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Understanding Unions In The Public Sector



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INSTITUTE OF INDUSTRIAL RELATIONS

Published in 1977

Copies of this volume may be purchased at \$6.00 each from

Institute of Industrial Relations
University of California, Los Angeles
Los Angeles, California 90024

UNDERSTANDING UNIONS

IN THE PUBLIC SECTOR,

A Policy & Practice Publication

by

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and

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Edited by Rosalind Merl Schwartz

This publication was developed under contract to the State of California Agriculture and Services Agency through a grant from the U.S. Civil Service Commission under the Intergovernmental Personnel Act (P.L. 91-648). Any findings, opinions or conclusions presented herein are those of the author and not necessarily those of the State of California or the U.S. Civil Service Commission.

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ACKNOWLEDGEMENTS

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Assistance in Survey Development: Brhane Tesfay

FOREWORD

The Institute of Industrial Relations at UCLA is pleased to present this third volume in our "Policy and Practice" series of publications. This series is intended to provide information and analysis on issues which concern practitioners of industrial relations.

The current volume was completed under the terms of a contract between the State of California and the University of California, Los Angeles. With funds provided by the Federal Government, the State of California asked the Institutes at UCLA and Berkeley to assist in the training of state and local public managers and employees in the conduct of labor relations.

To understand the conduct of labor relations, one must understand the parties involved. In *Understanding Unions in the Public Sector*, we attempt to acquaint the reader with the employee organization or union in the public sector.

The rapid growth of unionization among public employees starting in the 1960s with the attendant changes in the laws and attitudes has created a need for both public agencies and public unions to learn the concepts and techniques of collective bargaining.

It is our hope that this volume, in setting out the history, structure and functioning of public sector unions contributes to this learning and aids in a movement toward constructive collective bargaining.

May, 1977

Daniel J.B. Mitchell
Acting Director

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INTRODUCTION

Writing a Policies and Practices manual on the subject of "understanding unions" is a difficult undertaking, especially where part of that task involves articulating subtle differences between the behavior of unions as institutions and the membership which they represent. No serious student of unions would deny that occasionally differences between unions and their members do arise, but on balance there is mutual approval and support for whatever action is taken. To argue otherwise would be contrary to the purposes of this manual, and we leave that task to those who are inclined to pursue it. Our primary effort here is to explain the structure and function of unions as they relate to public employees. To aid the reader, a glossary of terms has been included as Appendix A.

CHAPTER I

UNION STRUCTURE

Due to the dynamic nature of employee organizing activity, especially in the public sector, data on the number of unions and total membership change almost daily. While some of these changes are picked up and reported by the Bureau of Labor Statistics, U.S. Department of Labor, the time lag, voluntary reporting, the Bureau's method of classification, dual memberships, and in some cases the inclusion of retirees in the totals require that a note of caution be taken where aggregates are cited. With this caveat firmly in mind it should be safe to proceed.

According to the *Directory of National Unions and Employees Associations*, U.S. Department of Labor, Bureau of Labor Statistics, there were a total of 212 organizations--175 classified as unions and 37 as professional and state employee associations. The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) accounted for 111 of the unions; another 64 were unaffiliated. Unions not affiliated were included if information indicated that they had negotiated contracts with different employers in more than one state, or, in the case of federal government unions, if they held exclusive bargaining rights under Executive Order 11491. Employee associations were included if they (a) reported membership in more than one state or (b) had members in only one state, but represented employees in two or more major cities within the state. The total membership shown by the Directory was 22,943,651. Some of those associations listed failed to report any members, and some organizations

were not listed. All things considered, there would appear to be a total membership of approximately twenty four million members in unions and union-like organizations with about 93 percent of these located in the United States.

Since the majority of organized workers in the United States are affiliated with the AFL-CIO, this organization will receive our major attention. Brief references to other federations and to unaffiliated or independent unions will be made for the purpose of presenting an overall view of worker organizations.

THE AFL-CIO

To better understand the structure of organized labor, it is important to know something about its goals, and the principles on which these goals are based. Pertinent sections from the AFL-CIO's Constitution follow to illustrate this point:

Article II--Objects and Principles

The objects and principles of this Federation are:

1. To aid workers in securing improved wages, hours and working conditions with due regard for the autonomy, integrity and jurisdiction of affiliated unions.
2. To aid and assist affiliated unions in extending the benefits of mutual assistance and collective bargaining to workers and to promote the organization of the unorganized into unions of their own choosing for their mutual aid, protection and advancement, giving recognition to the principle that both craft and industrial unions are

appropriate, equal and necessary as methods of union organization.

3. To affiliate national and international unions with this Federation and to establish such unions; to form organizing committees and directly affiliated local unions and to secure their affiliation to appropriate national and international unions affiliated with or chartered by the Federation; to establish, assist and promote state and local central bodies composed of local unions of all affiliated organizations and directly affiliated local unions; to establish and assist trade departments composed of affiliated national and international unions and organizing committees.

4. To encourage all workers without regard to race, creed, color, sex, national origin or ancestry to share equally in the full benefits of union organization.

5. To secure legislation which all safeguard and promote the principle of free collective bargaining, the rights of workers, farmers and consumers, and the security and welfare of all the people and to oppose legislation inimical to these objectives.

6. To protect and strengthen our democratic institutions, to secure full recognition and enjoyment of the rights and liberties to which we are justly entitled, and to preserve and perpetuate the cherished traditions of our democracy.

7. To give constructive aid in promoting the cause of peace and freedom in the world and

to aid, assist and cooperate with free and democratic labor movements throughout the world.

8. To preserve and maintain the integrity of each affiliated union in the organization to the end that each affiliate shall respect the established bargaining relationships of every other affiliate and that each affiliate shall refrain from raiding the established bargaining relationship of any other affiliate and, at the same time, to encourage the elimination of conflicting and duplicating organizations and jurisdictions through the process of voluntary agreement or voluntary merger in consultation with the appropriate officials of the Federation, to preserve, subject to the foregoing, the organizing jurisdiction of each affiliate.

9. To aid and encourage the sale and use of union made goods and union services through the use of union label and other symbols; to promote the labor press and other means of furthering the education of the labor movement.

10. To protect the labor movement from any and all corrupt influences and from the undermining efforts of communist agencies and all others who are opposed to the basic principles of our democracy and free and democratic unionism.

11. To safeguard the democratic character of the labor movement and to protect the autonomy of each affiliated national and international union.

12. While preserving the independence of the labor movement from political control, to

encourage workers to register and vote, to exercise their full rights and responsibilities of citizenship, and to perform their rightful part in the political life of the local, state and national communities.

THE STRUCTURE

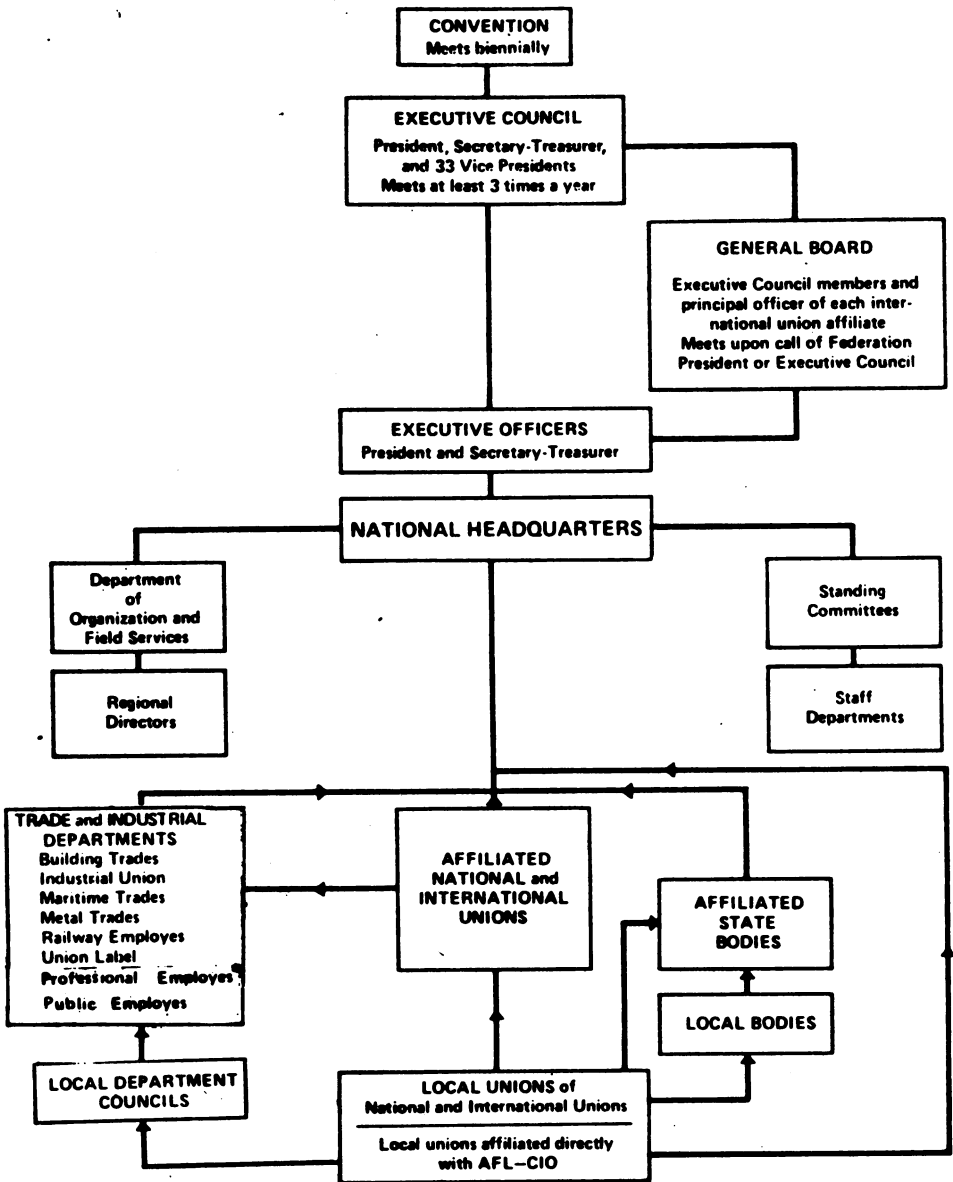
The constitution of the American Federation of Labor and Congress of Industrial Organizations, adopted at its founding convention in 1955, established an organizational structure closely resembling that of the former AFL, but vesting more authority over affiliates in the new Federation. The chief members of the Federation continued to be the national and international unions, the trades departments, the state and local bodies, and the directly affiliated local unions. (See chart on following page).

The supreme governing body of the AFL-CIO is the biennial convention. Each union is entitled to convention representation according to the membership on which the per capita tax has been paid.^{1/}

Between conventions, the executive officers, assisted by the Executive Council and the General Board, direct the affairs of the AFL-CIO. In brief, the functions of the two top officers and of the two governing bodies are as follows:

Executive officers. The president, as chief executive officer, has authority to interpret the constitution between meetings of the Executive Council. He also directs the staff of the Federation. The secretary-treasurer is responsible for all financial matters.

Structure of the AFL-CIO



*Newly authorized.

Executive Council. The Executive Council, consisting of 33 vice-presidents and the two executive officers, is the governing body between conventions. It must meet at least three times each year, on call of the president. Among the duties of the council are proposing and evaluating legislation of interest to the labor movement and keeping the Federation free from corrupt or Communist influences. To achieve the latter, the council has the right to investigate any affiliate accused of wrongdoing and, at the completion of the investigation make recommendations or give directions to the affiliate involved.

Furthermore, by a two-thirds vote, the Executive Council may suspend a union found guilty on charges of corruption or subversion. The council also is given the right to (1) conduct hearings on charges that a council member is guilty of malfeasance or maladministration, and report to the convention recommending appropriate action; (2) remove from office or refuse to seat, by two-thirds vote, any executive officer or council member found to be a member or follower or a subversive organization; (3) assist unions in organizing activities and charter new national and international unions not in jurisdictional conflict with existing ones; and (4) hear appeals in jurisdiction disputes.

General Board. This body consists of all 35 members of the Executive Council and a principal officer of each affiliated international and national union and department. The General Board acts on matters referred to it by the executive officers or the Executive Council. It meets upon call of the president. Unlike members of the Executive Council, General Board members vote as representatives of their unions; voting strength is based on per capita payments to the Federation.

