

DECEMBER, 1975

Season's Greetings

As 1975 departs—a difficult year for the most part but one in which the OPEIU bas bucked the trend and scored new gains—your Executive Board welcomes into our fold the many new members who have joined us in the past 12 months. This influx has brought our total membership to some 100,000, with even greater growth in sight.

On this cheerful note, we wish each and all of you, active and retired, as well as OPEIU field representatives and staff employees at the International and Local levels, our sincerest greetings for a very Merry Christmas and a bright and prosperous New Year.

Howard Coughlin President

No. 349

William A. Lowe Secretary-Treasurer Arthur P. Lewandowski Director of Organization

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When Old Friends Get Together



President Howard Coughlin (right) enjoying joke with Vice President Nelson A. Rockefeller (left) at housewarming party in the new Was hington residence for future U.S. Vice Presidents, while I. W. Abel, president of the United Steelworkers' Union (center), looks on. The two labor leaders were among scores of guests who attended a series of housewarming parties dedicating the new mansion. A long-time personal friend of Coughlin, Rockefeller was a guest speaker at the 1974 OPEIU Convention in Miami Beach, Fla., before he was appointed Vice President.

S.S.WageTaxBaseUpped to \$15,300 January Boost Affects 1 in Every 5 Workers

The taxable wage base for social security deduction will be raised to \$15,300 in January from the current level of \$14,-100. The new maximum will affect an estimated 16 million persons, about one out of every five covered by social security.

Since there is no change in the tax rate, persons earning less than \$14,100 will not be affected by the higher wage base. The payroll tax rate paid remains at 5.85% of covered earnings for workers and employers and 7.9% for self-employed persons. Thus, a person earning \$15,-300 or more a year will pay a total of \$895.05 during 1976, up \$70.20 from the current maximum. The increase will be \$94.80 for self-employed persons.

Another feature of the new change, however, will enable persons drawing social security retirement payments to earn more during the year without reduction of benefits.

Presently, benefits are re-

duced \$1 for every \$2 earned in excess of \$2,520 per year, or \$210 per month. During 1976, the amount of earnings allowed before a reduction in benefits is made will rise to \$2,760, or \$230 per month.

An estimated 1.3-million beneficiaries will receive higher payments with the rise in exempt earnings.

For workers affected by the rise in the taxable wage base to \$15,300, the Social Security (Continued on page 3) U.S. Supreme Court Says Pregnancy Isn't a Bar to Jobless Pay

The U.S. Supreme Court has ruled that states may not refuse unemployment benefits to women during their last three months of pregnancy and the six weeks following delivery simply because the states presume that all such women are unable to work.

The Court said that this presumption was often inaccurate, noting:

"It cannot be doubted that a substantial number of women are fully capable of working well into their last trimester of pregnancy and of resuming employment shortly after childbirth."

The presumption thus violates the 14th Amendment, the Court said, and must be replaced by "more individualized means" of determining whether the woman is in fact able to work and thus eligible for unemployment benefits should she be out of a job.

The decision is a substantial victory for the women's movement. It came in the case of a young Utah woman, Mary Ann Turner, who contested the Utah employment law in state courts, only to be told by the Utah Supreme Court that "what she should do is work for the repeal of the biological law of nature" instead.

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The U.S. Supreme Court's decision reversed that ruling and invalidated the portion of the Utah law denying unemployment benefits to women during the 18-week period in question. Beyond that, it cast serious doubts on the legality of unemployment law provisions in 19 other states—14 of which have laws almost identical to Utah's.

In its ruling, the Court was following the line that it established in a 1974 case involving forced maternity leave for teachers at the fifth or sixth month of pregnancy. In that case, the court invalidated such requirements because of the conclusive presumption they established as to a woman's inability to work while pregnant.

The Court said in that case (Continued on page 4)

New Organizing Adds 200 in 9 Units to OPEIU Rolls

Organizing successes brought more than 200 new members into ninc bargaining units as a result of OPEIU representation elections, management recognition or affiliation of independent groups, according to latest tallies from the field.

Washington, D.C.'s Local 2 led organizing activities, adding three new bargaining units. Other successes included a Detroit hospital, a New York hotel, a group of data processing employees in Whippany, N.J., and two credit unions.

