HEARING ON H.R. 226, THE LIVE PERFORMING ARTISTS LABOR RELATIONS ACT pdf

1: Washington Watch - 11/13/17 | Congressman Rob Woodall

Hearing on H.R. , the Live Performing Artists Labor Relations Act: hearing before the Subcommittee on Labor-Management Relations of the Committee on Education and Labor, House of Representatives, One Hundred Third Congress, first session, hearing held in Washington, DC, June 21,

Kennedy in , President Lyndon B. Johnson announced his determination to pass a strong civil rights act that would end racial discrimination in employment, education, and other spheres of life. Deputy Attorney General Nicholas D. The result was the landmark Civil Rights Act of Title I of the act guarantees equal voting rights by removing registration requirements and procedures biased against minorities and the underprivileged. Title II prohibits segregation or discrimination in places of public accommodation involved in interstate commerce. Title VII bans discrimination by trade unions, schools, and employers involved in interstate commerce or doing business with the federal government. This section also applies to discrimination on the basis of sex and established the Equal Employment Opportunity Commission to enforce these provisions. The act also calls for the desegregation of public schools title IV , broadens the duties of the Civil Rights Commission title V , and assures nondiscrimination in the distribution of funds under federally assisted programs title VI. Initially, the most controversial provision was title II. In Heart of Atlanta Motel v. United States , U. This Act may be cited as the "Civil Rights Act of Section of the Revised Statutes 42 U. Provided, however, That the Attorney General may enter into agreements with appropriate State or local authorities that preparation, conduct, and maintenance of such tests in accordance with the provisions of applicable State or local law, including such special provisions as are necessary in the preparation, conduct, and maintenance of such tests for persons who are blind or otherwise physically handicapped, meet the purposes of this sub-paragraph and constitute compliance therewith. A copy of the request for a three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit or in his absence, the presiding circuit judge of the circuit in which the case is pending. Upon receipt of the copy of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. An appeal from the final judgment of such court will lie to the Supreme Court. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit or, in his absence, the acting chief judge who shall then designate a district or circuit judge of the circuit to hear and determine the case. For purposes of this section, "commerce" means travel, trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia and any State, or between any foreign country or any territory or possession and any State or the District of Columbia, or between points in the same State but through any other State or the District of Columbia or a foreign country. All persons shall be entitled to be free, at any establishment or place, from discrimination or segregation of any kind on the ground of race, color, religion, or national origin, if such discrimination or segregation is or purports to be required by any law, statute, ordinance, regulation, rule, or order of a State or any agency or political subdivision thereof. No person shall a withhold, deny, or attempt to withhold or deny, or deprive or attempt to deprive, any person of any right or privilege secured by section or , or b intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person with the purpose of interfering with any right or privilege secured by section or , or c punish or attempt to punish any person for exercising or attempting to exercise any right or privilege secured by section or Upon application by the complaint and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the civil action without the payment of fees, costs, or

security. Provided, That the court may refer the matter to the Community Relations Service established by title X of this Act for as long as the court believes there is a reasonable possibility of obtaining voluntarily compliance, but for not more than sixty days: Provided further, That upon expiration of such sixty-day period, the court may extend such period for an additional period, not to exceed a cumulative total of one hundred and twenty days, if it believes there then exists a reasonable possibility of securing voluntary compliance. The Service is authorized to make a full investigation of any complaint referred to it by the court under section d and may hold such hearings with respect thereto as may be necessary. The Service shall conduct any hearings with respect to any such complaint in executive session, and shall not release any testimony given therein except by agreement of all parties involved in the complaint with the permission of the court, and the Service shall endeavor to bring about a voluntary settlement between the parties. Such request by the Attorney General shall be accompanied by a certificate that, in his opinion, the case is of general public importance. A copy of the certificate and request for a three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit or in his absence, the presiding circuit judge of the circuit in which the case is pending. In the event the Attorney General fails to file such a request in any such proceeding, it shall be the duty of the chief judge of the district or in his absence, the acting chief judge in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit or in his absence, the acting chief judge who shall then designate a district or circuit judge of the circuit to hear and determine the case. It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder. Nothing in this title shall affect adversely the right of any person to sue for or obtain relief in any court against discrimination in any facility covered by this title. A complaint as used in this title is a writing or document within the meaning of section , title 18, United States Code. As used in this titleâ€” a "Commissioner" means the Commissioner of Education. The Commissioner shall conduct a survey and make a report to the President and the Congress, with two years of the enactment of this title, concerning the lack of availability of equal educational opportunities for individuals by reason of race, color, religion, or national origin in public educational institutions at all levels in the United States, its territories and possessions, and the District of Columbia. The Commissioner is authorized, upon the application of any school board, State, municipality, school district, or other governmental unit legally responsible for operating a public school or schools, to render technical assistance to such applicant in the preparation, adoption, and implementation of plans for the desegregation of public schools. Such technical assistance may, among other activities, include making available to such agencies information regarding effective methods of coping with special educational problems occasioned by desegregation, and making available to such agencies personnel of the Office of Education or other persons specially equipped to advise and assist them in coping with such problems. The Commissioner is authorized to arrange, through grants or contracts, with institutions of higher education for the operation of short-term or regular session institutes for special training designed to improve the ability of teachers, supervisors, counselors, and other elementary or secondary school personnel to deal effectively with special educational problems occasioned by desegregation. Individuals who attend such an institute on a full-time basis may be paid stipends for the period of their attendance at such institute in amounts specified by the Commissioner in regulations, including allowances for travel to attend such institute. Payments pursuant to a grant or contract under this title may be made after necessary adjustments on account of previously made overpayments or underpayments in advance or by way of reimbursement, and in such installments, as the Commissioner may determine. A "complaint" as used in this section is a writing or document within the meaning of section , title 18, United States Code. In any action or proceeding under this title the United States shall be liable for costs the same as a private person. Nothing in this title shall affect adversely the right of any person to sue for or

