BETTY S. MURPHY: Impartiality at NLRB

The new madam chairman of the National Labor Relations Board has the support of both unions and management

In Betty Southard Murphy, impartiality in the resolution of labor-management disputes has a tested practitioner.

When President Gerald Ford last January named the New Jersey-born great-granddaughter of a U. S. senator to the post of chairman of the National Labor Relations Board he described her as “the most qualified and best respected person” for the job.

The White House obviously was familiar with Mrs. Murphy’s reputation for fairness and competence.

So, too, were representatives of unions and management who—in one of those rare instances where a top federal appointment is involved—closed ranks with a demonstration of unanimous support for the President’s selection.

Joe M. Baker, Jr., executive vice president of the iaWCC, a close friend of Mrs. Murphy ever since her arrival on the Washington scene as a reporter with United Press International, probably reflected construction management’s attitude best when he said:

“I can’t think of anyone better qualified to head such a critical agency. As a labor lawyer who has represented both construction unions and construction management over the past 15 years, she has the respect of everyone with whom she’s dealt.

Merits Determine

“With her, it’s the merits of a case and the fair application of justice. She’s simply the right person at the right time in the right job.”

And if there were any lingering doubts as to how the AFL-CIO Building and Construction Trades felt about her, these were made quite evident last September when Mrs. Murphy spoke at the Building Trade Department convention in San Francisco.

As she stepped to the podium, she was given a standing ovation.

At the completion of her speech—on jurisdictional disputes—she stepped away to another standing ovation.

Such is her acceptance in the construction industry. The sentiment is a reciprocal one.

In her Pennsylvania Ave. office located a block from the White House, Mrs. Murphy talked to DIMENSIONS about the construction industry and some of the future plans she has for the NLRB.

“I feel very close to the construction industry through my association, not only with the iaWCC, but with other construction management groups and the building trades unions.

“I have a great deal of respect for the construction industry and the many contractor and union friends that I have made. Working together, the industry has made this country great. It has built the homes, the factories, and the
facilities which have enabled America to grow and to prosper.

“As for the current state of economic affairs, Robert Georgine (President of the AFL-CIO Building Trades Department), says there are 800,000 union tradesmen unemployed and thousands of others on split time.

“I have no power to create jobs, but I am making every effort to get the board to act as quickly as possible to resolve disputes which the parties can’t resolve themselves.”

Increasing the board’s efficiency by improving case speed without any sacrifice in due process or quality is viewed by Mrs. Murphy as her biggest challenge. And it will need to be done in the face of an expanding case load.

In 1958, the board handled 17,000 cases. Last year, its case load was nearly 50,000. Within the next four years, it is expected that the case load will grow to some 70,000.

“The best median time the board ever had, from the filing of a charge to the issuance of a board decision was 343 days,” she explained, “and the best time the general counsel ever had from the issuance of board decisions to Court of Appeal enforcement was 380 days.

“We, . . . I am making every effort to get the Board to act as quickly as possible to resolve disputes which the parties can’t resolve themselves.”

Well, 714 days is too long even if only a small percentage of the cases goes the full distance. Some 80 percent of the cases are resolved one way or the other in the first 42 days.”

Mrs. Murphy, who has decided to be addressed in her current position as madam chairman, not as chairwoman or chairperson, and her NLRB colleagues have already announced to the agency and to the public that they hope to cut 30 days this year.

“I’d like to see the board cut 30 days off this time,” she said. “Eventually, it should take no more than six months. To do this, I’ve appointed a Chairman’s Task Force on NLRB to review and recommend procedural changes to speed up the process without, as I’ve said, any sacrifice in quality or due process.”

Task Force Set Up

With characteristic fairness, Mrs. Murphy has set up the task force to consist of private practitioners from both management and unions along with public interest individuals to provide academic input.

The chairmen of the American Bar Association’s Labor Law and Administrative Law sections will each recommend three appoint-
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ments and the AFL-CIO two. The Chamber of Commerce and the National Association of Manufacturers will each make one appointment.

Rounding out the task force will be Mrs. Murphy and the, NLRB's general counsel, associate general counsel, solicitor and the chief administrative law judge.

Earl Proctor, formerly the director of international operations and planning for Cummins Engine, who joined the NLRB in August as Mrs. Murphy's executive assistant, will serve as the executive secretary for the task force.

"The task force will probably hold the first meeting in January," Mrs. Murphy explained, "and then meet two days every three months for three years before dissolving.

"It will make its recommendations to the board who will state its acceptance or rejection and the proceedings will be published."

Emphasizing that the panel will concern itself strictly with procedural matters—and not substantive ones—Mrs. Murphy pointed out that a number of agency difficulties must be approached simultaneously with actions taken now for the situation that will exist in a few years.

"With the increased caseload coming from more organizations, more people, new jurisdictions and the recession perhaps contributing some of it," she said, "we actually have less people now than we did three years ago.

"The field settlement rate is down from 86 percent in July, 1974, to 74 percent in July 1975. As more cases come up out of the field the administrative law judges are working hard to get the settlement rate up, and I am engaged in a crash recruitment to get a full staff."

