

OSWALD REJECTS PRISONERS' UNION

Public Employes Law Held
Not Applicable to Inmates

By ALFONSO A. NARVAEZ

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ALBANY, Feb. 10 — State Correction Commissioner Russell G. Oswald today rejected a demand by a union that he recognize it as the exclusive bargaining agent for the inmates at Green Haven prison, saying that state law prevented him from doing so.

In a letter to the Legal Aid Society, which had done the legal groundwork for creation

of the prisoners' labor union, Mr. Oswald said that he had been advised by lawyers for the Department of Correction that the laws dealing with collective bargaining with public and other employes are not applicable to persons serving penal sentences in correctional facilities.

In New York, Eugene Geisner, the labor lawyer representing the union, which will be affiliated with District 65, distributive Workers of America, said that Mr. Oswald was wrong about the law.

Mr. Eisner said he would "pursue the matter through the Public Employment Relations Board and the courts if necessary."

Dr. Robert D. Helsby, chairman of the Public Employment Relations Board, said here that he had not received any re-

quest for a determination as to whether prisoners were in fact, public employes, but would make such a determination if requested.

"We'll have to do extensive research of the law to determine if these people are really employes under the law," Dr. Helsby said. "I would not want to prejudge the question. We will make a determination on the law."

State Work Cited

On Monday, Mr. Eisner said that since inmates performed work for the state — making hospital gowns and bathrobes, sheets, pillowcases, baby bibs and United States flags for use by other state institutions and doing maintenance work around prisons — they were entitled to collective bargaining rights under the Taylor Law.

In his letter to the Legal Aid

Society, Mr. Oswald said that although he was unable to bargain with the union—which will not formally exist until the 30,000 members of District 65 vote on it—he would be more than willing to meet with its lawyers to discuss inmate problems and to work out ways of finding employment for prisoners once their sentences are finished.

In his response to the letter, Mr. Eisner noted that he would accept the offer to meet with Commissioner Oswald "to discuss problems of common interest."

Later, Mr. Oswald said at a meeting of the New York State Society of Newspaper Editors at the Hyatt House here that he was concerned that reports of formation of a union would raise the expectations of the inmates.