Standing committees and staff. The constitution authorizes the president to appoint standing committees to carry on legislative, political, educational, and other activities. These committees operate under the direction of the president and are subject to the authority of the Executive Council and the convention. Fifteen standing committees are operating at present. Staff departments are established as needed.

Department of Organization and Field Services. Meeting just prior to the opening of the 1973 general convention, the AFL-CIO's Executive Council revised the role and function of the Department of Organization, integrating the regional offices of the former department with all AFL-CIO operations and programs. Reflecting this expanded role, the name of the department was changed to the "Department of Organization and Field Services." The director of the department is appointed by the president, subject to the approval of the Executive Council. The department has its own staff and other resources necessary to carry out its activities.

Trade and industrial departments. The AFL-CIO constitution will soon provide for eight trade and industrial departments. An industrial Union Department was added to the five departments which were carried over from the AFL. A department made up of unions in the food and beverage industry, chartered in 1961, was disbanded at the 1965 convention. In 1974, the Public Employee Department was formed. The newest department, the Department for Professional Employees, was recently authorized and is currently being established.

Affiliation with departments is open to "all appropriate affiliated national and international unions." Affiliates are obligated to pay a department per capita tax, which is determined by the number of members within their jurisdiction.

State and central bodies. Under the AFL-CIO constitution, the Executive Council is authorized

to establish central bodies on a city, state, or other regional basis, composed of locals of national unions, organizing committees, and directly affiliated local unions. In 1973, there were approximately 735 local central bodies in existence.

Organizing committees. The Executive Council has the authority to issue charters to groups not eligible for membership in national unions and combine directly affiliated local unions into organizing committees. These committees have the same status as national unions except that they are under the direct control of the Federation. In 1973 only one organizing committee was still in existence--the School Administrators and Supervisors Organizing Committee. The United Farm Workers of America, formerly an organizing committee, became a full-fledged AFL-CIO union in 1972.

Directly affiliated local unions. At the time of the Federation's formation, local trade and federal labor unions (AFL) and local industrial unions (CIO) had a combined membership of 181,000. These local unions, having received charters from both federations, became directly affiliated local unions of the AFL-CIO and in 1973 claimed 55,000 members. Under the constitution of the merged Federation, the Executive Council of the AFL-CIO has responsibility for issuing charters and controlling the affairs of these locals. The council also is under obligation, at the request of the locals, to combine them into national unions, organizing committees, or national councils where appropriate.

Jurisdictional problems. Former AFL and CIO affiliates joined the Federation as fully autonomous unions and retained the same jurisdictional rights

they held before the merger. These principles are expressed as follows in article III, section 4 of the constitution: "The integrity of each...affiliate of this Federation shall be maintained and preserved." The concepts of autonomy and jurisdictional rights find further support in article III, section 7, which gives the Executive Council the right to issue charters to new organizations only if their jurisdiction does not conflict with that of present affiliates because "each affiliated national and interantional union is entitled to have its autonomy, integrity and jurisdiction protected and preserved." On the problem of craft versus industrial form of organization, the new constitution recognizes that "both craft and industrial unions are appropriate, equal, and necessary as methods of trade union organization..." (art. VIII, sec. 9). The constitution acknowledges the existence of overlapping jurisdictions which might lead to conflict within the Federation. Affiliates are urged to eliminate such problems "through the process of voluntary agreement or voluntary merger in consultation with the appropriate officials of the Federation" (art. III, sec. 10).

New and enlarged machinery to replace the procedures previously provided for under the No-Raiding Agreement (art. III, sec. 4) was adopted at the 1961 convention and incorporated in a new section of the constitution, art. XXI, Settlement of Internal Disputes, effective as of January 1, 1962.^{2/} Under the terms of this article, affiliates are required to respect both the established collective bargaining and the work relationships of every other affiliate. In a dispute, the case first goes to a mediator chosen from a panel of mediators "composed of persons from within the labor movement" (sec. 8). Should the mediator not be able to

settle the dispute within 14 days, it is then referred to an impartial umpire selected from a panel "composed of prominent and respected persons..." (sec. 9), for a decision which is to go into effect 5 days after it has been handed down, unless an appeal has been filed. An appeal case is first referred to a subcommittee of the Executive Council which can either dismiss it or submit it to the full Executive Council for a final decision. A variety of sanctions are provided against noncomplying unions, including loss of the right to invoke the dispute settlement machinery and possible suspension. The Federation is further authorized to publicize the fact that a union has refused to comply with a decision and it can extend "every appropriate assistance and aid" (sec. 15) to an aggrieved union.

A panel of impartial umpires and a panel of officers of international unions handle the mediation of internal disputes. All members of the Federation's Executive Council serve on the subcommittees which screen appeals and hear complaints of noncompliance.

According to the Executive Council's report to the AFL-CIO convention in 1973, a total of 1,401 cases had been filed under the Internal Disputes Plan since its inception in 1962 through the first seven months of 1973. Nearly 57 percent (796) of the complaints were settled by mediation; 562 were decided by the impartial umpires. In addition, the umpires issued factfinding reports in 16 cases. Only 19 decisions were rejected by unions found in non-compliance with a decision, and in these cases sanctions were imposed by the Executive Council.

Councils. The Government Employees Council was formed in 1945 as a planning organization through

which leaders of unions having members in government service could prepare programs for legislative and administrative action. This council was composed of 30 AFL-CIO organizations. On November 6, 1974, the Council was dissolved and a new organization was formed. The Public Employee Department (AFL-CIO) had 24 founding unions which claimed a membership of 2,158,174.

The growing number of salaried professionals has added a new dimension to union organization. In recognition of this growing interest, the AFL-CIO has recently authorized the establishment of a Department for Professional Employees. When officially chartered, this department will take the place of the present Council of Professional Employees. The 18 affiliates now claim to bargain for over one million professional and technical employees.

RAILWAY LABOR EXECUTIVES' ASSOCIATION

The Railway Labor Executives' Association (RLEA) is composed of the chief executives of 20 labor organizations, all but one of which is affiliated with the AFL-CIO. Nine of these organizations have virtually all of their membership in the railroad industry, and the remaining 11 are principally established in other industries. RLEA is not a federation of unions; rather it functions as a policymaking body on legislative and other matters of mutual interest to railroad workers. It was formed in 1926 and has been in existence since that time. In December 1969, five of the affiliates withdrew from the Association over a dispute involving compulsory retirement and pension benefit legislation. These five plus one more formed The Congress of Railway Unions. Its function was essentially the same as the Railway Labor Executives' Association--legislation and other matters of mutual interests.

On April 1, 1975, the two organizations were again joined together as the Railway Labor Executives' Association.

OTHER FEDERATIONS

The *Directory of National Unions and Employee Associations* lists two organizations which either act as a federation or have some of the characteristics of a federation, such as the issuance of charters to, and the maintenance of, a formal affiliation among autonomous labor organizations. The Assembly of Governmental Employees (AGE), founded in 1952 as the National Conference of Independent Public Employee Organizations, is made up of affiliated organizations in 40 states and Puerto Rico. The AGE is primarily concerned with the establishment and maintenance of the merit principle, although its affiliates have considerable autonomy on specific policy issues, including work stoppages. Twenty-seven AGE affiliates that engage in collective bargaining or representational activities are listed individually in part II of the Directory. The second organization listed is the National Federation of Independent Unions (NFIU). Unions affiliated with the NFIU which had negotiated agreements covering different employers in more than one State are included among the unaffiliated, or independent, unions discussed below.

UNAFFILIATED OR INDEPENDENT UNIONS

A total of 64 national or international unions were not affiliated with the AFL-CIO. All of the unaffiliated unions, other than those organizing government employees, reported agreements covering different employers in more than one State. They included long-established and well-known organizations such as the Brotherhood of Locomotive Engineers and the United Mine Workers of America. A majority of the membership in unaffiliated national and

international unions are in unions once affiliated with the AFL-CIO and the former CIO, including expelled unions such as the International Brotherhood of Teamsters, the United Electrical Workers (UE), the Longshoremen's and Warehousemen's Union, and the Distributive Workers, as well as the Automobile Workers.

Unaffiliated *local* unions are generally confined to a single establishment, employer, or locality, and while they may be a fact of life in a specific situation, they are not particularly relevant here.

PROFESSIONAL AND STATE EMPLOYEE ASSOCIATIONS

Thirty-seven professional and state employee associations engaged in collective bargaining are reported in the *Directory of National Unions and Employee Associations*.

According to an August 1975 news release from the U.S. Department of Labor, membership in labor unions and public and professional employee associations stood at 24.2 million in 1974. This represents a growth of over 600,000 members since 1972. Given the increase in state collective bargaining laws, this increase in growth could be expected to continue. Some of these statistics are detailed in other sections of this publication.

CHAPTER II

HISTORICAL PERSPECTIVE

As a prelude to discussing public sector unions, it is important to examine their genesis. Historically unions in the private sector were the pioneers in efforts to raise wages, reduce hours, and improve working conditions; but today they have been joined by their public sector counterparts in the search for what Samuel Gompers had earlier referred to as "more." In addition to the generally accepted shopping list of bargainable issues by private sector unions, public employees are enlarging the scope of bargaining to include a greater voice in working conditions and work loads, the making of job assignments, transfers and promotions, and consultation rights in reorganizing their institutional working structures. In short, the end result appears to be shared power. This is particularly true in regard to white collar and professional groups.

To understand where public sector organizations are today, a thumb nail sketch of how they got there should be considered. That account deserves a central place in a people's history of the United States. It is a story of the struggles and achievements of working women and men who built this nation.

From the time of colonial settlement, workers had been recruited from abroad: from Great Britain, the European Continent, Africa, and in the nineteenth and twentieth centuries from Asia and Latin America as well. How labor was induced to make the long and dangerous voyage to the New World and how it fared when it came here is not only a story about death,

disease, slavery, indentured servants, poverty and exploitation; but also about hope. Hope for change. Hope not just for themselves but for each succeeding generation. The story of American unions then is one of optimism--a belief that tomorrow will be better.

The Colonial Era was the day of the handicraftsman and the fieldhand. To protect and advance their economic well being, white workers (both master and apprentice mechanics and common laborers) formed temporary combinations. The American Revolution provided an occasion for workers and their employers to cooperate with the merchants in protesting tax measures imposed by the British government. This political alliance continued down to the adoption of the Federal Constitution, which workers embraced as providing protection for their own interests against cheap imported labor from abroad. This problem continues to be one of major concern for unions today.

During America's sectional conflict climaxing in the Civil War, old crafts came into competition with an emerging factory system and the use of cheap, semiskilled labor. This competition stimulated the rise of trade unions. The free labor system was marred by the fact that in the South there was a pervasive system of slavery which drove free labor out of the crafts as well as agriculture. In response to new problems, working men's parties appeared. Workers took concerted action to secure better wages and shorter hours, despite the ever-present threat of criminal conspiracy prosecution.

The latter half of the nineteenth century could be called the take-off point for the modern American labor movement. The age of industrial capitalism and business concentration posed severe challenges to labor to organize successfully on a national

level. The challenge to establish a national federation was taken up by Terrence V. Powderly after William Sylvis. He attempted to forge a national union of all wage earners known as the Knights of Labor, an industrial rather than a craft organization, but failed in the strife torn 1880s. After 1886, Samuel Gompers and his American Federation of Labor, concentrating on the crafts and stressing business unionist objectives, held the center of the labor stage for almost half a century. After the Civil War, instead of labor peace, there were a series of labor-capital confrontations.

From the beginning of the twentieth century until the Great Depression, the federal government began to play a significant role in labor disputes. This was also a time when labor undertook initiatives of its own, including arbitration machinery introduced in the cloak and suit industry. Of all three branches of government, the United States Supreme Court proved to be the most inimical to the labor movement.

The New Deal and World War II brought revolutionary gains for the American labor movement. Professor Bernstein tells us that the "New Deal marked a basic change in governmental policy toward economic affairs. Theretofore government, with notable exceptions, left primary responsibility for decision-making to individuals, private citizens and corporations. The Great Depression, however, led to a shift in emphasis from an individual to a collective responsibility, applied alike to business, to agriculture, and to labor. The National Industrial Recovery Act reversed an historic anti-trust policy in permitting businessmen collectively to fix prices, determine rates of output, and make other decisions jointly. The Agriculture Adjustment Act developed a related policy for farmers.