obtain relief in any court against discrimination in public education. Nothing in this title shall prohibit classification and assignment for reasons other than race, color, religion, or national origin. Section of the Civil Rights Act of 42 U. The Chairman, or one designated by him to act as Chairman at a hearing of the Commission, shall announce in an opening statement the subject of the hearing. The Commission shall proceed with reasonable dispatch to conclude any hearing in which it is engaged. Due regard be had for the convenience and necessity of witnesses. The Commission shall afford any person defamed, degraded, or incriminate by such evidence or testimony an opportunity to appear and be heard in executive session, with a reasonable number of additional witnesses requested by him, before deciding to use such evidence or testimony. In the event the Commission determines to release or use such evidence or testimony in such manner as to reveal publicly the identity of the person defamed, degraded, or incriminate, such evidence or testimony, prior to such public release or use, shall be given at a public session, and the Commission shall afford such person an opportunity to appear as a voluntary witness or to file a sworn statement in his behalf and to submit brief and pertinent sworn statements of others. The Commission shall receive and dispose of requests from such person to subpoena additional witnesses. The Commission shall determine the pertinency of testimony and evidence adduced at its hearings. Transcript copies of public sessions may be obtained by the public upon the payment of the cost thereof. An accurate transcript shall be made of the testimony of all witnesses at all hearings, either public or executive sessions, of the Commission or of any subcommittee thereof. Mileage payments shall be tendered to the witness upon service of a subpoena issued on behalf of the Commission or any subcommittee thereof. No person shall in any manner be subject to or required to resort to rules, organization, or procedure not so published. Section a of the Civil Rights Act of 42 U. Section b of the Civil Rights Act of 42 U. Section f and section g of the Civil Rights Act of 42 U. Subpoenas for the attendance and testimony of witnesses or the production of written or other matter may be issued in accordance with the rules of the Commission as contained in section j and k of this Act, over the signature of the Chairman of the Commission or of such subcommittee, and may be served by any person designated by such Chairman. The holding of hearings by the Commission, or the appointment of a subcommittee to hold hearings pursuant to this subparagraph, must by approved by a majority of the Commission, or by a majority of the members present at a meeting at which at least a quorum of four members is present. No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance of guaranty, is authorized and directed to effectuate the provisions of section with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, in which such noncompliance has been so found, or 2 by any other means authorized by law: Provided, however, That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program of activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report. Any department or agency action taken pursuant to section shall be subject to such judicial review

as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section , any person aggrieved including any State or political subdivision thereof and any agency of either may obtain judicial review of such action in accordance with section 10 of the Administrative Procedure Act, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of that section. Nothing contained in this title shall be construed to authorize action under this title by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is extended by way of a contract of insurance or guaranty. Nothing contained in this title shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty. For the purposes of this titleâ€" a The term "person" includes one or more individuals, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, or receivers. Provided further, That it shall be the policy of the United States to insure equal employment opportunities for Federal employees without discrimination because of race, color, religion, sex or national origin and the President shall utilize his existing authority to effectuate this policy. This title shall not apply to an employer with respect the employment of aliens outside any State, or to a religious corporation, association, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, or society of its religious activities or to an educational institution with respect to the employment of individuals to perform work connected with the educational activities of such institution. It shall not be an unlawful employment practice under this title for any employer to differentiate upon the basis of sex in determining the amount of the wages or compensation paid or to be paid to employees of such employer if such differentiate is authorized by the provisions of section 6 d of the Fair Labor Standards Act of , as amended 29 U. One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three year, one for a term of four years, one for a term of five years, beginning from the date of enactment of this title, but their successors shall be appointed for terms of five years, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission, and one member to serve as Vice Chairman. The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commissions, and shall appoint, in accordance with the civil service laws, such officers, agents, attorneys, and employees as it deems necessary to assist it in the performance of its functions and to fix their compensation in accordance with the Classification Act of , as amended. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office. The Commission may establish such regional or State offices as it deems necessary to accomplish the purpose of this title. If the Commission shall determine, after such investigation, that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such endeavors may be made public by the Commission, without the written consent of the parties, or used as evidence in a subsequent proceeding. If any requirement for the commencement of such proceedings is imposed by a State or local authority other than a requirement of the filing of a written and signed statement of the facts upon which the proceeding is based, the proceeding shall be deemed to have been commenced for the purposes of this subsection at the time such statement is sent by registered mail to the appropriate State or local authority. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon timely application, the court may, in its discretion, permit the Attorney General to intervene in

such civil action if he certifies that the case is of general public importance. Upon request, the court may, in its discretion, stay further proceedings for not more than sixty days pending the termination of State or local proceedings described in subsection b or the efforts of the Commission to obtain voluntary compliance. Such an action may be brought in any judicial district in the State in which the unlawful employment practice is alleged to have been committed, in judicial district in which the employment records relevant to such practice are maintained and administered, or in the judicial district which the plaintiff would have worked but for the alleged unlawful employment practice, but if the respondent is not found within any such district, such an action may be brought within the judicial district in which the respondent has his principal office. For purposes of sections and of title 28 of the United States Code, the judicial district in which the respondent has his principal office shall in all cases be considered a district in which the action might have been brought. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. No order of the court shall require the admission or reinstatement of an individual as a member as an employee, or the payment to him of any back pay, if such individual was refused admission, suspended, or expelled or was refused employment or advancement or was suspended or discharged for any reason other than discrimination on account of race, color, religion, sex, or national origin or in violation of section a. Upon receipt of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. It shall be the duty of the judge designated pursuant to this section to assign the case of hearing at the earliest practicable date and to cause the case to be in every way expedited. Nothing in this title shall be deemed to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any present or future law of any State or political subdivision of a State, other than any such law which purports to require or permit the doing of any act which would be an unlawful employment practice under this title. In furtherance of such cooperative efforts, the Commission may enter into written agreements with such State or local agencies and such agreements may include provisions under which the Commission shall refrain from processing a charge in any cases or class of cases specified in such agreements and under which no person may bring a civil action under section in any cases or class of cases specified, or under which the Commission shall relieve any person or class of persons in such State or locality from requirements imposed under this section. The Commission shall rescind any such agreement whenever it determines that the agreement no longer serves the interest of effective enforcement of this title. The Commission shall, by regulation, require each employer, labor organization, and joint labormanagement committee subject to this title which controls and apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purpose of this title, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applications were received, and shall furnish to the Commission, upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program.

