THE AUTOCRATICALLY FLEXIBLE WORKPLACE

A HISTORY OF OVERTIME REGULATION IN THE UNITED STATES

Marc Linder

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Index

Adamson Act, 60, 92
Advisory Group on Working Time and the Distribution of Work, 473
A. H. Belo Corp., 284-91
Akron, 331
A.L.A. Schechter Poultry Corp. v. United States, 222, 238
Alaska
absolute universal eight-hour law in, 41, 69-123, 151, 357, 464
Chinese workers in, 77, 97
eight-hours law for miners in, 69-75
fisheries in, 76-79, 87, 119-20
overtime law of, 122-23
Alaska Daily Empire, 104, 114, 117
Alaska Labor News, 84
Alaska Labor Union, 83, 86-87, 104, 119
Alaska Steamship Co., 92
Alaska Supreme Court, 326
Alaskan Engineering Commission, 98
Albania, 6
Alberta, 9
Alifas, N. P., 266-67
All Unions Committee to Shorten the Work Week, 352
Aluminum Company of America, 467
Aluminum Workers of America, 189
Amalgamated Society of Engineers, 46
American Cotton Manufacturers Association, 266
American Federation of Labor (AFL), 19, 188, 241, 310, 323
position of on FLSA, 282-83, 313, 324-25, 332-33
position of on overtime and unemployed, 42, 43
position of on overtime work, 25, 42, 43
Shorter Work-day Committee of, 323
Shorter Work Week Committee of, 332
American Federation of Labor-Congress of Industrial Organizations (AFL-CIO), 294, 331, 336-37, 338, 344, 374, 463
American Nurses Association, 379
American Trucking Associations, 281, 282
Americans for Democratic Action, 317
Americans with Disabilities Act, 39-40
Anaconda Copper Mining Company, 131, 132, 135, 145
Anchorage Chamber of Commerce, 83
Anchorage Daily Times, 95
Anchorage Sunday Times, 79, 84
Anderson, Benjamin, Jr., 264
Anderson v. Mt. Clemens Pottery Co., 307
Andrew, John, 149-50
Andrews, Elmer, 246, 263-65, 268, 272, 277, 280, 289
Annual vacations, 393
Annual working hours, 393
Arbitration: and right not to work overtime, 36-39, 450-58
Arizona: eight-hour law for miners, 464-65
Ashcroft, John, 14, 435
Associated Builders & Contractors, 374
Associated Contractors of Maine, 372
AT&T/Lucent Technologies, 18-19
Australia, 9
Australian Council of Trade Unions, 9
Australian Industrial Relations Commission, 9
Austria, 395, 409
Index

Automobile Manufacturers Association, 346
Avondale Mills, 266

Baker, Newton, 81
Bakery and Confectionary Workers Union, 11
Ball, Joseph, 311
Ballenger, Cass, 16
Bank of America, 325
Barber, Brendan, 408
Barkin, Solomon, 224
Barkley, Alben, 255
Bashore, Ralph, 156, 157, 160-61, 163, 173, 174, 175, 176, 178, 180-81, 184-85, 187, 190, 193-95, 197, 198, 199, 200, 201, 204, 205, 206, 207, 208, 210, 212, 221, 223, 225, 236, 239-40
Bates, Tom, 362

Bay Ridge Operating Company v. Aaron, 302-17
Bedell, Eugene, 364, 366
Belgium, 403, 404, 405
Bell, Daniel, 309-10
BellSouth, 34
Belo plan, 316-17, 325
approval of by Congress, 325-26
ban on in Alaska, 326
unsuccessful Democratic bill to outlaw, 323-24
Bennett, John, 382
Bennett, Robert, 416-17
Bergen County Record, 384
Berman, Edward, 223, 230
Bethlehem Steel Co., 18, 48, 375
Biemiller, Andrew, 336-37
Black, Hugo, 60, 258, 266, 283
Blackwell, Leslie, 418
Boswell Lumber Company, 214, 217-18, 227
Bottomly, R. V., 136
Bradley, P. E., 88
Brandeis, Elizabeth, 245
Brandeis, Louis, 30, 357
Breaks, 6

Bridges, Harry, 331
British Columbia, 10, 471-72
Brookings Institution, 15
Brooks, Frank, 173
Brooks, George, 294
Bugas, John, 346-47
Building trades: and overtime, 25, 45
Bulwinkle, Alfred, 255, 257
Bunker, George, Jr., 373
Bunnell, Charles, 74, 75, 78, 101-105, 107, 110, 111-12, 117
Bunting v. Oregon, 234, 262
Bureau of National Affairs (BNA), 59, 152, 264-65
Burton, Harold, 308
Business Week, 258, 296, 335
Butte Miners Union No. 1, 131
Butte Miners Union No. 1 v. Anaconda Copper Mining Co., 131-36, 148