The Wagner Act and the Railway Labor Act expressed a similar philosophy, collective over individual bargaining, in the area of labor-management relations."1/

At the beginning of the New Deal, labor was weak and ineffective. Looking at the Federation in 1932, Louis Adamic felt that it was too far gone to save. He said, "The body is undoubtedly a sick body. It is ineffectual-flabby, afflicted with the dull pains of moral and physical decline. The big industrialists and conservative politicians are no longer worried by it. Indeed, the intelligent ones see in it the best obstacle--temporary at least--to the emergence of a militant and formidable labor movement....The ten year decline of the whole organization, I think, has already gone too far to be rejuvenated by anybody."2/

There is little doubt that organized labor had fallen upon difficult times. The existence of an unfriendly United States Supreme Court, lingering suspicions by the general public that unions were un-American, hostility by employers, and a depressed job market caused union membership to fall from 5,047,000 in 1920 to 2,973,000 in 1933. With passage of the National Industrial Recovery Act (NIRA) in 1933, which guaranteed the right to labor to bargain through representatives of its own choosing--a right reiterated by the Wagner Act of 1935--unions were given a new lease on life. The labor section of the NIRA, signed by President Roosevelt on June 16, 1933, read as follows:

Every code of fair competition, agreement, and license approved, prescribed, or issued under this title shall contain the following conditions: (1) That employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from interference, restraint,

or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection; (2) that no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and (3) that employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.3/

Although the NIRA only survived for approximately two years before the United States Supreme Court declared it unconstitutional in the famous case of *Schechter Poultry Corporation v. United States*, Section 7(a) spurred organization in many basic industries and sparked the formation of unions in new areas. Editorial employees on newspapers established the American Newspaper Guild, conducted strikes and won contracts with many publishers. Motion picture actors formed the Screen Actors Guild. Free unionism 4/ was stimulated in the steel industry. Some "Company Unions" or "employee representation plans" began sounding like regular unions demanding to be heard on wage and hour questions, holding conferences with representatives of employees from other plants of the same company and even conferring with free unions. 5/

In spite of the fact that unions grew during this period, the law left much to be desired. Its major deficiencies were that it created no agency to administer the act, no specific procedure for resolving question of recognition, and no machinery for handling unfair labor practices. President

Roosevelt attempted to correct these deficiencies by appointing a seven member National Labor Board with Senator Wagner as chairman to handle 7(a) disputes. Since NLB could not compel compliance with its decisions, it depended on persuasion. In the end, the Board virtually collapsed because persuasion was not sufficient to resolve disputes with the more recalcitrant employers. Although the NIRA was not a total success, neither was it a complete failure. For it was through this experience that Congress was later able to enact a basic labor policy for American industry and its workers.

In an effort to present a more complete picture of labor legislation during this immediate period, some notice should be taken of the transportation industry. As early as the latter half of the 1800s railroad employers, employees and the public recognized that transportation was clothed with a public interest. Government regulation began in the states with the Granger laws as early as the 1870s and reached the federal level in the Interstate Commerce Act of 1887. In 1888 federal legislation was passed which provided for voluntary arbitration and alternatively, for investigating commissions appointed by the President. The first was never invoked and the latter only during the Pullman strike in 1894.

It is interesting to note that the reason given for not invoking the arbitration provisions was that George Pullman, originator of the Pullman Palace Car Company and owner of the company town, said that there was nothing to arbitrate. A casual reading of the events surrounding this period clearly illustrates the friendly relationship between government and the owners and managers of industry. In this particular instance, Richard B. Olney, Attorney General of the U.S. and

the railroad industry's General Managers' Association (an organization of which Olney had previously been a member) combined their efforts so effectively as to defeat the strike by Debs and the American Railway Union. The United States Strike Commission in criticizing the Pullman Company said:

The policy of both the Pullman Company and the railway Managers' Association in reference to application to arbitrate, closed the door to all attempts at conciliation and settlement of differences... a different policy would have prevented the loss of life and great loss of property and wages occasioned by the strike.6/

Even though the Pullman Strike was lost by the union, it moved the development of their rights forward. Thereafter, successive legislative acts, including the Erdman Act (1898), the Newlands Act (1913) and the Transportation Act (1920), followed.

In 1926 the Railway Labor Act was passed, but experience proved, at least to the unions and later to the new Democratic administration, that additional changes were needed to establish and protect the basic rights of collective bargaining. On June 21, 1934 the President signed amendments to the Railway Labor Act which prompted George Harrison, the chief union lobbyist, to observe that:

the amended Railway Labor Act...removes the last remnant of employer influence over the right of employees to self-determination in use of the economic power to better their conditions. I think it is generally conceded that the...Act in its amended form gives to railway employees all the protection in the exercise of their rights to organize that the law can possibly accord them. 7/

While the Congress was involved with problems of concern to those engaged in the transportation industry, Senator Wagner and others were persuaded that Section 7(a) of N.I.R.A. and the NLB experience should be incorporated into a new permanent law. Such a bill was introduced in the spring of 1934, but industry resisted with such vigor that Roosevelt deferred action on the measure and instead chose to issue executive orders creating several boards to deal with labor disputes. In tandem with these legislative activities, unions were organizing and carrying on strikes across the country. These strikes convinced Senator Wagner that the nation needed a new labor policy. Congress passed Public Resolution No. 44, and on June 19, 1934 the President signed it. Since an executive order was needed to put the Resolution into operation, Roosevelt prepared and signed such an order to create a three member National Labor Relations Board on June 29, 1934. Once again, experience with such issues as unit determination, scope of bargaining, union security, duty to bargain, company unionism, and legal enforcement of Board orders convinced Senator Wagner and others that a comprehensive bill regulating labor-management relations was needed. Consequently, on February 21, 1935, the senator introduced the National Labor Relations Act. Again there was a sharp conflict between labor and management; but this time Roosevelt, while not strongly supporting the bill, did not intervene to put it aside. Congress passed the bill with strong majorities, and on July 5, 1935, the President signed it into law. 8/

No sooner was the law passed than it was attacked by antilabor groups. They predicted that it would have the same fate as did the NIRA in the Schechter case. The constitutionality of the National Labor Relations Act (NLRA) was tested

in the case of *NLRB v. Jones and Laughlin Steel Corporation*. On April 12, 1937, Chief Justice Hughes delivered the opinion of the Court. This decision finally legitimized the workers' struggle for industrial democracy.

Aside from the Wagner Act, the two most important pieces of legislation in this period were the Social Security Act of 1935 and the Fair Labor Standards Act (Wages and Hours Law) of 1938.

The post-war years were marked by increasing pressures on the part of management for Congress to modify the Wagner Act. Those pressures, plus an increase in the number of strikes in 1946 which labor conducted to maintain economic equity which it felt had been lost during the war and in the reconversion from war to peacetime, resulted in the passage of the Taft-Hartley Act in 1947. The bill was vetoed by President Truman, but the veto was overridden by a determined, antilabor Congress. Management felt that Taft-Hartley restored some balance of power in the labor-management arena, but there is little doubt that many of those in management as well as the Congress had a great deal more in mind than a simple matter of equity.

Again in 1959, national labor policy was amended when, as a result of hearings conducted by Senator John McClellan and his sub-committee, Congress passed the Labor-Management Reporting and Disclosure (Landrum-Griffin) Act. Although the law was passed in an atmosphere saturated with charges of widespread labor racketeering and looting of the union treasuries by their leadership, only a very small number were actually guilty of such acts. The law was significant in one respect however. Here for the first time we had federal legislation aimed at regulating the internal affairs of labor unions. Since 1959,

Congress has not passed any major legislation in regard to private sector national labor policy. On the other hand, the AFL-CIO continues to press for changes concerning union security (14b, Taft-Hartley), and common situs picketing in the construction industry. When these changes will occur is anyone's guess, for as late as this spring a common situs picketing measure vigorously supported by unions in the construction trades went down to defeat in Congress.

With all of this activity going on in private sector labor-management relations matters, one might reasonably inquire as to what public sector organizations were doing. The answer is, in comparison to the private sector, not much until the 1960s. For many years public workers accepted their work environment with equanimity, and for the most part, it was satisfactory: merit procedures, fringe benefits, good job security, and assured incomes were the trade-offs for private sector unionism. But in the 1960s all this began to change. Why this change occurred is a subject which stimulated the interest of many scholars in the field and is manifest in volumes of literature which has enriched our store of knowledge and some private bank accounts as well. Perhaps there are as many reasons as scholars on why the change took place, but a few seem obvious. The 1960s was a time when many of our institutions were undergoing change. Public employees were not, and are not, isolated from the rest of society. We were at war and were confused by it. We became aware and concerned not only about what was happening at home, but also about what was happening in other places. Public employees were questioning the doctrine of sovereignty, and in many instances presented a challenge to it. The old homily that "Papa knows best" was no longer accepted as gospel. The notion that working for

government was a privilege and not a right seemed to be a direct route to second class citizenship. Public employees looked around and discovered that they wanted what private sector union members had been enjoying for years--a voice in decisions on the job that affect their lives. They wanted collective bargaining.

Prior to 1960 only one state, Wisconsin in 1959, had enacted comprehensive legislation that gave public employees a legally enforceable right to bargain. A close look at Wisconsin's political history, the work of John R. Commons in Workers' Education, and the founding of the American Federation of State, County and Municipal Employees in 1932 might, in part, serve to explain why that state was the first to enact a statute for public employee bargaining.

In 1962, by Executive Order 10988, President Kennedy recognized that federal government employees had the right to form and join unions and bargain collectively. In 1969, President Nixon by Executive Order 11491 updated and modified E.O. 10988. 1970 saw the passage of the Postal Reorganization Act (PRA). Postal employees, formerly covered by the two executive orders, were now covered by the Reorganization Act and placed under the jurisdiction of the National Labor Relations Board. The PRA prohibits strikes and outlaws any form of union security other than the voluntary checkoff of union dues. It requires fact-finding and binding arbitration of collective bargaining impasses.

Since 1959 most of the states have enacted a variety of laws for public employees. They range from simple meet and confer requirements to comprehensive statutes. Virtually all the states affirmatively provide public employees with the right to join and form unions of their choosing,

but on many other provisions in the statutes one finds a myraid of substantive and procedural differences. In point of fact, an examination of the states' bargaining laws is similar to staring into an old fashioned kaleidoscope--the scene is constantly changing. The chart beginning on page 30 is a summary of legislation adopted to date. 9/

It seems clear that there will be more legislation enacted at the state and local level as more public jurisdictions respond to the challenge of public employee unionism. It is to be hoped that the legislative response to this challenge will be met by passing bargaining laws which meets the needs of both the public and its employees.

In addition to the push for legislation dealing specifically with collective bargaining rights for employees, the labor movement has sought legislative relief in a number of areas deemed important to union members as citizens. Over the years, resolutions have been adopted and lobbying conducted on behalf of such issues as free and better public education, fair employment practices, tax reform to shift part of the burden from working people and economic programs designed to create jobs and curb prices rather than wages.

In tandem with the general labor philosophy directed toward concerns of all working people, specific areas of legislative initiative important to public employees have been articulated by a number of national coalitions of public employee groups.

Last year, the Public Employee Department of the AFL-CIO dealt with the crisis of our cities in a special pamphlet. It stated in part:

Too many of our cities are in a crisis...on the verge of bankruptcy, or approaching it. It is a crisis we cannot afford. It breeds insecurity, fear, danger.

What's happening.

What's happening is happening everywhere in the country: cities in a financial squeeze, with revenues down and demand for service rising. In that situation, cities are cutting services and cutting off the payroll the people who provide those services.

The real problems:

The most serious recession since World War II. Business goes down, tax revenues go down; unemployment goes up (and stays up) and the need for assistance goes up.

Continuing inflation. Prices of things cities buy have gone up. So has the cost of living for city employees...and they ask higher pay just to keep things level for their families.

A vast migration of people from rural America to the cities...people who need more than average help in getting settled and used to city ways.

In a prosperous nation, growing demand (encouraged both by industry and government)

for more and better services: health, education, recreation, cultural activity, sports. Services cost money, and in the big cities services are increasingly essential...