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2: Union Rights - Management Rights - Recognition Clause | UE

*Hearing on H.R. , the Live Performing Artists Labor Relations Act: Hearing before the Subcommittee on Labor-Management Relations of the Committee hearing held in Washington, DC, June 21, [United States] on www.enganchecubano.com *FREE* shipping on qualifying offers.*

Betty Fowler and Joe Fowler, Defendants. Advertisement 1 Gregory S. Bricker, Moises Melendez, Steven F. Zuckerman, Attorney, William J. Stone for amicus on behalf of appellant; Secretary of Labor. Webster, Rural Law Center, Inc. We reverse and remand for further proceedings. Appellee Curtis Richardson, Inc. Richardson owns and operates fern farms. During the prime harvest season of January through May, appellants were able to cut enough ferns to earn more than minimum wage. During this off-season period, Richardson offered appellants general field work at minimum wage, including weeding, pulling roots, cleaning, and performing other miscellaneous jobs. The off-season work was voluntary; Richardson allowed appellants to work elsewhere without risk of losing their jobs. Appellants rarely did so, however, because most employers in Volusia County similarly were affected by the cyclical demand for ferns and little alternative work was available. Richardson operated approximately twenty mobile homes at several sites around Volusia County. Appellants lived at one site where approximately eight trailers were located. All of the occupants at this trailer site were Richardson employees or their family members. The trailers were unsanitary, structurally unsound, riddled with holes in the ceilings and floors, infested by rodents and insects, and generally in a state of disrepair. Weeks often passed before Richardson made necessary repairs. Richardson ordered appellants to vacate the trailers in May when it terminated their employment. The court also found that Richardson had not fired appellants in retaliation for bringing this lawsuit, but because they failed to perform work they had agreed to do. These issues raise questions of law which we review de novo. We believe that appellants satisfy both elements. Our ultimate goal is to give effect to congressional intent. See United States v. AWPA is a remedial statute and should be construed broadly to effect its humanitarian purpose. Both classifications require that the farmworker be engaged in agricultural employment of a seasonal or other temporary nature. Hence, seasonal or other temporary employment encompasses all farmworkers whom Congress intended AWPA to cover. Farm laborers suffer from chronic "low wages, long hours and poor working conditions. Hence, they are at the mercy of their employers as to the conditions and terms of their employment. See De la Fuente v. See generally Vause, 11 Stetson L. To ease the burden on agricultural employers, AWPA eliminated many of those requirements. S statement of Sen. Throughout the legislative history, agricultural employers, members of Congress, and executive branch officials alike make clear that AWPA was not intended to narrow the class of workers entitled to protection against exploitation. Quayle AWPA "would continue to provide and even expand protections for migrant and local seasonal farm workers". Thus, the protective reach of AWPA, and accordingly the meaning of the term "seasonal or other temporary" employment, extends to all workers who were within the purview of FLCRA. The sole requirement for coverage as a migrant worker under FLCRA was that the worker be engaged in agricultural labor. The act was not limited to workers who literally were itinerant; it also applied to some persons working year-round for the same agricultural employer. Binder , p 31,, at 43, December 4, Courts uniformly recognized that migrant worker was "a term of art, having no reference to workers with migratory tendencies. CCH p 34,, at 45, M. By contrast, AWPA covers only employment of a seasonal or other temporary nature. Because farm laborers are poor, politically weak, and excluded from the overtime and collective bargaining rights afforded other types of workers, 16 they always are vulnerable to exploitation, not just when they migrate from job to job. Construing AWPA broadly to effect its humanitarian purpose, we find that, like "migrant worker" under FLCRA, Congress intended "employment of a seasonal or other temporary nature" to be a term of art not limited to short-term or itinerant workers. This court, as required by Chevron, U. Natural Resources Defense Council, U. A worker who moves from one seasonal activity to another, while employed in agriculture or performing agricultural labor, is employed on a

seasonal basis even though he may continue to be employed during a major portion of the year. Seasonal or temporary work 30 does not include the employment of any worker who is living at his permanent place of residence, when that worker is employed by a specific agricultural employer or agricultural association on essentially a year round basis to perform a variety of tasks for his employer and is not primarily employed to do field work. As the Secretary of Labor points out in her brief amicus curiae, the fact that covered employment ordinarily will not be performed year-round does not mean that seasonal work can only be performed at certain times of the year. The regulations make clear that "it is the nature of the work rather than the duration of employment which controls. Binder , p 31,, at 43, April 23, If the worker performs "field work," he or she is employed on a seasonal or temporary basis. This construction is consistent with the legislative history which shows that seasonal or temporary employment under AWPA includes all employment previously covered by FLCRA--that is, all agricultural labor. Secretary of Labor, No. CCH p 31,, at 43, May 13, , a case very similar to this one, a Labor Department administrative law judge found employees to be migrant workers under AWPA despite the fact that they could have worked for their employer year-round. The judge rejected these arguments for several reasons. The judge noted that "[a]lthough the mushrooms are grown year round Thus, the work had a distinct seasonal quality. After reviewing the legislative and regulatory background, the judge concluded that the mushroom workers "are the kind Congress intended to protect. But, like the workers in Ruggieri, appellants "move[d] from one seasonal activity to another, while employed in agriculture or performing agricultural labor. From January through May, they harvested ferns. During the rest of the year--the distinct "slack season" in which fern harvesting was so slow appellants could not even earn minimum wage doing it and thus were free to work elsewhere--they weeded, cleaned, did some harvesting, and worked other miscellaneous jobs. Furthermore, the work that appellants performed was field work. Consequently, appellants, like the employees in Ruggieri, "are the kind [of agricultural laborers] Congress intended to protect. The judge in Ruggieri relied on several factors in concluding that the mushroom workers were migrant workers under AWPA, not the least of which were the differences in the tasks they performed from season to season. Denying coverage under AWPA simply because workers can do some work for the employer at any given time during the year would leave unprotected many farm laborers in a state like Florida, where the weather is warm for most of the year. Nor do they dispute that they lived in the trailers year-round during the six or so years they worked for Richardson. Rather, appellants assert that the trailer site was a labor camp. Moreover, we must determine what housing situations Congress intended the housing provisions of AWPA to cover. Rent may or may not be charged. Neither a large number of tenant-workers nor a large number of housing units is required. CCH p 33, C. Employers benefit from seasonal housing like labor camps because it enables them to maintain their labor force and, in some cases, to hoard labor. AWPA is a labor statute, not a housing statute. See Avalos, Lab. In Frank Diehl Farms v. Secretary of Labor, F. A close connection between housing and employment leaves the poor, uneducated worker vulnerable to the employer. Because the employer controls one necessity, he is able to treat the worker unfairly as to the other. In such a situation, agricultural worker housing cannot be considered "permanent" in any meaningful sense, and hence is "seasonal or temporary" for purposes of the act. Frank Diehl Farms, F. A third situation in which exploitation is possible is when employment is a condition of housing--when termination means eviction. Any action in that situation that displeases the employer--including complaining about work or housing conditions--could result in the worker being not only jobless but homeless as well. It is hard to imagine a situation in which a seasonal or temporary agricultural worker is more vulnerable. The trailer site, consisting of approximately eight substandard units for which some rent was charged, fits the description of a labor camp. As a result, the company reaped the benefit of a more stable labor force. Moreover, employment was a condition of housing in the Richardson trailers. When Richardson fired appellants, it evicted them as well. Nor did appellants have the protection of a written lease. Moreover, we must read the term "seasonal or temporary housing" in conjunction with similar terms from the same statutory section. United States, F. Of course, workers are most often vulnerable when they are truly