The National Council of Senior ~ Citizens in Washington, D.C., recognized Local 2 as bargaining representative for its 45 office employees after a card check. In a National Labor Relations Board election held among 24 employces at the National Association of Music Educators in Reston, Va., they voted by a margin of three-toone for representation by Local 2.

In another NLRB election held at the Agriculture Federal Credit Union, Inc., Local 2 scored again with the new unit voting for union representation by a margain of better than fiveto-one.

Office employees at Riverside Osteopathic Hospital, in Detroit, voted 29-to-7 in favor of Local 417, while a unit of 21 data processing employees at Inventory Control Systems, in Whippany, N.J., voted for representation by Jersey City Local 142 by a margin of two-to-one. In New York City, a unit of 20 auditing employees at the St. Regis Hotel voted to affiliate with Local 153.

Other successes include smaller units of clerks and tellers at Youngstown Federal Credit Union, Inc., where the pro-union vote was unanimous; an election among office employces at Sociological Abstracts, Inc., in San Diego, Cal., where the margin was two-to-one for representation by Local 443, with another unit at the DePaul and Mount St. Vincent in Seattle, Wash., voting for bargaining representation by Local 8. Page Two

WHITE COLLAR

Office AND PROFESSIONAL EMPLOYEES INTERNATIONAL UNION Miliated with the AFL-CIO, CLC

Howard Coughlin President WILLIAM A. LOWE Secretary-Treasurer

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Problems in Bank Organizing

In an article in the October Monthly Review, published by the Department of Labor, Charles J. Coleman and Jane A. Rose of the Rutgers University faculty find that the OPEIU has been the most successful in organizing bank employees although the pace has been slow in comparison with other industries.

"The one major change that might promote unionization is changing technology—increasing mechanization," the authors suggest. "More and more jobs in the industry have become routine, repetitive and relatively devoid of skill, such as many jobs in check processing. One observer sees banks as 'data factories' increasingly filled with frustrated employees because they are bored with their jobs. The employees also resent the pressure of their machine-paced work and loss of status.

"They feel increasingly cut off from management and from the potential of moving into a managerial job. One way of relieving the frustration and resentment would be to form a union that not only protects employee interests, but provides a means of challenging management."

The authors point out that mechanization seems to pose two threats to bank employees. The first is loss of skill and increase in routine. The second is the threat to job security.

However, the authors declare, banks have emphasized job security, "and we know of no case where significant numbers of employees have lost jobs because of mechanization. Bank managements have thus far introduced technological change without threatening employment security, and without introducing uncertainty in the minds of employees over it."

Yet, the OPEIU takes an entirely different view on the prospects of bank organizing. True, so far mechanization and its threat has not been grapsed fully by bank employees. Moreover, bank failures this year have been the highest since the Great Deprssion of the 1930s, and as bank profits decline, as a result of the recession, we expect that mechanization will be speeded up at the expense of job security.

This is no time for complacency among bank employees; they owe it to themselves to unionize now before it's too late.

Where's That Tax Reform?

Taxation is a major instrument of social and economic policy but should be distributed fairly among the various income groups so that revenues will promote economic growth, stability and efficiency.

Because of the loopholes in the tax laws, however, the wealthy and corporations arc able to avoid bearing their fair burden. Chairman Al Ullman, of the House Ways and Means Committee, recently unveiled a detailed breakdown of 37 federal tax returns which illustrate how the loopholes can be legally used. Here are a few examples:

• A \$448,000-a-year executive who paid a total of \$1,200 in taxes. He invested in a real estate syndicate organized from December 28 and the affairs of the syndicate were so set up that he had a "paper" loss of \$215,000.

• A lawyer earned \$111,000 in salary, dividends and interest and was sheltered by a "paper" loss from a cattle-feeding firm that was formed on December 19. He paid no taxes.

• A physician, who earned \$156,000 in salaries, dividends and interest, received a depreciation loss in a motion picture distribution firm that enabled him to get out of paying any taxes whatsoever.

These examples only touch the surface of the type of tax loopholes which concern most citizens. Every dollar that the wealthy individual and rich corporation escapes from paying places the burden on the ordinary worker, his family and other lower and middle-income wage earners.

Now the Ford administration, with Treasury Secretary William E. Simon as its chief spokesman, says that private corporations should be relieved of most of their tax burden because capital formation is needed for investments.