How to Get Out of This Crisis:

There are a lot of ways out of this crisis. We'd better start using them.

1. A national economic program designed to get the economy really moving again.
2. Enactment of a \$5 billion aid program to help cities avoid layoffs and tax increases.
3. Expansion and improvement of the federal government's revenue-sharing program.
4. Special aid for the urban areas with unemployment of over 6% (in late 1975 there were nearly 150 of them!)
5. Encouragement for the sale of municipal bonds through some form of federal government guarantee, or a federal pickup of a share of the cost that cities and states have to pay for interest on their securities.

The same Department has recently published their legislative program for the 95th Congress. While many of the proposals deal with perceived needs of federal employees, many also have a direct impact on local government workers. The entire program is reproduced in Appendix B.

SUMMARY OF STATE PUBLIC SECTOR BARGAINING LEGISLATION

State	Statute	Employees Covered					
		Local Govt.	Fire-fighters	Police	Teachers	Other	
Alabama 1	<i>The Code of Alabama Recompiled</i> , Title 37, Art. 7, Sec. 450(3) (1967).		x				
Alaska 1	<i>Alaska Statutes</i> , Title 23, Secs. 23.40.70-23.40.260 (1972), as am. [Public Employment Relations Act].	x	x	x			
Alaska 2	<i>Alaska Statutes</i> , Title 14, Secs. 14.20.550-14.20.610 (1970), as am.				x	School administrators	
Arizona							
Arkansas							
California 1	<i>Annotated California Codes, Government</i> , Secs. 3500-3510, Title 1, Div. 4, Ch. 10 (1961), as am. [Meyers-Millias-Brown Act].	x	x		x		
California 2	<i>Annotated California Codes, Government</i> , Secs. 3525-3536, Title 1, Div. 4, Ch. 10.5 (1971), as am.		x		x		
California 3	<i>Annotated California Codes, Government</i> , Secs. 3540-3549.3, Div. 4, Ch. 10.7 (1975) [Public Educational Employer-Employee Relations Act].	x			x	Classified public school employees, community college system, school administrators	
California 4	<i>Annotated California Codes, Labor</i> , Secs. 1960-1963, Div. 2, Pt. 7, Ch. 4 (1959).					x	
California 5	<i>Los Angeles Administrative Code</i> , Ch. 8, Div. 4, Ordinance No. 141, 527 (1971).		x				
California 6	Employee Relations Ordinance of the County of Los Angeles (1968), as am.		x				
California 7	<i>San Francisco Administrative Code</i> , Art. XIA, Ch. 16 (1973) [Employee Relations Ordinance of the City and County of San Francisco].					x	

State	Statute	Employees Covered.			
		Local Fire-Police	Govt Firefighters	Teachers	Other
Colorado					
Connecticut 1	<i>Connecticut General Statutes Annotated</i> , Title 7, Ch. 113, Secs. 7-467-7-478 (1965), as last am. by P.A. 75-189, P.A. 75-570 (<i>Conn. Legislative Service, 1975</i>) [Municipal Employee Relations Act].	x	x	x	
Connecticut 2	<i>Connecticut General Statutes Annotated</i> , Title 10, Ch. 166, Secs. 10-153a-10-153h (1961), as am. [Teachers Negotiations Act].			x	School administrators
Connecticut 3	<i>Connecticut Legislative Service 1975</i> , P.A. 75-566, Secs. 1-11 (1975) [Pending codification].	x		x	University-college system;
Delaware 1	<i>Delaware Code Annotated</i> , Title 19, Ch. 13, Secs. 1301-1312 (1965).	x	x	x	state vocational schools
Delaware 2	<i>Delaware Code Annotated</i> , Title 14, Ch. 40, Secs. 4001-4013 (1969).			x	
Dist. of Col.	<i>District Personnel Manual</i> , Ch. 25A (1970), as am.				
Florida 1	<i>Florida Statutes Annotated</i> , Secs. 447.201-447.607 (1974).	x	x	x	University-college system, community college system
Georgia 1	Fire Fighter's Mediation Act, <i>Code of Georgia Annotated</i> , Title 54, Ch. 54-13, Secs. 54-1301-54-1315 (1971).				
Hawaii 1	<i>Hawaii Revised Statutes</i> , Ch. 89, Secs. 89-1-89-21 (1970), as am. [Public Employment Relations Act].	x	x	x	School administrators; university-college system; nurses
Idaho 1	<i>Idaho Code</i> , Secs. 44-1801-44-1811, Ch. 18 (1970).				
Idaho 2	<i>Idaho Code</i> , Secs. 33-1271-33-1276, Ch. 12 (1971).			x	School administrators
Illinois					
Indiana 1	<i>Indiana Statutes Annotated, Code Edition</i> , Title 20, Secs. 20-7.5-1-1-20-7.5-1-14 (1973), as am.			x	
Indiana 2	<i>Indiana Statutes Annotated, Code Edition</i> , Title 22, Secs. 22-6-4-1-22-6-4-13 (1975).	x	x		
Iowa 1	<i>Iowa Code Annotated</i> , Sec. 20, Secs. 20.1-20.27 (1974) [Public Employment Relations Act].	x	x	x	

Employees Covered

State	Statute	Employees Covered			
		Local Fire- Govt Fighters	Police	Teachers	Other
Iowa 2	<i>Iowa Code Annotated, Sec. 90, Secs. 90.15-90.27 (1959).</i>	x			
Kansas 1	<i>Kansas Statutes Annotated, Secs. 75-4321-75-4337, Ch. 75, Art. 43 (1971), as am.</i>	x	x		
Kansas 2	<i>Kansas Statutes Annotated, Secs. 72-5413-72-5425, Ch. 72, Art. 54 (1970), as am.</i>			x	School administrators; community jr. college faculty
Kentucky 1	<i>Kentucky Revised Statutes, Ch. 345, Secs. 345.010-345.130 (1972), as am. [Fire Fighters Collective Bargaining Act].</i>	x			
Kentucky 2	<i>Kentucky Revised Statutes, Ch. 78, Secs. 78.400, 78.470, 78.480 (1972).</i>		x		
Louisiana					
Maine 1	<i>Municipal Public Employees Labor Relations Act, Maine Revised Statutes Annotated, Title 26, Ch. 9-A, Secs. 961-973, (1969), as am.</i>	x	x	x	School administrators
Maine 2	<i>State Employees Labor Relations Act, Maine Revised Statutes Annotated, Title 26, Ch. 9-B, Secs. 979-979-O (1974), as am.</i>			x	
Maine 3	<i>University of Maine Labor Relations Act, Maine Revised Statutes Annotated, Title 26, Ch. 12, Secs. 1021-1034 (1975), as am.</i>				University system
Maryland 1	<i>The Annotated Code of the Public General Laws of Maryland, Art. 77, Sec. 160, Ch. 14½ (1969), as am.</i>			x	School administrators
Maryland 2	<i>Baltimore City Code, Art. 1, Secs. 110-126a (1968), as am. [Municipal Labor Relations Ordinance].</i>	x			
Maryland 3	<i>Prince George's Code of Ordinances and Resolutions, Ch. 13-A (1973).</i>	x			
Maryland 4	<i>The Annotated Code of the Public General Laws of Maryland, Art. 77, Sec. 160A (1974), as am.</i>				Non-certificated public school employees
Maryland 5	<i>Code of Public Local Laws [Allegany County], Art. 1, Sec. 64B (1974).</i>	x			

State	Statute	Employees Covered				
		State	Govt	Fire- Police	Teachers	Other
Mass. 1	<i>Massachusetts General Laws Annotated</i> , Ch. 150E, Secs. 1-15 (1973), as am.	x	x	x	x	University-college system
Michigan 1	Public Employment Relations Act, <i>Michigan Compiled Laws Annotated</i> , Secs. 423.201-423.216 (1947), as am.	x	x	x	x	School administrators
Michigan 2	<i>Michigan Compiled Laws Annotated</i> , Secs. 423.231-423.247 (1969), as am.		x		x	
Minnesota 1	Public Employment Labor Relations Act, 1971, <i>Minnesota Statutes Annotated</i> , Secs. 179.61-179.76 (1971), as am.	x	x	x	x	University-college system
Mississippi						
Missouri 1	<i>Annotated Missouri Statutes</i> , Secs. 105.500-105.530 (1967), as am.	x	x			Nurses
Montana 1	<i>Revised Codes of Montana</i> , Title 41, Secs. 41-2201-41-2210 (1969).					
Montana 2	<i>Revised Codes of Montana</i> , Title 59, Secs. 59-1601-59-1617 (1973), as am.	x	x	x	x	University-college system
Nebraska 1	<i>Revised Statutes of Nebraska 1943</i> , Ch. 48, Art. 8, Secs. 48-801-48-838 (1947), as am.	x	x	x	x	
Nebraska 2	Teachers' Professional Negotiation Act, <i>Revised Statutes of Nebraska 1943</i> , Ch. 79, Secs. 79-1287-79-1295 (1967).				x	
Nevada 1	Local Government Employee-Management Relations Act, <i>Nevada Revised Statutes</i> , Title 23, Ch. 288, Secs. 288.010-288.280 (1969), as am.		x	x	x	School administrators; state-employed nurses
N. H. 1	<i>New Hampshire Revised Statutes Annotated</i> , Ch. 273-A, Secs. 273-A:1-273-A:16 (1975).	x	x	x	x	University system
N. J. 1	<i>New Jersey Statutes Annotated</i> , Title 34, Ch. 13A, Secs. 34:13A-1-34:13A-13 (1941), as am. [New Jersey Employer-Employee Relations Act].	x	x	x	x	School administrators
N. M. 1	Regulations for Labor-Management Relations in the Classified Service (1976).	x				

State	Statute	State Govt fighters	Teachers	Other
New York 1	Public Employees' Fair Employment Act [Taylor Law], <i>Consolidated Laws of New York Annotated</i> , Civil Service, Art. 14, Secs. 200-214 (1967), as am.	x	x	x
New York 2	<i>New York City Administrative Code</i> , Ch. 54 (1967), as am. [New York City Collective Bargaining Law].	x	x	University-college system; nurses
North Carolina				
N. Dakota 1	<i>North Dakota Century Code</i> , Title 34, Ch. 34-11, Secs. 34-11-01 -34-11-05 (1951).	x		
N. Dakota 2	<i>North Dakota Century Code</i> , Title 15, Ch. 15-38.1, Secs. 15-38.1-01-15-38.1-15 (1969).		x	School administrators
Ohio				
Oklahoma 1	<i>Oklahoma Statutes Annotated</i> , Title 11, Secs. 548.1-548.14 (1971), as am. [Firefighters' and Policemen's Arbitration Law].	x	x	
Oklahoma 2	<i>Oklahoma Statutes Annotated</i> , Title 70, Secs. 509.1-509.10 (1971).			
Oregon 1	<i>Oregon Revised Statutes</i> , Ch. 243, Sec. 243.650-243.782 (1963), as am.	x	x	x
Oregon 2	<i>Code of the City of Portland</i> , Ordinance No. 128058, Secs. 3-2202, 3-2203, 3-2208 (1968).		x	Nonprofessional school employees University-college system; nurses
Oregon 3	<i>Eugene Code, 1971</i> , Secs. 2.875-2.876 (1971).			
Pa. 1	Public Employe Relations Act, <i>Pennsylvania Statutes Annotated</i> , Title 43, Secs. 1101.01-1101.2301 (1970), as am.	x	x	x
Pa. 2	<i>Pennsylvania Statutes Annotated</i> , Title 43, Secs. 217.1-217.10 (1968).			
Pa. 3	<i>Pennsylvania Statutes Annotated</i> , Title 53, Sec. 39951, Art. IV (a-e) (1967).		x	Municipal transit employees
Rhode Is. 1	<i>General Laws of Rhode Island 1956</i> , Secs. 36-11-1-36-11-11, Title 36, Ch. 11 (1958), as am.			
Rhode Is. 2	Municipal Employees' Arbitration Act, <i>General Laws of Rhode Island 1956</i> , Secs. 28-9-4-1-28-9-4-19, Title 28, Ch. 9.4 (1967).		x	State police below rank of lieutenant