California
law in limiting working time of pharmacists, 377
overtime law in, 63
unenacted bill to entitle workers to refuse overtime work, 328, 359-63
California Industrial Welfare Commission, 63
California Laundry and Linen Supply Association, 360
California Senate Committee on Industrial Relations, 50, 359, 362
Canada, 4, 50, 413-60
arbitration about overtime in, 39, 450-58
laws to restrict overtime in, 9-10, 469-73
Canadian Auto Workers (CAW), 31, 429, 430, 433, 440, 442, 444, 459
Canadian Chamber of Commerce, 428
Canadian Labour Congress (CLC), 12
Canadian Manufacturers Association, 428
Capers, Robert E., 92-96
Carnegie Steel Co., 18
Cassone Bakery, 11
Caterpillar Tractor Co., 339
Chamber of Commerce of the United States, 353
  urges repeal of FLSA, 277-78, 280
Chase National Bank, 264
“Chinese” overtime, 324
Christopherson, David, 434
Chrysler Corp.: adoption by of time and a half for overtime, 279
City of Philadelphia, 214, 228
Clague, Ewan, 335
Clark, Joseph, 110-112
Cleveland
  Chamber of Commerce of, 322
  opposition of industrial employers in to overtime premiums, 319-21
Cleveland, Jennie, 74
Cleveland, John, 369
Cohen, Benjamin, 250
Collier’s, 154
Collins, Jack, 383
Colorado, 39, 47, 466
Colorado Fuel and Iron Co., 47
Comer, Donald, 266
Commission of the European Communities, 398-402, 412
Communication Workers of America (CWA), 34, 361-62
Community Charter of the Fundamental Social Rights of Workers, 401
Conference on Shorter Hours of Work, 294
Congress of Industrial Organizations (CIO), 187-88, 223, 269
  position of on FLSA, 282-83, 297, 313, 314-15, 324
Connery, William, 60
Consumers’ movement, 3-4
Continental Baking Co., 276
Convention Limiting the Hours of Work in Industrial Undertakings to Eight in the Day and Forty-eight in the Week, 67
Convention of the International Association of Governmental Labor Offi-
cials, 156, 163, 246
Conyers, John, 350-52, 354
Cooney, Frank, 124
Copper River & Northwestern Railroad, 92
Corcoran, Thomas, 250
Corrigan, Philip, 79
Cotton, Bruce, 353
Cotton goods industry, 292
Council of National Defense, 77-78, 79, 81, 86
Council of the European Union, 398-402,
  and Directive on an Employer’s Obligation to Inform Employees of the Conditions Applicable to the Contract or Employment Relationship, 404
See Working Time Directive
Crosswaite, Thomas, 192
Crown Zellerbach Corp., 361, 362
Cuthbertson, Richard, 448-49
Czechoslovakia, 394

Daily Nome Industrial Worker, 73, 76, 106, 107, 109, 110, 111, 115
Daley, Charles, 417-18
Dallas Morning News, 284
Davis, John W., 105, 106, 111
Day, Virgil, 17-18, 340, 467
DDM Plastics, Inc., 457
Decker Coal Company, 149
Deep Sea Fishermen’s Union, 120
Denise, Malcolm, 344
Denmark, 395, 397-98
Dent, John, 175, 333
Dictionary of Trade Products, Commercial, Manufacturing, and Technical Terms, 23
District of Columbia: eight-hour law in, 63
Dorfman, Philip, 225
Douglas, Neria, 370, 371, 372-73
Dow Chemical Co., 334
Downey, Wallace, 54
Du Pont, Alfred I., 16
Index

Du Pont, Iréné, 17
Dual job-holding, 330-31, 351
Dunn, John, 114-16, 120
Earle, George H., III, 152-56, 163, 167, 168, 172, 193, 206, 222, 225, 226
Easton Hosiery Mills, 275
Echaveste, Maria, 49
Economic Report of the President, 338
Economy Act, 254
Edelman, John, 187-88, 193, 202, 222-23
Edes, William, 98-100
Eight-hours laws for employees of government contractors, 48, 54-55, 61, 254, 266, 465
Eight-hours movement, 5
Ellenbogen, Henry, 192
Emergencies: as exceptions to anti-mandatory overtime laws, 351
Employers
fears of of overtime regulation as undermining authority, 353-54
legislative campaign by against FLSA overtime provision, 318-26
litigation campaign by against FLSA overtime provision, 263-91
resistance by to paying overtime to salaried employees, 270, 279-83
Engels, Friedrich, 16
Europe: overtime regulation in, 393-412
European Council, 401
European Court of Justice, 403, 404
European Parliament, 400, 401, 402
European Union (EU), 414
unemployment in, 398-99, 403
Working Time Directive of, 398-412
Ex-Cell-O Corp., 339-40
Executives Association of Greater New York, 271

