

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION ON CIVIL RIGHTS  
DOCKET NO. E7UR-2419

RUTGERS THE STATE UNIVERSITY  
OF NEW JERSEY,

Complainant,

vs.

INTERNATIONAL ASSOCIATION OF BRIDGE,  
STRUCTURAL AND ORNAMENTAL IRON  
WORKERS, and LOCAL UNIONS #11, #45,  
#373, #480, and #483,

COMPLAINT

and

THE ASSOCIATED GENERAL CONTRACTORS  
OF NEW JERSEY,

and

STRUCTURAL STEEL AND ORNAMENTAL IRON  
ASSOCIATION OF NEW JERSEY, INC.,

and

RIGGING CONTRACTORS ASS'N OF N.J.,

and

BUILDING CONTRACTORS ASS'N OF NEW JERSEY,

and

THE IRON WORKERS JOINT APPRENTICESHIP  
COMMITTEE,

and

ARTHUR VENNERI COMPANY,

and

F. H. SPARKS COMPANY,

and

PITTSBURGH PLATE GLASS CO.,

and

HUDSON STRUCTURAL IRON WORKS, INC.

and

LOCAL 24, INTERNATIONAL ASSOCIATION  
OF PLUMBERS AND STEAMFITTERS,

and

BENDER BROTHERS,

and

EXHIBIT "A"

LOCAL 475, INTERNATIONAL ASSOCIATION  
OF PLUMBERS AND STEAMFITTERS,

and

BORO PLUMBING AND HEATING CO.,

and

LOCAL 10, INTERNATIONAL ASSOCIATION  
OF SHEET METAL WORKERS,

and

KEYSTONE SHEET METAL CO.,

and

LOCAL 1, ELEVATOR CONSTRUCTORS UNION,

and

TURNBULL ELEVATOR CO.,

Respondents,

Rutgers, the State University of New Jersey

at 53 Washington Street, Newark, New Jersey

charges the above named respondents

whose addresses are listed in the complaint

with an unlawful practice within the meaning of the Law against Discrimination,

(P. L. 1945, Chapter 169, as amended; N.J.S.A. 18:25-1 et seq.) and specific-

ally within the meaning of Section Four and Section 12, subsections a, b

c, d and e of said Law; because of RACE (X), CREED ( ), COLOR (X), NATIONAL  
ORIGIN (X), ANCESTRY (X), ARMED FORCES ELIGIBILITY ( ), AGE ( ).

The facts on which the aforesaid charge is based were developed under the  
circumstances described below, and are based on information and belief  
as follows:

Rutgers, The State University of New Jersey, is undertaking  
the construction of a new campus in Newark, New Jersey. The first building  
under construction, which was started in April, 1964, was the Law Center. Other  
facilities, which will begin construction in the spring of 1965, include  
Library, Science, and Humanities buildings, and a Student Center. The Newark

Campus is part of an Urban Renewal Project, and is financed with federal, state, city and private funds.

In connection with the construction of the Newark Campus, the University has followed and is following the policies of the New Jersey Law Against Discrimination, N.J.S.A. 15:25-1 et seq., and the policy enunciated in Executive Order No. 10925, by taking affirmative action to assure that there is no racial discrimination in connection with this construction. While pursuing these policies, the University has discovered facts which, in its opinion, constitute violations of the Law Against Discrimination and the aforesaid Executive Order. As a developer of a project supported with federal, state and local funds, the University has been placed in the untenable position of either acquiescing in racially discriminatory practices, or suspending the construction of much needed University buildings. In addition, the University has been the direct victim of discriminatory conduct resulting from its efforts to prevent and avoid racial discrimination in connection with the construction of the Law Center.