migratory. Itinerant workers have no long-term interest in the places in which they are housed on the job, and consequently live almost totally at the mercy of the employer-landlord. These workers, too, are subject to exploitation. Both types of workers are vulnerable to exploitation by the employer as to the conditions of housing, and thus are entitled to the protections of AWPA. We hold, therefore, that appellants were "required to be absent overnight from [their] permanent place[s] of residence" as Congress intended this phrase to be applied in AWPA. We believe it did. Those payments must be made "free and clear," with one exception. Under section 3 m of FLSA, "wage" "includes the reasonable cost

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Live Performing Artists Labor Relations Act - Amends the National Labor Relations Act to permit employers to: (1) agree with a labor organization to make membership in it a condition of performing arts employment; and (2) make agreements with a labor organization covering performing artists even if its majority status has not yet been established (pre-hire agreements).

Labor Law Everyone has the right to form and to join trade unions for the protection of his interests. Big chunks of the labor force are defenseless against employer reprisals if they try to exercise freedom of association. If they protest abusive working conditions, employers can fire them with impunity. If they seek to bargain collectively, employers can ignore them. Protection of the right to organize and bargain collectively, a bedrock requirement of international labor rights norms, is denied these workers. The Universal Declaration of Human Rights states, "Everyone has the right to freedom of peaceful assembly and association. Everyone has the right to form and to join trade unions for the protection of his interests. Signature constitutes a preliminary and general endorsement of the covenant, and creates an obligation to refrain from acts that would defeat the objectives of the covenant, or to take measures to undermine it. Although the United States has not ratified them, it is bound by them by virtue of its membership in the ILO itself, since these conventions are taken to be of a constitutional nature over and above other conventions. The Norris-LaGuardia Act of excluded no category of worker and stated, "[I]t is necessary that he have full freedom of association, self-organization, and designation of representatives of his own choosing, to negotiate the terms and conditions of his employment, and that he shall be free from the interference, restraint, or coercion of employers of labor. However, Congress created enormous exclusions of workers from the legal protection of these rights in the final version of the Wagner Act and in the Taft-Hartley amendments to the Wagner Act. Their employers can fire them with impunity for engaging in concerted activity, including trying to form a union, to bargain collectively, or to strike. They have no labor board or unfair labor practice mechanism they can turn to for redress. These workers include many or all farmworkers, household employees, taxi drivers, college professors, delivery truck drivers, engineers, product sellers and distributors, doctors, nurses, newspaper employees, Indian casino employees, employees labeled "supervisors" and "managers" who may have minimal supervisory or managerial responsibility, and others. Agricultural Workers More than three million workers in the United States are excluded from federal law protecting the right to organize because they are "employed as an agricultural laborer. Although farmworkers were covered in the original drafts of the bill, the exclusion was added without much debate or dissent. Indeed,solving such problems through self-organization and bargaining with employers is the purpose of the NLRA. Even if the "hired hand" model of farm labor prevailed in the s, it has long since given way to large-scale corporate farming and massive movement of farmworkers by the tens of thousands through the harvest cycles of American agriculture. The continued denial of protection for farmworkers is both an anachronism and a case of U. Farmworkers in some states are covered by state laws regulating at least some aspects of organization and collective bargaining. They see the Arizona law as openly favoring growers. In these few states where protection of the right to organize exists under court-made law, the difficulty of mounting a successful lawsuit to vindicate the right makes such protection wholly inadequate. In the vast majority of U. They have neither an unfair labor practice claim nor a lawsuit available for recourse when employers fires them for exercising freedom of association. Domestic Workers When it crafted the NLRA in , Congress made a judgment that organizing and collective bargaining did not fit the intimate relationship between a householder and a domestic employee. The reality sixty-five years later is that domestic workers are vulnerable to human rights abuse, and there is a pressing need to provide them the right to organize for their own protection. Thousands of domestic workers have been brought into the United States by officials of multinational corporations, international organizations, and other elites residing in the United States. Several factors have created a dramatically increasing need for child care and a