Fabian Society, 473-74
Fair Labor Standards Act (FLSA), 13, 131, 144, 148, 211, 238, 240, 245-354
as lacking maximum-hours provision, 42, 133-34, 152, 234, 397, 406-407, 415, 463
as only for “marginal” workers, 290, 299
legislative history of, 245-62
overtime provision of, 10, 137, 463-64
policies of, 10
proposed hours-averaging under, 14-15, 413
section 18 of, 132-34, 137, 149, 259, 267-78, 288
Fairbanks Daily News-Miner, 74, 75, 112
Fairley, Darlene, 375
Family Friendly Workplace Act, 48
Farmworkers: exclusion of from FLSA, 317
Fatigue, 5, 30-32
Faulkner, Herbert, 88-89, 90-91
Finland, 394-95
First National Bank of Pittsburgh, 173
Fisher’s Bakery, 214, 219-20, 228
Flaherty, Jim, 432
Flannigan, George, Jr., 217
Fleming, Philip, 287
Fleming v. Carleton Screw Products Co., 276
Fletcher, A. L., 276
Flexibility, 3, 4, 394, 399, 400, 401, 404, 405, 406, 409, 410, 412, 414, 415, 418, 422, 426, 431-32, 459, 463, 475-76
Flexible Employment, Compensation, and Scheduling Coalition, 13, 475
Florida Power & Light Co., 40
Fluctuating workweek, 324
Food Service and Lodging Institute, 353
Ford Motor Co., 50, 451, 452
opposition by to further regulation of overtime, 342-44
overtime work at, 37-38, 346-47
Fortune, 309
Forty-hour week
Index

“right” to, 246-47
ubiquity of in union contracts, 59
France, 463
40-hour week in, 246
overtime regulation in, 403, 411
Frank, Jerome, 307
Frankfurter, Felix, 30, 262, 308-309, 317
Fraser, Douglas, 350, 352
Freitt, Michael, 371
Frelinghuysen, Peter, 341
Frey, Alexander, 211, 225, 237-38
Frey, Edward, 157, 158, 161-63
Friedman, Edward, 214, 217, 218, 225
Frost, Leslie, 418

Gall, John, 270
Gelder, Frederick, 209
General Electric Co. (GE), 17, 340, 345, 467
General Mills, 272
*General Mills v. Williams*, 274
General Motors (GM), 295, 322, 339
adaptation by of time and a half for
overtime, 279
overtime work at, 33-34, 365
General Motors of Canada Ltd., 429, 430
Georgia, 64, 66
German Democratic Republic, 395
Germany, 403, 409
Gerstacker, Carl, 334
*Glick v. Montana Dept. of Institutions*, 136-37, 147-48
Golden, Lonnie, 50
Goldmark, Josephine, 30
Goldthwait, Jill, 381
Gompers, Samuel: opposition of to
overtime, 19, 44-45, 54-55
Goodrich, Carter, 224
Goodwin, Angier, 310-12
Grace Lines, 302
Grand Union Company, 214, 218-19, 228
Graybill, Leo, 144
*Great Falls Tribune*, 140

Greece, 394, 403
Greely, Mike, 147-49
Gregg, Judd, 14-15
Gregory, Charles, 249
Gregory, Thomas, 104-106
Grigsby, George, 106, 107, 111, 116-17
GTE, 35, 374
Guggenheim-Morgan Syndicate, 70, 71, 92, 101
Gunnison, Royal, 95
*Gurtov v. Volk*, 274
Gwynne, John, 312

H. B. Underwood Corporation, 214-17, 227-28
Halliburton Oil Well Cementing Co., 291
Haney, Lewis, 322
Hargest, William, 203, 208
Harri s, Howell John, 215
Harrisburg *Patriot*, 161, 164, 199
*Harrisburg Telegraph*, 156, 186, 189, 191, 198, 225
Harrison, F., 92
Hartley, Fred, Jr., 281, 313
Health Professionals and Allied Employees (HPAE), 384-85
Heckman, James, 119
Heliker, George, 140, 141, 142, 143, 144, 145
Henderson, Leon, 210-11, 230, 252
Henretta, J. E., 203-206, 213-14
Hess, Luther, 122
Hines, Lewis, 241
Hinrichs, F. A., 256
Hoffa, James, 351

Holidays, 6
Holland, David, 138, 143
Holland, Elmer, 333, 334
Hoover, Herbert, 81, 152, 254
Hotel and Restaurant Employees International Alliance, 176-77
Hours-averaging, 14, 405-407, 409-10,
Index

417, 423, 432, 435, 459, 463, 475
Hours of work
and neoclassical economics, 29
and struggles over length of, 27-29
Howell, Sylvester, 74
Hubbard, Oliver, 90-95, 115
Hunt-Wesson Foods, Inc., 360
Huron Stevedoring Corp., 302
Hutchison, Kay Bailey, 14-15
Illinois: unenacted bill in entitling workers to refuse overtime work, 364, 377
Independent Labour Party, 396
*Industrial Relations*, 350
Intensity of labor, 5
International Association of Machinists, 11, 457-58
International Brotherhood of Electrical Workers, 35
Local 3 of and short workweeks with overtime, 329-30
International Brotherhood of Pulp, Sulphite and Paper Mill Workers, 294
International Labour Office, 394, 396
International Labour Organization, 67, 416
International Longshoremans and Warehousemen's Union, 331
International Longshoremens' Association (ILA): and role in overtime on overtime dispute, 302-17
International Union of Mine, Mill and Smelter Workers, 106
International Workers of the World (IWW), 78, 109
Iowa Bankers Association, 277
Ireland, 403
Italy, 410-11