Employees Covered

State	Statute	Local Fire- Police				Other
		Fire- Fighters	Police	Teachers	Other	

Rhode Is. 3	School Teachers' Arbitration Act, <i>General Laws of Rhode Island 1956</i> , Secs. 28-9.3-1 - 28-9.3-16, Title 28, Ch. 9.3 (1966) as am.	x				
Rhode Is. 4	Fire Fighters' Arbitration Act, <i>General Laws of Rhode Island 1956</i> , Secs. 28-9.1-1 - 28-9.1-15, Title 28, Ch. 9.1 (1961), as am.		x			
Rhode Is. 5	Policemen's Arbitration Act, <i>General Laws of Rhode Island 1956</i> , Secs. 28-9.2-1 - 28-9.2-15, Title 28, Ch. 9.2 (1963), as am.			x		Police chief
Rhode Is. 6	<i>General Laws of Rhode Island 1956</i> , Secs. 28-9.5-1 - 28-9.5-13, Title 28, Ch. 9.5 (1976).					School administrators, city of Providence
S. Carolina 1	State Employee Grievance Procedure Act, <i>Code of Laws of South Carolina 1962</i> , Title 1, Secs. 1-49.11 - 1-49.14, Art. 4.1 (1971).	x				
S. Dakota 1	<i>South Dakota Compiled Laws 1967</i> , Title 3, Ch. 3-18, Secs. 3-18-1 - 3-18-17 (1969), as am.	x	x			School administrators
Tennessee Texas 1	The Fire and Police Employee Relations Act, <i>Texas Civil Statutes</i> , Art. 5154c-1, Title 83, Secs. 1 - 20 (1973).	x		x		
Texas 2 Utah 1	<i>Texas Civil Statutes</i> , Art. 5154c, Title 83, Secs. 1 - 7 (1947). <i>Utah Code Annotated</i> , Title 34, Ch. 20a, Secs. 34-20a-1 - 34-20a-9 (1975) [Utah Fire Fighters' Negotiation Act].	x	x			
Vermont 1	State Employee Labor Relations Act, <i>Vermont Statutes Annotated</i> , Title 3, Secs. 901 - 1007, Ch. 27 (1969), as am.	x				Uniformed state police in dept. of public safety; state college employees
Vermont 2	Municipal Employee Relations Act, <i>Vermont Statutes Annotated</i> , Title 21, Secs. 1721 - 1735, Ch. 22 (1973), as am.	x	x			
Vermont 3	<i>Vermont Statutes Annotated</i> , Title 16, Secs. 1981 - 2010, Ch. 27 (1969) [Labor Relations Act for Teachers].			x		School administrators

State	Statute	Employees Covered				
		State	Local Govt	Fire-Fighters	Police	Other
Virginia						
Washington 1	<i>Revised Code of Washington, Annotated, Title 41, Ch. 41.56, Secs. 41.56.010-41.56.950 (1967), as am. [Public Employees Collective Bargaining Act].</i>	x	x	x	x	
Washington 2	<i>Educational Employment Relations Act, Washington Legislative Service 1975, Ch. 288, Secs. 1-20, 23, 25 (1975)[Pending Codification in Title 41 RCW].</i>					x School administrators
Washington 3	<i>Revised Code of Washington Annotated, Title 28B, Ch. 28B.52, Secs. 28B.52.010-28B.52.200 (1971), as am.</i>					Community college academic employees
Washington 4	<i>Revised Code of Washington Annotated, Title 28B, Sec. 28B.16.100 (1969), as am.</i>					State university system classified employees
Washington 5	<i>Revised Code of Washington Annotated, Title 53, Ch. 53.18, Secs. 53.18.010-53.18.060 (1967), as am.</i>					Port district employees
Washington 6	<i>Washington Legislative Service 1975, Ch. 296, Secs. 1-11 (1975), as am. [Pending Codification].</i>	x	x	x	x	Community college academic employees
West Virginia						
Wisconsin 1	<i>State Employment Labor Relations Act, Wisconsin Statutes Annotated, Secs. 111.80-111.97 (1967), as am.</i>		x			
Wisconsin 2	<i>Municipal Employment Relations Act, Wisconsin Statutes Annotated, Secs. 111.70, 111.71 (1959), as am.</i>		x	x	x	
Wisconsin 3	<i>Wisconsin Statutes Annotated, Sec. 111.77 (1971), as am.</i>			x		
Wyoming 1	<i>Wyoming Statutes 1957, Title 27, Secs. 27-265-27-273, Ch. 14 (1965).</i>			x	x	

CHAPTER III

FACTORS LEADING TO EMPLOYEE ORGANIZATION

Perhaps it is too soon to attempt an analysis of the forces that came to play in the past decade which dramatically and relatively quickly altered the pattern of relationships between public employers and their workers. The process is a continuing one, and while the rapid numerical growth of membership in public employee unions and associations may have leveled off, the formalization of new or different methods of accommodating to the new organization has not been completed.

The search for answers to what many view as significant questions has begun, however. What happened in the 1960s, nationally and in our State of California? Had public sector jobs suddenly become different? Had the characteristics of the community of public employees suddenly been altered? Had there been drastic changes in the philosophy or ethics of our society which affected work relationships?

The answer to the last three questions is probably YES.

The early 1960s was a period of new awareness and new emphasis on all aspects of human rights and dignity. The end of World War II had signaled the beginning of a time when there was to be a truly broad base of college educated citizens with time to dwell on consideration of human values and needs other than personal survival and welfare.

By the 1960s, more was expected of all levels of government, in terms of service and function.

All levels of government grew. The Kennedy Administration's social welfare amendments and Johnson's "War on Poverty" brought into public sector employment large numbers of young people, who viewed their jobs not as safe, secure slots in a civil service system, but as opportunities to bring about social change. Other groups of minority workers who, a generation earlier, would not have stood much chance of obtaining a prized position in city or county government were now euphemistically referred to as "indigenous personnel," and were integrated into the public sector work force.

City, county, state and federal government was changing; and it was growing. This growth and change may well have played a major role in intensifying the demand for changed relationships with public employers.

A number of labor historians have drawn parallels between the rapid movement of private sector workers in the late 1930s toward unionization and the equally dramatic growth of public employee membership in unions in the 1960s and early 1970s.

Many writers work from the premise that the desire for representation followed legislation which made representation and recognition easier for those segments of the work force. At times overlooked is the fact that in a democratic society, enactment of new social legislation often follows certain public pressure, lobbying, and articulation of a need experienced by at least a portion of the citizens.

Neither the National Labor Relations Act nor the plethora of state and local legislation providing some form of collective bargaining for public employees which followed the Federal Executive Order 10988 occurred in a vacuum.

While in both instances the legislation made it easier to *measure* by some objective standard the desire of the affected work force for representation--how many elections were held, how many voted "yes" and how many "no"--the laws would very probably not have been enacted had not the workers involved made known, sometimes in confrontational settings, their desire for a change in the then-existing relationship between employers and employees.

By substituting "local government" for "commerce," and "services" for "raw materials or manufactured or processed goods," Section 1 of the National Labor Relations Act could well be a distillation of the dialogue occurring in state senates and city councils in the 1960s:

NATIONAL LABOR RELATIONS ACT

Section 1. The denial by some employers of the right of employees to organize and the refusal by some employers to accept the procedure of collective bargaining lead to strikes and other forms of industrial strife or unrest, which have the intent or necessary effect of burdening or obstructing commerce by (a) impairing the efficiency, safety, or operation of the instrumentalities of commerce; (b) occurring in the current of commerce; (c) materially affecting, restraining, or controlling the flow of raw materials or manufactured or processed goods from or into the channels of commerce, or the prices of such materials or goods in commerce; or (d) causing diminution of employment and wages in such volume as substantially to impair or disrupt the market for goods flowing from or into the channels of commerce.

The inequality of bargaining power between employees who do not possess full freedom of association or actual liberty of contract, and employers who are organized in the corporate or other forms of ownership association substantially burdens and affects the flow of commerce, and tends to aggravate recurrent business depressions, by depressing wage rates and the purchasing power of wage earners in industry and by preventing the stabilization of competitive wage rates and working conditions within and between industries.

Experience has proved that protection by law of the right of employees to organize and bargain collectively safeguards commerce from the injury, impairment, or interruption, and promotes the flow of commerce by removing certain recognized sources of industrial strife and unrest, by encouraging practices fundamental to the friendly adjustment of industrial disputes arising out of differences as to wages, hours, or other working conditions, and by restoring equality of bargaining power between employers and employees.

Experience has further demonstrated that certain practices by some labor organizations, their officers, and members have the intent or the necessary effect of burdening or obstructing commerce by preventing the free flow of goods in such commerce through strikes and other forms of industrial unrest or through concerted activities which impair the interest of the public in the free flow of such commerce. The elimination of such practices is a necessary condition to the assurance of the rights herein guaranteed.

It is hereby declared to be the policy of the United States to eliminate the causes of certain substantial obstructions to the free flow of commerce and to mitigate and eliminate these obstructions when they have occurred by encouraging the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection.

It is obvious that the average person--perhaps especially the average public employee--finds it more comfortable to pursue a certain course of action, secure in the knowledge that "the law is on my side." It is also obvious that public employees, as their private sector counterparts, had begun organizing prior to laws that had specifically authorized or encouraged them to do so, and had at times engaged in concerted activity that defied existing laws.

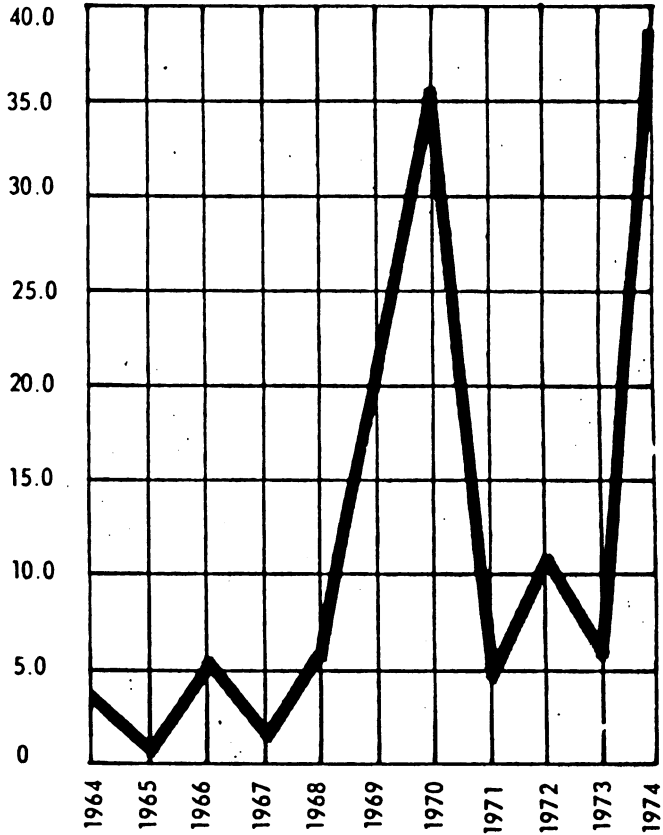
That has certainly been true in California over the past decade as shown in the graph on the following page.

A detailed report of strike activity among California public employees over the five year period 1970-1974 is included in Appendix D. It provides graphic evidence that legal sanctions are not always the prime factor in deciding on a course of action.

Rather than assuming that public employees--or any other group--organize simply because there is a law that says they may, it is perhaps worthwhile to examine what elements are normally present if any group of people are to organize for *any* purpose.

PUBLIC EMPLOYEES INVOLVED IN STOPPAGES BEGINNING IN YEAR

(In thousands)



Source: Department of Industrial Relations
Division of Labor Statistics and Research

Whether the goal is getting a traffic light installed at a given intersection or winning meaningful improvements in the terms and conditions of their employment, people generally bend together in pursuit of a common cause when they perceive themselves as lacking the power to achieve something individually, but have reason to hope it can be accomplished through group action.

Edward Peters, member of the Personnel Commission of the Los Angeles County School System and prominent arbitrator, in commenting on the explosion in union membership in the public sector in the 1960s, wrote, "...but although discontent is an essential ingredient of militancy, it does not follow that the one necessarily produces the other. People, for example, will endure intolerable circumstances because they shrink from engaging in a struggle or undertain outcome."1/

Phrased in various ways, a commonly accepted axiom of union organizers is that a group will organize when indignation and hope are greater than apathy and fear.

