

LABOR LEGISLATION

Congress has been relatively inactive in the area of labor legislation since the enactment of the LMRDA.¹ However, in the states there has been a great deal of activity in the form of legislative and administrative action dealing with the requirements concerning the time and method of payment of wages by employers,² the establishment of prevailing wages for use in public contracts,³ restrictions on child labor,⁴ and related subjects. The legislatures of Massachusetts and New York have made major statutory changes in their labor laws.

In Massachusetts there were two important enactments passed by the 1959 session of the General Court. The first,⁵ based on the model uniform arbitration act, deals with arbitration of disputes between labor organizations and employers. The law provides for the enforcement of agreements to arbitrate, and establishes the powers of arbitrators and the rights of the parties. The arbitrator is to determine arbitrability, rather than the courts. Judicial review is limited to five enumerated grounds: (1) corruption, fraud, or other undue means; (2) evidence based on partiality or prejudicial misconduct; (3) exceeding of arbitrator's authority, or an award requiring a violation of the law; (4) unfair hearing; (5) no arbitration agreement. The law applies only to labor contracts written subsequent to December 31, 1959.

The second major enactment in Massachusetts requires a panel of three associate justices of the Superior Court to determine labor dispute cases.⁶ The act applies to all restraining orders and temporary or preliminary injunctions, including any judicial action involving the state labor relations commission, under Chapter 150A. Appeals from decision of the panel can be taken to a single justice of the Supreme Judicial Court.

Probably the most important New York labor statute of the year is the new Minimum Wage Act.⁷ Among its more significant provisions are those providing: a minimum wage of \$1.00 per hour effective October 1, 1960; existing wage orders in excess of \$1.00 per hour shall remain in effect; higher minimums may be established through wage board procedure; and wage boards are replaced by a permanent tripartite overall board.

The New York Legislature also enacted a number of significant amendments to the Workmen's Compensation,⁸ Unemployment Insurance,⁹ and Disability Benefits Laws.¹⁰ Probably the most noteworthy are those which

¹ Labor-Management Reporting & Disclosure Act of 1959 (LMRDA) 73 Stat. 519 (1959) 29 U.S.C. § 401 (1959 Supp.).

² Mass. Gen. Laws Ann. ch. 416 (1960).

³ Cal. Lab. Code § 2173 (1959).

⁴ N.Y. Lab. Law § 885.

⁵ Mass. Gen. Laws ch. 150C (1959).

⁶ Mass. Gen. Laws ch. 212, § 30 (1959).

⁷ N.Y. Lab. Law § 619.

⁸ N.Y. Workmen's Comp. Law §§ 173, 781, 782, 789, 792, 1068.

⁹ New York Law (Unemployment Insurance) ch. 37, 190, 783, 787 (1960).

¹⁰ New York Law (Disability Benefits) ch. 197, 740, 790, 791 (1960).

increase maximum weekly benefit rates in each area from \$45 to \$50,¹¹ tighten the disqualification provisions of the Unemployment Insurance Law,¹² permit claimants to attend approved vocational training courses without jeopardizing Unemployment Insurance benefits,¹³ and extend Workmen's Compensation and Disability Benefits coverage to employers of more than one employee.¹⁴

Two other statutes worthy of mention concern the right of public employees to belong to a union. In Florida¹⁵ new legislation permits the State's employees to belong to and be represented by a union. However, the statute specifically prohibits strikes by them, and their membership in any organization asserting any right of public employees to strike. In contrast, a new enactment in North Carolina¹⁶ prohibits public employees from becoming members of any union with national affiliations, or which has collective bargaining as an object. It specifically voids any public agreements with such a union.

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SECURITY FINANCING LEGISLATION

During the first six months of 1960, less than half the states conducted legislative sessions.

As was true in the preceding year, a significant number of those in session enacted legislation dealing with mechanics' liens further strengthening the trend towards extension and expansion of lien coverage found in 1959.¹

A Motor Vehicle Sales Finance Act was enacted in Delaware.²

In June, 1960, Rhode Island enacted the Uniform Commercial Code effective as of January 2, 1962.³ Kentucky revised its Motor Vehicle Lien Law to conform with the terms of the Uniform Commercial Code.⁴ Massachusetts amended the Code to provide for filing and recording of fixtures in the Registries of Deeds.⁵

¹¹ Supra note 8.

¹² Supra note 9.

¹³ Supra note 9.

¹⁴ Supra note 10.

¹⁵ Fla. Stat. ch. 59, § 223 (1959).

¹⁶ N.C. Gen. St. (1959) H.B. 118L § 95-85.

¹ Ariz. Laws 1960, S.B. 74; Ga. Laws 1960, H.B. 686, S.B. 44; La. Laws 1960, H.B. 218, H.B. 1309; Mich. Laws 1960, H.B. 128.

² Del. Laws 1959, S.B. 102 deals with the requirements for the licensing of sales finance companies, the grounds for suspension or revocation of licenses, specifies the prohibitions and requirements of a retail installment contract dealing with motor vehicles and sets out the computation and limitation of financing charges and penalties for violations.

³ R.I. Laws 1960, H.B. 1522.

⁴ Ky. Rev. Stat. §§ 251.190, 186.190, 186.195, 186.230, 186.235.

⁵ Mass. Gen. Laws ch. 106, § 9-409 (1960). For further details of this amendment see: Uniform Commercial Code section of Current Legislation, this issue.