

Court Reaffirms Public Employees' Right to Strike

Dismissal of a damage suit against striking public employes in West Virginia is getting renewed attention, because it is in sharp contrast to punitive actions taken against striking air traffic controllers and their union by the Reagan administration.

What has attracted interest to the case was the refusal of West Virginia's highest court to reflect the view that peaceful public sector strikes are a form of outlawed conduct that must be put down with all the powers of government.

"Where public employes, who have no employment contracts with their employer, engaged in a work stoppage which is peaceful and directed only against the employer" with no attempt to bar entrance to the struck facility, "there is no common law right to damages on the part of the public employer," Justice Thomas Miller declared on behalf of all but one of the five Supreme Court justices.

A concurring opinion by Justice Darrel McGraw, joined by Justice Sam Harshbarger, took a still broader stand for the rights of public workers.

He strongly rejected the view that public employes do not have to bargain with workers and that public employes have "somehow limited" First Amendment protections. McGraw wrote that public employes have the same First Amendment rights as private sector workers and their right to collective bargaining was not created by federal labor legislation, but stems from the Constitution.

"In West Virginia the right to protest against the policies of government and the right to seek redress from the government without fear of reprisal are as fundamental to our law and good sense as cornbread and beans are to our diet."

Labor Support of PATCO Hurts Airlines

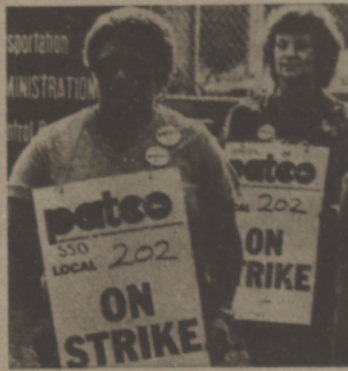
U.S. air carriers' profits have been reduced by the air traffic controllers' strike and "airlines have been substantially hurt by the AFL-CIO action calling for a boycott of air travel in the U.S.," says an official of a regional airline.

"If labor's intent was to hurt the airlines, they certainly have been successful," said Bob Riddle, Director of Marketing Services for Air Oregon.

"Air Oregon has taken it very hard," Riddle said. "Our flights have been reduced by the FAA and traffic on (our) remaining routes are down because of the public perception that air travel is less safe."

Air Oregon is not the only airline to be hurt by the PATCO strike. The Wall Street Journal reports that three airlines—American, Delta and Trans World—say their profits are being significantly depressed due to the air controllers' strike.

In a related matter, thirty-seven members of the House of Representatives have urged the Reagan administration to reopen contract



talks with the striking air traffic controllers, saying a negotiated settlement "offers the most promising and responsible course for resolving" the 14-week dispute.

In a letter initiated by Rep. James Oberstar (Minn.), the congressmen said an agreement between the Federal Aviation Administration and PATCO "would be in the national interest and would reflect great credit upon all parties."

The letter to the President came at the same time as a congressional staff analysis warned that the nation's air traffic control system could be in "serious trouble" by the winter of 1983, because of overly

optimistic projections on replacing the 11,000 controllers fired by the President after they went on strike Aug. 3.

In its analysis of the FAA's plans to replace the striking controllers, the House Post Office and Civil Service Committee reported "the only way to lessen the strain on the (air control) system is to rehire a substantial number of the striking controllers."

The committee's staff said that FAA administrator Lynn Helm's position that strikers are forever barred from federal employment "is legally untenable."

Rep. William Ford (Mich.), who heads the committee, told the Associated Press that the airline industry is suffering undue hardships and the administration must consider rehiring experienced controllers.

"The real world is that the people in labor and management relations resolve their differences without it turning into a permanent problem," Ford said.

Solidarity Day Increases Labor's Clout

Labor's clout in Congress has increased sharply since the massive Solidarity Day protest against Reagan administration policies, according to AFL-CIO legislative director Ray Denison.



As evidence, Denison cited three successive victories for labor on key legislation:

Overwhelming passage by the House to extend the Voting Rights Act;

Approval of funds by the House for the Departments of Labor, Education and Health and Human Services without further cuts sought by the administration; and

Rejection by the House of a new move to reduce coverage of the Occupational Safety and Health Act.

In addition, Denison said the President has shown an awareness of this new mood in retreating from administration plans for sharp cuts in social security benefits and reductions in the quality and quantity of food served in the school lunch program.

Workshop Topic: Civic Openings for Women

Opportunities for women to serve on State, county and city boards and commissions, on advisory bodies to community organizations and in elective office will be presented at a one-day workshop on Nov. 21.

The workshop, which is free, will be held in room 327 of Smith Memorial Center at Portland State University in Portland. The schedule of events will run from 9 am to 4 pm.

For more information contact the Governor's Commission for Women at 378-6520 in Salem or 1-800-452-7813 toll free.

Filings of Age Bias Law Suits Triples

The number of fired employes who are filing age discrimination suits has nearly tripled in the last year and many labor law experts expect this trend to continue.

Last year, the federal government received 8,779 age-discrimination complaints, up sharply from the 3,097 complaints filed in 1979. Federal law protects workers ages 40 to 70 from age discrimination.

Labor law attorneys and the government attribute this rise to three factors—a weak economy that insures high numbers of layoffs, an aging work force and the increasing propensity of employes to fight back when companies fire them.

While the complaints involve the full range of ages covered by the law, government officials say more employes at the bottom end of the protected age group file suits as a means of fighting back against what they feel has been unfair treatment.

"This is the third wave of employment-opportunity cases that will hit corporations," following the sex and race discrimination cases of the past decade, Philip Smith, associate general counsel of Xerox Corp., told the Wall Street Journal. "Older workers haven't yet adopted the public-pressure tactics the other groups have used, but I think that will change."

Are You Moving Or Changing Agencies?

If you have moved or changed agencies—or are about to do either—you must let us know. If you don't, your membership may not be transferred or you may not receive your subscription to The Oregon Public Employee or to Citizen Action.

Name _____

Old Agency _____

New Agency _____
(if applicable)

New Address _____
(if applicable) street

city zip