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Book Review: Labor Unions and Municipal Employee Law

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Book Review: Labor Unions and Municipal Employee Law

JUSTIN D. HANNEN, admitted Feb. 1946 on motion. Notre Dame Univ.; A.B. Kans. Univ. 1936; LL.B. Kans. Univ. 1938. Member Phi Alpha Delta. Before admission practiced law in Kans. for 4 years. Served as county atty. for Coffey County 2 terms. Served 4 years as naval avia. pilot and retired as lt. U.S.N.R. Is interested in real estate and probate law. Is associated with Chas. J. Munz, 312 Symes Bldg., Denver, Colorado.

L. JAMES ARTHUR, admitted on motion May 1946. B.S. in Business Administration, Univ. of Mich. 1935; LL.B. Mich. Univ. 1938. Member Sigma Chi and Phi Delta Phi. Practiced law in Kans. City, Mo., for 3½ yrs. Entered military service in 1942 and upon discharge came to Denver. Interested in labor law. Associated with F. P. Cranston, 409 Equitable Bldg., Denver.

LAWRENCE A. LONG, admitted on motion May 1946. A.B. and LL.B. Univ. of Alabama, 1934. Member Alpha Tau Omega. Practiced from 1935 to 1942 in Jacksonville, Fla.; in 1942 at the time of entry into the U.S. army was a member of the firm of Milam, McIlvaine & Milam, Jacksonville. Served 28 mos. overseas in No. Africa and Italy. Post judge advocate at Buckley Field until his discharge as lt. col. in Feb. 1946. Interested in probate, trust and insurance law. Is practicing by himself at 638 Symes Bldg., Denver.

Book Review

LABOR UNIONS AND MUNICIPAL EMPLOYEE LAW (1946) by CHARLES S. RHYNE, published by the National Institute of Municipal Law Officers, 730 Jackson Place, N. W., Washington 6, D. C.; 583 pages, Price \$10.00.

In this volume the complete experience in this recently developed field of labor law is compiled. Based on the judicial, legislative, constitutional, statutory and practical experience in this field as reflected from a survey of over 400 American cities, the report embodies a volume of 583 pages and constitutes an up-to-date edition of a similar report issued by the National Institute in 1941, entitled, "Power of Municipalities to Enter Into Labor Union Contracts—A Survey of Law and Experience." City experience is covered from the Boston police strike in 1919 to the Houston city employes strike in 1946. In view of the current membership drive by unions affiliated with the C. I. O. and the A. F. of L. in the government field, the volume is especially timely.

The author first considers the question of the rights of unions of municipal and other public service employes as they exist with respect to their public agency employer. He then analyzes every known court decision, of

inferior jurisdiction or otherwise, on the subject, discussing, successively, the right of municipal employes to organize and join labor unions, instances where such right can be prohibited or limited (as in the case of police), and the power of municipalities to contract with labor unions representing municipal employes. Special attention is devoted to "exclusive bargaining" privileges, the "check-off" device, arbitration, the right of municipal employes to strike, and picketing of public property during labor disputes. There is a discussion of the exercise of "governmental" as distinguished from "proprietary" functions as a basis for altering legal relations between municipally-owned utilities and labor unions of such municipal utility employes. Not only does this book consider in detail the available judicial decisions, but in the appendix the complete texts of all court decisions directly involving labor unions and cities are set forth.

Moving on to the field of constitutional and statutory law, **LABOR UNIONS AND MUNICIPAL EMPLOYEE LAW** considers the state constitutional provisions of the states of New York, Missouri, Florida and Arkansas, as these states have each adopted constitutional provisions dealing with union membership and collective bargaining. Individual statutes of 6 states and statutes of other jurisdictions such as the federal government, the District of Columbia, Quebec, Canada and Great Britain, are all reviewed. The full text is included of the recent Virginia statute prohibiting employment by any public agency of the state or any city for one year of any public employe who engages in a strike.

An important phase of the book deals with the authorities in the nature of opinions of the attorneys general of 15 states and the city experience and opinions of the city attorneys of 60 cities. All of the written opinions of city attorneys are discussed, correlated under a section summarizing the chief points covered by such opinions, and then set forth in full in the appendix.

Recognizing the extent to which labor has made inroads in certain governmental fields, the report sets forth the policies of various federal agencies and officers, and the experience of the Tennessee Valley Authority, the Inland Waterways Corporation, the Alaska Railroad, and the Securities and Exchange Commission. Opinions of the general counsels of the A. F. of L. and the C. I. O. on union membership and union contracts by public employes are included in full in the appendix, as well as a group of miscellaneous opinions. In addition, the full texts of the available agreements and contracts entered into by governmental agencies with labor unions are set forth in the appendix.

A feature of the appendix which should be particular importance and interest is the reproduction of lengthy extracts from the briefs prepared in court cases on behalf of 4 cities involving legal questions under review in this volume.

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