

CORRESPONDENCE OF MISS VAN KLEECK WITH WAR LABOR POLICIES BOARD
1918
ENC. 2

*Appointment of staff members
to measure the co-operation
with Warman in Industry Service*

*Louis Van Kleeck
File: -*

COMMITTEE ON RELATION OF MILITARY TO INDUSTRIAL MAN-POWER
REPORT ON CIVILIAN VOCATIONAL TRAINING

Training

To Felix Frankfurter, Esq.

Chairman War Labor Policies Board:

The Committee on Relation of Military to Industrial Man-Power, in taking up the questions involved in civilian vocational training does so not in any administrative or executive capacity, but solely with the view of formulating policies and recommendations as to coordinating existing agencies, or the creation of new ones should that become necessary. All of this is directed toward rendering, if possible, some assistance to the Training and Dilution Division of the Labor Department, which is charged with this most important and difficult problem created by war activities, and to the Federal Board for Vocational Education which is charged with the duty of giving vocational rehabilitation training to the disabled men returned from the service and is also carrying on general vocational training.

As was stated in the Official Bulletin of August 14, 1918, by the Committee of Labor, Advisory Commission of the Council of National Defense, of which Mr. Samuel Compere is chairman, there is a grave shortage of skilled labor, and those less skilled should be trained so as to fill the needs for skilled labor, and the unskilled should be trained to take the places of those moving up to the work requiring the higher degrees of skill; and women should be employed under proper wages and working conditions.

The Committee on Relation of Military to Industrial Man-Power is, in the present matter, concerned primarily with only civilian training, as distinguished from such training as is conducted under the direction of the Committee on Education and Special Training (which reports to the general staff).

and by the Corps Schools, which, for the technical needs of the Army, train^S men for the service to supplement the supply obtained by the Committee on Classification and Personnel which reports to the Adjutant General. But any comprehensive plan for civilian training should be coordinated with the work of the above mentioned Committee and Schools, with the Women's Industrial Sections in the Ordnance Department, with the Industrial Parlor Section of the office of the Adjutant General and with the War Industries Board and that Board's certifying officer working in conjunction with the Parlor Section.

The existing Governmental agencies which have begun or are promoting work on civilian training are;

A. The Section on Industrial Training, of the Council of National Defense. According to the statement in the Official Bulletin of August 14, 1918, this section is concerned with Industrial training only as a war measure, and not with vocational education in general. It has been cooperating with branch committees in various states, and, to stimulate effort and arouse interest in training, the Chairman of the Section has addressed various manufacturer's associations throughout the country and assisted in the establishment of "Ventilator Schools" for intensive training in private plants.

B. The Federal Board for Vocational Education. This Board was created by the Act approved February 23, 1917, (known as the Smith-Hughes Law) to cooperate with the various states in paying the salaries of teachers of agricultural, trade, industrial and home economics subjects, and in the preparation of teachers for such subjects. Any state, in order to obtain the financial assistance provided for in this Act, must accept the provision of the Act and create a State Board to cooperate with the Federal Board, and must prepare plans (to be approved by the Federal Board) showing exactly what vocational education

it proposes to carry out, and must contribute an amount of money equal to that contributed by the Federal Board under the Act; and the education is to be given in schools or classes under public supervision or control (but they may be under such supervision or control at private plants), the State or local community providing the plant and equipment. The classes giving instruction to those who have not entered employment, must extend over nine months per year and not less than thirty hours per week, but this may be modified to meet local needs; the schools or classes for part-time instruction for workers over fourteen years of age, who have entered upon employment, must be for not less than 144 hours of class-room instruction per year; and there may be evening industrial schools. The Federal Board reports that, at the close of its first fiscal year, ending June 30, 1918;

The 48 states have accepted the cooperation. ~~Classes in ship-building~~
Classes in ship-building have been established in 11 states.
Teacher training classes have been established in 46 states.
Vocational courses in agriculture have been set up in 41 states.
In trade and industrial subjects in 29 states.

The following shows the number of schools in which courses are in operation in some of the States, but they are in others also;

	Agricultural	Home Economics	Trade and Industries
Massachusetts	19	29	36
New York	69		40
Pennsylvania	38	69	131
California	12	6	14
Indiana	37		21
Mississippi	34	3	1

Also, the "Smith-Scott Act", approved June 27, 1918, which is further known as the "Vocational Rehabilitation Act", vests in the Federal Board the duty of furnishing a course of vocational rehabilitation to every disabled person who, after discharged from the military or naval forces, is entitled to compensation under the Act of October 6, 1917 amending the War Risk Insurance Act and

and who is unable, in the opinion of the Federal Board, to resume his former occupation. During the period of rehabilitation, each man receives monthly compensation equal to the amount of his monthly pay for the last month of his active service, or the amount to which he would be entitled under the War Risk Insurance Act, whichever is the greater; and in the case of a man who was an enlisted man when discharged, his family receives the allotment and allowance according to the War Risk Insurance Act in the same manner as if he continued to be an enlisted man. The Federal Board is to provide for the placement of rehabilitated persons in suitable or gainful occupations. Funds are appropriated to enable the Federal Board to provide, equip and maintain buildings etc. necessary for proper instruction, to pay instructors, travelling expenses and subsistence of the disabled men, to pay tuition for those pursuing courses in existing institutions, for the placement of vocationally rehabilitated persons etc.

From the foregoing, it appears that the vocational training now being carried on is directed along two lines, each with a somewhat different end in view, namely:

(a) Training as a war measure and for war needs only, this being the aim of the Section on Industrial Training of the Council of National Defense, and of the Committee on Education and Special Training, and of the Corps Schools, in the Army.

(b) Vocational education for war and after-war requirements, this being the aim of the Federal Board for Vocational Education both in its present work in cooperation with the several states and also in its rehabilitation work.

Of course, the immediate necessity is to provide for the war requirements, but any plan devised for that purpose should be so framed as to be applicable to the larger and more permanent needs of agriculture and the industries

in order not only to provide for future expansion but also to compensate, insofar as may be possible, for the inevitable losses, incurred in the war, of man-power available for such work

The Federal Board for Vocational Education is the only existing agency which now has an organization and a means suitable for carrying out any comprehensive vocational civilian training. It is charged by the law with the duty of providing for the vocational rehabilitation of disabled soldiers and sailors, and it has already established its mechanism, which is now working in 45 of the states in cooperation with the states themselves, for general vocational education of civilians. Also training conducted under the direction of the Federal Board has the advantage that it is, to an equal extent, conducted by the states and the local communities, and this cannot fail to make the training more universally popular and more generally adopted than if it were conducted or directed entirely from Washington, or were left to be applied only in isolated, individual plants under private auspices. Undoubtedly the necessities may partially and in some localities, but not generally, be met by the so-called "vestibule schools" in private plants, but they require supplementing by some more comprehensive plan.

Of course, no training can properly and effectively be carried on unless it is known first, and from ^{time} to time, where the shortage of labor exists, and what kind of labor is there needed. The training work must obviously be conducted with the specific needs in view. These specific needs are now known, in part, to the Industrial Relaunch Division in the office of the Adjutant General, in part to the War Industries Board, and, in part, to the U.S. Employment Service. The last named agency already has an imposing list of the unfilled requirements for various classes of skilled labor in various localities and,

for its own necessities, its mechanism for obtaining this information is being increased and further organized, and to this end it is to cooperate with the War Industries Board and its Regional Directors. From these existing sources lists can even now be obtained which would keep busy for some time any training plan that could be devised.

The matter of introducing women workers into the industries, to a greater extent than at present, must, of course, enter into any general plan that is adopted. And this involves a consideration of not only the classes of work which women may do but questions of hours, shifts, rates of pay, suitable transportation and housing facilities and plant conditions.

Then, assuming that men and women have been trained for occupations, the matter of placing them in suitable work and ascertaining (at least so long as war conditions exist) whether they are there being used as effectively as they are capable of being employed, must be provided for. This, in both of its aspects, is within the scope of the plans of the U. S. Employment Service with reference to the men whom it places in the industries, as it proposes to continue to supply labor to only those plants which make effective use of the workers whom they already have. But some special plan, to supplement the work of the Employment Service, should be adopted in connection with the War Industries Board, and directed toward following up the men and women to be trained for the industries.

It is understood that the regulations in France prescribe that every manufacturer employing 300 or more persons must maintain a training department, and that the English Ministry of Munitions requires, in its contracts, includes a somewhat similar requirement. Further, it is understood that in England various manufacturers are obliged to employ certain prescribed percentages of women workers. This Committee ^{believes} ~~requires~~ that no contract provisions of this

character will be found to be necessary if the War Industries Board operates in this matter along the lines hereinafter suggested.

In view of the foregoing and on the basis of conference a met only between the several members of the Committee but also with Mr. Clayton, Director of the Division of Training and Dilution, Miss Van Kleeck, Director of Women in Industry Service, Mrs. Neale and others of the U. S. Employment Service, and Mr. Winslow of the Federal Board of Vocational Education, this Committee recommends:

1. That the Division of Training and Dilution immediately obtain from the U. S. Employment Service, the War Industries Board and the Industrial Purlough Division the information now in their possession as to the present shortages of labor in the several communities, and take this up with the Federal Board for Vocational Education to the end that the latter may immediately arrange for training men, in cooperation with the states and local communities, along the lines of the needs in the various places where the shortage exists. This may be done at once without waiting for the working out of other details of the complete plan. The obtaining of such information ^{should} be continued and similarly be taken up with the Federal Board from time to time.