Rather than take the position of doing nothing and hence acquiescing in the discriminatory practices, or suspending much needed University construction, Rutgers, The State University hereby complains to the Division on Civil Rights, State of New Jersey, concerning the following discriminatory practices which have come to its attention in the course of its efforts to assure that the Law Center would be built without taint of racial discrimination in the work force:

I

With Respect to the International Association of Bridge, Structural  
and Ornamental Iron Workers, Certain Locals Thereof, and  
Contractors Who Employ Members Thereof

1. Entrance to the Iron Workers trade in north New Jersey is controlled by locals of the International Association of Bridge, Structural, and Ornamental Iron Workers, their agents and associates, through a series of hiring

hall agreements with general and special contractors, in which the contractors agree to secure iron workers through union sources. Participation in an apprenticeship program conducted under the supervision of said local unions and its associates is the only way a young man can secure employment and training as an iron worker in north New Jersey. Since 1963, the decisions concerning apprenticeship programs in north New Jersey have been made by a Joint Apprenticeship Committee of Northern New Jersey, which consists of equal numbers of representatives of employers of iron workers, and the five locals of the International Union which have territorial jurisdiction in north New Jersey, Locals 11, 45, 378, 480 and 483. The document establishing the council is between the International Union, the five local unions named above, the Associated General Contractors of New Jersey, the Structural Steel and Ornamental Iron Association of New Jersey, and the Building Contractors Association of New Jersey, and county associations.

2. In June, 1964, Rutgers - The State University requested the Ironworkers Joint Apprenticeship Council to conduct open and publicized apprenticeship tests in the late summer or fall as a method of insuring racial peace in New Jersey.

3. The Joint Apprenticeship Committee of Northern New Jersey meeting sometime in August or September, 1964, decided to conduct a class of apprentices, and to select that class from applications pending before it, without advising the public and particularly without publicizing the proposal so that minority group youth would have a reasonable opportunity to learn of it. Participation in such an apprenticeship program is the only means by which membership in respondent union can be acquired by a young man, and participation in such an apprenticeship program is an essential condition for obtaining employment as an iron worker with many contractors in Northern New Jersey, particularly the Arthur Veneri Company, which is the general contractor for the building of the Rutgers University Law Center in Newark, New Jersey

4. Iron Workers Local 11,

in Newark, New Jersey, as well as Locals 45, 373, 480, and 483, have no Negro journeymen or apprentice members. Thus the decision not to publicize the aforementioned apprenticeship program constituted an effort to continue the all white character of the Union by withholding from the others the information necessary to enable interested and qualified young men to apply for such apprenticeship program. This constituted barring persons from employment in the iron worker trade because of their race. The Joint Apprenticeship Council of Northern New Jersey is a "person" within the meaning of Section 5 (a) of the Law Against Discrimination and therefore has violated Section 12 (e) of the Act. The Joint Apprenticeship Council's actions are those of its principals, Local Unions 11, 45, 373, 480 and 483, and the employer associations which were signatory to the agreement. Its acts are their acts and therefore the employer associations violated Section 12 (a) of the Law Against Discrimination and Local Unions violated Section 12 (b) of the Law by the decision of the Joint Council. All parties by restricting the methods of communication to members and friends have indicated their intent to exclude others on account of race in violation of Section 12 (c) of the Act, while acting as an employment agency within the meaning of Section 5 (b).

5. Upon learning the facts stated in paragraph 4, Rutgers, The State University attempted to persuade and induce the Joint Council to change its decision, and abandon its discriminatory plan. Union members who were members of the Joint Council consulted with officials of the International, etc. Instead of taking this action, the Joint Council by a subterfuge of denying that it had properly authorized the apprenticeship test, cancelled the aforesaid test, thus discriminating against Rutgers, The State University because it had opposed practices forbidden under this Act, in violation of Section 12 (d) of the Act. The acts of the Joint Council for the purposes of this count are the acts of its principals, the unions and employers, and it was acting in the capacity of an employment agency, and with the approval of the International Union. All parties named in paragraph 4 therefore violated Section 12 (d) of the Law.

6. The cancellation of the apprenticeship training program, as set

forth in paragraph 5, also constitutes an act of discrimination against all persons of minority groups who might have participated in a properly publicized apprenticeship training program, in violation of Section 12 (a) (b) and (e) of the Law Against Discrimination, said violation was committed by the parties named in paragraph 4.

7. The cancellation of the apprenticeship training program set forth in paragraph 5 took place on October 21, 1964, two days after five Negroes had applied to participate in the program. This cancellation was intended to prevent these Negroes from becoming apprentices, in violation of Section 12 (a) (b) and (e) of the Law Against Discrimination, said violations committed by parties named in paragraph 4 of this complaint.

