Merchant Marine and Fisheries Committee on 5/3/88. The bill is now pending before the House Interior Committee, which has joint jurisdiction. Interior held Hearings on the measure on 6/9/88, but no further action is expected this year.

Issue No. 3

September 1, 1988

APPLICATION OF MINIMUM WAGE STANDARD TO IMPORTED GOODS

Legislation H.R. 1879, the Fair Trade Wage Act, by Rep. Tom Robinson (D-AK).

Practical Effect Discourages U.S. employers from outsourcing and relocating business operations overseas.

Contents

Extending FLSA Coverage To Foreign Entities. The legislation imposes a duty on imported goods produced at a U.S. controlled overseas facility at less than the U.S. minimum wage. The duty would be the difference between the foreign wage rate and prevailing industry wage rates.

USFE. Coverage is triggered if a foreign company is a United States Foreign Enterprise (USFE). A USFE is defined as any legal entity organized outside the United States which is effectively controlled by a United States person as a result of voting power of all classes of stock or other ownership interest.

Status

H.R. 1879 is pending before the House Education and Labor, Subcommittee on Labor Standards and the Ways and Means Committees, where it has been jointly referred.

Issue No. 4

September 1, 1988

BAN ON STRIKE REPLACEMENTS

Legislation H.R. 4552, to amend the NLRA to make it an unfair labor practice to hire or threaten to hire permanent replacement workers during the first 10 weeks of a strike, by Rep. Joseph Brennan (D-ME).

Practical Effect Unionized employers would be prevented from hiring permanent replacements during the first 10 weeks of a strike.

Contents

Present Law. The National Labor Relations Act permits employers to hire permanent replacements for unionized workers who are on strike for economic reasons. (Workers on strike because of employer unfair labor practices cannot be replaced). Organized labor maintains that the hiring of permanent replacements for economic strikers has become common industry practice, thereby taking away one of a union's most effective economic weapons.

10-week Ban on Permanent Replacements. Employers would commit an unfair labor practice if they hired or threatened to hire permanent replacements for workers on strike during the first 10 weeks of the strike.

Labor Law Reform Component. Some restrictions on an employer's ability to hire permanent replacements for strikers is expected to be a major component of organized labor's next labor law reform bill. See Issue No. 24.

Status

H.R. 4552 has been referred to the Education and Labor Committee, which has been conducting hearings on labor-management policy issues. A hearing on H.R. 4552 was held by the Labor-Management Relations Subcommittee on July 14, 1988.

Issue No. 5

September 1, 1988

CHILD CARE

Legislation S. 1885/H.R. 3660, the Act For Better Child Care Services, by Sen. Christopher Dodd (D-CT) and Rep. Dale Kildee (D-MI); S. 1678/H.R. 4002, the Child Care Services Improvement Act, by Sen. Orrin Hatch (R-UT) and Rep. Nancy Johnson (R-CT); and numerous other proposals.

Practical Effect Authorizes child care assistance programs.

Contents - Dodd/Kildee ABC Bill

Authorizes \$2.5 billion to the states who show that: providers are licensed to meet state standards; grant and loan programs are available to providers for establishing and renovating child care facilities; and that federal standards governing staff-child ratios, group sizes, training, qualifications, health and safety, and parental access are being met.

States must show that staff personnel are receiving adequate compensation, and that facilities are available to low and moderate income families in addition to parents who work nontraditional hours.

Funds would be received by working families with incomes up to 115 percent of a state's median income, adjusted to family size. Assistance dispensed either through subsidies to providers or vouchers to parents.

Contents - Hatch/Johnson Bill

\$250 million to states for seed money to be used in developing child care programs; \$25 million for loans to make capital improvements. Tax credits would be available for companies providing on-site day care, and a \$100 million insurance pool would be established for states.

Status

S. 1885 was reported by the Senate Labor Committee on 6/27/88. H.R. 3660 was reported by the House Education and Labor Committee on 8/10/88. Both bills are pending floor action.

Issue No. 6

September 1, 1988

CHILD LABOR IMPORT RESTRICTIONS

Legislation H.R. 3112, the Child Labor Prevention Act, by Rep. George Miller (D-CA).

Practical Effect To ban the importation into the United States of any item produced in violation of internationally recognized child labor rights.

Contents

Definition. "Internationally recognized child labor rights" include: (1) a minimum age for employment of children; (2) a prohibition of hazardous night work for children under 18; (3) enforcement of minimum wage, hours of work and occupational health and safety for children; and (4) prohibition of forced child labor.

Enforcement. The Secretary of the Treasury would be required to publish a list of products that cannot be imported and notify the manufacturer. Civil actions could be brought in federal court by private parties to enjoin importation of any item produced by child labor even if its manufacture were in compliance with the laws of the country in which it operates.

Status

The bill is pending before the House Ways and Means Committee; the House Foreign Affairs Committee, Subcommittees on International Trade and Human Rights; and House Education and Labor Committee, Subcommittee on Labor Standards.

Issue No. 7

September 1, 1988

COMPARABLE WORTH

Legislation S. 552/H.R. 387, the Federal Employee Compensation Study Act, by Sen. Dan Evans (R-WA) and Rep. Mary Rose Oakar (D-OH).

Practical Effect Requires a comparable worth study of the federal employee compensation system within 18 months of enactment which would include implementation recommendations for a comparable worth pay system. Could set precedent for private sector legislation.

Contents

Study Commission. A commission of political appointees and federal employee union representatives is to select a job evaluation consultant to conduct a study of the federal pay system. The commission is to report back to Congress within 18 months of enactment of its recommendations for implementation of the consultant's findings.

Methodology. The consultant is to compare dissimilar jobs which are male or female dominated by evaluating their intrinsic worth. The bills require "objective" methodology, despite overwhelming evidence that job evaluation systems are inherently subjective. Pay differences in "equally" rated jobs are likely to be attributed to sex, race, or national origin discrimination.

Precedent for the Private Sector. Proponents claim these bills will make the federal government a "model" employer, thereby implying that legislation may be in store for the private sector in the future. Changes in current law would be necessary in order to implement comparable worth given the unanimous rejection of the theory by the federal courts.

Status

S. 552 was favorably reported by the Senate Governmental Affairs Committee on 11/18/87. H.R. 387 was reported unanimously by the House Post Office Committee on 8/10/88. Both bills are ready for floor action. Similar legislation passed the House by wide margins in the 98th and 99th Congresses.

Issue No. 8

September 1, 1988

CONSTRUCTION OSHA AMENDMENTS

Legislation S. 2518/H.R. 4856, the "Construction Safety and Health Improvement Act," by Senator Lowell Weicker (R-CT) and Rep. Chris Shays (R-CT).

Practical Effect Beefs up OSHA inspections and authority in cases where serious construction accidents occur, including permit system, authority to shut down site, and to prosecute corporate officials who fail to inform OSHA of serious hazards.

Contents

Professional Engineer/Architect. Requires involvement of professional engineer/architect in ongoing oversight of construction projects.

Penalties. Penalties for OSHA violations are increased to \$25,000. Corporate officials guilty of willful violations; failure to report safety violations; discrimination against employees who report hazards -- are subject to up to 20 years in jail and \$500,000 fine.

Permit System. Construction permits must be obtained from the Engineer/Architect or OSHA for certain specified types of construction, including trenching, scaffolding, demolition.

Shut Down Authority. OSHA can shut down a construction site in cases involving serious injury or death.

Status

The legislation has been referred to the Senate and House Labor Committees, where OSHA oversight hearings have been held over the last year.

Issue No. 9

September 1, 1988

CORPORATE CAMPAIGNS

Legislation Amendment by Rep. Cass Ballenger (R-NC) to H.R. 281, the construction industry double breasting bill.

Practical Effect Denies certain union organizing privileges to unions whose officials have been convicted of racketeering or bribery offences.

Contents

During the past decade, unions have begun supplementing the traditional methods of pressuring employers (strikes, picketing and direct appeals to employees) with broad attacks on a wide range of corporate practices outside the labor relations arena. Unions are forming coalitions with community leaders, churches and public interest groups for the purpose of launching consumer boycotts, legislative initiatives, stockholders actions, lawsuits and adverse media campaigns. In addition, company creditors, lenders and customers are being pressured to do whatever they can to influence corporate decisions in favor of the union.