growing, largely unregulated, labor market for in-home child care, both "on the books" and "off the books. Another is the emergence of an even more affluent upper class able to afford domestic help. The dispersal of the extended family has made fewer relatives available for child care. In many areas, immigrant women fill this need. The "graying" of the U. Much of this is provided by agencies who assign workers as "independent contractors" see below , but many also are hired directly by a family to provide care. In all these settings, many of the child care and elder care providers are immigrant women. Most European countries have developed special labor law regimes for domestic workers addressing their right of association and providing ways to standardize pay and working conditions through collective representation. But the United States clings to the exclusion of domestic workers from protection of the right to act in association with one another. In the United States, more than , officially reported "private household workers" held jobs as domestic employees in Nearly 30 percent were foreign migrant workers, and the vast majority were women. In all, likely more than one million workers in the United States are maids, cooks, babysitters, cleaners, gardeners, and other domestic employees. Domestic workers perform devalued household tasks. In the most egregious cases of exploitation, employers feel free to create living and working conditions equivalent to indentured servitude. Numerous cases have surfaced of live-in migrant domestic workers-both documented and undocumented-working over one hundred hours per week, from early morning until late at night six or seven days a week with no holidays, receiving compensation far below the national minimum wage if they are paid at all. She worked seven days a week, thirteen hours a day with no days off during the eight years. She was never paid a salary, was physically assaulted, and was denied medical care for a stomach tumor the size of a soccer ball. Her plight only came to light when neighbors acted at the sight of her tumor, and resulting publicity led to a successful prosecution. After twenty years of servitude, she was granted temporary legal status to testify against her employer but was then subject to deportation. An unknown number of similar victims remain silent because exposure means deportation for them, too. But if they attempt to form and join a union, or exercise any freedom of association even without the intent of forming a union, they can be summarily threatened, intimidated, or fired with impunity by their employer because of their exclusion from coverage by the NLRA. They seek to improve wages and working conditions of domestic workers by uniting them and educating them about their rights. Under the Taft-Hartley exclusions, employers can appear to delegate a degree of autonomy to employees that they wish to transform into "independent contractors, restructuring their pay as "miscellaneous income" rather than taxable wages. Employers can also deny contractors the health insurance, pensions and other benefits that are available to employees. Not least, employers become free to fire workers classified as independent contractors with legal impunity if they seek to organize. They can also refuse tobargain with workers, even a majority, who are seen as contractors rather than employees. C In trucking, agriculture, and construction the device of owner-operator has expanded rapidly. C These arrangements often attract new immigrants, minorities and women in the labor force who have few options. Misclassification of workers as independent contractors and the resulting legal impediments to freedom of association run the length and depth of the economy. In some cities, building owners have subcontracted cleaning operations to businesses that then turn around and franchise parts of the work to different groups of workers, often those in ethnic immigrant enclaves. As franchisees, these workers are considered independent contractors who cannot bargain for better terms and conditions. As independent contractors, taxi drivers are excluded from coverage by labor laws that are supposed to protect the right to organize. If they try to form and join a union, they can be fired with impunity by the taxicab company. Some 50, workers perform this labor. These workers used to be union employees making good wages, benefits and pensions before the deregulation of the trucking industry in the late s. Nearly all of them are now reclassified as independent contractors rather than employees of the cargo firms, even though they are still completely dependent on those firms for their work and their pay. They are paid by the load and often spend hours of unpaid time waiting for cargo to be loaded onto their trucks. As one leading industry periodical puts it, port truck drivers "are the collective low man on the [trucking] industry totem pole. They often have to do their own loading and unloading. Many say that when they settle accounts

forexpenses, income from the cargo firms, and time spent on the job, they earn barely more than the minimum wage. We are like slaves to the big companies. When companies shift employees to independent contractor status, workers are suddenly more vulnerable to costs they did not face before. But as independent contractors, they must carry their own insurance, a benefit many forego as too expensive. Excluded from coverage by the NLRA, these workers have no recourse. Employers even threaten to sue the workers under antitrust laws, accusing them of price-fixing for their services. They are themselves often low-paid, overloaded with patients, and burdened with long hours. These working conditions might be improved through self-organization and collective bargaining. In one recent decision, a federal appeals court overruled the NLRB and nullified an election in which a group of nurses voted in favor of representation. The court said that thirteen of the nurses were supervisors. The buyers had no supervisory responsibility and did not manage the enterprise in the common-sense meaning normally associated with "management. And even if some professors might be protected by tenure rules from dismissal for organizing, a university administration can rebuff requests by a faculty organization to negotiate over terms and conditions of employment. These workers are not excluded because theymeet the "employee" exclusion but because their employers, sovereign Indian nations, are excluded from NLRA jurisdiction under Section 2 as a "political subdivision. International instruments make limited exceptions, mainly affecting police and military forces and government policymakers. Thus, most public employees come within international human rights standards for organizing and bargaining collectively. Not so under U. In this respect, the United States stands apartfrom other developed nations and affords less protection even than many poorer, developing countries. North Carolina law specifically prohibits collective bargaining between any state, county or municipal agency and any organization of governmental employees. They may only bargain over non-economic terms and conditions. The First and Fourteenth Amendments of the U. The problem for public workers in states where collective bargaining is prohibited is not so much fear of dismissal for organizing but the futility of an effort to organize. The employer-the state, county, or municipal government-can simply ignore them and their organization. Public employee unions have had to deal with the roadblock to collective bargaining by engaging in political action-in effect, bargaining with state legislatures. Some have achieved substantial results, and some are still struggling,according to public employee representatives. Much depends on the outcome of elections to state and local office. However, from a human rights perspective, the exercise and protection of fundamental rights should not depend on election results. The Committee rejected U. For state, country and municipal workers whose rights are frustrated, the ILO found that "the situation varies widely between jurisdictions. But cumulatively, millions of workers in the United States are affected. They include approximately three million farmworkers, one million domestic employees, many of seven million independent contractors, four million supervisors, and ten million managers; , college professors, , Indian casino employees, , employees of religious institutions, millions of public employees-the list goes on. Many employees labeled "managers" do not in practice have genuine managerial functions and may desire protection like other workers. Many so-called independent contractors are really dependent contractors with their fate tied to a single employer whose own viability depends on the effort and productivity of these workers. Even after allowing for appropriately excluded categories-true managers and true independent contractors, for example- millions of workers remain exposed under U.