This looks to us like just another tax bonus for the wealthy. Many economists say that the key to adequate capital formation is a return to vigorous economic growth. They see no need for further distorting of the tax structure to achieve it.

NLRB Reports Pending Cases Backlog Rises

Organized labor's problems with the National Labor Relations Board, seemingly endless delays in getting disputes resolved and decisions made, were underscored in the Board's 1974 fiscal year-end report.

The NLRB report acknowledges that 14,762 cases of all types were still "pending disposition" at the end of June, up from 13,580 such cases a year earlier.

The majority of cases brought before the Board involved unfair labor practice charges, violations of the federal collective bargaining law. In all, unions brought 5,442 charges of unfair practices against employers, while employers filed 2,939 charges against unions.

While unfair labor practice charges were up over the period, petitions to conduct employee secret-ballot representation elections were down by more than 17 percent. The drop occurred despite an amendment to the NLRA last year that extended the right of union representation to 1.4 million employees of nonprofit and religious hospitals.

Of the 1,853 secret-ballot representation elections petitioned for by unions, employers and individuals, the NLRB report said, unions won 52 percent.

Employers Rip Off Non-Union Hands

Almost a half a million workers, protected by federal wage and hour laws, were ripped off by their employers in fiscal 1975, the U.S. Department of Labor reports. A total of \$108,-856,805 was found owed to 472,404 workers illegally underpaid in the past year under the various wage and hour laws.

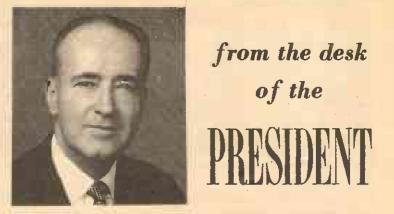
This was 13% higher than fiscal 1974, when the Wage and Hour Division found that 357,-000 workers had been shortchanged by \$96.6 million in wages due them.

The income restored to workcrs also increased this year with \$58.2 million actually returned to 380,254 underpaid workers. The amount was 17% above the \$49.9 million restored to 261,-000 workers in fiscal 1974.

The total number of workers with wages restored under the individual laws exceeds the actual total number of individuals counted under all laws because some employees were found to be underpaid in violation of two or more requirements.

The major reason for the difference between the total money found due and the amount actually paid to employees is employers' refusals to pay back wages in cases unsuitable for litigation by the Labor Department.

In such cases, employees have the right to institute private and independent action for recovery of back wages due. The substantial amounts of wages thus recovered by employees are not reflected in department statistics.



Utopian Advice to Employers

In a recent article in "Best's Review," Matthew Goodfellow, Director of the University Research Center, discussed an article he compiled dealing with the most common questions asked of him at meetings with top executives of major companies re the subject of improving employee relations, the avoidance of unionization and strikes. Mr. Goodfellow's answers to the questions posed are an eye-opener. If most companies followed Mr. Goodfellow's advice, it is doubtful that unions would be successful in organizing salaried employees. It is equally doubtful, however, that companies could or would adopt his programs.

Director Goodfellow points out that defeating a union in NLRB elections involves considerable cost. A recent academic study covering 146 NLRB elections indicates that each such election costs from \$100 to \$123 per employee. Thus, an election involving 100 hourly employees would cost the company about \$12,300.

The study found that every election involves four basic costs: (1) the cost of legal help; (2) the cost of lost business during the campaign; (3) the cost of diminished productivity by the office staff during the campaign; and (4) the cost of executive time. The fifth cost of an election, if the company loses, is the increased costs of a collective bargaining contract.

Mr. Goodfellow points out that it takes careful planning of personnel policies and complaint handling procedures and it requires dealing with employees in such a manner that they honestly feel they are getting fair and decent treatment to prevent the possibility of unionization. While every employer believes he handles his employees fairly, such is not always the employees' belief.

Many office managers actually dislike the thought of listening to employces in order to uncover what it is they dislike. Instead, these office managers like to present themselves in the image of strong leaders who are in complete control. They generally overlook constructive suggestions of employees.

Listening to employees and doing something about grievances requires time, energy and some money. In view of the fact that this may involve expense and affect the quarterly profit statement, these things are-not done. As a result, when they face an NLRB election, personnel heads and supervisors generally explain it to corporate headquarters as solely the result of "union agitation" as if they themselves had no role.

