

T C

SUB-COMMITTEE on LABOR-HEALTH, EDUCATION & WELFARE

THE SEATTLE BUILDING & CONSTRUCTION
TRADES COUNCIL
AUSTIN ST. LAURENT, Executive Secretary

14 August 1970

Period covered in this report is from April 1968 to the present time and reference to rules and regulations from 1963.

In August, 1969, the State of Washington issued a report to the Department of Labor and Industries of the State of Washington indicating that 4% of King County residents were black and 2.34% of the residents of King County consisted of minorities. This confirmed estimates arrived at in the King County area in 1968 by Civil Rights groups and local government agencies.

A survey made by the Seattle Building & Construction Trades Council of its affiliated organizations indicated that in excess of 7-1/2% of the members of the affiliates were black. A survey was not made relative to other minorities by actual count because of the inability of union officials to determine nationality by name association and personal observation.

In 1963 publication of Title 29, CFR Part 30, Apprentice Selection Procedures, specified non-discrimination in selection of apprentices by the Joint Apprenticeship Committees. It also established that no quota system shall be employed. This rule has not been changed up to this time. It refers to minorities singularly.

Title #7 of the 1964 Civil Rights Act also refers to minorities in a singular fashion and Section 703 (J) appears to us to prohibit quotas. It is our understanding that serious debate took place in the United States Congress relative to that particular Section. The Executive Order #11246,

issued by President Johnson in 1965 appears to us to state that affirmative action in dealing with minority hiring would be necessary to comply with the 1964 Act.

Orders and edicts issued by the Office of Federal Contract Compliance of the Department of Labor states that a quota system must be used to comply with Executive Order #11246 which is based on Title #7 of the Civil Rights Act which prohibits quotas, in our opinion.

In April and May, 1968, following conversations with Mr. Talbert of the Bureau of Apprenticeship & Training, Mr. Mundane and Mr. Van Horne from the Department of Labor, and Mr. Murphy of the Bureau of Apprenticeship & Training, the Seattle Building Trades believed the Council was to be considered as a unit rather than as individual unions in relation to the problem of minorities' employment. Because the Building Trades as a unit in 1968 consisted of a higher percentage of minorities than existed in the population within the area jurisdiction of the Seattle-King County Building Trades Council, the Council believed that no problem existed in this area which would cause a need for Outreach Programs or other specific recruiting programs.

The documents making up a part of this submission to the committee, include the position of the Council in 1968 and its response to the pressures from governmental agencies since that time. Specifically, in late 1968 the Council launched a King County "Affirmative Action Advisory Committee" consisting of the minority community, contractors, the Apprent-

iceship Information Center of the Washington Employment Security Department, and the Seattle Building & Construction Trades Council.

This committee with the full cooperation of the Apprenticeship Information Center, had an in-put of a greater number of minority applicants to apprenticeship in the construction industry than Outreach programs created for areas with the same population are designed to accomplish.

We were informed by James Warren, Regional Representative of the Office of Federal Contract Compliance that this did not accomplish acceptable affirmative action as determined by that department. Neither was this voluntary-nonfunded program acceptable to "Model Cities". The program was discontinued in the Spring of 1969.

In a letter to all U. S. Senators and Representatives dated March 2, 1970, is a resume of events relative to the problem of minority hiring in the King County area. Please note that in that document, in August 1969 the Building Trades Council commenced work on an Outreach Program. Prior to the time the Outreach was established a series of demonstrations took place in Seattle resulting in about nine months of a series of court cases instituted by a variety of peoples including the U. S. Department of Justice.

While Outreach Programs, according to information supplied us, are designed to be "affirmative action programs" by the Manpower Division of the Department of Labor, but are not recognized as "affirmative action programs" by the OFCC of the Department of Labor, nor apparently as fullfilling the requirements of Title #7 of the 1964 Act. In any event,

the Seattle Outreach Program, written by the Manpower Division of the Department of Labor and approved by the Seattle Building & Construction Trades Council, was scuttled by the Office of Federal Contract Compliance and the minority community in the City of Seattle.

At the request of the Human Resource Development Institute, an AFL-CIO funded program, the Seattle Building Trades Council submitted an outline for an apprentice-journeymen recruiting up-dating program. The Manpower Division and the Building Trades Council agreed on this program February 6, 1970. This program was also blocked by the OFCC and we understand, the Department of Justice. The OFCC has stated to the Seattle Building Trades Council that employees of each contractor on every job would be counted and the percentage of minorities employed by each contractor on each job would have to be equal to percentage of minorities in the community before such contractor or union involved would be considered to be in "compliance". The U. S. Housing Authority and the Equal Employment Opportunity Commission informed the Seattle Building Trades Council that employees of a contractor would be counted but not as to a specific job to determine "compliance". It is our understanding from our attorneys, that the Department of Justice would determine "compliance" based on each individual case as it came to their attention.

It is our understanding that the EEOC can demand information from local unions concerning the racial make-up of its organizations, but that this information is restricted as to its use and publication. The EEOC issued a contract and supplied funds to the Washington State Board Against Discrimination to develop information relative to the same manner that could be made public. We classify this as subterfuge and far beyond the intent of Congress in creating the EEOC. Judge Roberts in the Washington court system, ruled that the Washington State Board Against Discrimination could develop this information pursuant to State law but this could not constitute harassment and that any work required of union staff should be compensated for. He also emphatically restricted the Washington State Board Against Discrimination in the requirements that they could place on union officials.

X It is our firm conviction that the executive and judicial branches of Congress through orders and regulations and court decisions, have assumed some of the duties and authority of the legislative branch of the federal government. Apparently Congress is willing to allow this to happen. We cite as an example, the debate and the votes cast in both houses of Congress just prior to Christmas, 1969, relative to minority hiring "quota systems" and their relation to the "Philadelphia Plan".

We respectfully request that Congress re-assert its duties and obligations relative to the law making process by insisting through the Comptroller General's office that expenditure of government funds be made in compliance with strict interpretation of law and legislative intent and

6
that rules and regulations adopted by the various branches of the Executive Department go no further than the law specifies in compliance with congressional intent.

Because of the short amount of time that has been available for the preparation of this statement, the undersigned respectfully requests permission to enlarge upon this submission with oral testimony.

Sincerely,



Austin St. Laurent, Executive Secretary
SEATTLE BUILDING & CONSTRUCTION
TRADES COUNCIL

ASTL:lmc
opeiu#8
efl/cio