

ployers. And such determination will critically affect appropriate units, the bargaining duty, and whether employees will be covered by the act in terms of such jurisdictional standards as may be applied.

In determining the status of independent contractors, the act requires the application of the right-of-control test. The resolution of this question depends on the facts of each case and any one factor alone is not determinative.

The numerous labor contractors or crew leaders in agriculture and the variety of employment arrangements under which they may operate constitute a very real potential for the removal of large numbers of agricultural employees from the jurisdiction of the act if the proposed legislation is enacted without special consideration being given to this problem.

#### SUBSTITUTION OF THE TERM AGRICULTURAL LABORERS FOR AGRICULTURAL EMPLOYEES

H.R. 4769 contains the term "agricultural laborers." Since there are agricultural employees whose skills take them out of the laborer classification, the committee may wish to substitute the word "employees" for "laborers" in keeping with its apparent intent to apply the act to semiskilled and skilled agricultural employees as well as to laborers.

The Dictionary of Occupational Titles lists almost 750 different job classifications in agriculture. cursory review of the functions of these employees, among many other similarly occupied, may create doubt as to their coverage by the term "agricultural laborers."

In conclusion, no matter how much time was spent looking ahead in any new undertaking there would arise, of course, unexpected problems new to the Board's experience.

The field of labor-management relations is dynamic and ever changing and for 32 years now the Board has proved that it has the needed flexibility and the resourcefulness to cope with the uncertainties of our changing economic patterns.

It is for the Congress to determine whether now to extend the act to cover agricultural employees. If this be done, experience teaches that the Board usually can find workable solutions both for the problems anticipated and for those not yet foreseen.

Mr. THOMPSON. Thank you very much, Mr. Fields. This is extraordinarily fine, useful testimony. We especially appreciate the specific suggestions that run through it.

Mr. O'Hara?

Mr. O'HARA. Mr. Fields, I want to underscore what the chairman has said. I think your testimony has been extremely helpful in considering this legislation. The most important question in applying this act to a new field is: Will it work? And this is a question to which you have addressed yourself.

Without expressing an opinion on whether or not the NLRA should cover agricultural employees, you have given us insights into the question of whether or not it will work.

I would like to cover several additional points. By the way, before I do so, I would like to commend to all members of the committee the full statement that you submitted to the committee. A thorough reading and analysis of your statement, I think, will answer most of the questions that have been or will be raised.