2. That the establishment of "vestibule schools" along the lines which have been followed by the Section of Industrial Training of the Council of National Defense be continued by the Division of Training and Dilution, in order to supplement the work of the Federal Board for Vocational Education and also in order to provide for shorter courses of training in those instances in which such short and more intensive courses may be applicable for fitting persons for special war work not requiring a more thorough training.

3. That the Division of Training and Dilution establish a simple mechanism for keeping closely and constantly in touch with

(a) the activities and training methods of the Federal Board for

Exhibit 3
p. 9.

Vocational Education and with the Committee on Education and Special Training and the Corps Schools, and with the Section of Industrial Training, of the Council of National Defense, in order that the various lines of training may be coordinated, and

(b) with the U. S. Employment Service and with the War Industries Board and its certifying officer and the Industrial Furlough Section of the office of the Adjutant General, and with the District offices of the Ordnance Department, in order that the needs for various classes of workers in the various communities may constantly be known and the training work may effectively be directed toward meeting the specific needs; and

(c) with the Women in Industry Service of the Department of Labor and the Women's Section of the U. S. Employment Service, in order that the requirements of women workers may be ascertained and met.

4. That the Division of Training and Dilution, in cooperation with the *Women in Industry Service,* ~~the several Women's Sections mentioned above,~~ ascertain for what classes of work women may effectively and properly be employed, and then arrange for their training through the Federal Board for Vocational Education and the "vestibule schools".

5. That the Division of Training and Dilution, in cooperation with the U. S. Employment Service, the War Industries Board and the Federal Board for Vocational Training, attend to the placing in the industries of the men and women who have been trained, and follow up the work given to them to do so as to see that they are being employed effectively and in proper surroundings. In so far as concerns women, this also should be done in cooperation with the Women in Industry Service and the Working Conditions *retention or* Service, and with the women inspectors of the War Department and the Navy Department, if such inspectors are appointed.

3. That the War Industries Board, through Regional Instructors or ^{and the Ordnance and other contracting departments of the Government.} otherwise, not only cooperate in ascertaining the needs of labor in the various occupations and communities, but also ^{for} ~~forcibly~~ impress upon the industries the necessity of adopting or cooperating in vocational training either through schools established by the joint action of the local committees and the Federal Board of Vocational Education, or through "vestibule schools" in their own plants; and impress upon them also the necessity of introducing women workers and the establishment of conditions suitable for their employment ^{in those plants in which such workers may be found to be required.}

This Committee believes that the foregoing plan has the advantages that it may immediately be put into effect, that it utilizes existing agencies and requires the creation of no new ones and that it provides not only for intensive war training but also for training of a more permanent and thorough character.

(Add importance of haste)

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p. 7

see page 5

TENTATIVE MEMORANDUM ON PRICE CONTROL

The interest of the War Labor Policies Board in price stabilization grows out of the fact that failure to stabilize prices results in (1) industrial unrest and (2) renders difficult the standardization of wages-
As to

(1) Industrial Unrest

The belief that manufacturers and producers are making excessive profits has been found to result in unrest and dissatisfaction among the workers.

The British Commission on Industrial Unrest appointed in 1917 found that food prices and profiteering were the two main causes of unrest in Great Britain and that the actual increase in the cost of living did not appear to be so important a factor in the workers' mind as the belief that profiteering existed. *

In a memorandum from Robert P. Skinner, American Consul General at London, to Secretary Lansing, dated September 7, 1917, is found the following. "It might be remarked that the drastic control of prices exercised within the last few days grew out of the investigation of numerous labor difficulties throughout the country. The general opinion of authorities seems to be that the original causes of these difficulties is the upward movement of prices of necessities of life, and especially the profiteering of middlemen."

The Division of Conciliation of the United State's Department of Labor in its report for the week ending August 10, said, that strikes were most numerous in the places where cost of living was the highest.

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Industrial Unrest - The Report of the Commissioner, July, 1917 -

Collated and Epitomized by Sir William Chance.

The Report of the Federal Trade Commission on Profiteering and the Report of the Treasury Department on Corporate Earnings submitted to the Senate in response to the Senate Resolution of June 1, 1918 has convinced a very large public that prices are unnecessarily high and that the manufacturer is profiteering at the cost of the government and of the general public.

Attached is a statement (Exhibit A) prepared from the Treasury Report giving the highest, lowest and average net earnings in the most important industries affecting cost of living.

The demand of the labor press that profiteering be controlled finds its justification in these reports and in the analysis of prices made by the Bureau of Labor Statistics.

A tabular statement prepared by this Bureau showing variations in the wholesale prices of food, cloth and clothing, fuel and light, and household furnishings and changes in the retail prices of food stuffs* since January, 1917, is attached (Exhibit B). An analysis of these figures is illuminating. From the index numbers it will be noted that the wholesale prices of food stuffs were at their highest point in May, 1917, but the retail prices of the same articles have advanced 10% since that date. Prices of fuel and light have fluctuated around the price of January, 1917. Cloth and clothing have soared in price during the last year and a half, the figures showing a 44% increase in July, 1918, over May, 1917. Household furnishing goods rose in price during 1917, but seem to have reached a temporary level in January, 1918. These

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The Retail prices prepared for the other commodities are not comparable.

facts the worker knows as a purchaser and concludes that the government is failing in an important obligation to itself and to the workers to stabilize prices.

Relation to Wage Standardization

The value of price stabilization for securing agreement as to standard wages is obvious. At present anticipation on the part of manufacturers that the cost of labor and raw material in production will be much higher, leads each to attempt to cover in their demands all possible and imaginary increases. Rising prices appear to the worker and to the public as a legitimate reason for continual demands for an increase in wages. Re-adjustment of wage standards will be necessary as conditions change but if prices are not controlled demands for re-adjustments will be so frequent as to render largely ineffective the efforts of the Board at standardization. In the words of Lord Rhondda "if prices in relation to wages are too high the factors - moral, economic, and social - on which the prosecution of the war depends, become sources of danger to the nation. Discouragement, loss of working power, and enmity toward the state may all result." *

The Trade Union Congress of Great Britain meeting in annual convention, passed a resolution by general assent urging upon the Government the "necessity of immediate steps being taken for the purchase by the Government, of all essential food stuffs, the commandeering of ships, the controlling of freights and all home products." for "wage

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Interview with Lord Rhondda sent to the New York Tribune, July 16, 1917. M.M.S. Food Administration Library.

advances are of no service if the cost of living rises so continuously." *

A similar but less drastic resolution was passed by the Conference of Representatives of the International Labor Organizations of Canada, June, 1917. **

How Price Control can be Accomplished

The Commissioner of Labor Statistics in a letter of August 29th to the President calls attention to the possibility and usefulness of price control as exemplified by the decrease in the wholesale price of food and the stabilization of the price of fuel, as compared with the great increase in the price of cloth and clothing. He urges upon the President the appointment of a Clothing and Textile Administrator to deal with the latter situation.

The advisability of supporting the recommendation of Dr. Meeker resolves itself into a question of increasing the number of price fixing agencies. Such an administrator could not be appointed without legislative action, and if further power to control prices is to be granted by Congress, it might be advisable to give that power to a single agency or at least to an agency now in existence, rather than to create a new one to control a limited number of commodities.

Whether price stabilization shall be accomplished by limiting profits, by restricting or prohibiting particular operations, or by taking over part of the machinery of distribution, can best be decided by the agencies entrusted with the power of control.

*

49th Annual Report of the Trad Union Congress, England, September 7, 1917.

**

6th Annual Report of the Labor Organizations in Canada, 1917. Published by the Department of Labor. Canada, June, 1917.

It is for us to call their attention to the close relationship existing between price stabilization and wage stabilization and leave to them the determination of the methods to be pursued.

In view of the urgency of the situation it is recommended that the War Labor Policies Board adopt the following resolution:

WHEREAS the War Labor Policies Board has approved the policy of wage stabilization and

WHEREAS the full success of this policy is dependent upon price stabilization and the elimination of profiteering and

WHEREAS neither price stabilization nor the elimination of profiteering is a fully accomplished fact.

THEREFORE BE IT RESOLVED that the War Industries Board and the Food Administration be urged to take such measures as in their judgment would be necessary to stabilize prices of food, cloths and clothing and household furnishing goods, and to eliminate profiteering.

Exhibit A

MANUFACTURING

	Highest	Lowest	Simple Average
Cotton	32.05	16.01	22.85
Wool and Worsted	91.53	9.60	41.72
Gray and Brown Un finished Sheeting	123.32	15.05	32.43
Silk Natural and Artificial	68.92	5.80	19.58
Garments	277.00	4.39	28.89
Hosiery and Knit Goods	144.26	7.48	30.18
House Furnishing Goods	40.48	5.80	19.59
Boots and Shoes	158.98	6.58	27.63

AGRICULTURE

Mixed Farming	117.44	15.02	30.68
Grain Growing	41.08	1.56	17.92
Fruit and Veg- etable Growing	121.67	1.75	29.94

FOOD PREPARATIONS

Flour, Feed and Grist Mills	265.81	15.13	30.48
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TRADING

Department Stores	104.70	5.78	25.51
Jobbers *	165.88	6.49	33.93

 *

In hosiery and knit goods, garment manufacturing, flour, feed and grist mills, department stores, and jobbers, the average is for ninety firms taken at random.