HEARING ON H.R. 226, THE LIVE PERFORMING ARTISTS LABOR RELATIONS ACT pdf

4: Browse subject: Collective labor agreements | The Online Books Page

Hearing on H.R. , the Family and Medical Leave Act of hearing before the Subcommittee on Labor-Management Relations of the Committee on Education and Labor, House of Representatives, One Hundred First Congress, first session, hearing held in Washington, DC, February 7,

I am concerned that if Judge Kavanaugh is confirmed, basic protections that cover millions of Americans every day could be rescinded, such as Roe v. Wade, the Affordable Care Act, and eliminating consumer protections. Though the House of Representatives does not vote on Supreme Court nominees, I hope the Senate will listen to the will of the American people and uphold the nonpartisan nature of the Supreme Court. Foreign Affairs Hearing Latin America and the Caribbean are some of our fastest-growing regional trading partners. However, many of these countries continue to be plagued by conflict and instability. Instability, violence, and the lack of economic opportunities in these countries act as root causes of migrant flows to the U. This is why the United States should work diligently with our regional partners to strengthen democratic institutions that protect human rights and enable sustainable economic growth that will afford citizens of these countries the opportunities to be prosperous and live free from violence. I asked the witnesses what the Administration is going to do to increase U. As democratic institutions continue to be weakened throughout the region by authoritarian leaders, the region is left vulnerable to influence by nefarious actors such as Iran, Russia, and China. That is why Rep. Since protests erupted in Nicaragua in April, the Ortega regime has killed hundreds and injured thousands of citizens advocating for greater democratic rights. Nicaragua is the second poorest country in the Hemisphere, yet Ortega and his family continue to line their pockets at the expense of the Nicaraguan citizens with corruption schemes. The United States can no longer ignore the devolving situation in Nicaragua, which is why Rep. I asked the witnesses what more Congress can do to pressure Ortega into implementing real democratic reform and stop the violence against his own citizens. The violence against activists for peacefully exercising their democratic rights simply cannot be tolerated. I am grateful that the Subcommittee passed the Nicaragua resolution, which now awaits consideration by the full Committee. I am a strong advocate of universal education for girls. Legislation I cosponsored several pieces of legislation last week that address issues in education, labor rights, and health. First, I cosponsored H. This bill would empower the Federal Labor Relations Authority to protect the rights of government workers to form unions, have those unions recognized, and afford workers all the rights and protections allowed by law. I also cosponsored H. Lastly, last week I signed on to H. This bill would call for an interagency study on lung cancer in women, lung cancer preventive services, and public awareness on lung cancer. All of these bills are currently under consideration by their respective Committees. Thank you for reading the Washington Review. Again, hearing from my constituents enables me to be a better representative of the 8th District.

HEARING ON H.R. 226, THE LIVE PERFORMING ARTISTS LABOR RELATIONS ACT pdf

5: Civil Rights Act Of | www.enganchecubano.com

The legislation would amend the National Labor Relations Act to clarify that the law does not apply to businesses owned and operated by Native American tribes and located on tribal land. This will ensure that tribes receive the same treatment as states and local governments when it comes to policies impacting their workforce.

Press Office Walberg Statement: June 14, Our first subcommittee hearing of the th Congress was focused on the need to restore balance and fairness to federal labor policies. This has long been a priority for House Republicans, and today, we are taking the next step in our efforts. The National Labor Relations Act was signed into law more than 80 years ago to protect the rights of workers in union elections. Congress understood workers deserve the opportunity to make fully informed decisions on union-related matters, and that employers deserve a level playing field with labor leaders. The NLRA established important protections. It also created a neutral arbiter â€" the National Labor Relations Board â€" to serve as a fair and objective referee over labor disputes. Instead, over the last eight years, the board launched an activist agenda aimed at tilting the balance of power toward powerful special interests. Unfortunately, it came at the expense of the hardworking men and women who keep our economy moving. Decision after decision by the NLRB restricted the rights of workers and employers. Make no mistake; both Republicans and Democrats respect the right of workers to join a union. But workers also deserve the right to make a free and informed decision in the matter. That means workers should have the chance to hear from both sides of the debate. And I hope we can all agree workers deserve to make a decision in an environment free of threats, coercion, or intimidation. For example, in , the board implemented a rule designed to rush employees into union elections. Meanwhile, employers were given just seven days to find legal counsel and prepare their entire case before an NLRB hearing officer. With such a short time frame, employers hardly have a chance to communicate with their employees. But limiting debate and stifling employer free speech for the sake of speeding up union elections was precisely what the board had in mind. To make matters worse, the rule jeopardized the privacy of workers and their families. The NLRB forced employers to hand over the private information of their employees to union organizers, including home addresses, phone numbers, email addresses, work locations, and work schedules. At the same time, workers and employers have been hit with a micro-union scheme that empowered union leaders to gerrymander the workplace. This new standard has created division in workplaces across the country, buried small businesses in red tape, and undermined job creation. The bill would modernize the union election process, require periodic union-recertification elections, and give workers more control over how their union dues are spent. These are all commonsense proposals that will protect the rights of workers and restore balance and fairness to the rules governing union elections.

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6: Catalog Record: Legislative hearing on H.R. 1, the Family and | Hathi Trust Digital Library

The National Labor Relations Act was signed into law more than 80 years ago to protect the rights of workers in union elections. Congress understood workers deserve the opportunity to make fully informed decisions on union-related matters, and that employers deserve a level playing field with labor leaders.