8. On or about December 17, 1964, after Rutgers had prepared to file this complaint, and had so notified the International President of the Ironworkers Union, a representative of the international union, at a meeting called by him in the office of the Bureau of Apprenticeship Training, U.S. Department of Labor, Newark, New Jersey, announced that an apprenticeship test would be given. Application date for the test was to be February 2, 1965, and announcement of the test would be made through channels approved by the Bureau. The apprenticeship test would not be completed before June, and even then there was no assurance that any apprentices thus selected would be afforded work. In addition, the documents submitted for use in connection with the test included an application form which included questions concerning national origin and ancestry, which constituted a further violation of N.J.S.A. 18:25-12 (c), by the named Locals and the International Union, acting as an employment agency within the meaning of N.J.S.A. 18:25-5 (b).

9. There are no nonwhite members of any of the Locals of the Ironworkers named herein. This situation has resulted from discrimination against nonwhites. The unions have not terminated the discriminatory character of the membership, but have maintained said discriminatory character by their actions in recruitment of apprentices and members, and continue to retain it, thereby violating Section 12 (b) of the Law Against Discrimination.

10. While maintaining the all-white character of the membership in the union, the five Locals named herein have entered into exclusive hiring hall agreements, directly and through the International Union, with a number of employers of ironworkers, both General and Subcontractors, including the Arthur Venneri Company, of Westfield, New Jersey, the F. H. Sparks Company, 49 West 45th Street, New York, New York, and the Hudson Structural Iron Works, Grand and Henderson Streets, Jersey City, New Jersey, which are contractors or subcontractors on the construction of the Law Center. The maintenance of exclusive hiring halls prevents persons from being employed on the job from a source other than the hiring hall, and the maintenance of the all-white character of the union assures that only white persons will be sent from the hiring hall to the job. The combination of exclusive hiring hall and an all-white union membership thereby effectively bars nonwhites from employment by preventing the employers from employing such persons, in violation of Section 12(b) and (e) of the Law Against Discrimination.

11. The Arthur Venneri Company, general contractor on the Law Center, has contracted with the International and the Local 11 of the Iron Workers Union as the exclusive source of iron workers for work on the Law Center, knowing that only white persons would be supplied to perform such work. The Arthur Venneri Company has thereby drawn its labor from a source which has necessarily produced an all-white labor force. Arthur Venneri Company thereby intended to and did secure an all-white labor force of iron workers. This action constituted discrimination against all nonwhite persons seeking employment as journeymen or apprentices, in violation of Section 12 (a) and (e) of the Law Against Discrimination.

12. Entering into the exclusive hiring arrangement described in paragraph 11, constituted an assistance and combination by the Arthur Venneri Company with the International Association of Iron Workers and Local 11 to discriminate against nonwhites from employment as iron workers, in violation of Section 12 (a) and (e) of the Law Against Discrimination.

13. The Hudson Structural Iron Works, Inc., a contractor on the Law Center, has contracted with the International and the Local 11 of the Iron Workers Union as the exclusive source of iron workers for work on the Law Center, knowing that only white persons would be supplied to perform such work. The Hudson Structural Iron Works, Inc., has thereby drawn its labor from a source which has necessarily produced an all-white labor force. The Hudson Structural Iron Works, Inc., thereby intended to and did secure an all-white labor force of iron workers. This action constituted discrimination against all nonwhite persons seeking employment as journeymen or apprentices, in violation of Section 12 (a) and (e) of the Law Against Discrimination.

14. Entering into the exclusive hiring arrangement described in paragraph 13, constituted an assistance and combination by the Hudson Structural Iron Works, Inc., with the International Association of Iron Workers and Local 11, to discriminate against nonwhites in employment of iron workers, in violation of Section 12 (a) and (e) of the Law Against Discrimination.

15. The F. H. Sparks Company, 49 West 45th Street, New York, New York, doing business in New Jersey, a subcontractor of Eastern Schokrete Corporation, 441 Lexington Avenue, New York, New York, a subcontractor of the Arthur Vanneri Company, General contractor on the Law Center, has contracted with the International and the Local 11 of the Iron Workers Union as the exclusive source of iron workers for work on the Law Center, knowing that only white person would be supplied to perform such work. The F. H. Sparks Company has thereby drawn its labor from a source which has necessarily produced an all-white labor force. F. H. Sparks Company thereby intended to and did secure an all-white labor force of iron workers. This action constituted discrimination against all nonwhite persons seeking employment as journeymen or apprentices, in violation of Section 12 (a) and (e) of the Law Against Discrimination.