Exhibit B

Index numbers of wholesale price of food, cloths and clothing, household furnishing goods, fuel and lighting, and of retail prices of food in the United States from January 1, 1917, to May or July, 1918.

Taken from unpublished reports of the Bureau of Labor Statistics and the Monthly Labor Review for July, 1918.

(1913 = 100)

(The initials W= Wholesale; R = Retail)						
Year and Month:	Food	Cloths Clothing	Household furnishing goods	Fuel and lighting	Food	
	W	W	W	W	R	
1917						
January	150	161	128	170	128	
February	160	162	129	178	133	
March	161	163	129	181	133	
April	182	169	151	178	145	
May	191	173	151	187	151	
June	187	179	162	193	152	
July	180	187	165	183	146	
August	180	193	165	159	149	
September	178	193	165	155	153	
October	183	191	165	143	157	
November	184	202	175	151	155	
December	185	206	175	153	157	
1918						
January	188	209	188	169	160	
February	187	213	188	171	161	
March	178	220	188	171	154	
April	179	230	188	170	154	
May	178	234	188	171	158	
June	180	243			162	
July	185	249			167	

NATIONAL WAR LABOR BOARD

REPRESENTING EMPLOYERS

LOYALL A. OSBORNE
C. E. MICHAEL
W. H. VAN DERVOORT
B. L. WORDEN
F. C. HOOD

WILLIAM H. TAFT - FRANK P. WALSH

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W. JETT LAUCK, SECRETARY

REPRESENTING LABOR

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THOMAS J. SAVAGE
VICTOR A. OLANDER
T. A. RICKERT



Proclamation of the President of the United States Creating the National War Labor Board

Its Functions and Powers

Principles Governing Industry

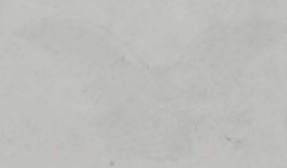
Method of Presenting Complaints and Procedure

WASHINGTON

1918

NATIONAL WAR LABOR BOARD

OFFICE OF THE CHAIRMAN
WASHINGTON, D. C.
1918



Proclamation of the President
of the United States
the National War Labor Board

The Board is composed of

Members of the Board

Method of the Board

1918

A PROCLAMATION

Whereas in January, nineteen hundred and eighteen, the Secretary of Labor, upon the nomination of the president of the American Federation of Labor and the president of the National Industrial Conference Board, appointed a War Labor Conference Board for the purpose of devising for the period of the war a method of labor adjustment which would be acceptable to employers and employees; and

Whereas said board has made a report recommending the creation for the period of the war of a National War Labor Board with the same number of members as, and to be selected by the same agencies that created, the War Labor Conference Board, whose duty it shall be to adjust labor disputes in the manner specified, and in accordance with certain conditions set forth in the said report; and

Whereas the Secretary of Labor has, in accordance with the recommendation contained in the report of said War Labor Conference Board dated March 29, 1918, appointed as members of the National War Labor Board Hon. William Howard Taft and Hon. Frank P. Walsh, representatives of the general public of the United States; Messrs. Loyall A. Osborne, L. F. Loree, W. H. Van Dervoort, C. E. Michael, and B. L. Worden, representatives of the employers of the United States; and Messrs. Frank J. Hayes, William L. Hutcheson, William H. Johnston, Victor A. Olander, and T. A. Rickert, representatives of the employees of the United States:

Now, therefore, I, WOODROW WILSON, President of the United States of America, do hereby approve and affirm the said appointments and make due proclamation thereof and of the following for the information and guidance of all concerned:

The powers, functions, and duties of the National War Labor Board shall be to settle by mediation and conciliation controversies arising between employers and workers in fields of production necessary for the effective conduct of the war, or in other fields of national activity, delays and obstructions in which might, in the opinion of the National Board, affect detrimentally such production; to provide, by direct appointment, or otherwise, for committees or boards to sit in various parts of the country where controversies arise and secure settlement by local mediation and conciliation; and to summon the parties to controversies for hearing and action by the National Board in event of failure to secure settlement by mediation and conciliation.

The principles to be observed and the methods to be followed by the National Board in exercising such powers and functions and performing such duties shall be those specified in the said report of the War Labor Conference Board dated March 29, 1918, a complete copy of which is hereunto appended.

The National Board shall refuse to take cognizance of a controversy between employer and workers in any field of industrial or other activity where there is by agreement or Federal law a means of settlement which has not been invoked.

And I do hereby urge upon all employers and employees within the United States the necessity of utilizing the means and methods thus provided for the adjustment of all industrial disputes, and request that during the pendency of mediation or arbitration through the said means and methods, there shall be no discontinuance of industrial operations which would result in curtailment of the production of war necessities.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done in the District of Columbia, this eighth day of April, in the year of our Lord one thousand nine hundred and eighteen, and of the independence of the United States the one hundred and forty-second.

[SEAL.]

By the President:

ROBERT LANSING,

Secretary of State.

WOODROW WILSON.

A TESTIMONY

Witness is a laborer, married, and has a family. He is a member of the National Industrial Conference Board, and has been appointed a member of the War Labor Conference Board for the purpose of devising a method of labor adjustment which would be acceptable to employers and employees.

Witness has made a report recommending the creation of the War Labor Conference Board for the purpose of devising a method of labor adjustment which would be acceptable to employers and employees. The War Labor Conference Board was created by the War Labor Control Act, and its duty is to adjust labor disputes to the extent possible, and in accordance with certain conditions set forth in the Act.

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The War Labor Conference Board is a body created by the War Labor Control Act, and its duty is to adjust labor disputes to the extent possible, and in accordance with certain conditions set forth in the Act. The Board is composed of representatives of employers and employees, and its members are appointed by the President of the United States.

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Witness

By the President,
Robert L. Taylor,
Secretary of State.

FUNCTIONS, POWERS AND DUTIES OF THE BOARD

The functions and powers of the National War Labor Board are as follows:

To bring about a settlement, by mediation and conciliation, of every controversy arising between employers and workers in the field of production necessary for the effective conduct of the war.

To do the same thing in similar controversies in other fields of national activity, delays and obstructions in which may, in the opinion of the National Board, affect detrimentally such production.

To provide such machinery, by direct appointment or otherwise, for the selection of committees or boards to sit in various parts of the country where controversies arise, to secure settlement by local mediation and conciliation.

To summon the parties to the controversy for hearing and action by the National Board in case of failure to secure settlement by local mediation and conciliation.

If the sincere and determined effort of the National Board shall fail to bring about a voluntary settlement and the members of the board shall be unable unanimously to agree upon a decision, then and in that case and only as a last resort an umpire appointed in the manner provided in the next paragraph shall hear and finally decide the controversy under simple rules of procedure prescribed by the National Board.

The members of the National Board shall choose the umpire by unanimous vote. Failing such choice, the name of the umpire shall be drawn by lot from a list of ten suitable and disinterested persons to be nominated for the purpose by the President of the United States.

The National Board shall hold its regular meetings in the city of Washington, with power to meet at any other place convenient for the board and the occasion.

The National Board may alter its methods and practice in settlement of controversies hereunder from time to time as experience may suggest.

The National Board shall refuse to take cognizance of a controversy between employer and workers in any field of industrial or other activity where there is by agreement or Federal law a means of settlement which has not been invoked.

The place of each member of the National Board unavoidably detained from attending one or more of its sessions may be filled by a substitute to be named by such member as his regular substitute. The substitute shall have the same representative character as his principal.

The National Board shall have power to appoint a secretary and to create such other clerical organization under it as may be in its judgment necessary for the discharge of its duties.

The National Board may apply to the Secretary of Labor for authority to use the machinery of the Department in its work of conciliation and mediation.

The action of the National Board may be invoked, in respect to controversies within its jurisdiction, by the Secretary of Labor or by either side in a controversy or its duly authorized representative. The board, after summary consideration, may refuse further hearing if the case is not of such character or importance as to justify it.

In the appointment of committees of its own members to act for the board in general or local matters, and in the creation of local committees, the employers and the workers shall be equally represented.

The representatives of the public in the board shall preside alternately at successive sessions of the board or as agreed upon.

FUNCTIONS, POWERS AND DUTIES OF THE BOARD

The functions and powers of the National War Labor Board are as follows:

To bring about a settlement, by mediation and conciliation, of every controversy arising between employers and workers in the field of production necessary for the effective conduct of the war.

To do the same thing in similar controversies in other fields of national activity, delays and obstructions in which may, in the opinion of the National Board, affect detrimentally such production.

To provide such machinery, by direct appointment or otherwise, for the selection of committees or boards to sit in various parts of the country when controversies arise to secure settlement by local mediation and conciliation.

To summon the parties to the controversy for hearing and action by the National Board in case of failure to secure settlement by local mediation and conciliation.

If the summary and determined effect of the National Board shall fail to bring about a voluntary settlement and the members of the board shall by majority vote unanimously to agree upon a hearing, then and in that case and only in that case may a hearing be held in the manner provided in the next paragraph shall hear and finally decide the controversy under simple rules of procedure prescribed by the National Board.

The members of the National Board shall choose the umpire by unanimous vote. Failing such choice, the name of the umpire shall be drawn by lot from a list of ten suitable and disinterested persons to be nominated for the purpose by the President of the United States.

The National Board shall hold its regular meetings in the city of Washington, with power to meet at any other place convenient for the board and the occasion.

