

**Assembly**

MINUTES OF MEETING - ASSEMBLY LABOR AND MANAGEMENT - 55th SESSION - MARCH 21, 1969

PRESENT: Capurro, Lingenfelter, Branch, Mello

ABSENT: Wilson, Webb, May

ALSO PRESENT: Charles H. Collins, Nevada State Employees Assoc.  
 William J. Proctor " " " "  
 W. H. Winn, Kennicott Copper Inc.  
 Wm. Swackhammer, Assemblyman (Author and Sponsor AB-571)  
 Paul Grinnell  
 Milton Steinheimer  
 John Harmon  
 Lou Paley Executive Sec. AFL-CIO  
 John Harmon  
 Robert W. Gate  
 Max M. Blackham  
 Keith J. Derrikson, Federated Fire Fighters of Nevada

Chairman Capurro opened the meeting by announcing that there was a quorum present and the business at hand was for the purpose of hearing discussion on AB-571 and ACR-29 especially from the visitors who were proponents or opponents of the bills. He announced the committee would first hear proponents for ACR-29.

Mr. Proctor\* representing the Nevada State Employees Association, then stated that the Employees Assoc. had been organized as a group for over thirty years, and that they represented over 50% of the State employees. In all these years they had co-operated with the State and with the legislature in whatever way they could. He said they were very desirous of being recognized as an organized group representing State employees while still recognizing the rights of other employees who did not belong to the association. He said it was not a matter of pressing for membership but the matter of legally being recognized as a voice to speak for those who did belong.

Mr. Collins then spoke on behalf of the Nevada State Employees Association, saying that he agreed with what Mr. Proctor had stated and would like to add that he felt ACR-29 covered all the phases, recognizing the Nevada State Employees while leaving the door open to other non-members. He further said that he would like to reiterate the statement that the association, in the years it had been organized had been considerate of the people of the State of Nevada as well as all policy-makers which included the legislators.

Mr. Keith Derrickson then took the floor to ask for an amendment to the resolution to include his organization, viz. He said he represented the Fire Fighters of Nevada and as a state organization felt they should be recognized as such under this resolution.

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Mr. Lou Paley, then announced that he was there representing several/groups of State Workers who were organized in Locals of the AFL-CIO that he felt should also be included under this resolution.

Assemblyman Lingenfelter then asked what advantage the employees would have by thus being recognized.

He was told that it would give strength in recruiting new members if they were so recognized.

Mr. Lingenfelter then said, "You would be representative in collective bargaining". and was answered, "It is not for that purpose. It would give us a better position in recruiting those employees who do not belong".

The question then was asked as to what percentage of State Employees now belonged and the answer was that approximately 52% were now members of the Employees Association.

Mr. Paley then said, that he was not in objection to the resolution but would still like to have an amendment to include the various small organized groups of State Employees thruout Nevada.

Assemblyman Mello - "Just who would you want to be included in this resolution, Mr. Paley"?

Mr. Paley replied that while there were numerous groups he would name in particular, Local 1818, Teachers and Professors, Las Vegas.

Lingenfelter: "I would like to ask this question of Mr. Paley - Do you have a majority of the Teachers and Professors and is this at Southern Nevada"?

Paley - " I would say that the majority of teachers and professors belong". They are at Southern".

Chairman Capurro then called for further remarks on ACR-29 and when there were none, announced they would take up discussion on AB-571. He said that the bill had been introduced and authored by Assemblyman Swackhammer in March and that Mr. Swackhammer was present in behalf of this legislation.

Mr. Swackhammer then proceeded to tell the committee and visitors that the reason for this bill was that the mining industry was plagued by operators using their miners over 8 hours a day and were not paying them, or if a miner offered to work over 8 hours - either way - as the law was written - they were breaking the law, and that if this bill was passed it could not be worked out this way. He said that this statute was on the books in many states but in Nevada the way it now is if a miner works over 8 hours he could be fined but if the bill is passed he can demand time and a half and that this statute is still in effect. Further under this proposed legislation if a man did not choose to work overtime because of some legitimate reason, perhaps a previous commitment, he had a right to refuse and would run no risk of jeopardizing his job but on the other hand, if he offered to work over the 8 hours he would have to be paid for it and would not be working illegally - and it thereby protected the operators also if they asked the man to work overtime.

He was then asked if many of the mine operators did not work the men overtime simply to cut down on their working force and Mr. Swackhammer replied this was not so as it was less expensive for the mines to work a straight shift with a full force at straight pay then to consistently pay overtime, however, Mr. Swackhammer pointed out that most of the men in the mines asked for overtime because they wanted the extra money on their paychecks.