*J. A. Wilson Display Co. Ltd.*, 451
*J. A. Wilson Display Co. Ltd.*, 452
Jackson, Robert, 308
Japan
annual working hours in, 393
Labor Standards Law in, 7

overtime regulation in, 7
Javits, Jacob, 345
Jevons, William Stanley, 13
Johnson, Lyndon, 337-38
Johnson administration, 334, 344, 467
Johnston, Olin, 66
Jolliffe, Edward, 418
Just-in-time production, 4

Kane, E. Kent, 165
Kanes, David, 192
Kansas, 63
Keller, Kent, 256-57
Kellogg Co., 257
Kennecott Copper Corp., 85, 92
Kennedy, John F., 330, 333-34, 336
Kennedy, Thomas, 154
Kennedy administration, 334
Kephart, John, 206, 211, 237-38
Kerr, T. Michael, 49
Ketchikan Power Co., 82
Keynesian theory of stagnation, 231
King, Angus, 381
Kinley, John, 416, 418, 427, 445, 447, 460
Kirk, William, 76
Knit goods industry, 292
Kraus, Gilbert, 225
Kraus, Manuel, 225

Labor Policy Association, 13
*Labor Relations Reports/Reporter*, 152
Labor standards legislation
alleged obsolescence of, 4
and international competition, 17-18
Labor unions:
arbitration by of disputes about overtime work, 36-39, 450-59
demands of for overtime penalties' premiums, 44-46
policies of toward overtime work, 42-46
time and a half in contracts of, 59-60
See also AFL; AFL-CIO; UAW
*Laborgraphic*, 161, 178
Lake Ontario Steel Company Ltd., 452
Index