16. Entering into the exclusive hiring arrangement described in paragraph 15, constituted an assistance and combination by the F. H. Sparks Company with the International Association of Iron Workers and Local 11, to



discriminate against nonwhites in employment of iron workers, in violation of Section 12 (a) and (c) of the Law Against Discrimination.

17. The Pittsburgh Plate Glass Company, 290 Elizabeth Avenue, Newark, New Jersey, a subcontractor on the Law Center project, has a policy of drawing its iron worker labor force exclusively from the hiring hall operated by Local 11, Iron Workers, in Newark, and has followed that policy with respect to employment of iron workers on the Law Center project. The Pittsburgh Plate Glass Company has thereby drawn its labor from a source which has necessarily produced an all-white labor force. The Pittsburgh Plate Glass Company thereby intended to and did secure an all-white labor force of iron workers. This action constituted discrimination against all nonwhite persons seeking employment as journeymen or apprentices, in violation of Section 12 (a) and (e) of the Law Against Discrimination.

18. Adoption of the exclusive hiring policy described in paragraph 17 constituted an assistance and combination by the Pittsburgh Plate Glass Company with the International Association of Iron Workers and Local 11, to discriminate against nonwhites in employment of iron workers, in violation of Section 12 (a) and (e) of the Law Against Discrimination.

19. The Employers' Associations named in paragraph 1 hereof, by entering into exclusive hiring arrangements with the respondent Locals and International Union of Iron Workers, knowing that only white employees would be supplied, have knowingly drawn their iron worker labor force from a source which would produce only white employees, in violation of Section 12 (a) of the Law Against Discrimination.

20. The Employers' Associations named in paragraph 1 hereof, by entering into exclusive hiring arrangements, have assisted and combined with the Iron Workers Union respondents herein, to bar nonwhites from employment as iron workers, in violation of Section 12 (a) and (e) of the Law Against Discrimination.

21. The Respondent Joint Apprenticeship Council of North Jersey, and the Local Unions affiliated therewith, and Employers' Associations affiliated therewith, named in paragraph 1 above, and employers named in paragraph 10 above, by engaging in the aforesaid racially discriminatory practices, are inciting, encouraging, compelling and coercing all who do business with the employers, including Rutgers, the State University of New Jersey, to ratify, participate and engage in the aforesaid discriminatory acts, because there is no other source from which iron workers can be secured in North Jersey for major construction projects. This exclusive control over the employment of iron workers would require all who need such iron workers to participate in the racially discriminatory conduct of the Joint Council, the union and the employers, if they wish to employ iron workers, all in violation of N.J.S.A. 18:25-12 (e).

The Plumbers Union and Contractor

22. There are no non-white members in Local 24 of the International Association of Steamfitters and Plumbers, (hereafter Local 24) 167 South 6th Street, Newark, New Jersey, which has jurisdiction over the plumbing work on the Law Center. This situation has resulted from discrimination against non-whites. The Local has not terminated the discriminatory character of the membership, but has maintained said discriminatory character by actions in recruitment of apprentices and members, and continues to retain it thereby violating Section 12 (b) of the Law Against Discrimination.

23. While maintaining the all-white character of the membership in the union, Local 24 has entered into exclusive hiring hall agreements with a number of employers of plumbers including the Bender Brothers, 504-506 Second Street, Hoboken, New Jersey, which is a contractor on the construction of the Law Center. The maintenance of this exclusive hiring hall prevents persons from being employed on the job from a source other than the hiring hall, and the maintenance of the all-white character of the union assures that only white persons will be sent from the hiring hall to the job including the Law Center. The combination of exclusive hiring hall and an all-white union membership thereby effectively bars non-whites from employment, by preventing the employers from employing such persons in violation of Section 12 (b) and 12 (e) of the Law Against Discrimination.