The National Board may alter its methods and practice in settlement of controversies hereunder from time to time as experience may suggest.

The National Board shall refuse to take cognizance of a controversy between employer and workers in any field of industrial or other activity where there is by agreement or Federal law a means of settlement which has not been invoked.

The place of each member of the National Board unavoidably detained from attending one or more of its sessions may be filled by a substitute to be named by such member as his regular substitute. The substitute shall have the same representative character as his principal.

The National Board shall have power to appoint a secretary and to create such other clerical organization under it as may be in its judgment necessary for the discharge of its duties.

The National Board may sign to the Secretary of Labor for authority to use the machinery of the Department in its work of conciliation and mediation.

The action of the National Board may be invoked in respect to controversies within its jurisdiction by the Secretary of Labor or by either side in a controversy or its duly authorized representative. The board after summary consideration, may refuse further hearing if the case is not of such character or importance as to justify it.

In the appointment of committees of its own members to act for the board in general or local matters, and in the creation of local committees, the employers and the workers shall be equally represented.

The representatives of the public in the board shall preside alternately at successive sessions of the board or as agreed upon.

PRINCIPLES AND POLICIES TO GOVERN RELATIONS BETWEEN WORKERS AND EMPLOYERS IN WAR INDUSTRIES FOR THE DURATION OF THE WAR

THERE SHOULD BE NO STRIKES OR LOCKOUTS DURING THE WAR

RIGHT TO ORGANIZE.

The right of workers to organize in trade-unions and to bargain collectively through chosen representatives is recognized and affirmed. This right shall not be denied, abridged, or interfered with by the employers in any manner whatsoever.

The right of employers to organize in associations of groups and to bargain collectively through chosen representatives is recognized and affirmed. This right shall not be denied, abridged, or interfered with by the workers in any manner whatsoever.

Employers should not discharge workers for membership in trade-unions, nor for legitimate trade-union activities.

The workers, in the exercise of their right to organize, shall not use coercive measures of any kind to induce persons to join their organizations nor to induce employers to bargain or deal therewith.

EXISTING CONDITIONS.

In establishments where the union shop exists the same shall continue, and the union standards as to wages, hours of labor, and other conditions of employment shall be maintained.

In establishments where union and nonunion men and women now work together and the employer meets only with employees or representatives engaged in said establishments, the continuance of such conditions shall not be deemed a grievance. This declaration, however, is not intended in any manner to deny the right or discourage the practice of the formation of labor unions or the joining of the same by the workers in said establishments, as guaranteed in the last paragraph, nor to prevent the War Labor Board from urging or any umpire from granting, under the machinery herein provided, improvement of their situation in the matter of wages, hours of labor, or other conditions as shall be found desirable from time to time.

Established safeguards and regulations for the protection of the health and safety of workers shall not be relaxed.

WOMEN IN INDUSTRY.

If it shall become necessary to employ women on work ordinarily performed by men, they must be allowed equal pay for equal work and must not be allotted tasks disproportionate to their strength.

HOURS OF LABOR.

The basic eight-hour day is recognized as applying in all cases in which existing law requires it. In all other cases the question of hours of labor shall be settled with due regard to governmental necessities and the welfare, health, and proper comfort of the workers.

MAXIMUM PRODUCTION.

The maximum production of all war industries should be maintained and methods of work and operation on the part of employers or workers which operate to delay or limit production, or which have a tendency to artificially increase the cost thereof, should be discouraged.

MOBILIZATION OF LABOR.

For the purpose of mobilizing the labor supply with a view to its rapid and effective distribution, a permanent list of the number of skilled and other workers available in different parts of the

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The right of employers to organize in associations or groups and to bargain collectively through chosen representatives is recognized and affirmed. This right shall not be denied, abridged, or interfered with by the workers in any manner whatsoever.

Employers should not discriminate against workers for membership in trade unions, nor for legitimate trade union activities.

The workers, in the exercise of their right to organize, shall not use coercive measures of any kind to induce persons to join their organizations nor to induce employers to bargain or deal there-with.

EXISTING CONDITIONS

In establishments where the union shop exists the same shall continue, and the union standards as to wages, hours of labor, and other conditions of employment shall be maintained.

In establishments where union and nonunion men and women now work together and the employer treats both with equality, no discrimination shall be made against either group. The maintenance of such conditions shall not be deemed a grievance. This declaration, however, is not intended in any manner to deny the right or the power of the workers to organize in the past, present, or future, or to prevent the workers in said establishments as provided in the last paragraph, nor to prevent the War Labor Board from acting or any agency from granting under the machinery herein provided, improvement of their situation in the matter of wages, hours of labor, or other conditions as they may be found desirable from time to time.

Established standards and regulations for the protection of the health and safety of workers shall not be relaxed.

WOMEN IN INDUSTRIAL SERVICE

It shall become necessary to employ women on work ordinarily performed by men. They must be afforded equal pay for equal work and must not be allotted tasks disproportionate to their strength.

HOURS OF LABOR

The basic eight-hour day is recognized as applying in all cases in which existing law remains in effect. In all other cases the question of hours of labor shall be settled with due regard to government necessities and the welfare, health, and proper comfort of the workers.

MAXIMUM PRODUCTION

The maximum production of all war industries should be maintained and methods of work and operation on the part of employers or workers which operate to delay or limit production, or which have a tendency to artificially increase the cost thereof, should be discouraged.

MOBILIZATION OF LABOR

For the purpose of mobilizing the labor supply with a view to its prompt and effective distribution, a permanent list of the number of skilled and other workers available in different parts of the

nation shall be kept on file by the Department of Labor, the information to be constantly furnished—

1. By the trade-unions.
2. By State employment bureaus and Federal agencies of like character.
3. By the managers and operators of industrial establishments throughout the country.

These agencies shall be given opportunity to aid in the distribution of labor as necessity demands.

CUSTOM OF LOCALITIES.

In fixing wages, hours, and conditions of labor, regard should always be had to the labor standards, wage scales, and other conditions prevailing in the localities affected.

THE LIVING WAGE.

1. The right of all workers, including common laborers, to a living wage is hereby declared.
2. In fixing wages, minimum rates of pay shall be established which will insure the subsistence of the worker and his family in health and reasonable comfort.

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1. The right of all workers, including common laborers, to a living wage is hereby declared.
2. In fixing wages, minimum rates of pay shall be established which will insure the subsistence of the worker and his family in health and reasonable comfort.

METHOD OF PRESENTING COMPLAINTS AND PROCEDURE

Any person desiring to bring before the National War Labor Board an issue between employer and employees, of which the board has cognizance, shall deliver to the secretary of the board a written statement, signed by him, with his proper post-office address at his home and in Washington. The statement shall contain a brief description of the grievance and the names of the persons or corporations against whom he complains, with their post-office address.

Where an employer and employees both desire to submit a controversy to the board, they shall sign a short joint statement of the issue between them, with their respective post-office addresses, and request the action of the board. They shall deliver this signed statement to the secretary of the board.

Controversies in which the Secretary of Labor invokes the action of the board, together with the documents transmitted by him, shall be delivered to the secretary of the board.

Such complaints, submissions, and references by the Secretary of Labor shall be received by the secretary of the board and filed in his office, and indorsed with the date of filing.

The secretary of the board shall keep one docket for the filing of all complaints, submissions, and references, and shall number them on the docket in the order in which they are received and filed. Thereafter the cases shall be referred to by such number.

Where the complaint or submission filed shall show clearly that another board than this has primary jurisdiction therein, the secretary is authorized to direct the proper reference, and to advise the party or parties initiating the proceeding of such reference. At the next session of the board the secretary shall advise the board of his disposition thereof.

The secretary of the board shall digest all cases presented and bring them to the prompt attention of the board for its action.

ORGANIZATION OF THE BOARD FOR HEARINGS AND ADJUSTMENT

Two members of the board, one from the employers' side and one from the employees' side, shall be appointed to act for the board in respect to every local controversy, the members to be named by the joint chairmen at the instance of the respective groups of the board. These members shall be called a section of the board, and shall hear and adjust cases assigned to them. If they cannot effect any adjustment, they shall summarize and analyze the facts and present the same to the board with their recommendations.

The National Board may appoint permanent local committees in any city or district to act in cases therein arising. In the selection of such local committees, recommendations will be received by the National Board from associations of employers and from the central labor body of the city or district and other properly interested groups. Sections of the board are authorized to appoint temporary local committees where permanent local committees have not been appointed by the board.

ARBITRATION

When the board, after due effort of its own, through sections, local committees, or otherwise, finds it impossible to settle a controversy, the board shall then sit as a board of arbitration, decide the controversy, and make an award, if it can reach a unanimous conclusion. If it cannot do this, then it shall select an umpire, as provided, who shall sit with the board, review the issues, and render his award.

COORDINATION OF THE WORK OF EXISTING BOARDS

To comply with the direction of the President in his proclamation of April 8, 1918, constituting this National War Labor Board, it will hear appeals in the following cases:

Where the principles established by him in such proclamation have been violated.

Where an award made by a board has not been put into effect by employers, or where the employees have refused to accept or abide by such award.

To determine questions of jurisdiction as between Government boards.

Appeals will not be heard by the National War Labor Board from the decisions of regularly constituted boards of appeal, nor from any other board to revise findings of fact.

