

John Doar  
Assistant Attorney General  
Civil Rights Division

July 22, 1967

MWH:ADW:scs

Maceo W. Hubbard, Chief  
Eastern Section

DJ 170-57-5  
#34-035-18

United States v. International  
Brotherhood of Electrical Workers,  
Local 38; Electrical Joint Apprenticeship  
and Training Committee

This memorandum, which supplements the justification memorandum, contains additional information concerning the policies and practices of Local 38 obtained from union officials and records as a result of the negotiation sessions.

A. Job Referrals

Applicants for electrical construction work are referred out to jobs, according to the collective bargaining agreement, on the basis of their ability to qualify for one of four groups. The classifications determine the order of referrals. To qualify for Group I, the applicant must have four or more years experience in the trade, have lived in the area at least one year, have passed a wireman's examination, and have four years experience with a contractor under the collective agreement. Group II requires four or more years experience in the trade and passing a wireman's examination. To qualify for Group III, one must have four or more years experience in the trade, have lived in the area for at least one year, and have four years experience with a contractor under the collective agreement. Group IV requires only two or more years experience in the trade.

Our investigation revealed that assignment to the groups is not done according to the requirements stated in the agreement. Union membership is the exclusive determinant for classification. Members of

Local 38 alone comprise Group I. Group II is composed of members of other IBEW locals outside the jurisdiction of Local 38. Members of the three other, non-construction electrical locals in Cleveland are placed in Group III. Non-union applicants are confined to Group IV or declared "not qualified," irrespective of their qualifications. Moreover, the wireman's test referred to for Group I has not been given in the past to anyone but union members. Apart from these groupings, the union also refers workers to jobs on a "temporary 2B" status which means that their wage is only 50% of the journeyman's scale.

Inspection of a selective number of applications for job referrals in the union files disclosed that from 1963 to the present several hundred white applicants were referred out for jobs who had indicated that they did not have the required experience in electrical work, or left that question unanswered. This treatment of whites contrasts sharply with that accorded Negro applicants. Union records contained the names of four Negroes who applied for referral. Their applications were found in the folder "not qualified," even though three of them had several years of experience in the electrical trade. For example, Eddie Reese, a Negro electrician, stated on his application that he had eight years experience in the trade when he applied for referral on August 7, 1963. On that same day, George Kleve, a white applicant who two years earlier had indicated no experience on his application, was referred for a job.

With regard to the "temporary 2B" referrals, approximately 600 persons were sent to jobs from that category since 1960. Although the president of Local 38 said that the practice has been discontinued, the records show a referral from this class dated April 3, 1967. Many of these workers had little or no experience in the electrical trade. As a representative sample, we examined the referral slips for the week

of July 6, 1964. Nearly all the slips of persons referred out during that period on a temporary 2B status contained the name of a relative on the back and indicated the relationship. Our examination of the records uncovered, as indicated above, that the Negroes who had filed applications were never referred.

B. Journeyman

Officials contended that no member has been admitted to the union in the last ten years or so who has not gone through the apprenticeship program. Their records confirm the truth of this assertion. However, notations on the dues cards indicate that approximately 140 of the current membership did not serve any apprenticeship. Many of these were transfers in the early 1950's from the now extinct maintenance section who merely took a wireman's examination for journeyman status in Local 38. The remainder were transfers from other IBEW locals. Counsel for the union stated that this practice has been abolished.

Although these records appear complete, we have information that they may not be accurate. For example, no notation was found on the dues cards of the two Negroes who were admitted by examination in 1957, although we were told that such admission would be noted. Furthermore, we examined the job referral applications of certain present white members of Local 38 who also did not have any notation on their dues cards indicating that they had not gone through the apprenticeship program. These members gave a negative response to the question asking whether the applicant had completed apprenticeship training. Thus there may be other journeymen in the local who did not serve an apprenticeship.