

Mr. O'HARA. That was a decision by the arbitrator?

Dr. HAUGHTON. Yes.

Mr. O'HARA. I wonder if you could help us in dealing with this aspect of the problem. What considerations went into the arbitrator's decision on the hiring-hall question?

Dr. HAUGHTON. I think that everybody is a product of his own biases, background, and so on.

I originally came from the west coast. Mr. Kagel is "Mr. West Coast" in terms of labor. We knew of hiring halls from experience in maritime and longshore industries in 1933, which is the year I got out of high school. They seemed to work, and they related to this sporadic employment type of situation. I would say this past experience had a great deal to do with our thinking.

A hiring hall would be much more shocking in my home State of Michigan than it was in San Francisco. It did not shock DiGiorgio, in my opinion. As a matter of fact it could be looked upon as an extension of the seniority arrangement that the parties themselves agreed to.

Given the California environment and experience, and given genuine seniority provisions, the parties themselves had already decided on a union shop, the hiring hall was not such an upsetting concept. We gave the company full freedom, I think, after 72 hours, to go out in the open market if the union couldn't deliver. In the meantime, hopefully, it saves the company a lot of trouble in the hiring process.

Mr. O'HARA. In other words, hiring halls have some advantages for the employer, because they give an incentive to the labor organization to assist in the recruiting process?

Dr. HAUGHTON. Yes.

The way this contract was written, seniority applied anyway. It is easier for the company to hire the person it has to hire under the seniority clause if they can find them. On the whole matters of the addresses of migrant farmworkers, we spent just days, all of us, looking for people. It can be difficult.

Mr. O'HARA. The point is that my bill does two things.

First, it amends the definitions of an "employee" so that it no longer excludes agricultural workers. One can say that all we are doing in dealing with agriculture is giving the same rights and obligations, vis-a-vis one another, to farm employers and farm employees, that others have had for many, many years.

Second, it contains hiring-hall provisions similar to those which the NLRA provides for certain other industries.

Dr. HAUGHTON. Where are you reading from there, Congressman?

Mr. O'HARA. The second section.

Dr. HAUGHTON. What lines from that?

Mr. O'HARA. Starting on line 8, page 1.

The hiring-hall procedure, in other words, would be an unfair labor practice were it not for the language starting on line 6.

Dr. HAUGHTON. I understand.

Mr. O'HARA. We are saying, in effect, that the hiring-hall procedure, because of the fluctuation of work force, and so forth, is appropriate in the farm industry.

Dr. HAUGHTON. But you are leaving it up to them to do it or not?