

Wage, Hour Commission Gives Strike Case Ruling

PORTLAND (AP) — The state Wage and Hour Commission decided Tuesday that a labor strike is adequate reason to require women to work more than the 44 hours specified by law.

But then, in another decision, the commission decided that The Oregonian and Oregon Journal, affected by a strike that began Nov. 10, could not work the women long hours after this week.

Both were 2-1 decisions. Mrs. Eugene Kelly, chairman and public representative on the commission, voted with Henry S. Howard of Eugene, employer representative on the commission, in ruling that the papers were justified in working women long hours. They ruled that an emergency existed.

Then Mrs. Kelly voted with Gordon Swope of Portland, labor representative on the commission, to let the women work long hours only until the end of this week. Thereafter it will not be an emergency.

The commission, which took the question up Tuesday, found it is not a simple problem. At once these matters arose:

Is the strike an emergency for the newspapers? If it is, the employers can use women in shifts as long as 10 hours a day and 60 hours a week. Actually, a state investigator found the newspapers for a month after the strike started used women in shifts up to 72 hours a week.

How long is an emergency? A few days? A few weeks? Or until the employer can train adequate replacements?

And finally: What is an emergency? Is it a strike which might

prevent issuance of the employer's product? Or is it, as the unions argued, limited to situations where life or property are in danger?

By law an employer can work women longer than 8 hours a day, 44 hours a week only in an emergency. If there is an emergency, the state may issue a temporary permit for women to work up to 10 hours a day and 60 hours a week.

The hearing developed these facts:

After initially working a 72-hour schedule, the newspapers applied for the maximum allowed, 10 hours a day, 60 hours a week.

The Labor Bureau staff, unable to poll the Wage and Hour Commission at the time, granted a temporary permit for the maximum.

Checking back later, an investigator was told by James Somerville, Oregonian personnel manager, that it still was necessary to work the 72-hour week, but the newspaper would go down to a 60-hour week shortly for the women.

"We now have two things," said Howard. "One is the violation of state law by working women 72 hours. The other is the application for an emergency permit. Let's treat them separately. Our problem here is the application."

Mrs. Kelly and Swope agreed

Grace's Sister Granted Divorce

PHILADELPHIA (AP) — Margaret (Peggy) Kelly Davis, sister of Princess Grace of Monaco, has been granted a divorce from George L. Davis Jr., president of the Philadelphia Ramblers of the Eastern Hockey League.

The action was disclosed Thursday. Grounds for the divorce were not disclosed. The suit was not contested.

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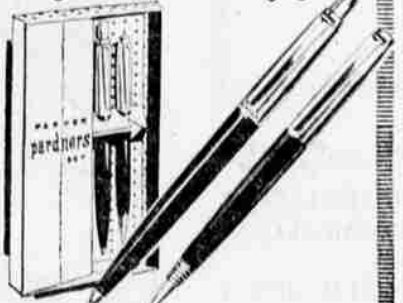
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with him. Mrs. Kelly said on the problem itself:

"One side wants us to say a labor dispute is an emergency. The other side wants us to say it isn't. It seems to me it is not that simple. . . . Should we be concerned with the cause of the emergency or just in determining whether there is one?"

"Yes," said Swope. "I agree. We are not concerned with the cause but whether there is an emergency. . . . We are required

by law to protect the health of women, and I think our course is clear. This continuing affair is not an emergency."

"I'll admit I don't like the idea of putting this thing on a more or less permanent basis," said

Mrs. Kelly. "How long can it go on? It seems ridiculous to ap- prove it. Yet on the other hand, this is as perplexing a problem as I've faced."

"Let's determine just what is an emergency," said Howard.

"I'm not satisfied that it is limited to just situations where life and property are endangered. I think other situations also may qualify."

There remains a possible labor charge against the newspapers,

accusing them of working women 72 hours a week. Labor Bureau officials will decide whether that charge should be placed. Conviction would call for a fine ranging from \$25 to \$100, or imprisonment of 10 days to 3 months, or both.

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