REPRESENTING EMPLOYERS

LOYALL A. OSBORNE
P. F. SULLIVAN, ALTERNATE
C. E. MICHAEL
J. W. MARSH, ALTERNATE
W. H. VAN DERVOORT
H. H. RICE, ALTERNATE
C. A. CROCKER
HAROLD O. SMITH, ALTERNATE
B. L. WORDEN

WILLIAM H. TAFT

JOINT CHAIRMEN

FREDERICK N. JUDSON WM. HARMAN BLACK

VICE CHAIRMEN

W. JETT LAUCK, SECRETARY

BASIL M. MANLY

REPRESENTING LABOR

FRANK J. HAYES
ADAM WILKINSON, ALTERNATE
W. L. HUTCHESON
T. M. GUERIN, ALTERNATE
WM. H. JOHNSTON
FRED HEWITT, ALTERNATE
VICTOR A. OLANDER
MATTHEW WOLL, ALTERNATE
T. A. RICKERT
JOHN J. MANNING, ALTERNATE

NATIONAL WAR LABOR BOARD
WASHINGTON

PRINCIPLES
and
RULES OF PROCEDURE



WASHINGTON
GOVERNMENT PRINTING OFFICE
1919

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NATIONAL WAR LABOR BOARD.

PRINCIPLES.

PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES.

Whereas in January, nineteen hundred and eighteen, the Secretary of Labor, upon the nomination of the president of the American Federation of Labor and the president of the National Industrial Conference Board, appointed a War Labor Conference Board for the purpose of devising for the period of the war a method of labor adjustment which would be acceptable to employers and employees; and

Whereas said board has made a report recommending the creation for the period of the war of a National War Labor Board with the same number of members as, and to be selected by the same agencies that created, the War Labor Conference Board, whose duty it shall be to adjust labor disputes in the manner specified, and in accordance with certain conditions set forth in the said report; and

Whereas the Secretary of Labor has, in accordance with the recommendation contained in the report of said War Labor Conference Board dated March 29, 1918, appointed as members of the National War Labor Board Hon. William Howard Taft and Hon. Frank P. Walsh, representatives of the general public of the United States; Messrs. Loyall A. Osborne, L. F. Loree, W. H. Van Dervoort, C. E. Michael, and B. L. Worden, representatives of the employers of the United States; and Messrs. Frank J. Hayes, William L. Hutcheson, William H. Johnston, Victor A. Olander, and T. A. Rickert, representatives of the employees of the United States:

Now, therefore, I, WOODROW WILSON, President of the United States of America, do hereby approve and affirm the said appointments and make due proclamation thereof and of the following for the information and guidance of all concerned:

The powers, functions, and duties of the National War Labor Board shall be to settle by mediation and conciliation controversies arising between employers and workers in fields of production necessary for the effective conduct of the war, or in other fields of national activity, delays and obstructions in which might, in the opinion of the National Board, affect detrimentally such production; to provide, by indirect appointment, or otherwise, for committees or boards to sit in various parts of the country where controversies arise and secure settlement by local mediation and conciliation; and to summon the parties to controversies for hearing and action by the National Board in event of failure to secure settlement by mediation and conciliation.

The principles to be observed and the methods to be followed by the National Board in exercising such powers and functions and performing such duties shall be those specified in the said report of the War Labor Conference Board dated March 29, 1918, a complete copy of which is hereunto appended.¹

The National Board shall refuse to take cognizance of a controversy between employer and workers in any field of industrial or other activity where there is by agreement or Federal law a means of settlement which has not been invoked.

And I do hereby urge upon all employers and employees within the United States the necessity of utilizing the means and methods thus provided for the adjustment of all industrial disputes, and request that during the pendency of mediation or arbitration through the said means and methods, there shall be no discontinuance of industrial operations which would result in curtailment of the production of war necessities.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done in the District of Columbia, this eighth day of April, in the year of our Lord one thousand nine hundred and eighteen, and of the independence of the United States the one hundred and forty-second.

[SEAL.]

WOODROW WILSON.

By the President:

ROBERT LANSING,
Secretary of State.

FUNCTIONS, POWERS, AND DUTIES OF THE BOARD.

The functions and powers of the National War Labor Board are as follows:

To bring about a settlement, by mediation and conciliation, of every controversy arising between employers and workers in the field of production necessary for the effective conduct of the war.

To do the same thing in similar controversies in other fields of national activity, delays and obstructions in which may, in the opinion of the National Board, affect detrimentally such production.

To provide such machinery, by direct appointment or otherwise, for the selection of committees or boards to sit in various parts of the country where controversies arise, to secure settlement by local mediation and conciliation.

To summon the parties to the controversy for hearing and action by the National Board in case of failure to secure settlement by local mediation and conciliation.

If the sincere and determined effort of the National Board shall fail to bring about a voluntary settlement and the members of the board shall be unable unanimously to agree upon a decision, then and in that case and only as a last resort an umpire appointed in the manner provided in the next paragraph shall hear and finally decide the controversy under simple rules of procedure prescribed by the National Board.

The members of the National Board shall choose the umpire by unanimous vote. Failing such choice, the name of the umpire shall be drawn by lot from a list of ten suitable and disinterested persons to be nominated for the purpose by the President of the United States.

The National Board shall hold its regular meetings in the city of Washington, with power to meet at any other place convenient for the board and the occasion.

The National Board may alter its methods and practice in settlement of controversies hereunder from time to time as experience may suggest.

The National Board shall refuse to take cognizance of a controversy between employer and workers in any field of industrial or other activity where there is by agreement or Federal law a means of settlement which has not been invoked.

The place of each member of the National Board unavoidably detained from attending one or more of its sessions may be filled by a substitute to be named by such member as his regular substitute. The substitute shall have the same representative character as his principal.

The National Board shall have power to appoint a secretary and to create such other clerical organization under it as may be in its judgment necessary for the discharge of its duties.

The National Board may apply to the Secretary of Labor for authority to use the machinery of the Department in its work of conciliation and mediation.

The action of the National Board may be invoked, in respect to controversies within its jurisdiction, by the Secretary of Labor or by either side in a controversy or its duly authorized representative. The board, after summary consideration, may refuse further hearing if the case is not of such character or importance as to justify it.

In the appointment of committees of its own members to act for the board in general or local matters, and in the creation of local committees, the employers and the workers shall be equally represented.

The representatives of the public in the board shall preside alternately at successive sessions of the board or as agreed upon.

The board in its mediating and conciliatory action, and the umpire in his consideration of a controversy, shall be governed by the following principles:

PRINCIPLES AND POLICIES TO GOVERN RELATIONS BETWEEN WORKERS AND EMPLOYERS IN WAR INDUSTRIES FOR THE DURATION OF THE WAR.

There should be no strikes or lockouts during the war.

RIGHT TO ORGANIZE.

The right of workers to organize in trade-unions and to bargain collectively through chosen representatives is recognized and affirmed. This right shall not be denied, abridged, or interfered with by the employers in any manner whatsoever.

The right of employers to organize in associations or groups and to bargain collectively through chosen representatives is recognized and affirmed. This right shall not be denied, abridged, or interfered with by the workers in any manner whatsoever.

Employers should not discharge workers for membership in trade-unions, nor for legitimate trade-union activities.

The workers, in the exercise of their right to organize, should not use coercive measures of any kind to induce persons to join their organizations nor to induce employers to bargain or deal therewith.

EXISTING CONDITIONS.

In establishments where the union shop exists the same shall continue, and the union standards as to wages, hours of labor, and other conditions of employment shall be maintained.

In establishments where union and nonunion men and women now work together and the employer meets only with employees or representatives engaged in said establishments, the continuance of such conditions shall not be deemed a grievance. This declaration, however, is not intended in any manner to deny the right or discourage the practice of the formation of labor unions or the joining of the same by the workers in said establishments, as guaranteed in the preceding section, nor to prevent the War Labor Board from urging or any umpire from granting, under the machinery herein provided, improvement of their situation in the matter of wages, hours of labor, or other conditions as shall be found desirable from time to time.

Established safeguards and regulations for the protection of the health and safety of workers shall not be relaxed.

WOMEN IN INDUSTRY.

If it shall become necessary to employ women on work ordinarily performed by men, they must be allowed equal pay for equal work and must not be allotted tasks disproportionate to their strength.

HOURS OF LABOR.

The basic eight-hour day is recognized as applying in all cases in which existing law requires it. In all other cases the question of hours of labor shall be settled with due regard to governmental necessities and the welfare, health, and proper comfort of the workers.

MAXIMUM PRODUCTION.

The maximum production of all war industries should be maintained and methods of work and operation on the part of employers or workers which operate to delay or limit production, or which have a tendency to artificially increase the cost thereof, should be discouraged.

MOBILIZATION OF LABOR.

For the purpose of mobilizing the labor supply with a view to its rapid and effective distribution, a permanent list of the numbers of skilled and other workers available in different parts of the country shall be kept on file by the Department of Labor, the information to be constantly furnished—

1. By the trade-unions.
2. By State employment bureaus and Federal agencies of like character.
3. By the managers and operators of industrial establishments throughout the country.

These agencies shall be given opportunity to aid in the distribution of labor as necessity demands.

CUSTOM OF LOCALITIES.

In fixing wages, hours, and conditions of labor, regard should always be had to the labor standards, wage scales, and other conditions prevailing in the localities affected.

THE LIVING WAGE.

1. The right of all workers, including common laborers, to a living wage is hereby declared.
2. In fixing wages, minimum rates of pay shall be established which will insure the subsistence of the worker and his family in health and reasonable comfort.