In 1987, an OSHA area director was found guilty of accepting bribes from the Roofers' Union and sentenced to four years in prison. The official had accepted the bribes in return for ordering OSHA inspectors to harass non-union job sites.

Ballenger Amendment. The automatic union organizing provisions of H.R. 281 would not be available to any union if to do so would force non-union employees to be represented by a union having an officer or former officer who, within the previous five years, has been convicted of any racketeering activity under 18 U.S.C. 1961 or the bribery statutes of 18 U.S.C. 201.

Status

The amendment was defeated by a vote of 266 to 158 on 6/17/88.

Issue No. 10

September 1, 1988

CORPORATE CRIMINAL LIABILITY

Legislation H.R. 2664, the "Corporate Criminal Liability Act," by Rep. John Conyers (D-MI)

Practical Effect Amends federal criminal code to penalize corporate managers who knowingly fail to report to the government products or business practices which create serious concealed danger.

Contents

Nondisclosure. Managers with respect to a product or business practice who knowingly fail to notify the appropriate federal agency and affected employees in writing of a serious concealed danger can be fined up to \$250,000 and imprisoned for up to 10 years.

Discrimination. Corporate officials can be fined \$250,000 and jailed for up to three years for discriminating against employees who report serious concealed dangers.

Status

H.R. 2664 has been referred to the House Judiciary Committee, where a hearing was held by the Subcommittee on Criminal Justice on November 19, 1987

Issue No. 11

September 1, 1988

DAVIS-BACON REFORM

Legislation H.R. 2216 (Austin J. Murphy, D-PA); H.R. 2328 (Charles W. Stenholm, D-TX and Arlan Stangeland, R-MN); H.R. 2648 (James M. Jeffords, R-VT); S. 1555 (Orrin G. Hatch, R-UT); S. 1621 (Gordon Humphrey, R-NH).

Practical Effect Union-supported amendments would make token increase in the coverage threshold while expanding the Act's scope to cover new types of construction. Industry-supported amendments would narrow coverage and streamline administrative procedures.

Contents

Present Law. The 57-year old Davis-Bacon Act requires the Secretary of Labor to set wages on federal construction projects valued at more than \$2,000. The law has been criticized as inflationary by public and private agencies in Democratic and Republican Administrations alike.

Union-Supported Amendments (H.R. 2216). The Davis-Bacon threshold would be increased from \$2,000 to \$50,000 for new construction and \$15,000 for alteration and repair. The Act's scope would be expanded to apply to areas not previously covered (leased facilities, off-site suppliers and fabricators), and a private right of action would be created to challenge DOL wage determinations.

Industry-Supported Amendments. All other listed bills would substantially increase the coverage threshold -- from \$100,000 all the way to \$1 million -- and allow increased use of "helpers", reduce reporting requirements, and streamline administrative procedures.

Status

H.R. 2216 was reported by the Education and Labor Committee on 8/4/87 and was approved by the House on 5/3/88 as amendment to the defense authorization bill by a vote of 213-195, after the Stenholm bill had been rejected 204-210. The Murphy amendment was eventually dropped by the DOD bill conferees. An amendment offered by Sen. Phil Gramm (R-TX) to increase the Davis-Bacon threshold for military construction to \$250,000 was tabled by the Senate on 9/29/87 by a vote of 56-41.

Issue No. 12

September 1, 1988

DISABILITY RIGHTS LEGISLATION

Legislation S. 2345/H.R. 4498, the "Americans with Disabilities Act of 1988", by Senator Lowell Weicker (R-CT) and Rep. Tony Coelho (D-CA).

Practical Effect Discrimination in employment (as well as housing, transportation, public accommodations, and telecommunications) on the basis of handicap would be prohibited by any employer covered by Title VII of the Civil Rights Act.

Contents

Present Law. Federal anti-discrimination in employment protections for disabled individuals are contained in Section 503 of the Rehabilitation Act, which applies only to federal contractors.

Expanded Scope. Any employer subject to Title VII would be covered, not just federal contractors. The legislation also sets up a new federal enforcement mechanism, rather than using Title VII procedures.

Discrimination on the Basis of Handicap. Discrimination against any person because of a physical or mental impairment, perceived impairment, or record of impairment is prohibited. In addition, discrimination because of a person's association with or relationship to a handicapped individual also is prohibited.

Accommodation. Employers must make accommodations which recognize a specific individual's handicap as long as the accommodation does not "threaten the existence of the business." Employers may also be subject to new barrier removal requirements.

Affirmative Action. Employers must use outreach and recruitment efforts to increase the work force representation of individuals with handicaps, with timeliness for implementation.

Preemption of State Law. More stringent state laws would not be preempted.

Status

S. 2345 has been referred to the Senate Labor and Human Resources Committee. H.R. 4498 has been referred to four different House committees: Education & Labor, Judiciary, Energy & Commerce, and Public Works & Transportation. No further action is expected in 1988, but the legislation is considered a high priority for civil rights groups in 1989.

Issue No. 13

September 1, 1988

DISCRIMINATION ON THE BASIS OF AIDS

Legislation S. 1575/H.R. 3071, the AIDS Federal Policy Act, by Sen. Edward Kennedy (D-MA) and Rep. Henry Waxman (D-CA).

Practical Effect Prohibits employment discrimination on the basis of AIDS and penalizes employers who make unauthorized disclosure of the identity of AIDS victims.

Contents

Non-disclosure Provisions. A person who learns of the protected individual's condition in a manner specified in the bill is barred from disclosing that information. Sanctions include a \$2,000 fine, criminal fines, a one-year jail term, injunctive relief, actual and punitive damages of not less than \$2,000, and attorneys' fees. Health care professionals and providers would be exempt.

Anti-bias Provisions - S. 1575. No person would be permitted to discriminate against an otherwise qualified individual in employment solely by reason of the fact that such individual is, "or is regarded as being," infected with AIDS. Sanctions include a \$2,000 civil penalty, injunctive relief, and appropriate relief including actual and punitive damages of not less than \$2,000.

Presidential Commission. President Reagan's AIDS Commission recommended AIDS anti-discrimination in employment legislation, but the White House refused to endorse the recommendation.

Status

H.R. 3071 began mark up on 5/23/88 before the House Subcommittee on Health, but has not yet been reported out. Senate hearings were held by the Labor and Human Resources Committee on 11/19/87. White House refusal to endorse legislation kills it for this year.

Issue No. 14

September 1, 1988

DRUG TESTING -- GENERALLY

In May, 1988, Congressional interest in responding to the drug crisis reached a fever pitch. The Republican and Democratic leadership in both the House and Senate formed task forces to develop legislative recommendations, with legislative action on omnibus anti-drug legislation scheduled for September. In addition, the Senate has approved legislation requiring employers to conduct random drug testing of employees in the transportation industry, and various proposals to condition federal grants and contracts on employers providing "drug free workplaces" have been attached to several spending and authorization bills moving through Congress.

The following pages describe the status of the major Congressional proposals as of September 1, 1988.

Issue No. 15

September 1, 1988

DRUG TESTING -- DRUG FREE WORKPLACE

Legislation	H.R. 4467, the "Drug-Free Workplace Act of 1988", by Robert Walker (R-PA); H.R. 4719, by Rep. Jack Brooks (D-TX); H.R. 5210 "Omnibus Drug Act," by Rep. Tom Foley (-WA); H.R. 4775, "Treasury Department Appropriations."
Practical Effect	Federal funds could be denied to any government contractor or subcontractor which fails to maintain a drug free workplace.

Contents

Application to Federal Contractors. All of the drug free workplace proposals apply to federal grant recipients and/or contractors. Though they vary in content, each would put a new obligation on contractors to take steps to assure that drugs are not illegally distributed, possessed, manufactured, used, etc. in their workplaces. Contractors who fail to meet the obligation could be debarred from future government contracts.

Drug Policy Required. Each of the proposals requires the contractor to have a written policy which prohibits illegal drug activity in its workplace.

Conflict with State Laws. None of the proposals would preempt state laws (or collective bargaining agreements) which restrict the ability of employers to test for illegal drug use. Contractors in some states could have difficulty complying with the federal mandate.

Status

A modified version of the Brooks bill, agreed to by Rep. Walker, has been incorporated into the House omnibus anti-drug bill (H.R. 5210), scheduled for action in September. The Department of Treasury Appropriations Conference bill, likewise scheduled for September action, also denies federal funds to any contractor who does not maintain a drug-free workplace.

