

FILE NAME: Insulation Contractors & Distributors (ICD)

DATE: 1969 Sept

DOC#: ICD018

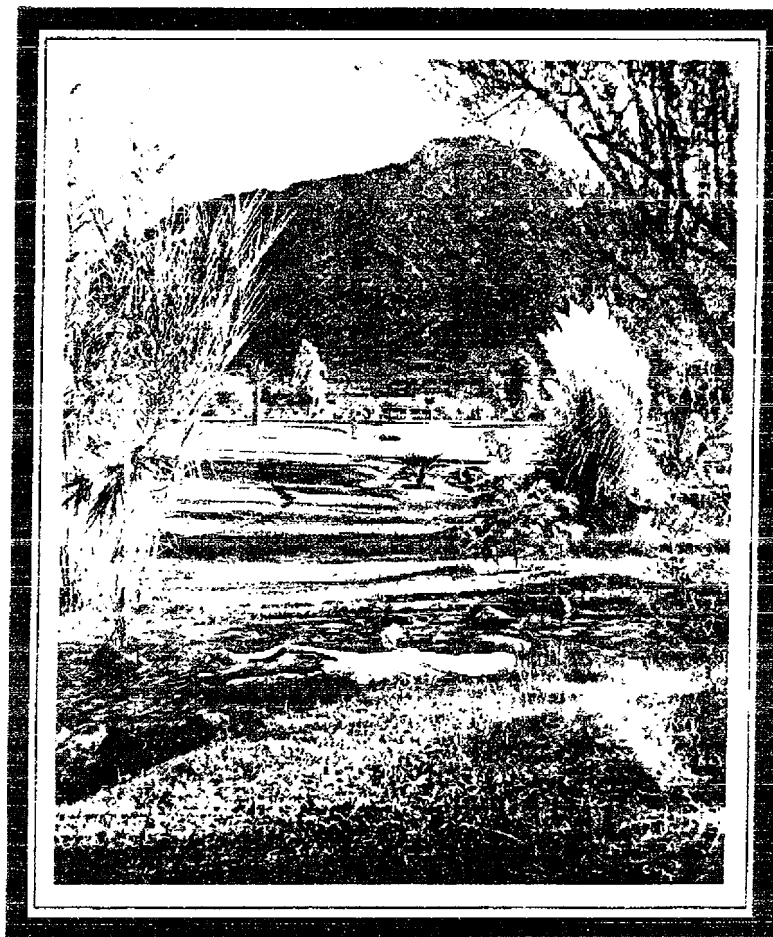
DOCUMENT DESCRIPTION: IDCNA Outlook

IDCNA outlook

SEPT.
1969

VOL. 14
NO. 9

(Formerly the IDCNA Newsletter)



Published by
Insulation Distributor-Contractors National Association, Inc.
3222 Fenton Street, Silver Spring, Maryland 20910

Asbestos Workers Lose Prefab Case

When asbestos workers refused to install precut aluminum jacketing on an Ohio construction project, it was illegal product boycott, the Sixth Circuit Court of Appeals ruled in a memorandum granting enforcement of a National Labor Relations Board order against the union's boycott.

The litigation has consumed several years. Taken as a whole, it represents another attempt to interpret some of the Supreme Court's ruling in the National Woodwork Manufacturers (Philadelphia door) case. The conclusion is that a union's refusal to handle a prefabricated item on the grounds its use violates a lawful work preservation clause in its labor contract is an illegal product boycott, regardless of whether the contractor has control over the use of the item, if the union's contract does not specifically preserve for its members the work lost by the use of the item and if its members have not traditionally performed that work at the jobsite.

The dispute arose during construction of a power generating plant in Hamilton, Ohio. Baldwin-Ehret-Hill, one of the subcontractors, was using precut aluminum jacketing purchased from Preformed Metal Products Co. to insulate the piping.

The asbestos workers employed by Baldwin claimed that use of the precut jacketing was a violation of their labor contract. The contract prohibited the subcontracting of work traditionally and regularly performed by members of the union.

Baldwin tried unsuccessfully to get the specifications changed to permit the use of field cut jacketing. Members of the union refused to install the precut jacketing, and the dispute went to the National Labor Relations Board.