RESOLUTION ADOPTED BY NATIONAL WAR LABOR BOARD JULY 31, 1918.

Resolved, That the National War Labor Board deems it an appropriate time to invite the attention of employers and workers alike to the wisdom of composing their differences in accord with the principles governing the National War Labor Board, which were approved and promulgated by the President in his proclamation of April 8, 1918;

That this war is not only a war of arms, but also a war of workshops; a competition in the quantitative production and distribution of munitions and war supplies, a contest in industrial resourcefulness and energy;

That the period of the war is not a normal period of industrial expansion from which the employer should expect unusual profits or the employees abnormal wages; that it is an interregnum in which industry is pursued only for common cause and common ends;

That capital should have only such reasonable returns as will assure its use for the world's and Nation's cause, while the physical well-being of labor and its physical and mental effectiveness in a comfort reasonable in view of the exigencies of the war should likewise be assured;

That this board should be careful in its conclusions not to make orders in this interregnum, based on approved views of progress in normal times, which, under war conditions, might seriously impair the present economic structure of our country;

That the declaration of our principles as to the living wage and an established minimum should be construed in the light of these considerations;

That for the present the board or its sections should consider and decide each case involving these principles on its particular facts and reserve any definite rule of decision until its judgments have been sufficiently numerous and their operation sufficiently clear to make generalization safe.

STATEMENT FOR THE PUBLIC DECEMBER 5, 1918.

In order to meet the changed conditions resulting from the signing of the armistice, and the withdrawal of the Federal Government's control over the industries of the country, the National War Labor Board, after conference with the Secretary of Labor, has made an order providing that in the future it will act only in such cases as are jointly submitted to it for arbitration. All complaints filed after December 5, setting forth industrial controversies, will therefore be referred to the Labor Department for action by its Mediation and Conciliation Bureau. Failing settlement in such cases the Secretary of Labor will refer back to the War Labor Board only the cases in which both parties voluntarily submit the issues to the jurisdiction of the National War Labor Board and agree to abide by its decision. All cases now before the Board will be handled as they have been in the past.

PROCEDURE.

METHOD OF PRESENTING COMPLAINTS AND PROCEDURE OF BOARD.

(AS ADOPTED BY THE BOARD ON MAY 13, 1918.)

DOCKET.

The secretary of the Board shall keep one docket for the filing of all complaints, submissions, and references, and shall number them on the docket in the order in which they are received and filed. Thereafter the cases shall be referred to by such numbers.

REFERENCES.

Where the complaint or submission filed shall show clearly that another board than this has primary jurisdiction therein, the secretary is authorized to direct the proper reference, and to advise the party or parties initiating the proceeding of such reference. At the next session of the Board the secretary shall advise the Board of his disposition thereof.

ORGANIZATION OF THE BOARD FOR HEARINGS AND ADJUSTMENT.

In respect to every local controversy, two members of the Board, one from the employers' side and one from the employees' side, shall be appointed to act for the Board, the members to be named by the joint chairmen at the instance of the respective groups of the Board. These members shall be called a Section of the Board, and shall hear and adjust cases assigned to them. If they can not effect any adjustment, they shall summarize and analyze the facts and present the same to the Board with their recommendations.

The National Board may appoint permanent local committees in any city or district to act in cases therein arising. In the selection of such local committees, recommendations will be received by the National Board from associations of employers and from the central labor body of the city or district and other properly interested groups. Sections of the Board are authorized to appoint temporary local committees where permanent local committees have not been appointed by the Board.

ARBITRATION.

When the Board, after due effort of its own, through Sections, local committees, or otherwise, finds it impossible to settle a controversy, the Board shall then sit as a board of arbitration, decide the controversy, and make an award, if it can reach a unanimous conclusion. If it can not do this, then it shall select an umpire, as provided, who shall sit with the Board, review the issues, and render his award.

COORDINATION OF THE WORK OF EXISTING BOARDS.

To comply with the direction of the President in his proclamation of April 8, 1918, constituting the National War Labor Board, this Board will hear appeals in the following cases:

Where the principles established by the President in such proclamation have been violated.

Where an award made by a board has not been put into effect by employers, or where the employees have refused to accept or abide by such award.

To determine questions of jurisdiction as between Government boards.

Appeals will not be heard by the National War Labor Board from the decisions of regularly constituted boards of appeal, nor from any other board to revise findings of fact.

FURTHER RULES OF PROCEDURE.

(AS AMENDED FROM TIME TO TIME UP TO AND INCLUDING JANUARY 15, 1919.)

The first and indispensable step to be taken in order that the Board shall be able to settle industrial disputes is that the parties to the disputes shall have notice that the Board intends to hear the dispute and what the dispute is. They must know, further, when and where the hearing is to be held so as to have reasonable opportunity to present their evidence and to argue their cases.

The following rules of procedure are adopted as a simple method of bringing the parties before the Board and enabling them to know the exact issues in the dispute and to obtain a hearing thereon.

COMPLAINT NECESSARY TO JURISDICTION.

Any person deeming himself aggrieved by another in an industrial dispute within the cognizance of the Board may invoke its jurisdiction, filing a complaint against that other. It can not be done otherwise.

WHO MAY BE COMPLAINANTS.

When the complaint is made on behalf of employees against an employer, it shall be filed by three employees for and on behalf of all claiming the same grievances. If the grievance alleged is unjust discharge, those discharged may file the complaint as recent employees of the respondent. If the shop is one in which the employer contracts with a union, the union may file a complaint against the employer, but it shall associate with it as party complainants and signers of the complaint at least three employees of the respondent as in other cases.

When the complaint is made on behalf of an employer, he shall sign the complaint. If he is a member of an employers' association having a contract with a union, which is the subject matter of, or affects, the controversy, he may join with him as party complainant such employers' association and may name as respondents not more than three of his employees, present or recent, as representatives of all, and the union with whom the contract was made.

COMPLAINT SHALL COVER ONLY DISPUTES BETWEEN ONE EMPLOYER AND HIS EMPLOYEES.

No complaint shall cover more than the disputes between employees and their employer in one shop or series of shops owned by the same employer. Should the same dispute develop in different shops owned by different employers, the cases may, with consent of the parties, be united for the purpose of taking evidence and for hearings, but separate complaints must be filed and docketed, separate summons be issued and served, and all further steps taken in each separate case and separate conclusions reached and separate awards or recommendations made.

CONTENTS OF COMPLAINT.

The complaint shall be in a form approved by the Board and shall be a written petition to the Board for its aid in the just settlement of a dispute between employer and employees. It shall set forth the name and post-office address of the party or parties complainant and the party or parties respondent. It shall set forth in brief narrative form the facts and circumstances of dispute, and close with a prayer for that action by the Board to which the complaining party or parties believe themselves entitled under the principles of the Board and which will afford a just remedy. If the party filing the complaint is a corporation, or a union, the signature of the president, vice president, treasurer, or secretary thereof shall be sufficient.

FORM OF COMPLAINT AGAINST EMPLOYEES.

Every complaint filed by an employer against employees or a union shall be in the form following:

UNITED STATES OF AMERICA.

NATIONAL WAR LABOR BOARD.

.....	} No.
Complainant.	
v.	}
.....	
Respondent.	

ORIGINAL COMPLAINT.

(By employers.)

1. We the undersigned make this complaint to your Honorable Board and hereby specifically agree to be bound by such recommendations or award as your Honorable Board may make in the premises, in accordance with the principles and procedure of the Board.

2. We hereby complain because:

(State in narrative form the grievances, relating to—)

a. Wages.

b. Hours.

c. Discrimination.

- d. Violations of existing agreements; or of governmentally fixed wage scale.
- e. Actual or threatened strikes.
- f. Coercive measures to induce employees to join union, or to induce employer to deal with a union.
- g. Curtailing maximum production.
- h. Any other violations of the principles of the National War Labor Board.

3. We seek the following relief:

4. We make the attached questionnaire a part of this complaint.

.....

 (Complaining employer or his duly authorized representatives sign on above lines.)

Dated

(On second page of 4-page folio.)

Questionnaire, accompanying and made a part of original complaint of employer.

The Board will take no action upon the complaint unless every question herein is answered.

- 5. Give name and address of all complainants. Answer.
- 6. How many employees do you employ? Answer. Male.
Female.
- 7. What employers' association do you represent, if any? That is, when, where, and how were you authorized to unite said association with you in this complaint? Answer.
- 8. How many and what classes of employees are affected by this complaint? Answer.
- 9. State just how the business affects the conduct of the war. Answer.
- 10. Have you a contract with your employees? Answer.
- 11. If so, attach a copy of such contract or contracts to this complaint. Answer.
- 12. Have your grievances been presented to the employees? Answer.
- 13. If so, when and how? Answer.
- 14. What steps have been taken to adjust the grievances complained of? Answer.
- 15. What was the result? Answer.
- 16. Do you know that the National War Labor Board will refuse to take jurisdiction of any controversy where there is by agreement or Federal law a means of settlement which has not been invoked? Answer.
- 17. Name and address of the respondents. Answer.

In witness whereof, we, the signers of the foregoing complaint, state that the facts in said complaint and questionnaire set forth are true to the best of our knowledge and belief.

.....

FORM OF COMPLAINT AGAINST EMPLOYERS.

Every complaint filed by employees against employers, or by a union in cases where a union may be the complainant, shall be in the following form:

UNITED STATES OF AMERICA.