Issue No. 16

September 1, 1988

DRUG TESTING -- EMPLOYER RESTRICTIONS

Legislation H.R. 691, the Employee Drug Testing Protection Act, by Rep. Charles Schumer (D-NY)

Practical Effect Prohibits drug testing unless employer has a reasonable suspicion of drug use or employee is in a "drug-sensitive" occupation.

Contents

Restrictions on Drug Testing. Employers are prohibited from requiring employees to undergo drug testing and from taking any personnel actions based on drug tests unless (1) the employer has a reasonable suspicion that an employee is using illegal drugs; and (2) the employee is or will be engaged in a drug-sensitive occupation (occupations involving a danger to public health or safety if employee is under influence of drugs.) Confirmatory tests are required before test results may be disclosed.

Employer Requirements. The bill contains provisions governing preparation of drug test reports, right of employees to review reports, handling of records, and disclosure of test results.

Enforcement. The Secretary of Labor may assess penalties up to \$10,000 for violations of the Act and bring actions for injunctive relief. Aggrieved employees may bring a private right of action in federal district court and be awarded relief, including attorneys' fees and punitive damages.

Status

H.R. 691 is pending before the House Education and Labor Committee. However, legislation to restrict drug testing is not likely to move as long as sponsors sense they could be perceived as "pro-drug."

Issue No. 17

September 1, 1988

DRUG AND ALCOHOL TESTING -- TRANSPORTATION INDUSTRY

Legislation Amendment to S. 1485, the Air Passenger Protection Act, by Senator John Danforth (R-MO); H.R. 4748, the Railroad Drug Abuse Prevention Act of 1988, by Rep. Thomas A. Luken (D-OH).

Practical Effect Requires mandatory random drug testing for safety-sensitive personnel in the air, rail and motor carrier industries; preempts inconsistent state legislation.

Contents - Danforth Amendment

Mandatory Random Drug Testing. Regulations would be required within one year of enactment requiring transportation industry employers to conduct pre-employment, periodic recurring, random, and post-accident drug testing of any individuals authorized where there is "reasonable suspicion" that unauthorized drug use has occurred.

Rehabilitation Requirement. Transportation industry employers would be required to establish and maintain a rehabilitation program which at a minimum provides an opportunity for treatment to employees who have tested positive.

Laboratory Standards. Testing of specimens would have to be performed by laboratories which meet minimum federal standards.

Federal Preemption. State and local governments would be prohibited from adopting or putting into effect laws which were inconsistent with the federal requirements.

Contents - Luken Bill

H.R. 4748 requires rail carriers to conduct both random drug and alcohol testing of rail employees and applicants for employment. Testing is also required in post-accident situations. Testing laboratories would have to be certified by the Department of Health and Human Services. Railroads would have to establish rehabilitation programs for employees who test positive, and workers who failed to complete such a program or tested positive after completion would be fired.

Status

The Danforth amendment was adopted by the Senate on 10/30/87. S. 1485 is now in conference with the House version of the Air Passenger Protection Act, which does not contain drug testing language. H.R. 4748 was approved by the House Energy Committee on 8/10/88.

Issue No. 18

September 1, 1988

DUAL SHOP BAN IN CONSTRUCTION

Legislation H.R. 281/S. 492, the Construction Industry Labor Law Amendments of 1987, by Rep. William Clay (D-MA) and Sen. Ted Kennedy (D-MA).

Practical Effect To counter the increasing use of open shop construction by amending the NLRA to ban the practice of dual shops or "double breasting" in the construction industry.

Contents

Current Law. Doublebreasting is a construction industry practice in which a company that owns a unionized construction firm sets up a separate company which is operated on a nonunion basis. Doublebreasting is permitted under present law as long as the two companies are operated completely independent of one another. If not, the NLRB routinely orders the collective bargaining contracts covering the unionized company to be automatically applied to the nonunion firm.

New Rules. All doublebreasting arrangements would be banned regardless of their legitimacy under present law. Construction industry "pre-hire agreements" would be elevated to the status of collective bargaining contracts. Thus nonunion employees would become legally bound by these contracts without first being given an opportunity to vote on the question of union representation.

Precedent. The bill is part of organized labor's drive to ban dual shops throughout the private sector. If Congress accepts the policy that one company should be barred from operating a construction subsidiary on a nonunion basis if it also operates a unionized subsidiary, it will become intellectually difficult to argue that the same concept should not be extended to all other industries.

Status

On 6/17/87 the House of Representatives approved H.R. 281, (House Rpt. No. 100-137) by a vote of 227 to 197. The Senate Labor Committee approved S. 492, (Senate Rpt. No. 100-314) on 12/9/87. S. 492 is expected to be brought up on the Senate floor for debate and a vote before Congress adjourns, probably in conjunction with consideration of a continuing spending resolution.

Issue No. 19

September 1, 1988

ENGLISH AS THE OFFICIAL LANGUAGE

Legislation H.J. Res. 83/S.J. Res. 13, by Rep. Norman Shumway (R-CA) and Senator Steven Symms (R-ID).

Practical Effect To establish English as the official language of the United States.

Contents

The joint resolutions propose an amendment to the Constitution making English the official language of the United States.

Status

The resolutions are pending before the House and Senate Judiciary Committees. During the 99th Congress, a resolution sponsored by Rep. Shumway passed the House by voice vote. Although the measure expressed the sense of the Congress that English is the official language of the United States, the resolution did not have the force of law.

Issue No. 20

September 1, 1988

EXECUTIVE ORDER 11246 EXPANSION

Legislation H.R. 4903, the "Federal Contract Compliance and Workforce Development Act," by Rep. Gus Hawkins, (D-CA).

Practical Effect The affirmative action requirements for employers would be expanded, including a comprehensive new reporting system and substantially increased penalties for failure to comply.

Contents

Present Law. Government contractors must take affirmative action to hire women and minorities, including preparation of a written affirmative action plan, under Presidential Executive Order 11246, issued in 1963. Penalty for noncompliance is contract debarment.

Codifies Part of E.O. 11246. H.R. 4903 would codify portions of the Executive Order and its implementing regulations. Written affirmative action plans would be replaced by the reports described in the next section.

Expanded Reporting. The EEO-1 form would be replaced by a new employer report which requires expanded workforce data based on reporting categories developed by BLS. All employers subject to Title VII must comply with the new reporting requirements. Data collection would be funded by government contractors.

New and Harsher Penalties. Paperwork violations are subject to a fine of up to \$100,000, and a failure to comply with the affirmative action requirements could bring a civil fine of up to \$1,000,000.

Status

H.R. 4903 has been referred to the Education and Labor Committee, which is expected to hold several hearings on the bill this fall. No further action is expected.

Issue No. 21

September 1, 1988

FAMILY AND MEDICAL LEAVE

Legislation H.R. 925, the Family and Medical Leave Act, by Rep. William Clay (D-MO) and Rep. Marge Roukema (R-NJ); S. 2488, the Parental and Medical Leave Act, by Sen. Christopher Dodd (D-CT).

Practical Effect Gives employees the legal entitlement to take leave to care for themselves and others with serious health conditions and at times of childbirth and adoption.

Contents

Legal Entitlement. Employees would be entitled to 10 weeks of family leave during any two year period upon the birth or adoption of a child, or upon the serious illness of a child, parent, parent-in-law, stepparent or guardian. In addition, employees would be entitled to 13 to 15 weeks of leave during any 12-month period where the employee is unable to work because of a serious health condition.

Benefit Protection. During the leave, the employer must continue to provide any group health care coverage normally provided the employee under terms as if the employee was working.

Reemployment Guarantee. Upon return from leave, the employer must restore the employee to a position the same as or equivalent to the one held when the leave commenced.

Covered Employees. Employees who have been employed by the employer at least one year and who rendered 1,000 hours of service during the previous 12-month period.

Enforcement. The bill would be enforced through an administrative process in the Labor Department and in federal district court. Relief would include injunctions, awards of lost pay, and liquidated and consequential damages. The relief provisions provide plaintiffs up to four times actual damages.

Status

H.R. 925 was approved by the House Education & Labor Committee on 11/17/87 (House Rpt. No. 100-511). The Senate Labor Committee reported S. 2488 on 7/14/88. Floor action on both bills is now considered likely before Congress adjourns.