Landry, Robert, 353
Lane, Franklin, 77, 78, 81, 82, 83, 84, 85, 86, 96, 98, 103, 105
Lappan, James, 183-84, 205
Legal day’s work statutes, 13, 23-24, 42
Lesinski, John, 323
Libertarianism, 3, 460, 469-73
Linn, William, 207, 238
“Little” National Recovery Act, 256
Lochner v. New York, 68, 130
Long working hours
   and family values, 30
   as promoting accumulation, 5
   changing basis of worker opposition to, 29-35
   in U.S., 7
Longshoremen: and dispute over overtime on overtime, 302-17
Luxembourg, 403
Machinists, 55
Magruder, Calvert, 271
Mahoney, Charles, 142
Maine
   law of entitling nurses to refuse mandatory overtime, 380-82
   law of limiting mandatory overtime hours, 358, 367-73
Maine State Chamber of Commerce, 371
Maine State Nurses Association, 381
Maloney, Francis, 251
Mandatory overtime work, 25, 34, 36
   laws to limit, 350-51, 357-90
   laws to limit for nurses, 377-90
Manitoba, 10, 470
Manufacturers’ Association of Connecticut, 271
Margiotti, Charles, 190, 193-94, 202, 203, 206, 207, 211, 212, 222, 224-25
Marshall, Alfred, 296 n. 24
Martel, Shelley, 434
Marx, Karl: analysis of overtime by, 27-29, 32, 292, 298, 396-97
Maximum-hours laws
   abuse of emergency clauses under, 464-65
   as absent in U.S., 6
   as applied to men, 27
   as distinguished from overtime law, 5, 234-36, 251-52
   as misnomer in FLSA, 5
   emergencies as exceptions to, 44, 45, 46, 125, 126, 130, 137, 164, 167, 170-71, 172, 176, 178, 181, 188, 196, 229, 233, 235, 239, 419, 426, 464-66
   employer opposition to, 61
   for air traffic controllers, 386
   for airplane pilots, 386
   for bakers in New York, 67
   for flight attendants, 386
   for miners, 46, 47-48, 68-75
   for railway employees, 377, 386
   for truck drivers, 377, 386
   for women, 62-64, 65
   in Alaska, 41
   in Europe, 393-412
   in North Carolina, 64-65
   in Ontario, 415-59
   in Pennsylvania, 41
   in South Carolina, 66-67
   prohibition by of working more than maximum for 2 or more employers, 158-60, 183-84, 321, 412
Mazurek, Joseph, 149
McCarvel, Joseph, 142, 143, 145, 146
McComb, William, 324
McDonald, David, 331, 334
McKeon, Michael, 140, 142, 145
McKinley, William, 254
McKittrick, Pat, 139
McNamara, Pat, 333, 344
McNees, Sterling, 202
McNulty, George, 271
Meany, George, 333, 336
Metal Manufacturers Association (MMA), 215-16
Metcalf, Lee, 332
Microsoft Corp. 40
Miller, C. W., 221
<table>
<thead>
<tr>
<th>Index</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Miller v. Bashore</em>, 226</td>
<td>National Federation of Independent Business, 368</td>
</tr>
<tr>
<td>Mills, Peter, 372</td>
<td>National Industrial Recovery Act (NIRA), 154, 172, 230, 341</td>
</tr>
<tr>
<td>Miners: maximum hours laws</td>
<td>overtime provisions in industry codes under, 248-49</td>
</tr>
<tr>
<td>for, 46, 47-48, 67-68</td>
<td>National Labor Relations Act (NLRA), 318, 361</td>
</tr>
<tr>
<td>Minimum wage, 317</td>
<td>lack of right not to work overtime under, 35</td>
</tr>
<tr>
<td>Minnesota: law limiting</td>
<td>National Labor Relations Board, 35, 340</td>
</tr>
<tr>
<td>mandatory overtime for nurses, 390</td>
<td></td>
</tr>
<tr>
<td>Missel, Walter, 280</td>
<td>National Metal Trades Association, 54</td>
</tr>
<tr>
<td>*Missel v. Overnight Motor</td>
<td>National Recovery Administration, 181, 211, 249, 252</td>
</tr>
<tr>
<td>Transportation Co.*, 280-84</td>
<td>National Small Business Men’s Association, 323</td>
</tr>
<tr>
<td>Mississippi, 64</td>
<td>National Woman’s Party, 209</td>
</tr>
<tr>
<td>Mitchell, John, 53</td>
<td>National working-time regime, 6</td>
</tr>
<tr>
<td><em>Modern Industry</em>, 281, 322</td>
<td>Nebraska, 354</td>
</tr>
<tr>
<td>Montana, 124-50</td>
<td>Nelson, Donald, 247</td>
</tr>
<tr>
<td>constitution of, 124-28, 137</td>
<td>Netherlands, 394, 403, 409-10</td>
</tr>
<tr>
<td>Constitutional Convention of, 137-47</td>
<td></td>
</tr>
<tr>
<td>Department of Labor and</td>
<td>New Hampshire, 13</td>
</tr>
<tr>
<td>Industry of, 137-38, 147</td>
<td>New Jersey</td>
</tr>
<tr>
<td>8-hour laws of, 124-50, 357</td>
<td>law in restricting mandatory overtime for nurses, 382-88</td>
</tr>
<tr>
<td>hours laws of for miners, 124</td>
<td>unenacted bill in to entitle workers to refuse overtime work, 364-66</td>
</tr>
<tr>
<td>workforce composition of, 128-29</td>
<td></td>
</tr>
<tr>
<td>Montana Legislative Council, 138</td>
<td>New Jersey Business and Industry Association, 365</td>
</tr>
<tr>
<td>Montana Supreme Court, 129, 134-35, 136-37, 144, 148</td>
<td>New Jersey Hospital Association, 383, 386, 388</td>
</tr>
<tr>
<td>Montana: legal day’s work statute of, 23-24. 42</td>
<td>New Jersey State Chamber of Commerce, 366</td>
</tr>
<tr>
<td>New Jersey</td>
<td>New Mexico Supreme Court, 125</td>
</tr>
<tr>
<td>New Jersey Hospital</td>
<td>National Association of Manufacturers (NAM), 54, 277, 278, 297-98,</td>
</tr>
<tr>
<td>Association, 383, 386, 388</td>
<td>307, 353</td>
</tr>
<tr>
<td>New Mexico:</td>
<td>campaign of against FLSA overtime provision, 270, 279-80, 321, 339</td>
</tr>
<tr>
<td>Supreme Court, 125</td>
<td>National Conference on Labor Legislation, 155, 171, 241, 268-69</td>
</tr>
<tr>
<td>New Mexico</td>
<td>model state wage and hour bill of, 269</td>
</tr>
<tr>
<td></td>
<td>National Cotton Mule Spinners, 42</td>
</tr>
<tr>
<td></td>
<td>National Electrical Contractors Association (NECA), 345</td>
</tr>
<tr>
<td></td>
<td>New Zealand:</td>
</tr>
<tr>
<td></td>
<td>Factories Act of, 10, 27</td>
</tr>
</tbody>
</table>
Minimum Wage Act of, 9
overtime regulation in, 9
Newcomb, Robinson, 230
Newfoundland, 9
Night shift, 255-58
North Carolina, 64-65, 66
Northern Commercial Co., 91, 100-104
Northern Telecom Canada Ltd., 12
Northwest Territories, 9
Norton, Mary, 257
Norway
annual working hours in, 393
overtime regulation in, 394
Nurses: and legislation entitling refusal of mandatory overtime by, 358, 377-90
in Congress, 378
in Maine, 380-82
in Minnesota, 390
in New Jersey, 382-88
in Oregon, 382-88
in Pennsylvania, 379
in Washington, 388-90
O’Daniel, Wilbert (Pappy), 295-96, 300
Office Employees International Union, 324, 324
O’Hara, James, 343, 344
Ontario, 413-60
Act to Improve the Employment Standards Act of, 430
Co-operative Commonwealth Federation in, 415
Employment Practices Branch of, 421, 425, 446, 447, 449
Employment Standards Act (ESA) of, 12, 268, 422-24, 426, 428, 431-60
Employment Standards Act (ESA) 2000 of, 413, 433-45
Factories Act of, 415-16
hours-averaging in, 414, 417, 423, 432, 435, 459
hours law of, 9-10
Hours of Work and Vacations with Pay in Industrial Undertakings
Act of, 416-22, 451-53
Industry and Labour Board of, 419, 421
Liberal government of, 417, 427
Limitation of Hours of Work Act of, 416-17
maximum-hours law in, 414, 416
New Democratic government of, 428
overtime permits in, 419-21, 424-26
Policy and Interpretation Manual for ESA in, 446
premium overtime pay in, 435, 459
Progressive-Conservatives (Tories) in, 413-14, 429-32
Red Tape Review Commission of, 431, 432
right to refuse overtime in, 414, 420, 424-25, 436-60, 469
unions’ use of ESA to refuse to work overtime in, 444-45, 450-60
work-spreading purpose of maximum hours law in, 253, 416-18
Ontario Arbitration Board, 457
Ontario Court of Appeal, 455
Ontario Federation of Labour, 433, 440, 441, 445
Ontario Hydro, 457
Ontario Labour Relations Act, 459
Ontario Task Force on Hours of Work and Overtime, 416, 427, 428, 460
Oregon
eight-hour law for government work of, 465
hybrid maximum-hour/overtime law of, 30, 116-17, 121, 234, 261-62, 357-59, 465
law of limiting mandatory overtime for nurses, 382
Oregon Supreme Court, 261
Organisation for Economic Co-Operation and Development, 404
Ostroff, Isidor, 199
Otersen, Jeanne, 384-86
Outboard Marine Corporation of Canada, 447-49
Over-hours, 26
Overnight Motor Transportation Co., 282
Overnight Motor Transportation Company v. Missel, 258-59, 280-84, 299, 324
Overtime:
  concept of, 23-25
  multiple meanings of, 3
  word in various languages, 23 n.4
Overtime “hogs,” 32, 43
Overtime on overtime dispute, 302-17
Overtime penalty/premium
  and definition of “regular rate,” 267, 282-84, 291
  and fluctuating hours, 284-91
  as self-defeating, 234
  at double time, 335, 338, 344, 350, 463, 467
  correlation of with union membership, 51
  diminishing deterrence of, 328-29
  employers’ campaign against, 62, 263-78, 318-26
  exclusion of white-collar workers from, 6-7, 474
  expected deterrent value of, 252, 257
  judicial denial of under maximum hours laws, 46
  number of workers covered by under FLSA, 265-66
  payment of into unemployment insurance fund, 342-43, 352-53
  transformation of from employer disincentive to worker incentive, 45-46
  unsuccessful efforts to increase and lower overtime threshold, 327-54
Overtime regulation
  and compulsory collectivism versus voluntarism, 52
  and Democrats, 48-49, 51
  and 19th-century British labor unions, 52-53
  as free-market mechanism, 13
  before the FLSA, 59-68
  changed purpose of during World War II, 292-301
  in Europe, 393-412
  purposes of under FLSA, 344
  states lacking, 357
  under collective bargaining agreements, 36
  work-spreading as purpose of under FLSA, 252-54, 258-59, 344
Overtime wages
  analysis of by Karl Marx, 27
  and building trades, 45
  and increase in total wages during World War II, 293
  and maintenance of living standards, 48-49
  economists’ view of, 26
  employers’ efforts to limit by lowering regular rate, 263-78
  impact of loss of on income, 332
  self-contradictions of, 11-12, 41-55
Overtime work
  advantages of to employers, 43
  and basic or normal workday, 23
  and compulsion to keep capital in motion, 16, 18-19
  and need for leisure, 30
  and unemployment, 33, 43, 335, 348
  as increase in labor supply, 43
  as market failure, 29
  as overwork, 26
  at World Trade Center after Sept. 11, 2001, 349 n.115
  concept of, 23-26
  correlation of with union membership, 51
  costs of, 26
  in department stores, 26-27
percentage of workers working and not paid for, 51, 292, 335-36
refusal to perform, 31, 32-33
right to refuse, 10
right to refuse under collective bargaining agreements, 29-30, 37
strikes against, 33-34, 35-36
systematic, 25, 400, 404
trends in weekly hours of, 32, 293
union agreements limiting, 33-35, 43-45
workers’ desire for, 11-12