NATIONAL WAR LABOR BOARD.

.....	} No.....
Complainant.	
v.	
.....	}
Respondent.	

ORIGINAL COMPLAINT.

(By employees.)

1. We, the undersigned, being at least three employees or recent employees of the respondent, on behalf of ourselves and all others similarly situated and having like grievances, make this complaint to your Honorable Board, and we hereby specifically agree to be bound by such recommendations or award as your Honorable Board may make in the premises, in accordance with the principles and procedure of the Board.

2. We hereby complain because:

(State in narrative form the grievances relating to—)

a. Wages.

b. Hours.

c. Discrimination.

d. Violations of existing agreements.

e. Actual or threatened lockout.

f. Collective bargaining.

g. Working conditions.

h. Any other violations of the principles of the National War Labor Board.

3. We seek the following relief:

4. We make the attached questionnaire a part of this complaint.

Signed at, State of, on the day of, 19...

.....

(Complaining employees or their duly authorized representatives
 sign on above lines.)

(On second page of 4-page olio.)

Questionnaire, accompanying and made a part of original complaint of employees.
(The Board will take no action upon the complaint unless every question herein is answered. If you can not answer definitely, say "I don't know.")

5. Give names and addresses of all complainants. Answer.
 6. State occupation and length of service of each complainant.
 7. How many employees do you represent? Answer. Male.
Female.
 8. By what authority do you represent them; that is, when, where, and how were you appointed? Answer.
 9. How many and what classes of employees are affected? Answer.
 10. State just how the business affects the conduct of the war. Answer.
 11. Have you a contract with your employer? Answer.
 12. If so, attach a copy of such contract or contracts to this complaint.
 13. Have your grievances and requests been presented to the employer? Answer.
 14. If so, when and how? Answer.
 15. What steps have been taken to adjust the grievances complained of? Answer.
 16. What was the result? Answer.
 17. From what date do you ask that the decision of the Board take effect, and why? Answer.
 18. Do you know that the National War Labor Board will refuse to take jurisdiction of any controversy where there is by agreement or Federal law a means of settlement which has not been invoked? Answer.
 19. Name and address of the employer. Answer.
- In witness whereof we, the signers of the foregoing complaint, state that the facts in said complaint and questionnaire set forth are true to the best of our knowledge and belief.

.....
.....
.....
.....
.....

IMPERFECT COMPLAINT.

Communications seeking settlement of industrial disputes by the Board which do not substantially comply with the forms hereinbefore set forth shall be returned by the Director of Procedure to those signing them. He shall inclose a blank form of formal complaint, a copy of these Rules of Procedure, a copy of the principles of the Board, and a copy of the President's proclamation.

COMPLAINTS IN CASES OF REFERENCES OF DISPUTES TO BOARD BY THE SECRETARY OF LABOR OR OTHER DEPARTMENT OF THE GOVERNMENT.

When an alleged controversy is referred to the Board by the Secretary of Labor, or other governmental department or Federal adjustment agency, the Director of Procedure shall require a formal complaint to be filed as herein provided, and the case shall then proceed as though the complaint had originally been made to the Board.

COMPLAINTS IN JOINT SUBMISSIONS.

In cases of joint submission, including those referred from other departments or Federal adjustment agencies, complaints must be filed as in other cases by one of the parties against the other, for the purpose of setting out clearly and succinctly the issues in dispute. The Director of Procedure may presume in such cases, in the absence of information to the contrary, that the original complaining parties are the employees and notify them to file a complaint in the proper form.

APPEALS FROM AWARDS OF OTHER GOVERNMENT BOARDS.

In cases where appeals from department adjustments and arbitrations are within the jurisdiction of the Board, or are brought within it by reference from the head of any department, the officer or tribunal from whose decision appeal is taken shall prepare the record of the hearing before him, including all the evidence considered by him and the statements of claim by the parties, together with his award and his reasons therefor, and transmit the same to the Secretary of the Board, together with the letter of reference by the head of department, if any. The Director of Procedure shall place the appeal as a case upon the docket under its proper number and file the record, award, and reference in its appropriate place, entitling the same with the names of the parties complainant and respondent and marking the same "Appeal from ——— Dept." In case of appeals no formal complaint on the appeal by either party need be filed.

As soon as the appeal is filed, a notice should issue by registered mail to all parties advising them of the pendency of the appeal, and that they must be ready for a hearing before the Board, or a Section thereof, at a day fixed at least seven days after the sending of such notice. In cases of emergency the Board, or the Standing Committee, may direct the Secretary to notify the parties by telegram to appear sooner, if practicable.

NOTICE TO ISSUE.

Upon every complaint filed in form as herein prescribed, a notice shall issue informing the respondent that the complainants have filed a complaint against him, with a copy of the complaint, copy of these Rules of Procedure, copy of the President's proclamation, and blank form for his answer, inclosed. The notice shall direct him to file an answer within seven days after service, and shall be in form approved by the Board.

FORM OF NOTICE.

The form of the notice which is hereby approved shall be as follows:

UNITED STATES OF AMERICA.
NATIONAL WAR LABOR BOARD.

.....	}	Docket No.
v.		
.....		
To.....	}	
Respondent.		

You are hereby notified that..... has filed a complaint against you, a copy of which is hereto attached.

Your answer upon the inclosed form should be filed within seven days from receipt hereof. In case of your failure to file an answer, the Board may, as a board of mediation, in accordance with its rules of procedure, set a date for hearing, make its findings and decision as to what in its judgment is a fair and equitable adjustment of the dispute.

DONE UNDER AND BY AUTHORITY of the proclamation of the President of the United States of America, duly issued the eighth day of April, in the year of our Lord one thousand nine hundred and eighteen.

WITNESS THE HANDS of the Joint Chairmen of said National War Labor Board at the City of Washington, D. C., this day of A. D. 191..

WM. H. TAFT,
BASIL M. MANLY,
Joint Chairmen.

Countersigned:
Service accepted this....day of.....191..

SERVICE OF NOTICE.

The service of notice may be made by mailing it by registered mail, with a copy of the complaint, blank for answer, copy of proclamation of the President of April 8, 1918, and copy of Rules of Procedure of Board, to the post-office address of the respondents as given in the complaint, and the register receipt shall be retained in the office of the Secretary and filed with papers as evidence of proper service. Where service should be made with greater dispatch, an examiner or any other employee of the Board may serve the same upon the respondents. A return by him of such service, at the usual place of business or residence of the respondents, or upon them personally, shall constitute a sufficient service, and shall be evidenced by the certificate of the server, signed by him with his official designation. A service may be made by any notary public, by a sheriff or marshal or his deputies, who shall make a due return of such service. If the respondent will accept service in writing, this shall dispense with the necessity of further proof, and the written acceptance shall be filed with the papers in the case and noted on the docket.

Every return of service shall state the day and hour of service, and if the service is not personal, the place at which a copy of the notice and copy of the complaint were left.

NOTICE AND SERVICE IN CASES OF JOINT SUBMISSION AND REFERENCES TO DEPARTMENTS.

As already indicated, complaints must be filed in cases of joint submission and in cases referred to the Board by governmental departments, or Federal adjustment agencies, and upon such complaints notice shall issue and be served as in other cases.

ANSWERS.

A respondent duly served or waiving service as above shall answer the complaint within seven days after receiving the same, by mailing within this time an answer conforming to the following form:

UNITED STATES OF AMERICA:

NATIONAL WAR LABOR BOARD.

.....	}	No.....
Complainant.		
v.		
.....	}	Dated.....
Respondent.		

RESPONDENT'S ANSWER.

Now comes the respondent named in the above-entitled case and answering the complaint, says:

A.

The respondent {admits
denies} that the National War Labor Board has jurisdiction over the matters set forth in the complaint. (If jurisdiction is denied, state reasons why.)

.....
.....

B.

The respondent {admits
denies} that the business done at the plant affects the conduct of the war.

C.

The respondent answers to the merits of the various allegations set forth in the complaint and questionnaire, admitting or denying the same seriatim, as follows:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

Etc

D.

The respondent sets forth new matter of defense, as follows:

E.

The respondent submits this controversy to the National War Labor Board as an arbitrator, in accordance with its principles and procedure, and hereby agrees to be bound by its award on the following issues:

Respectfully submitted.

.....
(Duly authorized agent sign above.)

EFFECT OF FAILURE TO ANSWER.

Should the respondent file no answer, or should he decline to accept arbitration by the Board upon one or more issues raised, the case shall proceed and a hearing be had upon the evidence of the complainant only, if the respondent does not choose to produce evidence on his behalf, or upon the evidence introduced by both sides. The mere producing of evidence by a respondent on the issues shall not be regarded as a submission to arbitration by the Board.

NOTICE OF HEARINGS.

All parties shall be given at least seven days' notice of the time and place of any hearing. The person serving or giving such notice shall make return in writing of the method of notification.

HEARINGS.

At all hearings before the full Board, before a Section of the Board, or before examiners appointed to hear the case, evidence may be introduced by oral testimony of witnesses or by depositions. Should the Board, Section, or examiners deem cross-examination necessary in case of deposition, the deponent should be summoned for the purpose and the deposition not considered as evidence until such cross-examination has been had. All testimony of witnesses shall be taken under oath or affirmation. Examiners, Sections of the Board, and the full Board shall have power to administer such oaths or affirmation.

HEARINGS BY EXAMINERS.