Mr. Goodfellow points out that job security is a very sensitive area which concerns employees. Even the most naive worker knows that organization can't prevent lay-offs. The employee, however, is concerned that there will be no arbitrary lay-offs, and that lay-offs, if necessary, will be done by rule and reason and preferably by seniority.

We agree with much of what Mr. Goodfellow finds to be the case in offices today. We know, however, from experience that companies, particularly those of reasonable size, cannot and in most cases do not control personnel policies down to the lowest echelon of the work force. Favoritism and, in some instances, nepotism arc common practices in large installations.

Despite the fact that even company Presidents may publicly espouse fair treatment of employees with an open door to all employees for legitimate grievances, such policy is never carried out in practice. An aggrieved employee will find it very difficult to obtain an attentive car in supervisory ranks and under no circumstances will be allowed to voice dissatisfaction to executives.

There is only one way to insure a fair and equitable method of collective bargaining and grievance administration, up to and including arbitration, and that is through a collective bargaining contract signed by both the company and a responsible union!

Twin Cities Local Scores for Health-Welfare Unit

Wage gains totaling \$1,620 per individual were gained in a new two-year contract renegotiated by Twin Cities Local 12 for its office unit at Wilson-Mc-Shane Corp., administrator of health and welfare funds, in Bloomington, Minn.

Business Manager H. R. Markusen says that the new pact calls for a \$45 per month general increase in the first year and a similar across-the-board increase in the second year.

Hospital room and board allowance was increased to \$60 (was \$50) for semi-private under the major medical plan.

A new clause in the contract provides for a check-off of union dues and initiation fees by the employer. The new pact runs to September 30, 1977.

WHITE COLLAR

OPEIU Delegation to AFL-CIO Convention in San Francisco



Front row from left are Harry Avrutin, former Local 153 Business Representative and now Secretary of the New York Labor Council, who sat with his former OPEIU colleagues next to Vice President Gwen Newton, Business Manager of Local 30, Los Angeles. In second row two other unidentified delegates sat at table to left of Mrs. William A. Lowe and her husband OPEIU Sec.-Treasurer William A. Lowe; President Howard Coughlin and Vice President John B. Kinnick.

AFL-CIOUrges \$3 Minimum Wage Tells Congress Inflation Has Eaten Up Last Raise

The AFL-CIO has asked Congress to boost the federal minimum wage to \$3 an hour as soon as possible so that the nation's lowest paid workers will be brought above the poverty level and the economy will be stimulated with additional purchasing power.

Andrew J. Biemiller, AFL-CIO legislative director, said the planned step-up to \$2.30 an hour already has been eaten up by inflation. Most workers covered by the Fair Labor Standards Act arc now under a \$2.10 an hour minimum, scheduled to rise to \$2.30 in January. But those whose jobs were most recently brought under the law are not slated to reach \$2.30 until 1977 and, in the case of farm workers, 1978.

Biemiller told a House labor subcommittee the income needed to escape the poverty level passed the \$2.30 an hour mark and probably will exceed \$3 in 1977. cipal purposes of the Fair Labor Standards Act was to bolster

Research Director Nat Goldfinger said the Consumer Price Index has gone up nearly 60% since February 1, 1968, when the minimum wage reached the \$1.60 level. In the same time the minimum wage has gone up less than 32%.

The recent AFL-CIO convention went on record for the \$3 minimum, plus doubletime pay after eight hours in a day or 40 hours per week and progress toward "the principle of a 35hour week."

Biemiller said one of the prin-

cipal purposes of the Fair Labor Standards Act was to bolster the economy in 1938. Today's problems are similar, he said. He added the proposed legislation should be regarded as "emergency legislation that will benefit the entire economy by generating additional purchasing power and creating additional jobs."

Biemiller suggested that by raising overtime standards Congress would discourage employers from scheduling regular, recurring overtime and will encourage them to hire additional workers.

Court Rules on Bankruptcy Effects on Union Contracts

A bankrupt company may be permitted to reject a collective bargaining agreement under the federal Bankruptcy Act, a U.S. Appeals Court rules. Kevin Steel Products, Inc., filed a petition with a federal bankruptcy court which subsequently authorized the company to operate the business under the court's control and permitted the company to reject, as an "onerous executory contract," the collective bargaining agreement with a union.