24. Bender Brothers Company, contractor on the Law Center, has contracted with the Local 24 as the exclusive source of plumbers for work on the Law Center, knowing that only white persons would be supplied to perform such work. Bender Brothers Company has thereby drawn its labor from a source which has necessarily produced an all-white labor force. Bender Brothers thereby intended to and did secure an all-white labor force of plumbers. This action constituted discrimination against all non-white persons seeking employment as journeymen or apprentices, in violation of Section 12 (a) and (e) of the Law Against Discrimination.

25. Entering into the exclusive hiring arrangement described in paragraph 24, constituted an assistance and combination by the Bondar Brothers Company with Local 24 to discriminate against non-whites in employment of plumbers, in violation of Section 12 (a) and (e) of the Law Against Discrimination.

### III

#### The Steamfitters Union and Contractor

26. There are no non-white members of Local 475 of the International Association of Plumbers and Steamfitters, etc. (hereafter Local 475) which has jurisdiction over steamfitting work on the Law Center. This situation has resulted from discrimination against non-whites. The Local has not terminated the discriminatory character of the membership, but has maintained said discriminatory character by its actions in recruitment of apprentices and members, and continues to retain it thereby violating Section 12 (b) of the Law Against Discrimination.

27. While maintaining the all-white character of the membership in the union, the Local 475 has entered into exclusive hiring hall agreements with a number of employers of steamfitters, including The Boro Plumbing and Heating Co., Whitehead Avenue, South River, New Jersey, which is a contractor on the construction of the Law Center. The maintenance of exclusive hiring halls prevents persons from being employed on the job from a source other than the hiring hall, and the maintenance of the all-white character of the union assures that only white persons will be sent from the hiring hall to the job, including the Law Center. The combination of exclusive hiring hall and an all-white union membership thereby effectively bars non-whites from employment by preventing the employers from employing such persons, in violation of Section 12 (b) and 12 (e) of the Law Against Discrimination.

28. The Boro Plumbing and Heating Company, contractor on the Law Center, has contracted with the Local 475 as the exclusive source of steamfitters for work on the Law Center, knowing that only white persons would be

supplied to perform such work. The Boro Plumbing and Heating Company has thereby drawn its labor from a source which has necessarily produced an all-white labor force. Boro Company thereby intended to and did secure an all-white labor force of steamfitters. This action constituted discrimination against all non-white persons seeking employment as journeymen or apprentices, in violation of Section 12 (a) and (e) of the Law Against Discrimination.

29. Entering into the exclusive hiring arrangement described in paragraph 28, constituted an assistance and combination by the Boro Plumbing and Heating Company with Local 475, to discriminate against non-whites in employment of steamfitters in violation of Section 12 (a) and (e) of the Law Against Discrimination.

#### IV

#### The Sheet Metal Workers and Contractor

30. There are no non-white members of Local 10 of the International Association of Sheet Metal Workers (hereafter Local 10) which has jurisdiction over sheet metal work on the Law Center. This situation has resulted from discrimination against non-whites. The Local has not terminated the discriminatory character of its membership, but has maintained said discriminatory character by its actions in recruitment of apprentices and members, and continues to retain it, thereby violating Section 12 (b) of the Law Against Discrimination.

31. While maintaining the all-white character of the membership in the union, Local 10 has entered into exclusive hiring hall agreements with a number of employers of sheet metal workers including The Keystone Sheet Metal Company, 319 Academy Street, Newark, New Jersey, which is a subcontractor on the construction of the Law Center. The maintenance of exclusive hiring halls prevents persons from being employed on the job from a source other than the hiring hall, and the maintenance of the all-white character of the union assures that only white persons will be sent from the hiring hall to the job. The combination of exclusive hiring hall and an all-white union membership

thereby effectively bars non-whites from employment, by preventing the employers from employing such persons in violation of Section 12 (b) and 12 (e) of the Law Against Discrimination.

32. The Keystone Sheet Metal Company, a subcontractor on the Law Center, has contracted with the Local 10 as the exclusive source of sheet metal workers for work on the Law Center, knowing that only white persons would be supplied to perform such work. The Keystone Company has thereby drawn its labor from a source which has necessarily produced an all-white labor force. The Keystone Company thereby intended to and did secure an all-white labor force of sheet metal workers. This action constituted discrimination against all non-white persons seeking employment as journeymen or apprentices, in violation of Section 12 (a) and (e) of the Law Against Discrimination.