In the first go-around in 1967, the board found that the jacket cutting was not traditionally performed at the jobsite and did not fall within the work preservation clause of the labor contract. As a result, it said, the union was engaging in an illegal secondary boycott to force "one person to cease using the product of another" rather than attempting to protect the work rights of its members—action that would have been legal as a primary strike. The board found it unnecessary to consider the contractor's lack of control over the use of precut jacketing.

While the NLRB decision was on appeal, the Supreme Court issued its Philadelphia door case decision. The appellate court (which was the Sixth Circuit Court of Appeals) remanded the case to the NLRB to reconsider its decision in the light of the Supreme Court's ruling on the distinction between primary and secondary activity in boycott cases. There, the court said, one cannot determine whether a restriction on subcontracting and enforcement of the restriction are violations of the ban on boycotts "without an inquiry into

whether, under all the surrounding circumstances, the union's objective was the preservation of work."

"We reaffirm our previous findings," the board said after taking a second look at the case.

"On the basis of the foregoing review of the facts of this case in the light of the Supreme Court's most recent pronouncement in this area," the board explained, "we conclude that Baldwin's desire to use Preformed jacketing in no way violated the bargaining agreement since it did not infringe upon work regularly or traditionally performed by Baldwin's employees. . . . We further conclude that the pressure brought to bear on Baldwin by the union was not for the purpose of regulating relations between Baldwin and its employees, but rather for its ultimate effect elsewhere, an unlawful secondary objective."

It is this decision that the circuit court has now upheld.

HAVE YOU ORDERED
YOUR COPY OF
THERMAL INSULATION?

Calendar of Coming Events

AACSS Fall Meeting—Waynesville Country Club Inn, Waynesville, N.C., October 6th and 7th, 1969.

IDCNA 14th Annual Convention—November 1-5, 1969 at the Mountain Shadows and Camelback Inn, Scottsdale, Arizona.

AICWS Annual Fall Meeting—held in conjunction with the IDCNA 14th Annual Convention, November 1-5, 1969 at the Mountain Shadows and Camelback Inn, Scottsdale, Arizona.

TIAC's Seventh Annual Meeting—will be held at Cleveland's House, Minnet, Ontario September 17th to 21st, 1969. Cleveland's House is situated on beautiful Lake Rosseau in Muskoka District, the vacation land of Ontario.

SWICA's 1969 FALL MEETING—Sheraton Hotel, Dallas Texas in October. September 25-26

MICA's FALL MEETING—At the Royal Executive Inn, Omaha, Neb. October 2-3, 1969

MAICA's Fall Meeting will be held October 2, 3, 4, 1969 at FRED WARING's SHAWNEE ON THE DELAWARE, POCONO MTS., PA.

Tentative Program
IDCNA 14th Annual Convention
Mt. Shadows Motel—Scottsdale, Arizona
November 1-5, 1969

Saturday, November 1

IDCNA Board of Directors Meeting
 IDCNA Budget Committee

Sunday, November 2

IDCNA Standing Committees Meeting
 Suppliers and Associate Members' Meeting
 AICWS Board of Directors Meeting
 Workshop Discussion Leaders Meeting
 Welcome Reception (6:00 p.m.)

Monday, November 3

General Session

NIXON'S LEGISLATIVE PROGRAM

The Honorable John J. Rhodes
 Congressman (R) 1st District, Arizona

THE NATIONAL JOINT BOARD

William Cour
 Chairman, National Joint Board for Settlement of Jurisdictional Disputes

"WHERE ARE WE NOW?"—A WORKSHOP

Moderator—Professor Ben A. Lindberg

AICWS Membership Luncheon

IDCNA Board of Directors Meeting

Western Skies Steak Fry

Western Show—"Guns for Hire"
 Square Dancing

Tuesday, November 4

General Session

THE UNION TODAY

Albert Hutchinson
 President, International Association of Heating & Frost Insulator and Asbestos Workers

"WHERE DO WE GO FROM HERE?"—A WORKSHOP

Moderator—Professor Ben A. Lindberg

Golf Tournament

President's Reception and Dinner-Dance

Special: Indian Ceremonial Dances

Wednesday, November 5

General Session

WHAT MAKES AN EMPLOYER-ASSOCIATION EFFECTIVE IN LABOR RELATIONS?—Panel Discussion

Moderator—K. M. McCaffree

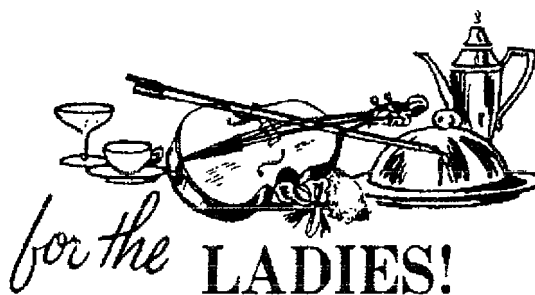
Report by Committees

Reception—Associates' Members Display Luncheon

"OUR CHANGING ENVIRONMENT"