Mr. Swackhammer was then asked if it meant that a man working over 8 hours could be found guilty of breaking the law and Mr. Swackhammer answered not only the man could be found guilty but also the company. Both committing a misdemeanor.

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Chairman Capurro then called for opinions from the opponents to AB-571.

Mr. W. H. Winn, General Manager, Kennecott Copper Corporation, then spoke to the Committee (see detailed statement attached to this copy of minutes)

Mr. Paley then made statement to the effect that he objected to having the bill written as suggested in Mr. Winn's statement. He said it seemed to him that they were putting the car before the horse - in other words they were asking the Legislators to put this "voluntary clause" into law first then they would call everyone concerned back to the bargaining table. He said that this had been the practice for some years and somehow nothing was ever done about anything. The issue would get to the table and no further. He said he would like to have it written in the contract such as the Operating Engineers have done on their contracts and he thought it should be done not only by Kennecott but by everyone.

It was then suggested by \_\_\_\_\_ who had been a mining operator for thirty years in various parts of the state, that the bill be taken off the books in its entirety. That it had been ignored by operators and miners alike and it was detrimental to both and left the chance of suit by either or violation of the law by either wide open.

Chairman Capurro then stated that in cases of law violation there was generally prosecution procedure and he asked if there were any such cases recorded. It was brought out that the Duval Company had been involved in some procedure a few years ago and that it could happen to anyone, and repeal of the law seemed advisable.

Mr. Winn then said that anyone who operated under this law was liable.

Mr. Blackham then stated that in response to the question if there any cases known where anyone had been charged with the violation he would like to say about four years or so ago several employees registered a complaint under 608:210 and 608:230. We promptly sent letters advising them and making it clear that if they did not desist that legal action would be taken. He was then asked about other cases and it was agreed that only these that had been mentioned were known about, but that it should be brought out that in every mining operation there were times when it was imperative that employees be asked to work overtime because of equipment and machinery etc.

Mr. Swackhammer then stated that in reply to the suggestion of repealing the entire statute he would have suggested a repeal but he thought, as he was sure the other Legislators would agree, it might not have a chance of getting thru and they (the Legislators) worked on the theory of what we can get thru rather than what we want.

Mr. Capurro then remarked that it seemed that most of people was for a change and thanked the visitors for coming and taking their time to express their views and opinions and stated that the committee would take the amendments under consideration.

Meeting adjourned.

TESTIMONY BEFORE THE ASSEMBLY LABOR AND MANAGEMENT COMMITTEE  
CONCERNING A.B. 571

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MY NAME IS W. H. WINN. I RESIDE IN MCGILL, NEVADA, AND I AM GENERAL MANAGER OF THE NEVADA OPERATIONS OF KENNECOTT COPPER CORPORATION. MR. CHAIRMAN, I RESPECTFULLY APPEAR BEFORE YOU TODAY TO GIVE TESTIMONY CONCERNING ASSEMBLY BILL 571, WHICH PROPOSES CHANGES IN THE STATUTE COVERING THE EIGHT-HOUR DAY FOR CERTAIN MINING OPERATION EMPLOYEES. I WILL MAKE TWO POINTS; THE FIRST THAT THE PRESENT STATUTE, N.R.S. 608.200 THROUGH 608.240, IS COMPLETELY OUTDATED AND DISCRIMINATORY AND, THEREFORE, IS BADLY IN NEED OF CHANGE OR REPEAL; AND SECOND, THAT THE METHOD OF CHANGE PROPOSED IN A.B. 571 IS NOT PROPER AND A MORE SATISFACTORY SOLUTION WILL BE SUGGESTED.

AS I STATED PREVIOUSLY, 608.200 THROUGH 608.240 IS COMPLETELY OUT OF DATE. IT IS MY UNDERSTANDING THAT THIS STATUTE CAME INTO BEING AS A HEALTH AND SAFETY PROTECTIVE MEASURE IN THE EARLY DAYS IN MINING IN NEVADA. THROUGH THE YEARS, WORKING WITH THE STATE MINE INSPECTOR AND ADDITIONALLY AS A SELF-STARTED MEASURE, THE MINING INDUSTRY HAS REACHED A MATURITY IN MATTERS OF HEALTH AND SAFETY TO THE POINT THAT IT RANKS HIGH IN THE STATE AMONG HEAVY INDUSTRY IN THIS RESPECT AND, IN FACT, IS PROBABLY THE LEADER. THEREFORE, A LAW WHICH WAS ORIGINALLY PASSED PREVENTING

MINING EMPLOYEES FROM WORKING MORE THAN EIGHT HOURS IN A DAY TO PROTECT THEIR HEALTH OR SAFETY IS COMPLETELY UNNECESSARY AT THE PRESENT TIME. THIS IS FURTHER EVIDENCED BY THE FACT THAT THE SOLUTION PROPOSED IN A.B. 571, WHICH ALLOWS A WORKING MAN TO VOLUNTARILY AGREE TO OVERTIME AND WHICH I UNDERSTAND WAS PROPOSED BY REPRESENTATIVES OF LABOR, ALSO INDICATES THAT THE LAW IS NO LONGER NECESSARY IN THE EYES OF THOSE PROPOSING THE CHANGE.