A federal district court reversed the bankruptcy court's decision, agreeing with NLRB that, while the Bankruptcy Act allowed for rejection of a debtor's contracts, it did not cover labor contracts that are governed by the Taft Act.

The appeals court, however, disagreed with both the district court and the Board. Under the federal Bankruptcy Act, the court observed, a bankrupt employer is "a new entity ... with its own rights and duties," subject to obligations similar to those of a successor employer, who, the court noted, is "generally not bound by the existing labor agreement."

Until the bankrupt company either "assumes the old agreement or makes a new one," the court stated, the debtor "is not subject to the termination restrictions" of the Taft Act's collective bargaining rules.

Arbitrator Rules for Union in Pension Credits Dispute

Pension plan benefits during the term of their employment by North Carolina Pulp Company must be paid by Weyerhauser Company, its successor, to the office employees, according to a ruling by an arbitrator after Plymouth, N.C. Local 354 brought their grievance to arbitration.

Arbitrator Robert W. Foster of the American Arbitration Association, who is also Dean of the Law School at the University of South Carolina, first ruled that the grievance was arbitrable over the company's objection.

He then decided that the Weyerhauser company had violated its collective bargaining agreement by failing to credit pre-1957 service with the North Carolina Pulp Company, later acquired by Weyerhauser, to members of the bargaining unit in computing pension plan benefits.

Arbiter Foster directed the company to credit such service to the clerical office employee members of the bargaining unit who have or will retire since the 1970 agreement between Weyerhauser and Local 354.

S.S. Wage Base

(Continued from page 1) Administration noted the silver lining:

"In return for the increase in taxes," Commissioner James B. Cardwell said: "This will mean higher benefits for them and their families in the event of retirement, disability or death than would have been possible without the increase in the base."

OPEIU Bargains in San Juan



The OPEIU recently held negotiations in San Juan, P.R., for a new contract covering employees of Puerto Rico Management, Inc., a government corporation set up some time ago to acquire Sealand Services Inc., as well as other container carriers on the island. Picture shows officials of San Juan Local 402 who greeted the International's negotiators on their arrival. From left are Local 402 Vice President Alfredo Aponte, President Gilberto Cruz, International Vice President John Kelly, Local 402 Secretary Ray Rivera, and New York Local 153 Business Representative Joe Scully. Another negotiating meeting was held in Washington, D.C., to give equal representation to all Local Unions representing more than 500 in the Sealand bargaining unit in various cities along the Atlantic and Gulf coasts. Final agreement has not yet been reached on the new contract.

New OPEIU Local Chartered



Secretaries and clerical employees of trade union offices in Pascagoula, Miss., were recently granted a charter as Local 489 to expand organizational efforts and other union activities throughout the state of Mississippi. Celebrating the establishment of the new Local are its officers and charter applicants. Kneeling from left: Betty Connor, Vice President Carolyn Phillips and Kathleen Alexander. Standing from left are Gwen Freeman, Sec.-Treas.; President Marilyn Ray, holding charter with Ed Lowe, President of the Pascagoula Metal Trades Council and advisor to the new Local, Dian Morgan, Recording Secretary, Sara Moncrief and Dolly Fulton.

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WHITE COLLAR

New York OPEIU Stewards Hold Annual Meeting



Approximately 500 Local 153 stewards from bargaining units all over Greater New York attended their annual conference in the Hotel Commodore. Above shows group at one of the business sessions. Local 153 is not only the largest OPEIU Local anywhere in North America, but is also said to be larger than those of any AFL-CIO union throughout the nation. It now numbers approximately 15,000 members. International Vice President John Kelly presided.

First OPEIU Staffer Gets AB Degree in Labor Studies

Donald E. Olson, Jr., Business Representative of Scattle's Local 8, is the first OPEIU staff member to receive a Bachelor of Arts degree in labor studies after completing a course at the AFL-CIO Labor Studies Center at Silver Spring, Md. The degree is confered in conjunction with Antioch College.

The core of the program is the Labor Studies major which enables students to relate their day-to-day activities in the labor movement to general economic, social and political developments.

The most distinctive feature of the Center's college degree program is the way it is adapted to fit the needs of individuals who cannot attend regular classes at traditional schools or colleges. The degree program revolves around week long "inresidence" sessions every six months at the Center's campus.

