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PAPER DELIVERERS GAIN ON 3 ISSUES

WLB Commission Orders Vacations With Pay, Time and Half Pay on Holidays

Special to The New York Times

CHICAGO, Aug. 6.—The test of the interim directive order issued today by the Daily Newspaper Commission of the National War Labor Board in the labor dispute between the Publishers' Association of New York City and the Newspaper and Mail Deliverers' Union was as follows:

1. The daily newspaper printing and publishing commission, acting as the duly authorized agent of the National War Labor Board in the exercise of the powers vested in it by Executive Order No. 9017 of Jan. 12, 1942, the Executive Orders, directives and regulations issued under the Act of Congress of Oct. 2, 1942, and by the War Labor Disputed Act of June 15, 1943, hereby decides the three main commission has under consideration a series of other union demands, hearings on which ended here Saturday.

These included a demand that the publishers set up an employee sick fund, capitalization and pension fund, reduction of working hours from 40 hours for day workers to 37 1/2 and from 37 to 35 hours for night workers, time and one-half for Sunday work, a wage increase of five dollars weekly, sick leave, severance pay and length of contract.

A directive order covering the issues now being considered by the commission, as well as those decided today, all of which were an outgrowth of the seventeen-day strike which disrupted newspaper delivery, was delivered to the commission early next month.

Commission Members Listed

Members of the commission are Dr. Robert K. Burns of Chicago, chairman and public member; Eugene MacKinnon of The Philadelphia Bulletin, industry member; and Charles V. Kinnon of Boston, international representative of the Pressmen's Union, labor member.

A publishers' spokesman pointed out here on Saturday that the association had offered the union vacation and holiday pay for those workers who were working on an effort to start the walkout.

Today's interim directive order provides for these holidays: New Year's, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas. The order states: "All shifts, beginning between 12:01 A. M. of the holiday and 12:01 of the following day shall be paid time and a half for the whole shift."

A spokesman for the WLB explained that the time and a half provision would chiefly benefit morning news publishers, because the evening newspapers customarily do not issue on that holiday.

Employers who work holidays on papers which are not published on holidays, however, will draw double time pay under today's ruling.

This schedule of vacations was set by the commission on the days for vacation for deliverers who work 52 but less than 78 days during the preceding calendar year; four days for 77 days but less than 130; six days for 129 but less than 182; eight days for 181 but less than 234, and two weeks for more than 233 days. The order reads:

"Such an order, of course, shall be earned when any employee works on a situation as a regular or extra or substitute employee. The spirit and purpose of this provision is to disallow the duplication of vacation credits on the same situation."

The vacation provisions also make these stipulations:

"Days during sick leave shall be included in the schedule of days worked for which vacations are allowed and holidays also."

Vacation schedules shall be arranged at the convenience of the employer, but on a seniority basis.

Consecutive Vacation Days

The days of the vacation shall be consecutive, and the union shall supply men to the employers to cover the periods for which vacations are allowed to be employed at straight time rates."

Other details of the interim directive on time and a half for holiday work read:

"Regular situation holders shall receive a full day's pay or a full night's pay for every holiday falling on a day or night of their regular work week, excepting members of any union in the office or plant of any publisher within any calendar week in which a holiday occurs.

"Substitutes or extras who have had at least four days work with a publisher during each of the three calendar weeks immediately preceding the calendar week in which a holiday occurs and during which week as well, shall receive a full day's pay for such holiday irrespective of whether such publisher's newspaper is issued on such holiday or not."

"Work performed on a holiday for a publisher whose newspaper is not issued on such holiday shall be paid for at double the regular and overtime rates."

Louis Waldman, attorney for the union, issued this statement on the commission's order:

"The decision just made by the War Labor Board daily newspaper commission is an important step forward in the struggle of the union to improve the conditions

Directive in the Deliverers' Case

Special to The New York Times

CHICAGO, Aug. 6.—The test of the interim directive order issued today by the Daily Newspaper Commission of the National War Labor Board in the labor dispute between the Publishers' Association of New York City and the Newspaper and Mail Deliverers' Union was as follows:

Employees who, during the preceding calendar year, worked more than 130 days but less than 234 days, shall receive four days' vacation.

Employees who, during the preceding calendar year, worked more than 129 days but less than 182 days, shall receive six days' vacation.

Employees who, during the preceding calendar year, worked more than 123 days but less than 234 days, shall receive eight days' vacation.

Employees who, during the preceding calendar year, worked more than 223 days, shall receive two weeks' vacation.

Such vacation credit shall be given to an employee who is working on a situation as a regular or extra or substitute employee.

The spirit and purpose of this provision is to disallow the duplication of vacation credits on the same situation.

Days during sick leave shall be included in the schedule of days worked for which vacation is to be given.

Employees who, during the preceding calendar year, worked more than 223 days, shall receive two weeks' vacation.

Such vacation credit shall be given to an employee who is working on a situation as a regular or extra or substitute employee.

The spirit and purpose of this provision is to disallow the duplication of vacation credits on the same situation.

Employees who, during the preceding calendar year, worked more than 223 days, shall receive two weeks' vacation.

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Employees who, during the preceding calendar year, worked more than 223 days, shall receive two weeks' vacation.