I DO, HOWEVER, SERIOUSLY OBJECT TO THE CHANGE IN THE LAW PROPOSED IN A.B. 571. MY REASON FOR THIS OBJECTION IS BASED ON THE FACT THAT WORDING IN A STATUTE WHICH ALLOWS "A WORKING MAN TO VOLUNTARILY AGREE TO WORK BEYOND AN EIGHT-HOUR PERIOD" ALSO MEANS THAT THE WORKING MAN MAY REFUSE TO WORK BEYOND THE EIGHT-HOUR PERIOD. THIS LANGUAGE SHOULD NOT BE WRITTEN INTO A STATE LAW BUT SHOULD REMAIN A NEGOTIABLE SUBJECT BETWEEN MANAGEMENT AND LABOR. THE EMPLOYEES OF ALL OF THE MAJOR OPERATING MINING COMPANIES IN NEVADA ARE REPRESENTED BY UNIONS, AND EACH OF THESE UNION CONTRACTS CONTAINS WORDING TO REGULATE ASSIGNMENT OF OVERTIME WHEN REQUIRED. I AM AWARE THAT THE ONLY STUMBLING BLOCK TO HAVING THIS LAW REPEALED YEARS AGO WAS THE FEELING OF SOME MINING EMPLOYEES, PRINCIPALLY WORKING FOR KENNECOTT, WHO FELT THAT TO LOSE THIS LAW WOULD AUTOMATICALLY REQUIRE THEM TO WORK OVERTIME. I AGREE WITH OUR EMPLOYEES THAT OVERTIME SHOULD BE ON A VOLUNTARY BASIS BUT AT THE SAME

TIME, IN OUR BUSINESS WHERE OPERATIONS CONTINUE 24 HOURS A DAY, IT IS NECESSARY TO ASSURE THAT THE EQUIPMENT WILL BE ATTENDED AT ALL TIMES. THEREFORE, IT IS NECESSARY THAT MANAGEMENT HAVE SOME ASSURANCE THAT AN EMPLOYEE WILL ASSUME HIS RESPONSIBILITY TO PROTECT THE OPERATIONS AND TO AT LEAST CONTINUE WORKING UNTIL A REPLACEMENT CAN BE FOUND. I FEEL THAT MOST MINING EMPLOYEES UNDERSTAND AND ACCEPT THIS RESPONSIBILITY, AND I FEEL SURE THAT THEIR FEAR OF COMPULSORY OVERTIME OUTSIDE THE PERIMETER OF THE EIGHT-HOUR LAW IS A NEEDLESS ONE. THE UNIONS WHICH REPRESENT MINING EMPLOYEES IN NEVADA ARE STRONG AND COMPETENT AND CAN PROTECT THEIR EMPLOYEES FROM ANY UNREASONABLE OVERTIME ASSIGNMENTS. A BETTER SOLUTION TO THE PROBLEMS INHERENT IN N.R.S. 608.200 THROUGH 608.240 WOULD BE TO MAKE AN EXCEPTION TO THOSE EMPLOYEES WHO ARE REPRESENTED BY A LABOR ORGANIZATION WHICH HAS NEGOTIATED ON BEHALF OF SUCH EMPLOYEES AN AGREEMENT COVERING WAGES, HOURS, AND WORKING CONDITIONS.

IN CONCLUSION, LET ME REITERATE THAT SOME CORRECTIVE ACTION NEEDS TO BE TAKEN CONCERNING N.R.S. 608.200 THROUGH N.R.S. 608.240. THERE ARE BETTER SOLUTIONS THAN THAT PRESENTLY PROPOSED IN A.B. 571, ONE OF WHICH I HAVE MENTIONED. PERSONALLY, I WOULD RATHER SEE NO ACTION TAKEN THAN TO WRITE INTO STATE LAW A VOLUNTARY OVERTIME CLAUSE WHICH IS PROPERLY A MATTER OF NEGOTIATION BETWEEN COMPANIES AND EMPLOYEES.

THANK YOU FOR YOUR TIME AND ATTENTION.