Overwork, 23

Palmer, A. Mitchell, 117
Parkdale Community Legal Services, 441
Pennington, George, 114-16, 120

Pennsylvania
application of 44-hour law of to public employees, 191-93
bill in limiting mandatory overtime for nurses, 379
Bureau of Hours and Minimum Wages of, 175, 176, 179, 180, 181, 183, 196, 204, 205, 221, 237
child labor law of, 171
Democratic Party of, 154-56
Department of Labor and Industry of, 151, 169, 173, 200, 203, 215, 222, 223, 228-36, 238, 464
forty-four law of, 41, 151-241, 351, 357, 403, 414, 464
judicial invalidation of 44-hour law of, 201-40
lack of rest period law in, 241
Little New Deal of, 151-56, 240
Little Wagner Act of, 240
overtime law of, 241
prohibition by of working more than 44 hours for two employers, 158-60, 321
unenacted bill of entitling workers to refuse mandatory overtime, 373-75
women’s hours law in, 154-55, 158-59, 161, 177, 184, 209-10, 241
Pennsylvania Bankers Association, 173-74
Pennsylvania Chamber of Business and Industry, 374
Pennsylvania Federation of Labor, 155, 184, 222
Pennsylvania Natural Gas Men’s Association, 187
Pennsylvania Newspaper Publishers Association, 178
Pennsylvania Railroad, 220
Pennsylvania State Association of Boroughs, 192
Pennsylvania Supreme Court, 160, 194, 210-11, 220, 237-40
Perkins, Frances, 245-46, 249, 252, 295, 298-99, 301
Philadelphia Inquirer, 167, 169, 170, 188, 200, 201, 207, 211, 213, 237, 239
Phillips, John A., 155, 184, 222
Picard, Frank, 272-74
Pittsburgh Chamber of Commerce, 183
Poland, 394
Poland Springs Corp., 367
Portal-pay dispute, 302, 316, 318
Portal-to-Portal Act, 307, 311, 312, 315
Portugal, 395, 403
Postal Telegraph Company, 187
President’s Reemployment Agreement (PRA), 248
Privy Council, 417
Index