33. Entering into the exclusive hiring arrangement described in paragraph 32, constituted an assistance and combination by the Keystone Sheet Metal Company with Local 10, to discriminate against non-whites in employment of sheet metal workers in violation of Section 12 (a) and (e) of the Law Against Discrimination.

V

The Elevator Constructor's Union and The Contractor

34. There are no non-white members of Local 1 of the Elevator Constructors Union, (hereafter Local 1) New York, which does business in New Jersey, and has jurisdiction over the elevator construction on the Law Center. This situation has resulted from discrimination against non-whites. The Local has not terminated the discriminatory character of its membership, but has maintained said discriminatory character by its actions in recruitment of apprentices and members, and continues to retain it thereby violating Section 12 (b) of the Law Against Discrimination.

35. While maintaining the all-white character of the membership of Local 1, it has entered into exclusive hiring hall agreements including Turnbull Elevator Inc., which is a contractor on the construction of the Law

Center. The maintenance of exclusive hiring halls prevents persons from being employed on the job from a source other than the hiring hall, and the maintenance of the all-white character of the union assures that only white persons will be sent from the hiring hall to the job. The combination of exclusive hiring hall and an all-white union membership thereby effectively bars non-whites from employment by preventing the employers from employing such persons in violation of Section 12 (b) and 12 (e) of the Law Against Discrimination.

36. The Turnbull Elevator Company, contractor on the Law Center, has contracted with the Local 1 as the exclusive source of elevator constructors knowing that only white persons would be supplied to perform such work. The Turnbull Company has thereby drawn its labor from a source which has necessarily produced an all-white labor force. Turnbull Company thereby intended to and did secure an all-white labor force of elevator constructors. This action constituted discrimination against all non-white persons seeking employment as journeymen or apprentices, in violation of Section 12 (a) and (e) of the Law Against Discrimination.

37. Entering into the exclusive hiring arrangement described in paragraph 36, constituted an assistance and combination by the Turnbull Elevator Company with Local 1, to discriminate against non-whites in employment of elevator constructors in violation of Section 12 (a) and (e) of the Law Against Discrimination.

## VI

### The General Contractor's Responsibility

38. In May and June, 1964, Rutgers - The State University urged the general contractor, Arthur Venneri, Company, to see that subcontractors complied with the Rutgers policy concerning the elimination of racial discrimination in employment on the Law Center project. The statistics concerning the work force on the Law Center in January 1965, demonstrate that this has not been done. The Arthur Venneri Company knowingly permitted its subcontractors to draw their labor from certain local unions which had no non-white members,

thereby assuring that the labor force employed by the subcontractors would discriminate against non-whites, in violation of Section 12 (a) and 12 (c) of the Law Against Discrimination. The contractors involved are:

- Pittsburgh Plate Glass Company, which draws its iron worker requirements from Local 11, Iron Workers, as described in Paragraph 17, above.
- Keystone Sheet Metal Works, which has an exclusive hiring agreement with Local 10, Sheet Metal Workers International Union, as described in Paragraph 31, above.
- The F. H. Sparks Company, a subcontractor of Eastern Schokrete Corp., which is a subcontractor of Arthur Venneri Company, which has an exclusive hiring agreement with the Iron Workers, as described in Paragraph 15, above.

Date of the alleged act of discrimination, on or about from 180 days prior to this complaint and continuing to the present time.

Rutgers, The State University has not commenced any action, civil or criminal, based upon the grievance set forth above.

RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY

/s/ Mason W. Gross  
BY MASON W. GROSS, PRESIDENT

STATE OF NEW JERSEY )  
COUNTY OF ESSEX ) SS:

WILLARD HECKEL, being duly sworn, deposes and says: that he is the Dean of the School of Law of Rutgers, The State University of New Jersey; that he has read the foregoing complaint and knows the contents thereof; that some matters stated in paragraphs 1, 2, 5, 8, 11, 13, 23, 24, 27, 28, and 38 are true of his own knowledge and other matters are stated on information and belief; that as to those matters he believes the same to be true.

/s/ Willard Heckel  
WILLARD HECKEL, DEAN  
SCHOOL OF LAW  
RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY

Subscribed and sworn to before me

this 9th day of Feb., 1965

/s/ Arthur Lewis  
An Attorney of Law of New Jersey

EXHIBIT "A"