Dr. C. J. Roberts

IDCNA Board of Directors Meeting



Sunday, November 2

Welcome Reception—6:00 p.m.

An opportunity to meet with the other "gals" and their beaus and to renew old friendships.

Monday, November 3

Shopping Tour

You will be able to browse leisurely through some of the most unique shops in the world.

Western Skies Steak Fry

The hospitality of the "Old West" will be in evidence this night. A grand feed, a real shoot-out, and square dancing will make this an evening to remember.

Tuesday, November 4

Taliesin House

This world famous home was designed by architect Frank Lloyd Wright and attracts visitors from the four corners of the earth. A visit you can't miss.

Fashion Show

Some of the West's most beautiful fashions will be paraded before you—a mixture of color, styles, and designs that will thrill and delight you.

President's Reception and Dinner

This annual event will feature a colorful and exciting presentation of Indian Ceremonial Dances complete with authentic costumes. The beat of one of the Southwest's most popular orchestras will provide the music for your dancing.

Wednesday, November 5

Reception and Lunch

"Our Changing Environment" in the subject of a talk by Dr. C. J. Roberts. This presentation will surprise and awe you as Dr. Roberts explains how our lives will be affected by what is happening today.

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Administration's Health-Safety Message Requests Standard-Setting Authority

President Nixon asked Congress in August to authorize Federal occupational health and safety standards for industries and businesses.

In a special message to the House and Senate, the President requested creation of a five-member board to establish the standards, which would be enforced through the courts on complaints brought by Federal and State inspectors.

First Big Federal Step

Although Mr. Nixon stressed that the program would encourage State cooperation, the plan would mark the first extensive Federal action in the field of job health and safety.

Under legislation introduced in both Houses following transmission of the President's message (S. 2788, Javits, R-N.Y.; H.R. 13373, Ayres, R-Ohio), the board would be directed to look first toward "national consensus standards," which have already been voluntarily established by national standards-producing organizations. It would begin enforcing its standards on July 1, 1972, and would be authorized to break new ground if consensus standards did not exist in an area the board thought important.

Violation of the standards would be subject to a civil penalty of up to \$10,000, and the Board, headed by a \$40,000-a-year chairman, would be authorized to blacklist employers from Government contracts for

up to three years.

The legislation would authorize the States to adopt their own health and safety regulations—providing the regulations were at least as tough as the Federal standards. The Federal standards would continue to apply in States not producing approved plans.

The standards requested by the Nixon Administration and contained in both S. 2788 and H.R. 13373 would apply to all employers—except for Federal, State, and local governments; non-agricultural employers with no more than three workers; agricultural employers who do not use more than 500 man-days of hired labor a year; and industries like coal mining, which already have specific health and safety standards.

Business Still Concerned

The Nixon proposal is in sharp contrast to prior bills that vested exclusive standard-setting authority in the Secretary of Labor and gave no recognition to the role of industry in setting standards.

There is still serious concern in the business community about some of the bill's provisions, and about its failure to provide an exemption for employers who have better than average safety records. In addition, many will undoubtedly consider it unfair that the law will not be applied to the Federal Government, which has one of the poorest job safety records.

Occupational health and safety hearings are slated to begin in the House Select Subcommittee on Labor September 16, and are expected to continue through mid-October. Senate Labor Subcommittee hearings are also expected to commence in September.

Labor's Goals Set For Second Session

AFL-CIO President George Meany recently outlined for members of his giant labor federation certain of labor's "basic needs," which, he said, "require immediate and positive legislation"—presumably during the Second Session of the 91st Congress.

Among the "basic needs" listed were these:

A \$2 minimum wage;

A "massive new jobs program in the public sector."

A 50-percent increase in all Social Security benefits and a minimum monthly payment of \$100.