OFFICER'S MURDER IS TOLD IN DETAIL

Lieut. James Harvey Gaul in Uniform When Captured—Shot by Nazi Firing Squad

Detailed information reached here yesterday on the execution of Lieut. James Harvey Gaul, USNR, a promising young archaeologist, by a German firing squad at the American High School for Boys in Paris, in which event he was captured.

The officer shall stand trial for the killing of Gaul, USNR, a promising young archaeologist, by a German firing squad at the American High School for Boys in Paris, in which event he was captured.

The evidence indicates that Gaul apparently was one of a group of fourteen Americans and Englishmen, including Joseph Morton, an Associated Press reporter, whose execution was admitted early last month by Mauthausen officials now in custody.

The evidence indicates that Gaul was in uniform when captured and entitled to treatment as a prisoner of war under the Geneva Convention, according to a letter of the Office of Strategic Services, in which he was serving with other Army and Navy officers on secret missions.

The record clearly reveals that the union has been refusing to carry out the basic duty of any union having a closed shop—the furnishing of sufficient men—and that the union has not been entitled to vacation allowances.

Even if sufficient help is made available at straight-time rates by the union to permit normal operations during vacations without any expense, this member believes that in this instance an allowance of vacations to be effective in 1946, or at most one week in 1945 and two weeks in subsequent years would be appropriate. I thus dissent.

Signed by EUGENE MACKINNON, Industry Member.

Dissent of Labor Member

I dissent from the majority ruling with respect to retroactivity in that the majority opinion does not cover the issue in full as presented at the hearing in New York City, July 22, 1945, and covered in my dissenting opinion.

The record clearly reveals that the union has been refusing to carry out the basic duty of any union having a closed shop—the furnishing of sufficient men—and that the union has not been entitled to vacation allowances.

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Signed by C. V. ERNST, Labor Member.

Official Notification Received

Recently the Navy Department officially notified Mrs. Gaul of her son's death, and the OSS sent the following letter:

"Your son was a very brave man. He volunteered for one of the most dangerous assignments of the war to help American fliers get back safely (after forced landings) and to aid the Czechoslovak patriots who were engaged in a gallant fight to liberate their country.

"He showed great initiative and leadership in guiding his men through unmapped and difficult mountainous terrain, after their presence behind the lines had been discovered by the Germans. The day after Christmas the mountain shack north of Polomka, in which they had taken refuge, was surrounded by the Germans.

"That third party would not get anywhere for a while but it might control, in a few years, sufficient votes to hold the balance of power between the two parties."

100 MORE PAINTERS OUT

Called Off Jobs by Union in Dispute With Employers

Another 100 painters were called off jobs yesterday by their union on charges of contract violations at the shipyards. The Painters' Council, Brotherhood of Painters, Decorators and Paperhangers, American Federation of Labor, and the Association of Master Painters and Decorators.

According to Morris Gainer, assistant secretary of the council, the builders affected included the Tett Hotel, Castle Village, an apartment house development at Cabrini Boulevard and 181st Street; the Chanin Building, and buildings at Rockefeller Center, and at 665 and 970 Park Avenue.

The violations included "unsanitary conditions in locked rooms, unsafe ladders" and similar reasons. An union spokesman said the workmen expected to continue to operate under the terms of the contract that expired July 31, but would insist on "complete fulfillment of the contract—every period and every semi-colon."

W. Zuker, president of the employes' association, declared that the union was "pulling men out of jobs without rhyme or reason."

"The most pressing issues that should command the attention of the conference are:

"(a) An increase in wage policy which shall assure a high level of purchasing power for the masses of the people to sustain an expanding economy of full production and full employment;

"(b) The enactment of the P-Hook Bill establishing a minimum wage and thereby eliminating substandard conditions;

"(c) The enactment of the Ray-Patman full employment bill which would extend a mandate to government to assure full employment to our nation;

"(d) The enactment of the Fair Employment Practices Bill which eliminates the despicable practices in industry of discrimination on grounds of race, religion or color that necessarily result in strife and turnover;

"(e) Consideration of ways and means to extend through collective bargaining an annual wage for wage earners which would effectuate a high level of freedom and freedom from discrimination;

"(f) Enactment of appropriate legislative measures to protect freedom of enterprise for small business and afford appropriate assistance through taxes and otherwise to small business, thereby encouraging swift reconversion and full employment."

Daniel J. Tobin, president of the International Brotherhood of Teamsters, AFL, in the current is-

rounded by over 200 enemy troops.

Since his group was outnumbered by more than ten to one and was faced with numerous machine guns, he gave high testimony to your men's courage that the group resisted capture for over three hours."

Graduated From Harvard

Lieutenant Gaul was 33 years old.

He was born in Pittsburgh in 1911 and graduated from Harvard in 1932. After teaching at the American High School for Boys in Paris, he returned to Harvard in 1933 to study archeology at the Harvard Graduate School.

During the next few years he went on expeditions to Czechoslovakia, Persia, Turkey, Bulgaria and Greece.

Lieutenant Gaul apparently was one of a group of fourteen Americans and Englishmen, including Joseph Morton, an Associated Press reporter, whose execution was admitted early last month by Mauthausen officials now in custody.

He is survived by his parents and his sister, Mrs. Hudson Walker of Forest Hills, Queens. His father is organist at Catholic Episcopalian Church, Pittsburgh, and is a composer of religious music. The family has a summer home at Provinceview, Mass.

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