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Killingsworth: STATE LABOR RELATIONS ACTS

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STATE LABOR RELATIONS ACTS. By *Charles C. Killingsworth*. Chicago: University of Chicago Press. 1948. \$4.

This book provides a thorough study of the many provisions of the eleven state labor relations acts in their present form and their relation to the national act and the United States Constitution. Despite the broad jurisdiction of the national labor act there remain important segments of industry over which the National Labor Relations Board cannot or does not assert authority. It has no jurisdiction in those cases not falling within the interstate commerce clause; it does not exercise jurisdiction over many labor disputes, in which there exists a

clear legal right to do so, because of budgetary or administrative considerations. It is such cases which state acts are designed to meet. The author points out that there exist two types of state acts: one "protective;" the other "restrictive." Those of the former category are patterned after the National Labor Relations Act of 1935 and forbid employers to interfere with the right of workers to combine or to bargain through their chosen representative. Those states which have a restrictive act combine most of the provisions of the protective laws with an imposition of restrictions upon unions and employees. It is this type of act which anticipated the Labor-Management Relations Act of 1947 (Taft-Hartley Act) on the national level. Many have argued that the limitations placed upon union activity merely equalize the protective policy, but Mr. Killingsworth points out that, in effect, they change the policy to one of restricting organization and collective bargaining. His conclusion here is based upon an analysis of the policy behind these acts. Those provisions of state acts which make proscribed activity of the employer an unfair labor practice are discussed. Three chapters are devoted to the newer problem of unfair labor practices of unions and employees. The author points out that whenever a state act attempts to limit the right of the union to employ peaceful tactics, it must be so written as to conform to the constitutional guarantee of the right to peaceful picketing as interpreted by the Supreme Court. The author examines in detail the procedure for election of bargaining representatives in various states, including a study of the appropriate bargaining unit and the novel craft-unit proviso which is now found in all states but one. There is also a thorough appendix of union-regulatory laws, other than the state labor relations acts. This book is highly recommended not only for its description of a little-known phase of labor legislation, but also as a basis for predicting how the provisions of the recent Labor-Management Relations Act are likely to be construed.