What, then, causes employees to become indignant? Low wages? Long hours? A dangerous or demeaning work environment? These are the classic issues around which workers organize.

There are certainly groupings of jobs in the public sector which can be categorized as involving hard work and low pay: workers in our county hospital systems provide ready examples.

And they have organized. Yet, organizing beside them through the 1960s and 1970s were social workers, probation officers, engineers, law clerks, and teachers. The push for representation rights was waged equally vigorously by groups of employees in these more prestigious classifications.

If the epitomy of organized indignation is the strike, what conclusions are to be drawn from the fact that in Los Angeles County in 1976, negotiations for new memoranda of understanding were reached in nearly fifty bargaining units with only two groups taking job actions: the district attorneys and the stationary engineers?

Perhaps part of the explanation lies in the formula cited earlier: accompanying the indignation must be hope of change--a perception of value and inherent power within the group.

Aside from an occasional Man on a White Horse--the crusader, the zealot, the fanatic--few rational people are going to voluntarily spend time, effort, and money joining and building an organization, or participating in its programs, unless they feel something worthwhile, even vital to their well-being, will result from their efforts. There is no doubt that most workers, whether nurses aides or district attorneys, would agree that higher salary, greater job security, more holidays--the traditional bread and butter issues that are part of an organizing campaign--are worthwhile goals. One might question whether for many of the public employee classifications, need for improvement in these areas is acute enough, urgent enough, to account for the determination and the militancy that was part of the push for representation rights in the 1960s.

Instead, the prime motivation may have been a less specific but more emotional need for recognition, in every sense of the word. The rallying cries of earlier groups of workers were echoed in the 1960s. "Human Dignity," "A Voice for Workers," "Fair Treatment," "In Unity There Is Strength," "Worker Power," and "A Union Contract Now" appeared on leaflets and on hand-lettered signs.

Along with the old slogans were newer ones: "Collective Bargaining - An End to Collective Begging," and "Public Employees Are Not Second Class Citizens." Some were more specific: "Social Work Not Paper Work," "Better Patient Care," "Smaller Class Size" and "Civil Service Is Swindle Service."

One effective workers' leaflet was simply a reproduction of a departmental memo, announcing that the top floor of a county building was to be air conditioned since computer equipment was being installed, and the computer didn't work at excessively high or low temperatures. The Social Workers Action Committee added a line at the top: "Perhaps Machines ARE Smarter than People," and another at the bottom: "Join Now." Social workers did join.

Another county-wide memo announcing a ban on individual coffee pots in the employees' lunch areas was credited with scores of new applications for union membership. "They are trying to totally dehumanize us," was what the workers said.

Labor Historian Thomas Brooks links size of the employer to the employees' perception of need for organization:

When looking for the causes of industrial peace, or, for that matter, peaceful labor relations in the public sector, we must first look at why workers organize. The parallels between the private and public sectors are striking. When industry was a matter of family firms--one- or two- or three-person shops--employers knew their workers individually and paternalism worked. Growth, technological change and sheer

size stimulated union organization; giant corporations were precursors of industrial unions.

Growth, too, fueled unionism in the public sector. Between 1947 and 1967 the number of public employees at all levels--federal, state and local governments--increased by over 110 percent, from 5,474,000 to 11,616,000. Most of this growth occurred among the 80,000 units of state and local government. Federal employment rose from 1.8 million in 1947 to 2.7 million in 1967, while state and local government employment rose from 3.5 million to 8.8 million. By 1970, state and local government employment exceeded 9 million workers.

This vast growth in public employment assured an increase in bureaucratization and a depersonalization of employer-employee relationships. Much the same thing happened in the giant corporations producing autos, rubber, steel and other mass-produced goods in the private sector. And the consequences were the same. Workers organized to improve their lot, to achieve dignity.^{2/}

Edward Peters, in the article mentioned earlier, credits the civil rights movement, with its emphasis on demonstrations, civil disobedience, and passive resistance, for having sparked a responsive chord in teachers and other middle-class public employee groups, who came to feel more comfortable with tactics they earlier might have scorned as not being dignified or professional.

Whatever the underlying emotional climate that

contributed to making the past decade one of large-scale organizing among public employees, the classic issues undoubtedly gave weight and substance to the drive for representation and collective bargaining.

Public sector jobs, by the 1960s, were no longer very desirable by purely economic standards. Nationally, public employees were earning from 10 to 30 percent less than their counterparts in the private sector. Where once it had been considered a benefit simply to be able as an employee to get and pay for group health insurance, fully employer-paid group health insurance had become a standard item in private sector union contracts. Employer contributions to public retirement plans had been equalled and bettered by many private sector employers, with only 10 percent requiring employee contributions.

Thirty-five or 37-1/2 hour workweeks, while not the norm, had been negotiated in many office settings. Fringe areas in which the public sector had led the way in benefits--sick leave, vacations, holidays--had seen improvement in the private sector.

All of these areas where rational analysis seemed to justify room for improvement contributed to the underlying cause of dissatisfaction and unrest.

In California, as in many other states, public employees had a long tradition of belonging to an organization of their co-workers. These employee associations had traditionally lobbied for improved working conditions, and had also provided a wide variety of services to the members. Recreational activities, group insurance plans, discount tickets, and newsletters were part of the traditional agenda. The new mood of public employees was reflected in

two parallel developments: some groups turned to labor unions for representation while others worked to restructure existing associations to meet the new or different demands of their members. An idea's time had come, and it was powerful.

Partly in response to grass roots pressure for representation rights in the public sector which were more closely patterned after those existing in the private sector, and partly because the unions themselves were looking at the projections of where the work force was going and where it would be over the next decade or so, the support of the traditional labor movement rallied to the requests for assistance in organizing.

In California, as elsewhere in the nation, union representatives were assigned to respond to inquiries about affiliation.

Union involvement in the public sector was not new: the firefighters had been chartered in 1918 by the American Federation of Labor, and unions of teachers preceded World War I. The American Federation of State, County and Municipal Employees (AFSCME) had been established in the mid-thirties. Other groups of public employees had been represented for years by unions whose base was in the private sector--where craft or occupational identity had brought about affiliation for those working at the trade, but for a public employer. There was interest on the part of such unions to represent a broader spectrum of this fastest growing segment of the work force.

As is usually the case, however, California public employees organized when they were ready to organize, not when a decision was made in a

board room that those groups were to be "targeted" for organizing activity.

For whatever combination of reasons, indignation and hope had become stronger than apathy or distrust of something different.

CHAPTER IV

WHERE EMPLOYEE ORGANIZATIONS & UNIONS ARE TODAY

While union organization in the private sector has dropped in terms of percentage points over the last few year, numbers and percentages of employees in the public sector who are involved in some form of official bargaining relationship with their employers have increased dramatically.

Summarizing the representation status of workers in the United States, Alan Kistler, Director of Organization and Field Services for the National AFL-CIO reported:

...[in 1955] 17.4 million working men and women belonged to unions, according to the U.S. Bureau of Labor Statistics. That agency reports that at the end of 1974, the latest year for which statistics are available, there were 20.2 million workers in union ranks. Limiting the figures to the "organizable" workforce, which excludes supervisors, executives, the self-employed and the unemployed, roughly 42 percent of the organizable workforce was in unions in 1956 compared to 32 percent in 1974. Counting associations which also engage in collective bargaining, union membership in 1974 reached 22.8 million, or 36 percent of the organizable workforce.

Those percentages applied to a workforce which was very different than it was in 1956. The total civilian workforce totaled 66.7 million in 1956 but had

grown to 91.5 million by 1974--an increase of more than one-third. By September 1976 it had grown another 4 million to a total of 95.2 million. And the change in who makes up that workforce and the kind of jobs they do has altered the workforce almost as dramatically as the overall numbers....

In recent years, public sector organizing has become a cornerstone of growth in trade union membership. As a result, there were more union members among state and local government employees in 1974 than those jurisdictions employed in 1960. The same is true in the federal area: the number of union members in the federal sector in 1974 equals the total federal government workforce in 1960. Total union membership among government employees more than tripled from 1956 to 1975, going from 915,000 to 2.9 million. If associations engaged primarily in collective bargaining are included, the figure jumps to 5.3 million in 1975, as compared with 915,000 in 1956. Moreover, the public sector as a percentage of overall union membership has climbed from 12.6 percent in 1956 to 20.6 percent in 1975--or to 37.7 percent if employee associations are included.

While public sector unionism has been posting such steady growth, the number organized through NLRB elections has declined, from a peak of 348,000 employees in 1967 to a low of 158,000 in 1975; from a 60 percent winning mark in 1965 elections to a low of 49 percent in 1974. However, if statistics of the last year and a half are an accurate indication, the percentage fall-off appears to be stabilizing.^{1/}

Public sector statistics in the field of labor relations can be misleading unless great care is taken, for the simple reason that public employees can and do belong to unions or associations when they are not included in an official bargaining unit or covered by a contract or memorandum of understanding. The other side of the coin is, of course, that to a much larger degree than in the private sector, open-shop agreements are commonplace; large numbers of people then can be counted as "represented" when they are in fact not members of the recognized organization.

Keeping such potential for distortion in mind, the article and material compiled by Paul Staudohar in June, 1976 *CPER* (reproduced on pp. 53-57) is the most relevant, concise, and current reference available on extent of organization in California. The problem in compiling accurate and meaningful statistics becomes clear when one looks at Table 1, sub-heading "State Government": in 1974, 112,382 of 193,362 (58.1 percent) of state employees belonged to an employee organization. However, since there is no comprehensive legislation providing for collective bargaining for all state employees, this number takes on different significance when Table 2 is examined: Table 2 lists 14 identifiable bargaining units, 13 of which employ a maximum of 1,292 employees. It is left to conjecture whether the one remaining unit--shown as "500 or more employees"--encompasses everyone else for chart purposes and is a "unit" of some 192,050 persons, or whether it is another exception to the rule that there *are* no bargaining units in state employment and is a "unit" of 501 employees.

The data concerning other local governmental entities are more comprehensible and give a relatively clearer picture of which types of employees and employers are most involved in the collective bargaining process. Staudohar's article and accompanying charts follow.

Organization, Bargaining, and Work Stoppages in California Public Employment

By Paul D. Staudohar, Associate Professor, School of Business and Economics, California State University, Hayward

The expansion of public service employment and rapid development of public sector labor relations have generated a demand for reliable statistical data. In recent years the U.S. Department of Labor and the U.S. Bureau of the Census have collected and published data on public employment labor relations at the state and local level. A joint study by the two agencies issued in February 1976 includes comprehensive data on organization, bargaining units, negotiations, agreements, and work stoppages for the nation and individual states as of October 1974.¹

This article examines California data from the joint study in three areas: employee organization, bargaining structure, and work stoppages. Comparisons are made with the United States as a whole and larger states, particularly New York and Michigan.

Employee Organization

Nationally, a total of 4.7 million or 51.5 per cent of all full-time state and local government employees belonged to employee organizations in October 1974. From 1972-74 the number of full-time employees who belonged to organizations increased by 10.1 per cent. During this period the number of full-time employees increased by only 7.0 per cent.

Organization of state and local government employees in California is shown in Table 1. A larger proportion of these employees were organized, about 65 per cent, than was the case for the nation as a whole. Approximately 58 per cent of California state employees and 67 per cent of local employees were organized. However, the proportion organized in California fell by about 1 per cent between 1972 and 1974. While both employment and organization increased in absolute terms, employment grew at a slightly faster rate. At the local level the rate of growth in employment was matched by growth in organization, but at the state level organization decreased while employment increased. The decline in organization at the state level may be due to the weak nature of the law (George Brown Act) which grants relatively limited bargaining rights to these employees. Employee organizations have been unable to bring about changes in the law or administering regulations to permit unit determinations, elections of exclusive bargaining representatives, or the adoption of written agreements.

An examination of the degree of organization of state employees in California, New York, and Michigan reveals a relationship between the level of negotiation rights granted by the statutes and proportion of state employees organized. New York's Taylor Act provides extensive bargaining rights for state employees, which was reflected in a relatively high rate of organization of 69 per cent. California, which had 58 per cent organized, has a more limited law, and Michigan, with 50 per cent organized, has no statute granting bargaining rights to state employees.