Issue No. 22

September 1, 1988

**GROVE CITY: EXPANSION OF CIVIL RIGHTS LIABILITY
OF RECIPIENTS OF FEDERAL GRANTS**

Legislation S. 557/H.R. 1214, the Civil Rights Restoration Act, by Sen. Edward Kennedy (D-MA) and Rep. Augustus Hawkins (D-CA).

Practical Effect Broadens the coverage of four anti-discrimination laws covering federal grant recipients.

Contents

The Decision. In Grove City College v. Bell, the U.S. Supreme Court effectively limited the reach of Title VI of the Civil Rights Act, the Age Discrimination Act, Title IX of the Education Act and Section 504 of the Rehabilitation Act. It said that only the program or activity receiving the federal funds, not the entire organization, is covered by such statutes.

New Rule. The legislation would reverse the Supreme Court's decision by making the entire organization subject to the four anti-discrimination statutes whenever any entity within the organization receives federal grant funds.

Covered Employers. Any employer who receives a federal grant would be covered by the four laws. Such grants include funds dispersed under the Job Training Partnership Act, Emergency Veterans' Jobs Training Act, and government R&D programs among others.

Duplicative Enforcement. Enforcement of the laws would be conducted separately from and in addition to the enforcement of other civil rights laws already covering employers.

Handicap. S. 557 as passed by the Senate also amends both Section 503 and 504 of the Rehabilitation Act to deny handicap status to employees with currently contagious diseases that constitute a direct threat to other employees. The amendment reverses the U.S. Supreme Court's Arline decision.

Status

The legislation became Public Law No. 100-259 on 3/22/88 when Congress overrode President Reagan's veto of S. 557.

Issue No. 23

September 1, 1988

**GUARD PROVISION AMENDMENTS
TO THE NLRA**

Legislation H.R. 3560, by Rep. William Clay (D-MO).

Practical Effect Permits international unions such as the Teamsters to organize unions representing armored car guards, couriers and other guards.

Contents

Present Law. Under Section 9(b)(3) of the National Labor Relations Act, guards may not be included in a bargaining unit that also includes employees other than guards, and the National Labor Relations Board is barred from certifying a union to represent guards if it admits nonguard members or is affiliated with another union that does.

The word "guard" is not defined in the Act, and since 1947 the Board has made case-by-case determinations regarding the types of employees who should be treated as guards. Accordingly, in-house/proprietary guards and watchmen, contract guards, alarm service guards, armored car guards, and couriers have all been held to be guards within the meaning of the Act.

New Rule. Section 9(b)(3) would be amended to limit its application only to "plant guards." The significance of the change would be that the Teamsters could begin organizing the armored car industry, and the Board would be permitted to recognize a Teamster union of armored car guards as the exclusive bargaining representative of the guard employees.

Status

No hearings on the Clay bill have yet been scheduled. In the 99th Congress, however, the Teamsters made a concerted effort to win approval of a similar measure. After rounding up bipartisan support, the legislation faltered following hearings before the Senate Labor Committee that focused on whether it was sound public policy for the Teamsters and other nonguard unions to be permitted to organize the market that transports the Nation's currency.

Issue No. 24

September 1, 1988

LABOR LAW REFORM

Legislation H.R. 4552, by Rep. Joseph Brennan (D-ME); other proposals under discussion.

Practical Effect To facilitate the organizing of non-union employees, inhibit the ability of represented employees to oust an incumbent union, and increase an incumbent union's bargaining power.

Contents

While the only legislation introduced thus far is H.R. 4552 described as Issue No.4, it is generally understood that organized labor is laying the foundation for a major push in 1989 to rewrite the Nation's labor laws no matter who is elected president.

The last time Congress considered a major change in the labor laws was in 1977-78 when President Carter called on Congress to enact his labor law reform package. The bill was easily passed by the House, but failed by a narrow vote to become law because of a filibuster in the Senate. It is expected that the 1989 package will contain a new generation of labor law reform proposals. Concepts under discussion include:

- ban on hiring replacements for economic strikers and other measures designed to impede a company's ability to operate during strikes
- applying the proposed construction industry double breasting ban to all employers, including manufacturing employers
- expanding the concept of labor protective provisions
- special provisions dealing with corporate takeovers and mergers
- ban on contracting out unit work
- stiffer penalties and greater injunctive relief
- in first contract situations, submission of unresolved issues to binding arbitration if talks break down
- providing for greater workplace democracy

Status

The House Education and Labor Committee has been holding oversight hearings on the NLRA over the last year.

Issue No. 25

September 1, 1988

LABOR PROTECTIVE PROVISIONS -- AIRLINES

Legislation Amendment by Sen. Brock Adams (D-WA) to S. 1485, the Air Passenger Protection Act; H.R. 1101, by Rep. Norman Mineta (D-CA)

Practical Effect Encourages the government to be more active in imposing labor protective provisions on airlines involved in mergers.

Contents - Senate Proposal

Enforcement Authority. Authority would be shifted from the Department of Transportation to the Department of Labor to impose labor protective provisions (LPPs) in the airline industry.

Protective Powers. The Labor Department would be empowered to require airlines that merge to compensate employees who lose their jobs or are otherwise hurt by the transaction. DOL would review the merger to determine whether it would result in any adverse consequences to affected employees, such as reduced wages, seniority loss or layoffs. The Department could then develop ways in which to mitigate the adverse consequences, including financial protections, integration of seniority lists or the use of binding arbitration to resolve disputes, provided the cost of the LPPs does not outweigh the potential benefits of the transaction.

Contents - House Proposal

The House proposal is essentially the same as the Senate measure, except that it does not explicitly transfer enforcement authority to the Department of Labor. The Committee Report accompanying the measure, however, does urge such a transfer.

Status

The House approved H.R. 1101 by voice vote on 6/22/87 and attached it to the Air Passenger Protection Act. That bill has been tied up in Conference with the Senate version (S. 1485) for more than a year because of a controversy involving drug testing language, and is not expected to be approved.

Issue No. 26

September 1, 1988

LABOR PROTECTIVE PROVISIONS -- RAILROADS

Legislation H.R. 3332, by Rep. Doug Walgren (D-PA).

Practical Effect Make employers bargain with unions over changes in working conditions which, especially for sales in short lines, had previously been exempted by the ICC; gives rail carrier employees who lose their jobs due to the sale of rail line the "right of first hire" with the purchaser, or a separation allowance (up to \$30,000) where no jobs are available.

Contents

Covered Employers. Rail carriers, defined as persons providing railroad transportation for compensation. Also covers persons providing bridge, ferry and road services in connection with a railroad. Even small employer transactions that are normally exempted from ICC authority are covered.

Covered Employees. Any employee performing service for a rail carrier in connection with a rail line that is sold or disposed of, to construct a new line, or abandon an old line.

Use of Seniority to Keep Job. Where a rail line is sold or disposed of, displaced employees would have to attempt to secure other employment with their same employer -- the seller -- through the exercise of seniority rights, with moving and "home sale" expenses provided by the seller.

Right of First Hire or Separation Allowance. Where the employee is unable to secure employment with the seller, the purchaser of the rail line would have to give the displaced worker the "right of first hire" to a substantially equivalent job. Where the employee is unable to secure a job with the purchaser, or if the employee is "deprived of employment" (other than "for cause") within 3 years, the employer would have to pay a separation allowance. This allowance is based upon years of service, but could not exceed \$30,000.

Authority of ICC Limited. The exclusive authority of the Interstate Commerce Commission is removed, making all ICC-approved transactions subject to the Railway Labor Act.

Status

H.R. 3332 is pending before the Transportation Subcommittee of the House Energy and Commerce Committee. The subcommittee held a hearing on 10/1/87. No further action has been scheduled.

Issue No. 27

September 1, 1988

LABOR PROTECTIVE PROVISIONS -- TELECOMMUNICATIONS

Legislation H.R. 2828, the Telecommunications Employee's Protection Act, by Rep. Al Swift (D-WA).

Practical Effect Establishes preferred reemployment rights for employees displaced as a consequence of the divestiture of the Bell System.

Contents

Covered Employers. AT&T, the seven regional holding companies, and former Bell subsidiary operating companies.