Uniform unemployment compensation;

Expanded workmen's compensation with minimum Federal standards;

A welfare program based solely on need;

Repeal of Section 14(b) of the Taft-Hartley Act.

Extension of collective bargaining rights to farmers; Union recognition and collective bargaining rights for State, county, and municipal workers;

New and improved occupational safety laws;

Situs picketing rights for building tradesmen.

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Federal Raises And Inflation

... Government payroll
to hit 49 billions

The Federal Government may be its own worst enemy in the fight against inflation, Tax Foundation, Inc., suggests in a new study.

Since 1962, when federal officials began exhorting private industry and labor to hold down wage and price increases, federal salaries, on the average, have gone up 47 per cent, the foundation's study shows.

The trend has been speeded, moreover, by the growing practice of upgrading federal employees. A decade ago, the study points out, about 56 per cent of all federal classified workers were in the lowest five pay grades and 44 per cent in the higher grades. By the start of fiscal 1968, this situation was reversed. More than half were in the upper pay grades.

The Tax Foundation also found that:

- There are now more than 3 million federal employees—up 700,000 since 1960.
- The highest rate of increase was in the Department of Health, Education and Welfare—90 per cent.
- Civilian federal employees now get more than 30 billion dollars a year in pay and benefits.
- Civilian and armed-services personnel together will get a 49-billion-dollar slice of the federal budget during the fiscal year which began July 1.
- With civilian-employee retirement costs rising, the retirement fund is in a "precarious" position, with an unfunded liability of 57.5 billions at the close of fiscal 1969.

"In a period when attention is being directed to the control of inflationary pressures," the study concludes, "there arise questions as to the role of the Federal Government. . . .

"Complaints and warnings have come to the effect that the Government itself may be setting an example which works against its own anti-inflationary policies."

In Defense of Union Wage Demands

Contrary to the case made by the Labor Secretary for moderation in wage demands (see above story), "it can be persuasively argued that labor unions are not demanding and securing enough," Joint Council No. 16 of the Teamsters says on the basis of an analysis it has made of what inflation and tax increases have done to the take-home pay of factory workers in the suburbs of New York City.

These workers, the Council finds, worked longer

hours for less take-home pay in 1968 than in 1965. "Increases in personal income taxes and social security levies combined with soaring prices have made collective bargaining a treadmill to nowhere," the Council concludes.

The average Westchester County factory worker with three dependents actually lost 49 cents in weekly purchasing power between 1965 and 1968, despite a \$14.56 increase in gross weekly wages and a 0.1-hour increase in working hours. In Rockland County, a similarly situated factory worker lost 10 cents despite a \$16.02 pay increase and 0.7 more hours of work. In Nassau and Suffolk Counties, "a negligible gain of 94 cents" in take-home pay resulted from a \$17.31 increase in gross weekly pay and a 0.8-hour increase in hours of work.

Under the Bureau of Labor Statistics' city-workers family budget, a four-person family in the New York metropolitan area needed \$192 a week for a "moderate" living in 1967 and \$116 for a "lower" level of living, it is noted. One year late in 1968, not one of 14 manufacturing industries in the Westchester earnings equal to the moderate budget, and half of them failed to reach even the lower (welfare) budget.

Construction Strike Insurance

Strike insurance endorsed by the Associated General Contractors of America is being offered by the Arch Insurance Co., Ltd. of Hamilton, Bermuda. The program is designed to indemnify contractors for losses from work stoppages due to labor disputes. This includes strikes, picketing, boycotts involving subcontractors, material or equipment suppliers, and lockouts, on or off jobsite.

One advantage of using a non-U.S. insurance company, in the employers' view, is that it is beyond the reach of American labor unions and political pressures. Five-year individual policies are being offered; the contractor benefits from continuous protection but pays only one year's premium at a time, in quarterly installments. The policy must cover all of the insured construction in an area not smaller than a single state; an applicant may cover his operations in some or all of the states under a single policy.

Applications accepted by Oct. 31, 1969, will become effective Jan. 1, 1970, but no claims will be payable until July 1, 1970. The claims procedure is relatively simple. The initial claim would be forwarded to the insurance company notifying it of the commencement of a work stoppage. The next form would not be required until the 15th day of the strike (no claim may be made for first 10 days; the next five days are the subject of the claim for indemnity which is then payable). Insurance coverage of \$300 to \$120,000 a day is available, with premiums ranging from \$900 minimum to \$360,000 maximum.