The hearing by the examiner shall be conducted in accordance with the proper course of judicial proceedings. The evidence for the complainant shall be presented, then the evidence for the respondent, and then the evidence, if any, in rebuttal. The examiner shall follow as near as may be the rules of evidence prevailing in common-law courts, with such departures therefrom as in his discretion may seem to be necessary in the cause of speedy justice. The examiner shall require witnesses to confine their testimony to statements of facts within their personal knowledge. The examiner may exercise the authority to exclude evidence palpably incompetent or irrelevant to the issue. But the party aggrieved by such ruling may save his exceptions to such exclusion of evidence or other ruling by the examiner by a writing filed with the examiner. Should the examiner deem the evidence of any person necessary who is not called by either party, he may summon such person, examine him, and permit cross-examination.

CONTINUANCES.

The hearing, due notice of which has been given both sides, shall proceed until the case is closed. Should either party desire a continuance on the ground of inability to produce witnesses, and make a showing of due diligence, it shall be within the discretion of the examiner to grant such time as may be reasonably necessary to procure the evidence. It is of the utmost importance, however, that cases brought before the National War Labor Board should be promptly decided, and therefore this discretion to continue cases or hearings should be sparingly exercised. When the evidence has been all submitted, the examiner shall hear argument, and, if desired by the parties, may fix a time in which to submit briefs.

REPORT OF THE EXAMINER.

Upon the conclusion of the hearing before him the examiner shall make a digest of the evidence and submit the same forthwith, but without making any findings or conclusions, to the Section or Board as the case may be. He shall attach thereto a copy of the complaint, proof of service, joint submission, answer, and a full transcript of the evidence, arguments, and exceptions taken to his ruling in order that the Section or Board considering the case may have the entire record before it.

ACTION UPON EXCEPTIONS TO EXAMINER'S RULINGS.

In cases where exceptions have been taken to the examiner's rulings, the Section or Board may in its discretion grant a hearing upon said exceptions and act thereon.

ACTION BY THE SECTION.

If the form of the submission shall be to the members of the Section as arbitrators to make a final award, the Section, if the members are in agreement, shall proceed to make such an award without reference to the Board. The administration of such awards shall be the same as in awards of the full Board. When a case has been assigned to a Section and the parties in interest shall have agreed that the decision of the Section shall be the decision in the case, then the Section shall proceed and make its findings, and if the Section can not agree the case shall go to the full Board.

REPORT OF THE SECTION.

In all other cases submitted to a Section and in which they have reached an agreement, a report shall be made of their findings and conclusion to the Board for its action.

ACTION OF THE BOARD.

Upon the presentation of a report by a Section the Board shall consider the same and approve or reject it.

DISAGREEMENT OF MEMBERS OF THE SECTION.

If the members of the Section can not agree upon a report, each shall make his individual report and the Board shall consider the case on both reports and take such action as it may deem wise.

DIFFERENCE OF OPINION IN THE BOARD.

In cases in which the parties have submitted to the full jurisdiction of the Board and the Board is not unanimous in its findings and conclusions as to a just award, the name of an umpire shall be agreed upon by unanimous vote, or failing that, shall be drawn by lot from a list of names furnished by the President to the Board in accord with the rules of procedure approved by the President in his proclamation of April 8, 1918.

In cases in which the parties defendant do not submit to the full jurisdiction of the Board, or to its jurisdiction to make an award, the principles of the procedure of the Board do not require an umpire and in such a case the action of the Board shall be determined by a majority vote and the recommendation of the Board made accordingly. The finding and recommendation shall be published with such a dissent of the minority as may be presented to the Board. In case the Board divides evenly, the case shall stand as undecided.

AWARDS.

The Section shall report in full the form of the award which it recommends for adoption. If it shall seem to the Section that the evidence before it is not sufficiently specific to enable it to dispose of all the issues, it may dispose of part and postpone the rest for a further action.

An award may provide for the appointment of an administrator, when it covers the settlement of complicated matters, and if it does provide for such administrator he is authorized to interpret and apply the award as between the parties when they disagree as to its meaning and application.

ADMINISTRATORS' RULINGS AND APPEALS THEREFROM.

Administrators authorized to interpret and apply the award shall make their decisions in writing and serve copies thereof on the parties. Should either party feel aggrieved by the Administrator's decision, he may appeal to the Board, and the appeal shall be heard by the Section which acted in the case, and the decision of the Section on such appeal shall be reported to and acted upon by the Board. Pending the appeal from the decision of the Administrator, his decision shall be enforced, except in cases where it involves directly or indirectly the payment of wages. In such cases, the filing of the appeal with the Administrator or Board shall operate as a stay. The Administrator shall prepare the record for appeal in such cases with the utmost dispatch and forward it to the Chief Administrator for immediate submission to the Section which acted in the case. The appeal shall be heard by the Section as soon as possible.

REHEARINGS.

A motion to the Board for a rehearing must be made within 30 days after the recommendation or the award and service of notice upon the parties. The motion for rehearing shall set out the grounds for the same specifically and may be granted either because the award was beyond the jurisdiction of the Board, or because of a palpable mistake in the finding of fact, or in the application of the principles of the Board, or because of newly-discovered evidence which might change the decision of the Board. On motion for a rehearing the parties may not, as a matter of course, have an

oral hearing. The party moving the rehearing shall file a brief with his motion setting forth, with reasonable elaboration, the reasons relied upon. If the motion is based on newly-discovered evidence, it must appear that the evidence is not merely cumulative and that the party seeking the rehearing could not have produced the evidence by the exercise of due diligence at the time of the original hearing.

NOTICE OF AWARDS AND RECOMMENDATIONS.

Immediately upon the making of awards or final recommendations, they shall be copied and a copy certified by the Secretary shall be sent by registered mail to each of the parties and the receipt therefor shall be filed with the papers and noted on the docket.

PROCEEDINGS BEFORE AN UMPIRE.

The Umpire shall be notified of his selection and a time fixed for his hearing.

In proceedings before Umpires, the presentations shall be limited as follows:

Each side shall delegate not more than two members to present the case to the Umpire, and each side shall be limited in its oral presentation to one hour. The Umpire, however, may extend the time of hearing if in his judgment a longer time is required to make him fully familiar with the case.

ACTION UPON DECISION OF UMPIRE.

The decision of the Umpire shall be regarded as the award of the Board, and notice of it served upon the parties as in other cases. The decision of the Umpire shall be made public only after it has been read and certified to by the Standing Committee or by the Board in full session.

NOTE.—The above procedure may be changed from time to time by a majority vote of the Board.—*Approved January 30, 1919.*



WAR LABOR POLICIES BOARD

COMMITTEES

A	Committee on Central Recruiting	May 29
B	" " Standardization of Wages & Cond. of Living . .	May 29
C	" " Centralization of Ind. Statistics	May 29
D	" " Gov. Contract Clauses Affecting Ind. Rel. . .	May 29
E	" " Exemption of Skilled Laborers	May 29
F	" " War Badges	May 29
G	" " Eight Hour Statutes	June 7
H	" " Dilution & Training	June 21
I	" " Conditions of Living	June 14
L	" " Fixing Retail Prices	July 19
M	" " Enforcement of State Labor Laws in Work done on Government Contracts	July 19
N	" " Relation of Military to Industrial Man Power. .	July 26
O	" " Proposed Announcements of the U. S. Empl. Ser. .	July 23
P	" to Draft Legislation on Workmen's Compensation for War Work	Aug. 2
R	Special Committee on Detailing of Soldiers to Private Factory Works	Aug. 9

MEMBERS OF WAR LABOR POLICIES BOARD

Felix Frankfurter, Chairman
War Labor Policies Board
1607 H Street N. W.
Washington, D. C.

G. I. Christie,
Department of Agriculture
224 - 12th Street,
Washington, D. C.

Charles Piez,
Emergency Fleet Corporation
140 N. Broad Street
Philadelphia, Pa.

Howard Coonley,
Emergency Fleet Corporation
C/o M. L. Cook, Room 1010
1319 F. Street
Washington, D. C.

or Emergency Fleet Corporation
Philadelphia, Pa.
140 N. Broad Street

Dr. L. C. Marshall
1311 Massachusetts Avenue
C/o Prof. Seager,
Washington, D. C.

or Emergency Fleet Corporation
140 N. Broad Street
Philadelphia, Pa.

W. J. Diamond,
Room 107 Gordon Hotel
Washington, D. C.

Franklin Roosevelt
Navy Department,
Room 276, State War and Navy Building
Washington, D. C.

L. McH. Hower
State, War and Navy Building
Washington, D. C.

W. I. Tyler
Railroad Administration
Interstate Commerce Building, Room 1028
Washington, D. C.

Robert P. Bass
Shipping Board
1319 F. Street
Washington, D. C.

Dr. E. M. Hopkins, President
Dartmouth College
Hanover, New Hampshire

Major F. W. Tully,
Room 293, War Department
Washington, D. C.

Stanley King,
War Department, Room 235
State, War and Navy Building
Washington, D. C.

Hugh Frayne
War Industries Board,
Council of National Defense
17th and D. Streets
Washington, D. C.

Miss Mary Van Kleeck
Southern Building
15th and H. Streets
Washington, D. C.

Charles Piez,)	
Emergency Fleet Corporation)	Duplication
140 N. Broad Street,)	Given on first page.
Philadelphia, Pa.)	

McB. Hammond
Food Administration, Room 1
19th and D. Streets
Washington, D. C.

1918, July