Covered Employees. Any person employed by a covered employer on 12/31/83 who has been or is laid off or terminated for other than cause. Exceptions include: supervisors and any employee whose annual base pay rate is more than \$50,000 adjusted by CPI.

Ban On Contracting Out. Covered employers would be barred from contracting out work performed by persons in certain eligible protected positions.

Preferred Rehire. After meeting collective bargaining obligations, covered employees would be given first right of hire over any persons not previously employed by a covered employer. In determining training and experience of covered employees, they would be given credit for any training and experience they would have received since 12/31/83 had they not been laid off or terminated. Employer is to compensate covered employee for moving expenses (no geographical limitation) including any loss resulting from the sale of a residence or canceling of a lease agreement.

Status

H.R. 2828 is pending before the House Committees on Education & Labor and Energy & Commerce.

Issue No. 28

September 1, 1988

LEAVE SHARING

Legislation H.R. 3757, the "Federal Employees' Leave-Transfer Act", by Rep. Gary Ackerman (D-NY) and Rep. Frank Wolf (R-VA); S. 2140, the "Federal Employees Leave Bank Act", by Sen. David Pryor (D-AR).

Practical Effect Allows Federal employees to voluntarily transfer their annual leave to other employees in the case of a personal emergency. If successful, concept could be extended to private sector.

Contents

Purpose. Authorizes a program to be established within the Federal government, allowing for the transfer of annual leave between federal employees under certain conditions.

Donations of Leave. An employee could make a written request to donate up to one-half of the total number of hours of accrued annual leave. Leave may be transferred between employees in different federal agencies.

Personal Emergencies. Employees requesting the use of donated leave must have used all their annual and sick leave and be facing a medical or family emergency or other hardship situation that requires, or is likely to require, absence from work for a prolonged period and result in a substantial loss of income due to the lack of paid leave.

Demonstration Projects. Three alternative leave-transfer projects on an agency-wide basis are also authorized. One would set up a "leave fund" as opposed to direct transfers between employees. Another project would allow the transfer of both sick and annual leave. Finally, a third project would involve donations of sick leave in instances where the amount of annual leave donated was insufficient to cover a personal emergency.

Status

The House passed H.R. 3757 on 3/22/87 under suspension of the rules. S. 2140 was marked up by the Subcommittee on Federal Employees of the Senate Governmental Affairs Committee on 3/19/88. S. 2140 was approved by the Full Committee on 5/19/88 and ordered reported. Report was filed on 7/28/88 (Report No. 100-437).

Issue No. 29

September 1, 1988

MARITIME LABOR STANDARDS

Legislation H.R. 3994, by Rep. William Clay (D-MO).

Practical Effect To extend certain U.S. labor laws to foreign vessels operating between U.S. ports.

Contents

H.R. 3994 would apply four U.S. labor laws -- the National Labor Relations Act, Occupational Safety and Health Act, Fair Labor Standards Act, and Title VII of the Civil Rights Act -- to the following employers:

- passenger ships operating to and from U.S. ports
- cargo ships engaged in transporting cargo in the foreign trade of the United States if the ship is owned directly or indirectly by a U.S. corporation
- ships on which goods or services are produced or processed for sale or distribution in the United States
- any ship regardless of ownership that is engaged in transporting cargo between ships in international waters and a vessel, port or place in the United States, regardless of ownership or control of the vessel.

Status

H.R. 3994 was referred to the House Education and Labor Committee on 2/4/88 where it is currently pending.

Issue No. 30

September 1, 1988

MINIMUM WAGE/FLSA AMENDMENTS

Legislation S.837/H.R. 1834, the Minimum Wage Restoration Act of 1987, by Senator Edward Kennedy (D-MA) and Rep. Augustus Hawkins (D-CA).

Practical Effect Increases the minimum wage in three steps by 1991.

Contents

Present Law. The last increase in the minimum wage was to \$3.35 an hour in 1981 as the final stage of the schedule set in the 1977 amendments to the Act.

New Increases. The legislation would raise the minimum wage in three steps by 1990:

- \$3.85 (\$3.75 Senate bill) by 1989
- \$4.25 (\$4.15 Senate bill) by 1990
- \$4.65 (\$4.55 Senate bill) by 1991
- \$5.05 by 1992 (House bill only)

Tip Credit. The House bill would raise the "tip credit" from its current 40% to 50%. The Senate is expected to go along.

Small Business Exemption. The thresholds for exempting small businesses would be increased from the current \$362,500 to \$500,000.

Status

The House Education and Labor Committee approved H.R. 1834 on 3/16/88 (House Rpt. No. 100-560). S. 837 was reported by the Senate Labor Committee on June 29. Both bills are considered likely for floor action before adjournment. There is a good possibility that a "training wage" amendment permitting first-time hires to be employed for a lower rate for a limited period of time will be approved.

Issue No. 31

September 1, 1988

MINORITY BUSINESS SET-ASIDE

Legislation S. 1993, the Minority Business Development Program Reform Act of 1987, by Sen. Dale Bumpers (D-AR), Sen. Lowell Weicker (R-CT) and Sen. John Kerry (D-MA). H.R. 1807, by Rep. Mavroules (D-MA).

Practical Effect Establishes new requirements for federal contractors government-wide to increase participation by small and minority-owned businesses in Federal procurement contracts.

Contents (S.1993):

Annual Contracting Goals. The bill would require the President annually to establish a government-wide goal for procurement contracts to be awarded to small businesses and small businesses owned and controlled by socially and economically disadvantaged persons. Each agency then would set individual goals to be met through its own procurement award process.

For small businesses, the goal would be a minimum of 20% of the total value of procurement contracts for the fiscal years 1989-1993, and at least 25% for the years thereafter. The goal for small businesses owned and controlled by socially and economically disadvantaged persons would be 5% and 10% respectively.

Plans and Penalties Federal contractors would be required to develop a plan to include small and minority-owned businesses in awarding subcontracts. Contractors failing to make good faith efforts to meet these requirements would be subject to a liquidated damages penalty. Also, contractors subject to the provisions of Section 1207 (Department of Defense procurement regulations on subcontracting with small, and small disadvantaged businesses) would continue to meet those requirements as well as the new ones required under this bill.

Status

H.R. 1807 was passed by the House last December, but does not have the annual contracting goals provision of S. 1993. S. 1993 was passed on 7/7/88 by the Senate and is currently pending in Conference with H.R. 1807.

Issue No. 32

September 1, 1988

NORTHERN IRELAND IMPORT RESTRICTIONS BASED ON MACBRIDE PRINCIPLES

Legislation S. 229/H.R. 722, the Northern Ireland Employment Practices Act, by Sen. Alphonse D'Amato (R-NY) and Rep. Hamilton Fish (R-NY).

Practical Effect Requires imports from Northern Ireland to be manufactured by companies who meet the MacBride Principles; requires U.S. companies operating in Northern Ireland to comply with these principles.

Contents

MacBride Principles. The MacBride Principles are a nine-point corporate code of conduct for fair employment in Northern Ireland much like the Sullivan Principles in South Africa. Drafted by Sean MacBride, a Nobel prize-winning author, the MacBride Principles are designed to eliminate employment discrimination against Catholics in Northern Ireland. In summary, the Principles call for:

- elimination of religious discrimination in hiring, promotion, training, terms and conditions of employment;
- special recruitment efforts for underrepresented religious groups; and
- provision of adequate security for minority employees in the workplace.

Import Restriction. No item could be imported from Northern Ireland unless the importer documents that the enterprise which manufactured or assembled the product is in compliance with the MacBride Principles.

Compliance Requirement. Any U.S. company who owns or has a controlling interest in an enterprise with more than 20 employees in Northern Ireland is required to comply with the MacBride Principles and submit an annual report to the Secretary of Commerce demonstrating compliance.

Status

The House and Senate bills are patterned after similar bills in New York and Massachusetts. The House bill, pending before the Foreign Affairs, Rules, and Ways and Means Committees, currently has over 60 co-sponsors.

Issue No. 33

September 1, 1988

OCCUPATIONAL DISEASE NOTIFICATION LEGISLATION

Legislation H.R. 162/S. 79, the High Risk Occupational Disease Notification and Prevention Act, by Rep. Joseph Gaydos (D-PA) and Sen. Howard Metzenbaum (D-OH).