A similar correlation emerges at the local level. In Michigan the Public Employment Relations Act grants extensive bargaining rights to local government employees, and the Police-Fire-

fighter Arbitration Act provides for compulsory arbitration of bargaining impasses in the safety services. Also, Michigan courts have been more permissive than most jurisdictions toward public employee work stoppages. With such an orientation toward bargaining, it is perhaps not surprising that about 75 per cent of Michigan's local public employees were organized in 1974. New York's Taylor Act provides extensive bargaining rights for local government employees and compulsory arbitration for police and firefighters, and had a 78 per cent rate of organization. California, with the least extensive statute—the Meyers-Milias-Brown Act—had 67 per cent of its local government employees organized.

Bargaining Structure

In the nation as a whole about 31 per cent of all full-time and part-time state and local government employees were in bargaining units in 1974, in contrast to the 51 per cent of all full-time employees who were organized nationally.² There were more than one million more full-time employees who belonged to a union or association than there were full- and part-time employees in bargaining units.

Bargaining units in state and local government tended to have small numbers of employees in them. Nationally, about half of the total number of bargaining units had fewer than 50 employees. The distribution of bargaining units in California on the basis of number of employees is shown in Table 2. Units at the state level in California were considerably smaller than in many other states.³ Michigan had 52 units (out of 68) of 50 or more employees, and New York had 17 (out of 21) of 50 or more. At the local level, however, units in California tended to be larger than in other states with about 40 per cent of the units having fewer than 50 employees, compared to 48 per cent for New York, 60 per cent for Michigan, and 50 per cent nationally.⁴ These data indicate that fractionalization of bargaining units was not as extensive in California local government as in the two other jurisdictions or in the nation as a whole.

Table 3 presents data on labor relations policies and representation in bargaining units in California. Most of the employees who were in units (about 72 per cent) were represented in meet-and-confer sessions only, as opposed to more formal collective negotiations or some combination of the two. However, implementation in April 1976 of S.B. 160 (Rodda Act), which provides collective bargaining rights for employees in 1,132 school districts, will cause the proportion of employees in the "collective negotiations" category to rise substantially.

Work Stoppages

From October 1973 to October 1974 there were 471 reported work stoppages by state and local government employees nationally. This was a 23 per cent increase over the 382 work stoppages in the period from October 1971 to October 1972. The average number of employees involved was 344, and the duration averaged 7.3 days. School districts accounted for the largest number of work stoppages with 228. The major cause of about three-fourths of the work stoppages was disputes over economic and/or hours-of-work issues.

Table 4 compares data on work stoppages in California with other large jurisdictions and the nation during two 12-month periods in 1971-72 and 1973-74. According to these data, the number of work stoppages in California increased from 18 to 49 in the comparative periods, and days of idleness rose by nearly 240 per cent.⁵ Pennsylvania led the nation in number of work stoppages. New York, perhaps as a result of New York City's growing fiscal problems, experienced a decline in strikes. From October 1973 to October 1974, California had about 31 per cent of the total of days of idleness in the entire nation. The increase in number and intensity of work stop-

pages in California may be symptomatic of frustration of employees over lack of stronger bargaining rights and the adverse effects of economic constraints.

Work stoppages in California by function of employees and issues in the period from October 1973 to October 1974 are shown in Table 5. Similar to the national pattern, 38 out of the 49 work stoppages involved economic and/or hours-of-work issues (nationally, 357 out of 471). Employees in public education accounted for about 57 per cent of the stoppages, compared to 48 per cent in the nation as a whole. There were no state employee strikes in California, compared to 32 in 16 different states. The greatest impact in terms of number of employees involved and days of idleness is in the "all other" category of Table 5, which included strikes in the Southern California Rapid Transit District for 68 days, in the Alameda-Contra Costa Transit District for 61 days, and in the City and County of San Francisco for nine days.⁶

¹U.S. Department of Commerce, Bureau of the Census, and U.S. Department of Labor, Labor-Management Services Administration, *Labor-Management Relations in State and Local Governments: 1974*, Series GSS No. 75 (Washington, D.C.: U.S. Government Printing Office, 1976), 131 pp., \$2.10.

²No data is provided showing the percentage of part-time employees who belonged to unions or associations. The number of part-time employees in public service was significant - 2.6 million out of a total work force of 11.75 million in 1974.

³Note: Tables 2 and 3 include information on bargaining units in state employment in California based on data gathered for the *LAIRSLG* report. The state has not designated formal bargaining units and has a policy of meeting and conferring with all registered employee organizations on matters dealing with wages, hours, and working conditions. Bargaining units are defined in *LAIRSLG*, at p. 130, as a "group of employees recognized as appropriate for representation by an employee organization for the purpose of collective bargaining and/or meet and confer discussions. Units commonly include both members and nonmembers of the employee organization."

⁴The number of bargaining units is in part a function of the number of jurisdictions in a state. As of 1974 California had 2,249 units for 3,820 jurisdictions; New York had 2,495 units for 3,307 jurisdictions; and Michigan had 2,101 units for 8,650 jurisdictions. However, some 7,248 of the jurisdictions in Michigan were small townships, which collectively had just over three thousand full-time employees. See *Labor-Management Relations in State and Local Governments: 1974*, *op. cit.*, pp. 44, 49, 125, 126.

⁵See "A Five-Year Study of California Public Employee Strikes" in *CPER* No. 25, pp. 2-5, for additional statistics on work stoppages in California. *CPER*'s statistics vary somewhat from those noted in this study, owing to different data collection methods and definitions of strikes and days of idleness. For example, *CPER*'s records indicate 19 California strikes from October 1971 to October 1972, and 47 from October 1973 to October 1974.

⁶"A Five Year Study of California Public Employee Strikes," *op. cit.*, p. 2.

TABLE 1
California State and Local Government Organized Employees, by Function:
October 1972 and October 1974

Type of government	Total full-time employment			Full-time employees who belong to an employee organization ^a				
	October 1972	October 1974	Percent change	October 1972		October 1974		Percent change, Oct. 1972 to Oct. 1974
				Number	Percent	Number	Percent	
State Government	180,603	193,362	7.1	112,714	62.4	112,382	58.1	-0.3
Education	63,962	69,701	9.0	20,910	32.7	25,910	37.1	23.9
Teachers	22,298	24,223	8.6	7,358	33.0	11,164	46.1	51.7
Other	41,664	45,478	9.2	13,552	32.5	14,746	32.4	8.8
Highways	18,162	16,318	-10.2	17,244	94.9	15,000	91.9	-13.0
Public Welfare	1,594	1,373	-13.9	1,393	87.4	1,160	84.5	-16.7
Hospitals	17,646	20,276	14.9	15,653	88.7	16,171	79.8	3.3
Police Protection	8,642	9,910	14.7	8,635	99.9	8,145	82.2	-5.7
All other functions	70,597	75,784	7.3	48,879	69.2	45,996	60.7	-5.9
Local Governments	703,127	745,665	6.0	471,954	67.1	500,077	67.1	6.0
Education	331,876	351,408	5.9	230,547	69.5	261,289	74.4	13.3
Teachers	227,457	240,110	5.6	168,166	73.9	192,055	80.0	14.2
Other	104,419	111,298	6.6	62,381	59.7	69,234	62.2	11.0
Highways	20,169	20,636	2.3	12,468	61.8	11,922	57.8	-4.4
Public Welfare	36,939	35,724	-3.3	20,623	55.8	18,544	51.9	-10.1
Hospitals	51,141	52,321	2.3	28,479	55.7	24,569	47.0	-13.7
Police Protection	46,630	50,377	8.0	34,551	74.1	37,015	73.5	7.1
Fire Protection	23,030	23,755	3.1	18,145	78.8	19,026	80.1	4.9
Sanitation other than sewerage	5,562	5,738	3.2	3,985	71.6	4,156	72.4	4.3
All other functions	187,780	205,706	9.5	123,156	65.6	123,556	60.1	0.3
Totals	883,730	939,027	6.3	584,668	66.2	612,459	65.2	4.8

^a Employee organizations are defined as those which exist for the purpose, in whole or in part, of improving conditions of employment.

Source: U.S. Department of Commerce, Bureau of the Census, and U.S. Department of Labor, Labor-Management Services Administration, *Labor-Management Relations in State and Local Governments: 1974*, Series GSS No. 75 (Washington, D.C.: U.S. Government Printing Office, 1976), p. 19

TABLE 2
Distribution of State and Local Government Bargaining Units by Represented Employee-Size Groups,
for California: October 1974

Item	Number of government bargaining units	Bargaining units						
		Total	By represented employee-size groups					
			1 to 24 employees	25 to 49 employees	50 to 99 employees	100 to 299 employees	300 to 499 employees	500 or more employees
State Government	1	14	8	—	2	3	—	1
Local Governments	771	2,235	452	440	492	536	138	177
Counties	50	308	43	42	53	66	34	70
Municipalities	218	740	183	190	153	151	23	40
School Districts	418	1,018	168	172	259	290	72	57
Special Districts	85	169	58	36	27	29	9	10

Source: LMRSLG, p. 122

TABLE 3

State and Local Government Labor Relations Policies, Bargaining Units, and Represented Employees in California by Type of Government: October 1974

Item	Total State and local governments	State government	Local governments					
			Total	Counties	Municipalities	Townships	Special districts	School districts
Number of governments, 1972	3,820	1	3,819	57	407	—	2,223	1,132
Governments with labor relations policies, total	1,227	1	1,226	53	265	—	174	734
Collective negotiations only ^a	33	—	33	6	5	—	17	5
Meet and confer discussions only ^b	1,090	—	1,090	39	234	—	129	688
Both collective negotiations and meet and confer discussions	104	1	103	8	26	—	28	41
Total employment	1,250,006	262,852	987,154	215,179	181,728	—	56,489	533,758
Full-time employees only	939,027	193,362	745,665	190,195	156,955	—	47,136	351,379
Average October earnings of full-time employees	1,120	1,138	1,115	1,042	1,168	—	961	1,152
Number of bargaining units	2,249	14	2,235	308	740	—	169	1,018
Employees represented by bargaining units: Number, total	489,940	3,031	486,909	157,703	111,578	—	25,855	191,773
In governments with collective negotiations only	23,791	—	23,791	7,147	894	—	15,349	401
In governments with meet and confer discussions only	353,695	—	353,695	63,221	98,006	—	7,138	185,330
In governments with both collective negotiations and meet and confer discussions	112,454	3,031	109,423	87,335	12,678	—	3,368	6,042
Percent of employees represented by bargaining units	39.2	1.2	49.3	73.3	61.4	—	45.8	35.9
In governments with collective negotiations only	1.9	—	2.4	3.3	0.5	—	27.2	0.1
In governments with meet and confer discussions only	28.3	—	35.8	29.4	53.9	—	12.6	34.7
In governments with both collective negotiations and meet and confer discussions	9.0	1.2	11.1	40.6	7.0	—	6.0	1.1

^a "Collective Negotiations" is defined as "The method of determining conditions of employment through bilateral negotiations between representatives of the employer and employee organizations. An agreement reached is set forth in a mutually binding contract."

^b "Meet and Confer Discussions" is defined as "The method of determining conditions of employment whereby the representatives of the employer and the employee organization hold periodic discussions to seek agreement on matters within the scope of representation. Any written agreement is in the form of a nonbinding memorandum of understanding."

Source: LMRS LG, p. 35

As an update to the preceding statistics, the June 1976 edition of the Department of Industrial Relations' publication, *Union Labor In California 1975* reports a 17.2 percent growth in membership in the state and local government division for the period July 1973 to July 1975, while employment in that sector rose by only 9.5 percent. This is in sharp contrast to the decline in membership shown for manufacturing, food and kindred products, construction, and trades and services for the same period.

The report indicates that 179,700 members employed in state and local government belonged to 448 local unions throughout the state.

In this compilation, the DIR included:

- (1) all AFL-CIO affiliates;
- (2) unions not affiliated with the AFL-CIO that have written collective bargaining agreements with at least two employers in private industry;
- (3) unaffiliated unions that have a contract with a single employer in private industry, if it covers the employer's operation in more than one location in California and if the union has 1,000 or more members;
- (4) unaffiliated unions of government workers that do not execute written collective bargaining agreements in private industry, *provided they have members in other states.*

Note that independent public employee associations with an exclusively intrastate membership are excluded from the survey.

