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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND
PUBLIC SAFETY
DIVISION ON CIVIL RIGHTS
DOCKET NO. E7 UR-2419

RUTGERS, THE STATE UNIVERSITY)
OF NEW JERSEY,)

Civil Action

Complainant)

REPLY TO ANSWERS OF
RESPONDENTS, STRUCTURAL
STEEL AND ORNAMENTAL IRON
ASSOCIATION OF NEW JERSEY,
INC.

vs.)

INTERNATIONAL ASSOCIATION OF
BRIDGE, STRUCTURAL AND)
ORNAMENTAL IRON WORKERS, and)
LOCAL UNIONS Nos. 11, 45, 373,)
480, and 483, et als.,)

RIGGING CONTRACTORS OF
NEW JERSEY, INC.,
ASSOCIATED GENERAL CON-
TRACTORS OF NEW JERSEY
and

Defendants,)

HUDSON STRUCTURAL IRON
WORKS, INC.

Complainant, RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY,

by way of reply to the answers of the respondents, Structural Steel and Ornamental Iron Association of New Jersey, Inc., Rigging Contractors of New Jersey, Inc., Associated General Contractors of New Jersey, and Hudson Structural Iron Works, Inc. states on information and belief as follows:

1. The Ironworkers Apprenticeship Program set forth in the answers of the respondents, Structural Steel and Ornamental Iron Association of New Jersey, Inc., Rigging Contractors of New Jersey, Inc., Associated General Contractors of New Jersey, and Hudson Structural Iron Works, Inc., constitutes an unlawful practice within the meaning of the Law Against Discrimination (P.L. 1945, Ch. 169, as amended; N.J.S.A. 18:25-1, et seq.) and specifically within the meaning of Sections 4 and 12 of said law because of race, color, national origin and ancestry for the following reasons:

2. Entrance into the ironworkers trade by persons who are not skilled in said craft was in the past and presently is dependent upon a successful completion by the individual of a term of apprenticeship. Prior to 1953, no formal or written apprenticeship programs existed and admission to ironworker apprenticeship status was secured through sponsorship by existing members of the local unions with such sponsorship being, for the most part, based on nepotism. Under this system, no standardized educational or testing requirements had to be attained by applicants for apprenticeship. The all white racial

composition of the membership of the respondent locals and the membership requirement for admission to an apprenticeship resulted in no non-white apprentices or journeymen gaining admission to the respondent unions as apprentices or journeymen.

3. Sometime in 1963, the respondent, International Association of Bridge, Structural and Ornamental Ironworkers, formulated an apprenticeship program (hereinafter referred to as "Ironworkers Apprenticeship Program") which, among other things, contained both educational and testing requirements as well as methods of marking and allocation of points to different parts of the testing program and submitted said Ironworkers Apprenticeship Program to its member local unions throughout the United States with recommendation for its formal adoption by local unions as their own apprenticeship programs, with such modifications as local conditions might warrant.

4. The aforesaid Ironworkers Apprenticeship Program formulated by the International Association of Bridge, Structural and Ornamental Iron Workers was adopted as the Ironworkers Apprenticeship Program for use in Northern New Jersey by the respondent local unions and the respondents, Associated General Contractors of New Jersey, Structural Steel and Ornamental Iron Association of New Jersey, Inc., Rigging Contractors of New Jersey, Inc., and Building Contractors Association of New Jersey, through a set of rules, regulations and procedures governing the District Council of Ironworkers of Northern New Jersey Apprenticeship Program. Under said Ironworkers Apprenticeship Program, a joint apprenticeship committee was created, composed of five representatives of employers of ironworkers of Northern New Jersey and five representatives of the respondent local unions. The respondents, Daniel J. Trainor, Harold J. Army, John D. Templeton, John J. Wade, Robert S. Wallace, Harry Katchen, Neil Bule, Joseph Hoffmeier, Charles Hollenbeck and Irving Pearl constitute the respondent, Iron Workers, Joint Apprenticeship Committee, and in the past have and presently are administering said Ironworkers Apprenticeship Program.

5. Included in said Ironworkers Apprenticeship Program as adopted by the respondent local unions and respondent contracting associations are the

requirements that (1) an applicant for apprenticeship have a high school diploma, and (2) an applicant have the capacity to pass tests geared to an intellectual and scholastic level not reasonably related to the skills and abilities required in said trade or apprenticeship training program. In addition, 30 out of a total score of 100 points are allocated to the results of an oral interview to which applicants in the apprenticeship program have to submit.