Practical Effect Requires the federal government to notify present and former workers, identified by a new federal Risk Assessment Board, that they are at risk of contracting serious illness as a result of occupational exposures to certain hazardous materials. Requires employers to provide medical monitoring to these employees.

Contents

Risk Assessment Board. A federal Risk Assessment Board, composed of medical experts appointed by the Secretary of HHS, is to identify present and former workers at risk of occupational disease based on scientific and other evidence.

Risk Notification. The Secretary of HHS, acting on the Board's findings, would notify those individuals in a population at risk as to the possible disease that they might contract.

Medical Monitoring. Employers would be required to provide periodic medical monitoring to any requesting employee included within a population at risk.

Job Removal Protection. Employers would be required to provide up to 12 months pay and benefits to any at risk employee removed from his or her job because of medical recommendations.

Status

The House passed H.R. 162 by a vote of 225-186 on 10/15/87, after rejecting a Republican substitute. S. 79 was reported by the Senate Labor Committee on 7/23/87. It was pulled from the Senate floor after a fourth attempt to cut off debate failed (42-52) on 3/29/88, and the legislation is considered dead for the remainder of the 100th Congress.

Issue No. 34

September 1, 1988

PERFORMING ARTS LABOR RELATIONS AMENDMENTS

Legislation S. 1346/H.R. 1638, the Performing Arts Labor Relations Amendments, by Sen. Spark Matsunaga (D-HI) and Rep. William Clay (D-MO).

Practical Effect Entertainment industry unions would be given extraordinary powers under the NLRA to enlist new members. If enacted, could increase impetus for broader "labor law reform" legislation.

Contents

Redefines employer/employee relationship. Performing artists who are independent contractors under current law could be made employees for NLRA purposes. Purchasers of entertainment (hotels, restaurants, businesses) would be made employers for NLRA purposes.

Hot Cargo Agreements. Section 8(e) of the NLRA would be amended to permit entertainment unions to execute hot cargo agreements with purchasers, that is contracts under which the purchaser agrees to use only union entertainers.

Pre-hire Agreements. Section 8(f) of the NLRA would be amended to permit entertainment unions to execute pre-hire agreements with purchasers, setting terms and conditions of work negotiated by the union without a representation election.

Picketing Authorized. Entertainment unions could legally picket to force hotels, restaurants and other purchasers to capitulate to hot cargo agreements.

Status

The Senate Labor Subcommittee held a hearing on S. 1346 on 12/10/87. H.R. 1638 is pending before the Subcommittee on Labor Management Relations.

Issue No. 35

September 1, 1988

PLANT CLOSING/LAYOFF LEGISLATION

Legislation S. 2527, the "Worker Adjustment and Retraining Notification Act," by Senator Howard Metzenbaum (D-OH).

Practical Effect Require employers to give minimum 60 days advance notice to affected employees when business closings and long-term layoffs occur.

Contents

60 Days Notice. Employers must give 60 days notice of a "plant closing" or "mass layoff." Notice would be required whenever 50 or more employees were laid off for more than a 6 month period at a single site of employment during any 90-day period (a plant closing). Notice would also be required if 50 to 500 employees were laid off for more than 6 months if they constitute at least one-third of the workforce, or if more than 500 employees were laid off (a mass layoff).

Coverage. Any "business enterprise" with 100 or more full-time employees.

Penalties. Employers who fail to give proper notice would be liable to each affected employee for up to 60 days pay and benefits. In addition, a \$500 a day fine for up to 60 days could be assessed for failing to notify local government officials.

Exemptions/Exclusions. There are several exemptions and exclusions, including unforeseeable business circumstances and natural disasters. All would place the burden on the employer to establish their validity, however, thereby substantially limiting their usefulness.

Status

Public Law 100 - 379, August 4, 1988. The provisions become effective on February 4, 1989.

Issue No. 36

September 1, 1988

PLANT RELOCATION RESTRICTIONS

Legislation S. 2712, the "Save American Jobs Act," by Senator Howard Metzenbaum (D-OH).

Practical Effect Requires companies to notify the Secretary of Labor at least 120 days before relocating a facility or operating unit overseas, and denies federal grants and loans to such companies for 5 years after notice is given.

Contents

Notice. Companies must provide at least 120 days notice to the Secretary of Labor before relocating a facility or operating unit overseas.

Listing by DOL. The Secretary of Labor must publish a semi-annual list of all companies who give notice of relocation and distribute it to all Federal agencies.

Denial of Federal Funds. Any company appearing on the DOL list shall be ineligible for federal grants and loans for five years after the list is published.

Preference. Federal agencies would be required to give preference when awarding contracts to those employers who retain operations in the United States.

Status

S. 2712 has been referred to the Senate Governmental Affairs Committee.

Issue No. 37

September 1, 1988

POLYGRAPH LEGISLATION

Legislation H.R. 1212, the Employee Polygraph Protection Act, by Rep. Williams (D-MT); S. 1904, the Polygraph Protection Act, by Senators Edward Kennedy (D-MA) and Orrin G. Hatch (R-UT).

Practical Effect Bans Preemployment use of polygraphs in the private sector; permits testing of current employees in limited circumstances according to federal standards.

Contents

Ban on Preemployment Polygraph Testing. Employers are prohibited from using lie detectors (which includes polygraphs) in making personnel decisions with respect to applicants.

Testing of Incumbent Employees. Polygraph testing of an employee is permitted if the test is administered in connection with an ongoing investigation involving economic loss or injury to the employer's business and the employer has a reasonable suspicion that the employee was involved in the incident.

Standards for Conducting Polygraph Tests. The bill provides strict standards regarding the situations in which employee polygraph testing is permitted, the conditions under which testing may be conducted, and examiner qualifications.

Application to Drug Testing. The sponsors included language in the bill and the legislative history intended to prevent the bill from being used to bar employers from testing applicants and employees for drug use.

Status

Public Law 100 - 347, June 27, 1988. The provisions go into effect on December 27, 1988.

Issue No. 38

September 1, 1988

RATIFICATION OF ILO CONVENTIONS - GENERALLY

International Labor Organization (ILO) conventions are multilateral treaties which, if ratified by the United States, would supersede existing federal and state statutes with conflicting legal requirements. Since 1934 when the United States joined the ILO, it has ratified only nine conventions, the last on 5/12/88. All but two have concerned maritime issues, and none have concerned national labor policy.

On 5/12/88 President Reagan ratified two ILO Conventions approved by the Senate in February concerning minimum maritime standards (Convention 147) and other tripartite consultation on ILO matters (Convention 144). These are the first such ratifications in 35 years.

Convention 144 has been particularly controversial from the business community perspective because it would create a statutory obligation to re-examine all unratified ILO conventions to determine what steps can be taken to achieve their ratification.

With the ratification of Convention 144, the tripartite review process will now focus on conventions dealing with freedom of association and collective bargaining, equal treatment, forced labor and 25 other technical conventions.

Issue No. 39

September 1, 1988

RATIFICATION OF ILO TRIPARTITE CONSULTATION CONVENTION

Legislation ILO Convention No. 144

Practical Effect Creates a statutory obligation for the U.S. to re-examine all unratified ILO conventions to determine what steps can be taken to achieve their ratification.

Contents

Tripartite Consultation. Requires the U.S. government to establish a framework for tripartite (government, industry and labor) consultation on ILO matters including the examination of unratified conventions.

Status

On 2/3/88, the Senate, 81 to 2, gave its advice and consent to ratification of Convention 144 by the President. Ratification by the President occurred on 5/12/88.

Issue No. 40

September 1, 1988

RATIFICATION OF ILO FORCED LABOR CONVENTION

Legislation Convention No. 105

Practical Effect If ratified, this treaty could, among other things, substantially limit court sanctions for employees engaging in illegal strikes.

Contents

Prohibition. The Convention prohibits performance of any work under threat of any penalty or any work which is not voluntary in five circumstances:

- As a means of political coercion or education
- As a means of using labor for economic development
- As a means of labor discipline
- As a punishment for having participated in strikes
- As a means of racial, social, national or religious discrimination

Status

The Tripartite Advisory Panel on International Labor Standards (TAPILS), a body of legal representatives of the President's Committee on the ILO, has been examining Convention 105 since 1/86. Completion of the legal review of this convention is not expected until 1989. The treaty was previously submitted to the Senate for its advice and consent by President Kennedy in 1963.