Eugene Cotton, Chicago, Ill. General Counsel, and Mitchell L. The union and the company thereupon commenced bargaining over a contract, the sessions lasting until June On September 13, , after filing unfair labor practice charges with the Board, the union struck the plant. It ordered the company to cease and desist certain practices, to bargain in good faith with the union over economic working conditions, to bargain in good faith with the union over the condition of racial discrimination against Negro and Latin American workers, and to reinstate strikers with back pay. In addition, without staying the enforcement of that order, in Part III we remand the case to the Board for a hearing on whether the company has a policy and practice of discrimination against its employees on account of their race or national origin. We hold that such a policy and practice violates Section 8 a 1 of the Act. If the Board finds that the company engages in such a policy and practice, it will devise an appropriate remedy. The Examiner also found that company officials told the employees to spread the word of these benefits for men who did not join the strike. The Examiner concluded that the company thereby violated Section 8 a 1. Indeed, on oral argument the company conceded that these actions violate Section 8 a 1. Advertisement 8 The Trial Examiner also found, and the Board adopted the finding, that the company did not intend to bargain in good faith; he found that the company never intended to enter into a contract. To support this conclusion he relied, inter alia, on the following: The Examiner found that the bargaining had not reached a valid impasse; rather, he found that the company had a take-it-or-leave-it attitude throughout the bargaining. Thus he concluded that even though the company had agreed to several union proposals the company was bargaining in bad faith. American National Insurance Co. No valid bargaining impasse can be said to occur when the bargaining deadlock is caused by the failure of one of the parties to bargain in good faith. Crompton-Highland Mills, U. Respondent bargained with the Union on the inclusion of a non-discrimination clause in the contract, while simultaneously refusing to bargain meaningfully and in depth concerning actual racial discrimination practices then going on. This testimony included matters brought up in the bargaining as well as general practices in the plant. A person is regarded as Latin American if he is of Mexican origin, regardless of whether he was born in or is a citizen of the United States. The company employed up to persons in its busy season, about 85 to persons otherwise. These jobs were filled by whites. One employee, Jesse Ruiz a Latin American , worked on a job weighing cotton. He had been classified in a different job which was scaled for a lower hourly wage. He was paid this latter wage, even though he did the work of a weigher. The other weighers, with one exception, 9 were white, and all received the higher wage. Until , any employee who wanted to, including Latin Americans and Negroes, could and did receive overtime work as fireguards checking the sprinklers. In an electric alarm system was installed, and as a result there was need for only two men to check the sprinklers. The two men who received this overtime work were whites. A Latin American had asked for the work but did not get it. From to the time of the charges and hearing no Negroes or Latin Americans got this work. The qualifications for checking the sprinklers were not high; in fact, there was evidence that the two whites had to be shown how to set the sprinkler valves, something which other employees, including Negroes and Latin Americans, knew how to do. Regarding these trips, the Examiner found: In and the Anglo trips were to a point about miles away and lasted the best part of a week; the Latin-Negro trips were to a point about miles away and lasted no more than 3 or 4 days. He found that the company failed to bargain in good faith about the two specific issues the union raised in the negotiations: With regard to the sprinkler work, the Examiner found that the company was equally evasive. First the company said that no Negroes or Latin Americans got the work because none applied. When it was pointed out that at least one had asked for the work, the company then said that the whites were more

qualified, but offered no proof to that effect in fact the evidence indicated the reverse. The union sought to establish a seniority system and open bidding for high-paying jobs that opened up, either permanently or temporarily. It was in this context that the Ruiz discussion took place. When established as hereinafter discussed, we answer this question in the affirmative and remand this part of the case to the Board for further proceedings. This duty means that a union cannot discriminate against Negroes when it represents the interests of employees. This court, relying on the above line of cases, has reached the same conclusion. With the exception of Truck Drivers, these cases all involved racial discrimination. Thus it is apparent that the Board has not felt itself unable to examine charges of union racial discrimination to determine whether they are true, and, if true, what the effect is on the discriminated employees. No reason appears why employer discrimination is exempted from Board scrutiny. That section protects concerted activity by workers to alleviate oppressive working conditions, regardless of whether their activity is channeled through a union, through collective bargaining, or through some other means. And racially integrated working conditions are valid objects for employee action. Tanner Motor Livery, Ltd. The right to act concertedly for mutual aid obviously includes the right to act freely, without employer compulsion or deterrence against such activity. Thus in the context of employer racial discrimination the question reduces to whether that discrimination inhibits its victims from asserting themselves against their employer to improve their lot. This effect is twofold: We find that the confluence of these two factors sufficiently deters the exercise of Section 7 rights as to violate Section 8 a 1. The white workers expend their energy against the Negroes, the latter resent the whites, and neither group sees that sometimes their interests might be better served by joint action against their common employer. The abundance of Negro labor, kept idle because of exclusionist policies, must always be feared by white workers. Rather, it points to other discriminations in employment, such as that based on seniority; it suggests the conflicting interests resulting from a seniority system cannot support a Section 8 a 1 charge. This argument misses the point. First, the seniority distinction may be reasonably justified, whereas here the basis for discrimination is not only unjustified but in fact illegal. Second, we are not holding that all discrimination, even where unjustified, is by itself sufficient to make out a violation. Rather, as noted in Note 15, supra, it is the conjunction of the unreasonable and illegal discrimination with the induced docility in the discriminated group which is the basis of our unfair labor practice holding. This docility stems from a number of factors-- fear, ignorance of rights, and a feeling of low self-esteem engendered by repeated second class treatment because of race or national origin. Discrimination in employment is no different in this respect than discrimination in other spheres. In its historic decision in Brown v. Board of Education of Topeka, U. Thus George Meany, president of the AFL-CIO, referred to the reluctance of Negro employees to file complaints under fair employment practices laws because of the fear of retaliation which accompanies racial discrimination. Clark, especially in his book DARK GHETTO , has shown how discrimination-induced self-hatred in Negro inhabitants of slums, due in good part to discrimination in employment, creates a feeling of inferiority and lack of motivation to assert themselves to change their condition. In all this, discrimination in employment thus establishes, or reinforces the effect of, discrimination in other areas-- an inhibition to act for change. The Trial Examiner found explicitly that the policy of discrimination had this effect. I am a grown man and I know, you know, what you are supposed to do and what you are not supposed to do, even if you have got the right to do it. For the reasons noted above, the case is remanded to the Board for hearings on whether the company here has such a policy and practice. If the Board finds that the company does, the Board shall order an appropriate remedy. As I see it, Section 8 a 1 of this statute makes illegal any act, policy or program of an employer which interferes with, restrains or coerces employees in the exercise of rights given them by Section 7 of the Act. In the matter before us the complainant alleged that this employer has such a policy and program. In that situation the Board should receive the evidence and make findings. In my judgment it makes no difference what the program is called or how it is catalogued; if, in fact, by its use the employer interferes with, restrains or coerces his employees in the exercise of Section 7 rights, it is an unfair labor practice and is prohibited. I think it is neither necessary nor advisable for us at this time to explore in

depth the possibilities of a program such as complainant depicts; I think we should await a finding of the facts. My brethren think otherwise. I concur in the result. For example, has the company developed and practiced a policy of discrimination against its employees? We did not say that such a violation had here been demonstrated. That is what we said. I adhere to it.