6. Although the Ironworkers Trade does require certain skills and abilities, the requirements of a high school diploma and the ability to attain passing scores on the aforesaid tests bear no reasonable relationship to the skills and abilities required in said Trade or apprenticeship training program. Said requirements were incorporated in said Ironworkers Apprenticeship Program for the purpose of maintaining and perpetuating the all white composition of the local unions with full appreciation by all of the respondents of the large number of drop-outs among non-whites from the high schools and the great preference by non-whites with high school diplomas for white-collar employment or further educational, technical or professional training. The aforesaid requirements were incorporated into the said Ironworkers Apprenticeship Program for the express purpose of minimizing the number of non-white applicants for admission to said Program or to close the door to such applicants. Moreover, these educational requirements alone promise to abort the pre-apprenticeship training programs now in operation or about to be started in many communities of the State of New Jersey as part of the national and local anti-poverty programs. In addition, the allocation of 30 out of 100 points to an oral interview presents a potential for discrimination which a fair, impartial, non-discriminatory apprenticeship program should not contain.

7. February 2, 1965 was fixed by the respondents as the final date for the receipt of applications for testing under the aforesaid apprenticeship program. On or about April 10, 1965, the respondent, Joint Apprenticeship Committee administered or caused to be administered tests to applicants for an apprenticeship class in the Ironworkers Trade in Northern New Jersey. Said tests were administered under the terms of the Joint Apprenticeship Program which contained the aforesaid requirements designed to discriminate against non-white

applicants and said applications were received on or before February 2, 1965, and said tests were given on April 10, 1965, as part of a plan, scheme or device to perpetuate the all white membership of said unions and to frustrate the Law Against Discrimination.

8. The applicants who had successfully passed the tests and had complied with other prerequisites of the apprenticeship program of the Ironworkers' Joint Apprenticeship Committee, were given oral interviews and those applicants who performed successfully on the oral interviews were admitted to the apprenticeship class of the Ironworkers' Joint Apprenticeship Committee and are presently members of said apprenticeship class, and they are receiving training and employment through the efforts of the respondents. No non-white applicant passed the tests and obtained admission to said apprenticeship class.

9. On information and belief the Joint Apprenticeship Committee will not schedule any tests for admission into an apprenticeship class before 1967 and the opportunity for non-whites to gain admission into the Ironworkers Trade in the near future will be effectively closed to them unless there is immediate relief granted to the complainant.

10. For the reasons aforesaid, the aforesaid Joint Apprenticeship Program is discriminatory and in violation of R.S. 18:25-1, et seq. and contrary to the public interest. The applications received and the tests administered pursuant to and under the terms of said Joint Apprenticeship Program by the respondents are illegal and invalid and the results of said tests should be declared null and void.

11. Immediate relief of the type prayed herein is essential in order to preserve the rights of the non-white populace of Northern New Jersey to obtain employment consistent with the rights granted to them by Article 1, Sec. 5 of the New Jersey Constitution and by the New Jersey Law Against Discrimination. If the respondents are permitted to continue to utilize the Ironworkers Apprenticeship Program and are permitted to continue training and employing those persons admitted to apprenticeship status pursuant to the April 10, 1965 testing, future opportunities for gaining employment in the ironworkers trade by non-whites will be foreclosed, since this 1965 class will satisfy the needs for ironworker apprentices in the industry until 1967. In the meantime, those non-whites

who could have become members of this 1965 class but for the aforesaid acts of unlawful discrimination may forever lose the opportunity to become Ironworkers by reason of their exceeding the maximum age limitation contained in said program or otherwise.

By delaying relief the discriminatory goals of these respondents would be best served, and such a delay would subvert the mandates and objectives of the New Jersey Constitution and the Law Against Discrimination.

WHEREFORE THE COMPLAINANT DEMANDS JUDGMENT:

1. That the Division on Civil Rights declare that the Ironworkers Apprenticeship Program and all amendments and supplements thereto and the applications received on or before February 2, 1965, and the testing carried on on April 10, 1965 and thereafter pursuant thereto are unlawful and discriminatory in violation of the New Jersey Law Against Discrimination.

2. That the Division on Civil Rights order the respondents named herein to cease and desist from further utilization of the Ironworkers Apprenticeship Program and from further training, employment and referral through the respondents' hiring halls of any apprentices who were admitted to apprenticeship status pursuant to the recruitment and testing which took place on or about April 10, 1965, and thereafter.

3. That the Division on Civil Rights issue an immediate order that the respondents cease and desist from further utilization of the Ironworkers Apprenticeship Program and from further training, employment and referral through the respondents' hiring halls of any apprentices who were admitted to apprenticeship status pursuant to the recruitment and testing which took place on or about April 10, 1965, until the issues raised in this Reply have been fully adjudicated.

4. That the Division on Civil Rights grant such further relief, temporary or permanent, as it may deem appropriate.

/s/ C. Willard Heckel
C. Willard Heckel
Dean, Rutgers - The State
University of New Jersey,
School of Law.