Issue No. 41

September 1, 1988

RATIFICATION OF COLLECTIVE BARGAINING ILO CONVENTIONS

Legislation ILO Convention Nos. 87 and 98

Practical Effect If ratified, these treaties would substantially modify U.S. labor law by, among other things, authorizing the right of collective bargaining for supervisors and agricultural workers, and revoking substantial portions of the 1959 Landrum-Griffin Act.

Contents

General Requirements. The conventions authorize the freedom of association, the right to organize and collective bargaining without interference from public authorities.

Specific Requirements. As interpreted by the ILO, Conventions 87 and 98 would:

- subordinate employee rights to those of labor organizations
- broaden the classes of employees entitled to NLRA-type protection to include supervisors and public employees
- revoke substantial portions of the Landrum-Griffin Act
- repeal employer free speech
- limit restrictions on the right to strike, including secondary boycotts
- result in evolving legal standards based on ILO conventions adopted later in time.

Status

The Tripartite Advisory Panel on International Labor Standards (TAPILS) authorized review of Convention 87 in 1/88. Completion of the review should take several years. Convention 87 was submitted by President Truman for the Senate's advice and consent in 1948.

Issue No. 42

September 1, 1988

RATIFICATION OF EQUAL TREATMENT ILO CONVENTION

Legislation ILO Convention No. 111.

Practical Effect If ratified, this treaty would permit pay discrimination lawsuits based on the theory of comparable worth.

Contents

Prohibitions. Prohibits discrimination in employment based on race, color, sex, religion, political opinion, natural extraction or social origin.

Comparable Worth. Convention 111 has been interpreted by the ILO as incorporating the terms of ILO Convention 100 on equal remuneration which is defined as equal pay for work of equal value; i.e. comparable worth.

Status

The Tripartite Advisory Panel on International Labor Standards (TAPILS) began its legal examination of this treaty in 1/88. Review of this Convention will take about two years.

Issue No. 43

September 1, 1988

RATIFICATION OF ILO STATISTICS CONVENTION

Legislation ILO Convention 160

Practical Effect If ratified, this Convention would create a continuing international legal obligation to collect a broad range of employment statistics, all of which are currently collected by BLS.

Contents

Collection of Employment Statistics. The Convention requires ratifying countries to collect the following employment statistics:

- Unemployment and underemployment
- Structure and destruction of the workforce
- Average earnings and hours of work
- Labor cost
- Consumer price indexes
- Household income and expenditure
- Occupational injuries and diseases
- Industrial disputes

The Convention would create no new data collection requirements for U.S. business.

Status

On July 15, 1988, the President's Committee on the ILO voted unanimously to recommend ratification of Convention 160 to the President. Presidential submission of the Convention for Senate advice should occur by the end of 1988.

Issue No. 44

September 1, 1988

SERVICE CONTRACT ACT AMENDMENTS

Legislation S. 1556, the Service Contract Threshold Increase Act, by Sen. Orrin Hatch (R-UT).

Practical Effect The scope of the Service Contract Act would be substantially narrowed by limiting its application to large monetary contracts only.

Contents

Present Law. The Service Contract Act (SCA), enacted in 1965, requires employees working under Federal government service contracts valued over \$2,500 to be paid prevailing wages and benefits as determined by the Secretary of Labor. Its rationale for passage was similar to that of the Davis-Bacon Act, in that competition among contractors was said to be undercutting and depressing local wage rates. In practice, however, the law has tended to inflate wages on service contracts and has been criticized by a wide range of reputable organizations, including the General Accounting Office, the Congressional Budget Office, and the Grace Commission.

Threshold Increased. The Service Contract Act threshold would be increased from \$2,500 to \$100,000 on nonmilitary contracts and to \$1 million on military contracts.

Status

An amendment offered by Senator Phil Gramm (R-TX) to S. 1194, the Defense Authorization Act, for the purpose of increasing the SCA threshold on military contracts to \$250,000 was rejected by the Senate on 9/29/87 by a vote of 67-30.

Issue No. 45

September 1, 1988

SERVICE MONITORING

Legislation H.R. 1950, by Rep. Don Edwards (D-CA)

Practical Effect Requires telephone monitoring of employees by employers to be accompanied by a regular audible warning tone.

Contents

Employer Prohibition. The bill prohibits employers from listening in on an employee's work phone call unless a repeating audible tone is utilized to warn the parties to the call.

Penalties. The bill provides that violators are civilly liable for actual damages, fines of \$100 per day of violation or \$10,000 (whichever is greater), punitive damages, and attorney's fees.

Status

H.R. 1950 is pending before the House Subcommittee on Courts, Civil Liberties and Administration of Justice of the House Judiciary Committee. Hearings were held on the measure on 7/15/87.

Issue No. 46

September 1, 1988

TITLE VII COVERAGE FOR OVERSEAS DOD CONTRACTORS

Legislation Amendment by Rep. Joseph Kennedy (D-MA) and Rep. David McCurdy (D-OK) to the Department of Defense Authorization bill (H.R. 4264).

Practical Effect Contractors and subcontractors, whether foreign or domestic, which perform DOD work overseas would be required to abide by U.S. EEO law or face loss of the contract.

Contents

Present Law. Contractors and subcontractors operating overseas generally are not required to comply with U.S. EEO law, but rather must follow the law of the jurisdiction in which they operate. The Age Discrimination in Employment Act (ADEA) does apply overseas, but only to U.S. citizens and U.S. corporations.

Extension of U.S. EEO Law Overseas. The Kennedy/McCurdy amendment would apply U.S. law to any domestic or foreign corporation that seeks to do business with the Department of Defense in a foreign country, and applies to all employees of the contractor, including foreign nationals.

Penalties. Any person may file a discrimination complaint against a contractor or subcontractor. If the DOD Inspector General determines that the contractor has discriminated "on the basis of race, color, religion, sex, or national origin, in its employment practices," the Secretary of Defense is required to deny any future contracts until the contractor complies.

Status

The Kennedy/McCurdy amendment was approved by the House on a vote of 365-50 on 5/3/88. However, in the joint House/Senate conference committee the amendment was narrowed to apply only to one specific contract with the Army being performed in Northern Ireland. As modified, the Secretary of the Army is required to withhold funds under the contract unless the covered contractor commits to supporting equal employment opportunity in its employment practices. The DOD bill subsequently was vetoed by President Reagan in early August.

Issue No. 47

September 1, 1988

UNION VIOLENCE

Legislation H.R. 2375, the Worker Protection Act of 1987, by Rep. Dick Armey (R-TX); S. 2036, Hobbs Act Amendments, by Sen. Strom Thurmond (R-SC).

Practical Effect Provides greater protections to employers and individuals against union violence.

Contents -- Armey Bill

Bargaining Status. The NLRB would be authorized to revoke the exclusive bargaining status of any labor union found to have engaged in the habitual use of violence.

Reinstatement. The NLRB would be prohibited from ordering an employer to reinstate an employee involved in union violence.

Injunctions. The Board would be required to seek a court injunction against a union which regularly uses violence.

Backpay Awards. Employees who suffer lost wages as a result of union violence could collect treble damages from the labor union who caused the violence.

Contents -- Thurmond Bill

The Hobbs Act prohibits extortion by labor unions. In U.S. v. Enmons, however, the U.S. Supreme Court ruled that as long as a labor union commits extortion and violence in furtherance of legitimate collective bargaining objectives, no violation of the Hobbs Act will be found. The amendment would make clear that the Hobbs Act is intended to punish the actual or threatened use of force or violence to obtain property irrespective of the legitimacy of the extortionist's claim to such property and irrespective of the existence of a labor-management dispute.

Status

On 7/17/87, Rep. Armey offered a portion of H.R. 2375 as an amendment to H.R. 281, the double breasting bill. The amendment was defeated by a vote of 262 to 162. S. 2036 is pending before the Senate Judiciary Committee.

Issue No. 48

September 1, 1988

WHISTLEBLOWER LEGISLATION

Legislation S. 208, the Federal Government Contractors Personnel Protection Act, by Sen. Albert Gore; H.R. 1716, the Government Contractor Whistleblower Protection Act, by Rep. Patricia Schroeder (D-CO); S. 2095, The Uniform Health and Safety Whistleblowers Protection Act, by Sen. Howard Metzenbaum (D-OH).