When the field and the ALJs catch up, the board expects to be deluged with cases which will contribute to the current backlog of some 15,000 cases of all types that are pending disposition at various procedural levels, throughout the agency.

But the growing challenge to the NLRB, the chief nonjudicial federal arbitrator of labor disputes—mostly unfair labor practices and petitions for secret ballot elections—is merely a manifestation of the importance level that the agency occupies in labor relations as it observes its 40th anniversary this year.

Proud of Accomplishments

"I am very proud of the NLRB's accomplishments over these 40 years," Mrs. Murphy said with conviction, "and I see our role as encouraging industrial democracy under law.

"In the past 40 years, we have processed over 840,000 cases of all types, and almost 30 million employees voted in NLRB secret ballot elections to choose or not to choose a collective bargaining agent to represent them. Last year alone, more than 550,000 employees voted in some 9,000 elections with employees choosing a union in about 50 percent of the elections.

"And in all these 40 years we've never had an election scandal."

For her own part, Mrs. Murphy sees labor and management getting closer together all the time, adding that labor attorneys could best serve their clients by having experience on both sides of the bargaining table—as she has had.

"If an attorney has represented a union he understands their problems. And if he has represented employers, he also understands their goals and objectives.

"Understanding is really half the battle. In my own private practice I was able to stop many problems before they even got started by having an understanding of both sides."

But even with a gradual improvement in labor-management relations, the NLRB chairman feels that communications is the turning point.

Communications Challenge

"The major challenge, I think, is in better communications. There is a great need to create a better degree of empathy, of understanding one another. And this can only be accomplished by communicating with employees so they'll understand the problems, and also providing for communications from employees to management.

"With improved communications will come better productivity—and this is what it's all about."

Even handedness, fairness, and the realistic aspects of a situation seem to be hallmarks of the Mur-
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phy approach to labor relations problems.

“In any settlement, people must live together after the lawyers move on,” she advised, “so the settlement should be fair. I always tried to work out ones which were equitable to my clients and to the other side as well. And I never made a settlement that I didn’t think was fair.”

The same attitude is reflected in her comments about other potential problem areas, and particularly in equal employment matters.

“Both contractors and unions should make themselves aware of the law regarding equal employment,” she warned. “President Ford has publicly stated that his administration will vigorously enforce the Equal Employment Opportunities law.

“Anyway, I don’t think it makes good business sense to discriminate on the basis of artificial barriers. The pure economic sense is to utilize whatever resources are available, and in all my years in private practice I never found a chief executive officer who condoned discrimination.

“The underlings sometimes discriminate, but a top officer is concerned about profit, productivity, and moving along.”

With NLRB Before

It isn’t especially surprising that Mrs. Murphy can speak with such first hand knowledge of all levels of corporate and union structures. And she is no stranger to the NLRB.

Her first job after graduating from the American University Law School in 1958 was in the board’s enforcement division. She spent 18 months there.

She began her career as a reporter, first as correspondent and freelance reporter in Europe and Asia, and then with the Washington bureau of UPI. Her career switch to the legal profession came after

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she began taking night courses in law as preparation for a possible assignment to cover the Supreme court.

When she was assigned to another regular beat, she decided to become a lawyer, finishing the three years of study in two and a half. Of 14 job offers from government and from private firms, she chose the National Labor Relations Board.

The challenge of that work convinced her to specialize in labor law and later, in private practice with a Washington, D.C. law firm she was an active trial lawyer, trying cases or appearing in Federal or State Courts in 19 states. She presented arguments before nine of the 11 United States Courts of Appeals.

Married to the noted Veterans Administration radiologist, Dr. Cornelius F. Murphy, the chairman and her husband live in Annandale, a Virginia suburb of Washington, with their two children, Ann, 7, and Neil, 6.

Though she has a limousine as a Washington agency head, Mrs. Murphy chooses not to have it pick her up at home. She prefers riding to work with her husband, like thousands of other wives.

And once at work, she presides with easy confidence over an agency whose decisions can have extraordinary impact on American working life.

“When I received the nomination for this job,” she said, “Lane Kirkland, secretary-treasurer of the AFL-CIO told me, ‘Betty, when you become chairman forget you ever represented a union. And forget you ever represented an employer.

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in understandings of mutual benefit.

We believe that as an organization, we have through our sincere approach in labor relations, gained the faith and confidence of all we have come in contact with including those who have employed our labor. We assume the same right to claim consideration as any other institution because the handiwork and craftsmanship of the members of our organization, with the cooperation of our employers, have left traces of beauty and splendor in structures of every description throughout the American continent.

Most business institutions and organizations take great pride in informing the public of their early existence, because an industry is generally measured by its years of success, indicating a reputation for honesty and sincerity in serving its clients.

While we are uncertain as to the future of Labor relations because of proposed federal labor legislation, we can assure all concerned in the plastering industry we will continue to serve the public in preserving, performing and improving the work of plastering, plain or ornamental, in all types of structures, in order to safeguard the health, welfare and lives of our people. We feel certain that our mutual-interests will cause a continuation of our sincere and honest approach to labor relations no matter what course we must lawfully follow.