HEARING ON H.R. 226, THE LIVE PERFORMING ARTISTS LABOR RELATIONS ACT pdf

7: F2d Caro-Galvan v. Curtis Richardson Inc | OpenJurist

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People need to pay more attention to their work. There are some that try, but they are usually incomprehensible to mere mortals. Because of this there are usually two clauses in the contracts that are basically general in nature. One is the "Management Rights" clause, which states some of the general rights that management has. Most often the Recognition clause is at the beginning of the contract and reads something like this: The employer recognizes the Union as the sole and exclusive bargaining agent, for the purpose of establishing wages, hours and conditions of employment. The reason this kind of language is so common is that the Recognition clause is just repeating what the National Labor Relations Act NLRA says in Section 8 d [most state labor laws dealing with public sector employees also have similar language]: For the purposes of the Act, to bargain collectively is the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours and other terms and conditions of employmentâ€¦ Processing Grievances is a Form of Bargaining! So under most of our contracts and under the law, the employer must bargain with the Union â€" and processing grievances is a form of bargaining â€" when unresolved issues regarding wages, hours and conditions of employment arise. Looking at the Issue of Playing the Radio This is a perfect example. The employer is required to bargain with the Union over conditions of employment. Subcontracting Work The importance of the Recognition clause in grievances concerning sub-contracting was made clear in an arbitration case that UE Local won. The company had announced that they were going to subcontract truck-driving work and they refused to bargain with the Union about this. In filing a grievance one of the articles the Union cited was the Recognition clause. That could include rates of pay, amount of work, conditions of work new equipment is noisy, dirty etc. So even if management has a specific right given to them in the Management Rights clause, they still may have to bargain over how using that right affects workers. Restrictions on Our Right To Bargain and Grieve There are some restrictions on making employers bargain over conditions of employment. Although there is no basis in the law itself or in the debate in Congress that set up the NLRA, the Supreme Court has put some restrictions on our rights. As may be expected, the restrictions favor the bosses. The Court decided there should be mandatory subjects of bargaining and voluntary subjects for bargaining. Check with the Union first. The voluntary list is fairly small but covers some important topics. For example it is voluntary for an employer to bargain over the decision to close plants or eliminate part of the business. This is where we bargain over severance pay, etc. We must always try to use the Recognition clause and Section 8 d of the NLRA to demand the greatest rights for the workers and the Union to "push the envelope. Making management live up to its obligation to bargain with the Union is an important issue. Stewards should take the time to explain to members why respect for the Recognition clause is worth fighting for. Issues the Boss Must Discuss Here is a list of some issues that management must talk to the Union about unless the Union has specifically waived its right to bargain or grieve them by previously coming to agreement on the issue:

HEARING ON H.R. 226, THE LIVE PERFORMING ARTISTS LABOR RELATIONS ACT pdf

8: Washington Review, July 16, | Congressman Albio Sires

Hearings on proposed legislation to amend the National Labor Relations Act are presented. H.R. would protect the right of faculty at private educational institutions to engage in collective bargaining, while H.R. is intended to make meaningful the right of performing artists to engage in collective bargaining.

Press Office Walberg Statement: March 29, This hearing is about one basic principle: The sovereign rights of Native Americans must be protected. This core principle is woven deep into the fabric of our shared history. It is part of who we are as a society and has long defined the unique government-to-government relationship that exists between the United States and independent, tribal nations. What does tribal sovereignty mean? It means that Native American tribes have a fundamental right to self-govern. They have a right to self-determination. And they have the freedom to advance their own economic policies in the pursuit of prosperity for tribal members. Bipartisan support for tribal sovereignty has been reaffirmed time and time again by Congress. And for more than years, the Supreme Court has held that tribes possess a nationhood status and retain inherent powers of self-government. Unfortunately, the National Labor Relations Board has taken a number of alarming steps in the past decade that have created widespread concern in the Native American community and threatened tribal sovereignty as we know it. For nearly 70 years, the board respected Native American sovereignty and did not apply its jurisdiction under the National Labor Relations Act over tribes. The reason was simple. While the NLRA provides important protections for workers, it is a private sector labor law that specifically excludes state, local, and federal government employers. Congress recognized the differences between public and private sector employment, so it afforded every level of government the freedom to determine its own labor policies. But that all changed in It abandoned long-standing precedent and began using an arbitrary test to determine when and where to exert its jurisdiction over Native American tribes. The NLRB has no expertise in Indian law and has no business meddling in the affairs of tribal nations. A series of inconsistent and misguided decisions have created significant legal confusion for Native Americans and tribal-owned businesses. The legislation would amend the National Labor Relations Act to clarify that the law does not apply to businesses owned and operated by Native American tribes and located on tribal land. This will ensure that tribes receive the same treatment as states and local governments when it comes to policies impacting their workforce. I want to thank our colleague Todd Rokita for championing this legislation. What this legislation is about is very simple. It is about the fundamental principle that tribal governments are sovereign and are free to self-govern. Congress now has an opportunity to reaffirm this principle and follow through on our promise to the Native American community.

9: UNFAIR ADVANTAGE

Last week, the House Ways and Means Committee held a four day mark-up of H.R. 1, the "Tax Cuts and Jobs Act." As I've said before, this land-mark legislation is designed to move America from having the least competitive tax code in the world to having the most competitive code.

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