In addition to credits earned directly through the program, students receive credit for other learning experiences such as previous college work, experience in the labor movement, long-term labor education programs, and technical and vocational education.

Any union officer, representative or full time staff member interested in the college degree program can get complete information by contacting the College Degree Coordinator, AFL-CIO. Labor Studies Center, 10000 New Hampshire Ave., Silver Spring, Md., 20903.

Arbitrator Upholds Union in Fight for Member's Job

A member of Local 112 in Poughkeepsie, N.Y., was exonerated when the Union filed a grievance against his employer who had accused him of "falsifying company records" for personal gain, and brought the case to arbitration.

Following a hearing, Arbiter George Nicolau ruled that the De Laval Separator Company had failed to prove its case. He ordered that the grievant be completely exonerated, and restored to his job with full compensation including overtime pay.

Meanwhile, Local 112 President Gus L. Bonanno reports that a new two-year contract has been renegotiated with the company. It provides a \$14.80 weekly wage increase for the lowest grade, rising to a maximum of \$21.60 in the top classification for the first year, plus other fringe benefits.

Similar wage increases are scheduled for the second year.

International Representative Gene Dwyet assisted Local 112 in preparing the arbitration case, and also in negotiations for the new contract. He was assisted in both instances by President Bonnano, who chaired the negotiating committee, which included Vice President Anthony Massarone and Sec .-Treas. Walter Hauver.

New System Set Up for Address Change

Our WHITE COLLAR mailing list is now being maintained by social security numbers. If you move, your old and new address, with zip code and social security or social insurance number, should be included when you notify:

William A. Lowe, Sec.-Treas. 815 - 16th St., N.W. (Suite 606)

Washington, D.C. 20006



First OPEIU staffer to receive degree in Labor Studies at AFL-CIO Labor Studies Center, Seattle's Local 8 Business Representative Donald E. Olson, Jr., chats with AFL-CIO President George Meany, who handed him his diploma at the graduation.

New Haven OPEIU Prexy Wins Discipline Dispute

The Connecticut Board of Arbiter Harry B. Purcell de-Mediation & Arbitration ruled that Dominic Furco, president of New Haven Local 466, had been suspended for three days without "just cause" by the Community Health Care Center Plan, Inc., and ordered that he be made whole for lost pay after the Union filed a grievance.

Classified as an "enrollment associate," he integrates "open house activities with other enrollment personnel" and was willing to work "on all days of the weck." He had performed these duties many times but declined to work one held on March 9 for "personal reasons." As a consequence he was suspended for three days for insubordination.

the employer and the Union, arbitrator.

Quirk in Calendar Brings 4-Day Weekend Holidays

Four-day weekends await many workers due to a quirk in 1975's calendar, says The Wall Street Journal. Employers by the droves are deciding to let employees take off the day after Christmas and New Year's this year because both holidays fall. on Thursday.

clared: "In view of the grievant's past excellent record his declining to work on the day in question should not have been regarded as insubordination but more of a withholding of cooperation. At the most, it should have

drawn an oral warning if progressive discipline deserved to be applied." The arbitrator concluded that the employer did violate the contract in this matter in that it exercised its rights under the management clause in "an un-

reasonable and arbitrary manner.' International Representative

Justin F. Manning prepared and After hearing arguments of presented the case before the

"It's good for employee morale," according to one company spokesman.

Some companies merely switch normal days off on Christmas or New Year's for the Fridays, or deduct them from vacation time.

U.S. Supreme Court

December, 1975

(Continued from page 1)

that there must be an individualized determination of whether or not particular teachers would work.

The State of Utah, in its petition to the Supreme Court opposing review of the Utah court's ruling, sought to equate its unemployment benefits plan with a previous Court ruling; in other words, that the law under attack was simply a limitation on insurance coverage rather than a presumption that the women could not work.

The Supreme Court noted in, a footnote that this contention "conflicts" with the state's arguments before the Utah Supreme Court.

In the opinion, it said, that the Utah law established a "blanket disqualification" of women during the 18-week period involved and that this provision was "constitutionally invalid."

If you move, send your old and new address, including zip code and social security or social insurance number to:

William A. Lowe, Sec-Treas. 815 16th Street, N.W., Suite 606 Washington, D.C. 20006

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