Public Education and Child Labor Association of Pennsylvania, 171

Québec, 253

Railway workers, 60
Rankin, John, 311
Regular rate, 282-84, 289, 316, 318, 422
Rice, Jesse, 90
Rifkind, Simon, 303-308, 317
Riggs, Thomas, 98-100, 106, 108-114, 117, 120
Right-to-refuse mandatory overtime legislation, 357-90
in British Columbia, 471-72
in California, 359-63
in Canada, 469-73
in Illinois, 364
in Maine, 367-73
in Manitoba, 470
in New Jersey, 364-66
in Ontario, 414, 420, 424-25, 436-60, 469
in Pennsylvania, 373-75
in Saskatchewan, 469-70
in Washington, 375-77
in West Virginia, 366-67
on Wisconsin, 363
in Yukon Territory, 470-71
Robertson, Ralph, 87-88, 90
Rockefeller, David, 339
Roosevelt, Franklin D., 60, 152, 153, 155, 250, 300
and FLSA, 245, 259, 260-61, 264
and limiting hours, 248
and long hours, 251, 295
on overtime premiums, 249
Roosevelt, James, 333
Roth, Rinehart, 104-105
Royal Commission on Trade Unions and Employers’ Associations, 396
Rubber workers: and short workweeks with overtime, 331
Ryan, Joseph, 302-305, 309, 313
Safe Nursing and Patient Care Act of 2001, 378
Safeway Stores, Inc., 130
Salaried employees:
and lack of overtime compensation, 26
employers’ campaign against paying overtime to, 270, 280-83
Saskatchewan, 10, 469-70
Sawmilling, 292
Sawyer, W. Tom, Jr., 380, 381
Schaffer, William, 206, 238
Schwellenbach, Lewis, 322
Sears, Roebuck and Company, 181
Shafer, Paul, 257-58
Sheely, W. C., 213, 214, 217, 224, 226, 227-30
Shockley, Russell, 225
Shulman, Harry, 38, 42
Sifton, Paul, 271, 277
Single European Act, 400
Sloan, Alfred P., Jr., 295
Smith, Sidney, 140
Socialist party, 71
South Carolina, 64
South Korea
Labor Standards Act in, 8
overtime regulation in, 7-8, 14
Southern States Industrial Council, 264
Soviet Union, 395
Spain, 394, 403, 410
Staley, Austin, 222, 225
Stark, Fortney Pete, 378
State, County and Municipal Workers of America, 192
Steel Workers Organizing Committee (SWOC), 182
Steinmetz, B. I., 126-27
Stockwell, Chris, 432, 433, 434
Strong, John F. A., 72, 75, 77, 81, 82, 83, 84, 85, 86, 87, 89, 94, 96, 97, 98, 99, 100, 101, 110
Structural Clay Products Industry, 271
Sulzer, Charles, 100, 111, 113
Sundback, John, 79
Supreme Court of Canada, 416, 450, 453, 455, 457
Index

Survey, 76
Swanberg, William, 144
Sweden, 395
Switzerland, 394

Taft, Philip, 43-44, 306
Taft, Robert, 342
Taft-Hartley Amendments, 318
Texas, 63
Textile industry, 255-57
Textile Workers Organizing Committee, 187, 277
Thatcher, Margaret, 400
Thirty-Hour Bill, 60-61
Times (London), 25
Tobin, Maurice, 314
Toronto Board of Trade, 428
Toronto Star, 429
Toyota Motor Manufacturing Canada, Inc., 439-40, 442-44
Tracy, E.E., 89
Trades Union Congress, 407-408
Treaty Establishing the European Economic Community, 398
Truman, Harry, 315, 322
Turner, Ellwood, 166, 167