Practical Effect Protects whistleblowers.

Contents - Gore/Schroeder Legislation

Prohibition. The legislation prohibits a government contractor from taking any action against an employee for disclosing to a government agency or Congress information which the employee reasonably believes evidences: (1) a violation of any law or regulation; or (2) mismanagement, a gross waste of funds, an abuse of authority, or a danger to public health or safety.

Penalties/Relief. Both bills authorize courts to award such legal and equitable relief necessary to carry out the purpose of the legislation. The House bill specifically requires contractors to pay compensatory damages in addition. The Senate bill authorizes a penalty of \$500,000 for each reprisal action.

Contents - Metzenbaum Bill

S. 2095's coverage would be far broader, covering both private sector employees that work for government contractors and those that do not, from retaliation for reporting hazardous activities. Applicants as well as current employees would be covered. Employers would be prohibited from discharging or discriminating against an employee who discloses (or refuses to participate in) hazardous activities which the employee "reasonably believes" are in violation of federal laws.

Status

S. 208 is pending before the Senate Committee on Governmental Affairs. H.R. 1716 is pending before the House Education and Labor Committee. S. 2095 is pending before the Senate Labor and Human Resources Committee. Legislation (S.508) protecting federal employee whistleblowers passed the Senate on 8/2/88.

Issue No. 49

September 1, 1988

WORKER RIGHTS AS THE BASIS OF TRADE SANCTIONS

Legislation H.R. 3, the Omnibus Trade Bill.

Practical Effect Gives the U.S. government the authority to impose trade sanctions based on the foreign country's compliance with worker rights standards; requires the Labor Department to develop information about the worker rights practices of foreign facilities of U.S. companies that could be used in consumer boycotts against particular companies who operate abroad.

Contents

Worker Rights. Worker rights, which are based on ILO conventions, are defined as (1) the right of association; (2) the right to organize and bargain collectively; (3) a prohibition on the use of any form of forced or compulsory labor; (4) a minimum age for the employment of children; and (5) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

Unfair Trade Practices. The legislation would make worker rights violations the basis for an unfair trade practice under Section 301 of the 1974 Trade Act, which could result in trade sanctions being imposed by the President against imports from countries in which U.S. based companies have overseas facilities.

GATT Negotiations. The legislation would require that worker rights be a United States' negotiating objective under the General Agreement on Tariffs and Trade (GATT) that is currently being renegotiated. If this negotiating objective were achieved, worker rights would establish a multilateral treaty basis for the imposition of trade sanctions.

DOL Study. Legislation would require the Department of Labor to conduct and publish studies of the worker rights practices of U.S. companies operating overseas, even if the company is complying with the laws of the country in which it operates. Such studies could be used in consumer boycotts against particular companies who operate in foreign countries.

Status

The Trade Bill was vetoed by President Reagan on 5/24/88, but was overwhelmingly approved by Congress and sent to the President on 8/11/88 after the plant closing and Alaska oil provisions were dropped. The worker rights provisions, which remain in the bill, became effective on August 23, 1988, when President Reagan signed the Trade Bill into law.

September 7, 1988

M E M O R A N D U M

TO: SENATOR DOLE
FROM: RICH BELAS
SUBJECT: LABOR POLICY ASSOCIATION SPEECH

You are scheduled to speak at the Labor Policy Association Legislative Conference tomorrow morning at 10:30 a.m. They are expecting you to speak for about 20 minutes and take questions for another 10 minutes. The topic is generally what you think are prospects for legislation in the next Congress.

The members of the Labor Policy Association are approximately 100 corporations. The audience should be primarily the companies' industrial relations or human resources officers.

The president of the association is Jeff McGuiness who is a labor lawyer in town. He and I prepared the labor policy papers for the campaign. His brother, Kevin, is Senator Hatch's AA and used to be the Republican staff director for the Labor Committee.

They opposed the plant closing bill and are understandably concerned about minimum wage, parental leave, child care to the extent that it increases obligations imposed on employers, and mandated benefits generally.

As you know, Senator Byrd was noncommittal about whether he would bring up minimum wage this fall, but both minimum wage and parental leave have been on his wish list.

Minimum Wage

The major difference between the House Education and Labor Committee minimum wage bill and the Senate Labor and Human Resources Committee bill is in the size of the increase. The House bill raises the minimum wage from \$3.35 in 1988 to \$5.05 beginning in 1992. The Senate bill raises the minimum wage to \$4.55 beginning in 1991. The House bill also increases the credit employers receive against the minimum wage for tips received by employees. The Senate bill contains no increase in the tip credit.

-2-

Parental Leave

The parental leave bill requires employers to give unpaid leave to employees for medical or child-related reasons. The main objection to this is that it is very expensive especially for smaller employers to hold a job open for 10 to 13 weeks.

Child Care

A large number of Democrats support the Dodd-Kildee "ABC" bill which sets standards for institutional child care and provides Federal subsidies for institutional child care. The Republican response has generally been to provide tax incentives. The argument is that a tax incentive would be provided to individuals directly, could be targeted better, and does not discriminate against mothers who work in the home. This is the Bush approach.

You know that Hatch is an exception and is reportedly negotiating with Dodd.

You have a bill which provides block grants to the states.

Mandated Benefits

Although Senator Kennedy's mandated health benefits bill was stalled this year, it will undoubtedly be a high priority for him next year. If Dukakis wins, there will be additional pressure since Dukakis is hyping the mandated health benefits bill he signed recently in Massachusetts.

The main objection is that it is Government deciding in what form workers should receive their compensation. Of course, employers fear that employees will not willingly accept lower pay in return for health benefits and that, as a result, their compensation costs will rise.



LABOR POLICY
ASSOCIATION, INC.

The Honorable Robert Dole
Republican Leader
S-230, The Capitol
Washington, D.C. 20510
ATTN: Betty Meyer

Dear Senator Dole:

The 1988 Washington Meeting of the Labor Policy Association will be held in conjunction with the Employee Relations Committee of The Business Roundtable at the Madison Hotel, 1177 15th Street, N.W., Washington, D.C., on Thursday, September 8. We would be very pleased if you would be able to appear on our program Thursday morning to give your thoughts on the prospects for labor legislation in the 101st Congress and how the business community should deal with those issues.

Labor Policy Association is a non-profit corporation established to encourage research on government policies and legislation affecting labor-management relations. It works closely with Congressional and Administration leaders in providing research assistance, drafting, and analysis of labor legislation. By drawing upon the technical skills found among its members, the Association has successfully assisted in the development of practical solutions to government regulation of employer-employee relationships.

Member companies consist of over 100 leading U.S. corporations from a wide cross-section of industry. Included are automotive, agricultural implement, aircraft, chemical, oil, electrical, rubber, mining, steel, retail, paper, computer and communications industries. They are represented in LPA by their principal industrial relations and human resources officers. In order to provide you with some idea of the stature of the individuals who represent their companies in the Association, we have enclosed a program of a recent membership meeting which lists those who attended. Most LPA members are also members of the Business Roundtable's Employee Relations Committee.

5-12 Interim Letter

1015 Fifteenth Street, NW, Washington, DC 20005 • Telephone: 202 789-8670

Don: 2,000

Speak 10:30 am

Sept. 8
Thurs AM.

you have
dental appt at
9:45 am (30 min.)
that morning.

Time (they know have
available in 12:00 to 12:30.
May 9, 1988
want to do ??

at Madison Hotel
Ballroom
(Ballroom)

OK
Jed
my
76.

Honorable Robert Dole
Republican Leader
May 9, 1988
Page Two

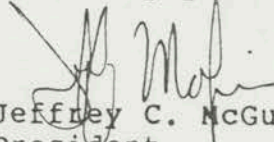
These meetings are recognized as providing an unusual opportunity for an informal exchange of views between our country's law and policy makers and individuals who greatly influence industry's thinking on labor matters. The discussions are completely off the record. No minutes are kept, and no reports of the session are distributed.

In connection with your appearance before the Association, we would be pleased to provide an honorarium of \$2,000.

One additional point. I assisted your Presidential campaign by heading up your labor policy group. Rich Belas and I drafted several of the position papers that you may have used in the course of the campaign. I wish we were still at it.

We look forward to your response.

Sincerely yours,


Jeffrey C. McGuinness
President

JCM:ja
Enclosure: