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Congressman Charles W. Whalen, Jr. (R-Ohio) today accused the National Labor Relations Board (NLRB) of "incredible ineptness" and "unbelievable bungling" in handling a Dayton (Ohio) labor impasse.

In a sharply-worded House Floor speech, Whalen cited four deficient NLRB actions regarding what union will represent National Cash Register (NCR) employees.

The failures have "precipitated an economic crisis and created serious frustration among 14,000 families in the Dayton area," he declared.

Whalen hit the NLRB because it:

1. Took four months to decide to call a bargaining election.
2. Set the dates of the bargaining election two-and-one-half months after the expiration of the existing union-management contract.
3. By its own admission, discounted 100 votes cast during the certification election.
4. After six months still has not determined the outcome of that election.

Whalen said the result has been that NCR employees have received no wage or benefit increase since September 1, 1966, lost buying power because of increasing prices during that time, and now have a feeling of hopelessness regarding prospects for any future salary settlement.

In his speech, Whalen traced the history of the difficulty.

The United Steelworkers, on June 5, 1966, asked NLRB for a representation election among NCR production and maintenance employees in the Dayton and Washington Court House (Ohio) plants, he said.

The Steelworkers filing, three months prior to the expiration of the existing contract with the NCR Employees Independent Union, precluded continuation of company-Independent negotiations under existing law, Whalen said.

As NLRB hearings on the Steelworkers petition commenced, the International Union of Electrical Workers (IUE) intervened and became a party to the proceeding,
he noted.

However, Whalen said, NLRB did not issue its decision directing an election until December 15, 1967, four months after the hearings concluded and two-and-a-half months after the existing union-management contract expired.

The January 19, 1968 election tally showed the Independent Union polling 6,760 of the 13,569 votes cast, IUE second with 4,867, Steelworkers third with 1,719, the Bookbinders Union last with 64 and 113 challenged ballots.

NLRB's Ninth Region director issued a corrected tally a week later (January 26, 1968) reducing the Independent Union vote to 6,660, Whalen said.

The Independent Union and NCR objected to the corrected tally. On March 11, the regional director's report ordered a new election after overruling the objections and setting the results aside.

On March 21, 1968, the company and the Independent Union filed exceptions to this report which were sustained by the NLRB itself on April 10. The Board ordered a public hearing on the objections which concluded May 24 with final briefs delivered to the trial examiner by the company, the Independent Union and the IUE by June 24.

The examiner's decision has not yet been issued.

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FULL TEXT OF SPEECH ENCLOSED.
Mr. WHALEN. Mr. Speaker, the National Labor Relations Board, due to incredible ineptness, has precipitated an economic crisis and created serious frustration among 14,000 families in the Dayton area.

Here is the history of unbelievable bungling by that federal agency.

For approximately thirty years employees of the National Cash Register Company have been represented at the bargaining table by the Employees' Independent Union. On September 1, 1966, as a result of union-management negotiations, NCR workers received a wage increase. For the reasons outlined below, this is the last economic improvement accorded NCR employees.

On September 1, 1967, the then current collective bargaining agreement between the Company and the Employees' Independent Union expired. Approximately three months prior to this contract's expiration - on June 5, 1967, to be exact - the United Steelworkers (USW) filed a representation petition with the Ninth Region, National Labor Relations Board. In this petition the USW asked the Board to conduct an election among production and maintenance employees at NCR plants in Dayton and Washington Court House, Ohio.

At the time this petition was filed the Company was preparing for the commencement of negotiations leading to a new collective bargaining agreement with the Employees' Independent Union. Under existing law, the filing of this representation petition by USW precluded further contract negotiations.

The NLRB held a hearing on the USW petition at Dayton, Ohio beginning July 12 and concluding on July 17, 1967. At the commencement of this hearing (July 12, 1967) the International Union of Electrical Workers (IUE) intervened and became a party to the proceeding.

The Board did not issue its decision directing an election until December 15, 1967, months after the hearing was concluded and two and one-half months after expiration of the existing union-management contract. Federal statutes provide that, until a bargaining agent is certified, employees and management cannot engage in wage negotiations.
The election at NCR, pursuant to the December 15, 1967 NLRB decision, was held in the Dayton and Washington Court House plants on January 19, 1968. Employees had five options. They could vote for the Employees' Independent Union, the United Steel Workers, the International Union of Electrical Workers, the International Brotherhood of Bookbinders, or "no union."

The Tally of Ballots issued by the Board at the conclusion of the election showed 13,569 valid votes cast. The Independent Union polled 6,760 votes. The IUE was second with 4,867 votes. The Steelworkers received 1,719 votes. The Bookbinders received 64 votes and there were 113 challenged ballots.

On January 26, the Regional Director for the Ninth NLRB Region announced that he was issuing a Corrected Tally of Ballots which reduced the Independent Union vote from 6,760 to 6,660 ballots. He said that 100 IUE votes had been counted for both the IUE and the Independent Union.

Not only had the NLRB created an unnecessary delay in holding the election, but, if the Regional Director is correct, also mishandled the actual conduct of the election.

The Independent Union and the company immediately filed objections to the issuance of this Corrected Tally of Ballots. On March 11, 1968, the Regional Director issued a Report on Election, Objections to Election, Challenged Ballots and Recommendations to the Board. In this report, he overruled the objections to the Corrected Tally, ordered the entire election set aside, and ordered a new election.

On March 21, 1968, the company and the Employees' Independent Union filed exceptions to this report. These exceptions were sustained by the Board by order dated April 10, 1968. The Board thus rejected the recommendations of the Regional Director and ordered the Regional Director to hold a public hearing on the issues presented by the various objections. This hearing commenced in Cincinnati, Ohio, on May 14, before Trial Examiner Ramoys Donovan and was concluded in Dayton, Ohio, on May 24, 1968. The briefs of the company, the IUE, and the Employees' Independent Union were received by the Trial Examiner on Monday, June 24. A decision is now awaited from the Trial Examiner.

It is evident from the forementioned facts that the Board, and not the company and the three competing unions, must accept responsibility for the long delays which have occurred in the processing of this election.
In summary, the National Labor Relations Board:

1. Took five months to decide to call a bargaining election.

2. Set the dates of the bargaining election two-and-one-half months after the expiration of the existing union-management contract.

3. By its own admission, miscounted 100 votes cast during the certification election.

4. After six months, still has not determined the outcome of that election.

The effect of this ineptness upon 14,000 NCR employees and their families has been:

1. Failure to receive a wage or benefit increase since September 1, 1966.

2. Consequent loss of buying power in the wake of ever-advancing prices since that date.

3. A feeling of hopelessness regarding the prospects for any future salary settlement.

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