Unemployment compensation: right to after termination for refusal to work overtime, 39
Union News Agency, 221
Skilled Trades Conference of, 335
United Food and Commercial Workers, 367
United Kingdom (U.K.) and EU Working Time Directive, 398, 400, 403, 404, 407-409

and Factory Act of 1961, 465
and hours laws for women and children, 464-65
laissez-faire in, 8
length of workweek in, 396, 404, 407
overtime regulation in, 394-97
United Mine Workers (UMW), 53, 60, 149, 154
US West, 34
U.S. Congress: and legislative cut-backs in FLSA overtime coverage, 318-26
U.S. Department of Justice, 104, 106, 107, 114
U.S. Department of Labor (DOL), 36, 175, 179, 259, 284, 292, 336, 348
role of in Belo case, 317, 326
U.S. Department of the Interior, 81, 96, 99, 120
U.S. Food Administration, 81
U.S. House of Representatives Committee on the Territories, 70 Economic Opportunities Committee, 17
Judiciary Committee, 312
Labor Committee, 18, 54, 252, 256, 318, 323, 335, 336, 337, 340, 345, 352
Naval Affairs Committee, 297-99 Workforce Protections Subcommittee, 16
U.S. Industrial Commission, 42, 55
U.S. News & World Report, 339, 345
U.S. Senate:
Committee on the Territories, 99, 100
Labor Committee, 55, 61, 252, 314, 333, 345
U.S. Steel Corp., 48
U.S. Supreme Court, 24, 131, 137, 172, 222, 230, 299
FLSA overtime decisions by, 246, 253, 258-59, 280-91, 324
maximum-hours law for miners
Index

Webb, Beatrice and Sidney, 16
Weiler, Paul, 452, 453, 454
West Virginia: unenacted bill of entitling workers to refuse overtime work, 366-67
Western Federation of Miners, 71, 73, 78, 79, 106
Western Union, 187
Whitman, Christine, 383-87
Wickersham, James, 70, 71, 74, 82, 100, 101, 103, 113
Wiley, Alexander, 312
Williams, Samuel, 272
Wilson, Charles E., 322-23
Wilson, S. Davis, 191
Wilson, Woodrow, 62, 101
Wirtz, Willard, 337, 340, 344, 348
Wisconsin: unenacted bill of entitling workers to refuse overtime work, 363
Witherow, William, 297-98
Witmer, Elizabeth, 429, 430
Women: hours laws for, 62-64, 65, 67
Woodcock, Leonard, 341-42, 350
Workers: change in attitudes of toward overtime, 292-301
Working Time Directive, 8, 398-412
Workplace Flexibility Act, 14
World War I, 62, 76
World War II, 418
changed function of overtime premium during, 252, 282, 292-301
unsuccessful congressional efforts during to suspend FLSA overtime provision, 294-301
Wyoming, 63
Yntema, Theodore, 342-43
Yourishin, John, 165-67
Yukon Territory: law restricting overtime in, 10, 470-71
Zimbabwe, 6

Wage and Hour Administrator, 131, 246, 270, 276, 278, 281, 287, 294, 295, 318, 476
Wage and Hour Division (WHD), 263, 264, 267-68, 271, 276, 277, 278, 279, 284, 285-91, 311, 313, 325
Wage and Hour Reporter, 264
Waldman, Louis, 311
Walker Exhausts, 456, 457, 458
Walling v. A. H. Belo Corp., 274, 281, 284-91, 299, 324
Walsh, J. Raymond, 224, 230
Walsh-Healey Government Contracts Act, 250
Walter, Francis, 312
War Production Board, 247, 297
Washington State, 40
law of limiting mandatory overtime for nurses, 377, 388-90
unenacted bill of entitling workers to refuse overtime, 375-77
Washington State Hospital Association,
That the trend during the past two decades to weaken hours laws in Europe and Canada—in the name of creating more “flexible” workplaces that can compete more fiercely in a world economy—has been as inexorable as globalization itself suggests that pressures will mount to dilute an already weak U.S. overtime law. Such “flexibility,” one-sidedly serving firms’ needs, may, thanks to bills before Congress, eventually legalize 60-hour workweeks without premium pay. As millions of workers are being forced to work overtime without a right to refuse except at the risk of losing their jobs, The Autocratically Flexible Workplace: A History of Overtime Regulation in the United States is the most comprehensive account of the subject ever written. Complementing the author’s “Moments Are the Elements of Profit”: Overtime and the Deregulation of Working Hours Under the Fair Labor Standards Act, it expands the social and labor history of overtime regulation. It focuses on the irrationality of regulating working hours by means of overtime premiums, which encourage workers to overwork without being large enough to deter firms from requiring employees to work unlimited hours. Instead, the book re-examines maximum-hours laws, which prohibit employment beyond a set number of hours. Case studies, based on never-before-used archival materials, uncover a body of state maximum-hours legislation—invalidated by judicial doctrines no longer an obstacle today—far more radical than any national labor standards. While highlighting the most recent state legislative efforts to entitle workers to refuse to work overtime, the book also documents employers’ determined opposition.

Marc Linder, professor of labor law at the University of Iowa, has also represented migrant farmworkers on behalf of Texas Rural Legal Aid. The Michigan Law Review has called him “the scholar who has most exhaustively studied the Fair Labor Standards Act...and related legislation.” Among his books are Wars of Attrition: Vietnam, the Business Roundtable, and the Decline of Construction Unions; Void Where Prohibited: Rest Breaks and the Right to Urinate on Company Time; Migrant Workers and Minimum Wages: Regulating the Exploitation of Agricultural Labor in the United States; and The Employment Relationship in Anglo-American Law.

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