For the state and local government division, the area breakdown shows an increase for all regions

except San Francisco-Oakland. San Jose was closest to the statewide norm, showing a 17.3 percent gain. Although the numbers are small (3800), the percentage increase was largest for the Anaheim-Santa Ana-Garden Grove area (68.2 percent increase).

Another available update of the statistics on which Staudohar based his work would be in the field of education employees.

Since passage of state legislation providing for the establishment of appropriate bargaining units and exclusive recognition for employees in those units effective January 1976, the school districts have naturally been the scene of much collective bargaining activity.

Even prior to enactment of the Educational Employment Relations Act (SB 160), participation in employee organizations ran high in California's school districts; (note the percentages shown for 1974: 80 percent membership for teachers and 62.2 percent for other school employees). As of 1974, available data listed only 418 school districts with bargaining units.

From the first Annual Report of the Educational Employment Relations Board, we learn that as of January 1, 1977, there were 1,170 public school employers, and approximately 450,000 school employees.

During 1976, 789 school districts voluntarily recognized one or more bargaining units, and 113 elections resulted in certification of as many additional bargaining units. It will be interesting to see if this increased activity and strengthening of bargaining rights bears out Staudohar's premise that there is a relationship between the level of negotiation rights granted by law and the proportion of employees organized.

If 1977 sees comprehensive collective bargaining legislation enacted for all state employees, including those in higher education, it will be possible to measure more accurately the desire for collective bargaining of another segment of the public work force and the degree of participation of the employees involved.

CHAPTER V

WHAT ARE THE ORGANIZATIONS TO WHICH CALIFORNIA'S PUBLIC EMPLOYEES BELONG?

In 1968, the U.S. Department of Labor, Bureau of Labor Statistics, and the California Department of Industrial Relations, Division of Labor Statistics and Research, jointly conducted a survey of independent state and local public employee associations in California. (Entire survey is reproduced in Appendix F.)

They identified 260 such organizations, with membership totalling 500,000 in that year. This reflected a numerical growth of 96,000 since 1963, the last time when such a survey had been conducted; however, it represented only a 24 percent gain during a period when employment in state and local government in California had increased 34 percent, to well over a million employees.

Seventy percent of that membership were in professional, technical, and clerical classifications; 11 percent were classified as law enforcement officers, firemen, and protective employees; 15 percent were in blue-collar or manual crafts occupations, and 4 percent not assignable or reported.

While the AFL-CIO unions representing public employees in California at that date had not been included in the survey, the report estimates that as of July, 1968, some 83,700 local government employees belonged to AFL-CIO unions in California. A portion of that number undoubtedly also held membership in independent associations.

Among the major groups affiliated with AFL-CIO

unions in the 1960s were craft employees, blue-collar workers, hospital workers, and other more professional classifications including social workers, probation officers, and teachers. Firefighters, of course, have for years maintained the highest level of organization of any of the AFL-CIO unions.

In California, in addition to the American Federation of State, County and Municipal Employees, the Service Employees International Union had become heavily committed to public sector unionism. The International Brotherhood of Electrical Workers represented employees of utilities, both public and private.

As is true in the private sector, there are no firmly established lines of jurisdiction. Individual groups of employees may seek affiliation and representation with a union which has high visibility in their community, or with one whose leadership is known to the spokesperson for the group. Whether or not the title or the traditional areas of representation coincide does not seem as important as availability, and how the employee group perceives an organization in terms of reputation, interest, and expertise of staff or officers. Thus, a community hospital's employees are represented by the Communication Workers of America, and a blue-white collar unit in a small city by the Office and Professional Employees International Union.

A comprehensive survey of employee organizations such as the ones conducted by the Department of Labor and the State Department of Industrial Relations in 1968 was not attempted as background for this paper. However, a number of the statewide organizations (listed below) with whom bargaining units are affiliated were contacted,

and were asked to complete a questionnaire (see Appendix F for sample).

American Federation of State, County and
Municipal Employees, AFL-CIO
Association of California Employees (ACE)
California Federation of Teachers, AFL-CIO
California League of City Employee Associations,
SEIU, AFL-CIO
California Nurses Association
California Organization of Police and Sheriffs
(COPS)
California School Employees Association
California State Employees Association
California State Firemen's Association
California Teachers Association
California Teamsters Public, Professional &
Medical Employees Union, Local 911
Communications Workers of America, AFL-CIO
Federated Fire Fighters of California, AFL-CIO
International Brotherhood of Electrical Work-
ers, AFL-CIO
Office & Professional Employees International
Union, AFL-CIO
International Union of Operating Engineers,
AFL-CIO
Laborers' International Union of North
America, AFL-CIO
Marine Engineers Beneficial Association (MEBA)
Peace Officers Research Association of Califor-
nia (PORAC)
Public Employees Staff Organization
Service Employees' International Union, AFL-CIO
State Building Contractors Trade Council

Because the structure of the coordinating bodies of the employee organizations differs widely, responses often do not readily lend themselves to neat tabulations, but some interesting trends are summarized below.

Fifteen of the twenty-two organizations contacted took the time and trouble to respond. Again, because of the differing structures of the organizations, many encountered difficulty with the questionnaire itself; some found certain of the questions not applicable, but wrote explanations covering what they perceived to be the thrust of the questions. The present authors extend their gratitude to the following organizations for responding to the questionnaire:

California Federation of Teachers, AFL-CIO
California League of City Employee Associations, SEIU, AFL-CIO
California Organization of Police and Sheriffs
California School Employees Association
California State Employees Association
California State Firemen's Association
California Teachers Association
California Teamsters Public, Professional & Medical Employees Union, Local 911
Communications Workers of America, AFL-CIO
Federated Fire Fighters of California, AFL-CIO
International Brotherhood of Electrical Workers, AFL-CIO
International Union of Operating Engineers, AFL-CIO
Peace Officers Research Association of California (PORAC)
Public Employees Staff Organization
Service Employees' International Union, AFL-CIO

Two of the groups contacted, California State Firemen's Association and Public Employees Staff Organization, are not included in the tally of members of units represented. Membership in the California State Firemen's Association is at large,

totalling 22,000 individuals, and while the Association offers advice and assistance in collective bargaining matters, no figures were readily available as to what portion of that membership was exclusively represented by CSFA, in the formalized sense available to city and county employee groups.

The Public Employee Staff Organization is composed of *individuals* in charge of unions or associations representing public employees, and serves as a forum for the staff of 29 different entities, most of whom would be included among the organizations responding to the survey.

The remaining thirteen organizations represent a total of 470,600 members who belong to 2,566 separate chapters or locals. In some cases, a single bargaining unit comprises that chapter or local; in other instances, one local will represent a number of different bargaining units.

California State Employees Association, the only one of the organizations surveyed which represents state employees exclusively, does not, of course, have access to a collective bargaining procedure which results in signed agreements. Its 200 chapters are therefore not structured along what necessarily will be bargaining unit parameters if and when a true collective bargaining structure is available to state employees.

Of those organizations representing city and county employees, all report that 70 percent or more of their bargaining units have completed contracts or memoranda of understanding; the average is 88 percent.

The three organizations exclusively involved with employees of the educational system report

that between 25 and 30 percent of their affiliates have completed contracts since passage of the Educational Employment Relations Act, which only became effective in 1976. Since the first election was conducted by the EERB in May of 1976 and many are still pending, these statistics should change significantly over the next year.

All of the AFL-CIO organizations reported that affiliates also represented employees in the private sector; none of the non-AFL-CIO groups so indicated.

California Organization of Police and Sheriffs, California League of City Employee Associations, and California Teamsters report that final decision-making rests with their executive board, or board of directors. All other respondents list "convention" as the highest decision-making body.

With the exception of the fire and police organizations, procedures for strike authorization are established and involve as a first step bargaining unit action, finalized by the parent body granting sanction.

The Teamsters Union Local 911 has established a policy that sanction will not be granted unless, as part of impasse procedures, a bona fide offer is made to the employer for final and binding interest arbitration, which the employer rejects.

In regard to the types of service offered affiliates, eleven of the respondents indicated they offer all listed in the questionnaire.

The distribution was as follows:

Educational material: research 13
publication 13

Staff assistance: organizing 11
negotiation 11
legal 10

Legislative activity: information 12
lobbying 11

Of those organizations responding to the more general questions, by far the majority indicated binding arbitration of interest and rights matters as the condition they would most like to see built into public sector law. Also receiving support were the concepts of more total and complete collective bargaining laws, the legal right to strike, and expansion of scope of bargaining.

All organizations responding to questions regarding attitudes of membership indicated they would prefer to have a more involved, less apathetic membership.

A significant indicator of the maturing of public sector organizations is the fact that all but two respondents reported an affiliation with a national organization. Of course, this would obviously be the case for the AFL-CIO affiliates, but apparently a network of communication and coordination is being structured among associations as well as unions.

As collective bargaining in the public sector becomes more sophisticated, the employee organizations are developing staff as well as services to respond to the needs and demands of their membership.

CHAPTER VI

HOW UNION GOALS ARE DETERMINED AND ACHIEVED

Whatever procedures are followed to determine and articulate the wishes of the bargaining unit, it is vital to any employee organization that the procedures result in proposals that accurately reflect the membership's goals.

If the lines of communication between bargaining unit members and their leadership are open and functioning well, failure to achieve all the goals will be understood and forgiven if there are valid reasons for that failure. But where spokespersons for an organization are not truly *speaking for* their constituency, they will not remain in that role for long.

It is relatively easy to reach consensus on goals for a small, closely knit bargaining unit where the members have a true community of interest. Even in such a setting there may be differences in priorities between, for instance, the younger and older members, or the "money now" versus the "pension later" contingencies. But if a setting is provided for discussion and exchange of information and viewpoints, and for democratic resolution of any differences, a bargaining unit composed of homogeneous classifications will generally have little difficulty in arriving at goals or proposals they can unanimously support.

The problem becomes increasingly complicated as the group becomes larger and the membership more diverse. If a group is large it is more difficult for each member to thoroughly know and

understand the other's needs, or even the implications of items they themselves wish included in the proposals.

Many employee organizations representing such broad based units rely on written questionnaires. They ask members to rate in order of importance a number of items the person or persons preparing the questionnaire judge to be key issues. While this technique is certainly better than *not* asking for the opinions of the members, it falls short of personal contact or wide participation in meetings as a technique for truly assessing "where the members heads are."

The type of leadership a membership selects to represent them says a great deal about what they feel is important. However, it is also true, particularly in a stable organization with fairly permanent leadership, that the individuals holding these leadership positions will in time impact on the attitudes and positions of the bargaining unit.

In commenting on the role of leadership in community-based grass roots organizations, Janice Perlman poses some dilemmas common to employee organizations as well:

In all cases...leadership is one of the most critical factors accounting for the success or failure of the group. Certain dilemmas arise with predictable consistency:

- (1) the different qualities of leadership associated with the founding of an organization as opposed to its institutionalization;
- (2) the question of accountability and the roles of organizer or staff as opposed to local leaders and board members;
- (3) the issues of concentration or dispersion of

decision-making power in an organization, and the importance of a strong single leader versus the development of good secondary leadership; and (4) the pros and cons of indigenous versus outside organizers and staff. Ultimately, to understand all of these problematic aspects for leaders, one must raise the question of what's in it for them. Let us look at each of these points.

It has often been difficult for the same individual(s) who has organized the group to be effective in administering its everyday functioning....

The question of accountability and the need for role clarification between leaders and organizers in direct-action groups or between boards and staff in CDCs is not unrelated. Organizers and staffs are paid while local leaders and board members are expected to donate their time. However, the organizers and staff are theoretically working for and accountable to their membership as represented by the leaders and/or board members. This distinction is fraught with contradictions. In both direct-action organizations and CDCs the organizers, directors, and staff generally have greater expertise than the rank and file and thus tend to dominate when important decisions are made....

Many groups have researchers developing issues and staff members deciding on strategies and tactics, but try (with varying degrees of success) to work closely with their boards and local leaders as they do this. 1

Thus, in time, the staff of an organization, whether elected or appointed, tends, even in the most democratic of structures, to play a major role not only in articulating, but in formulating, policy and position. However, if that leadership is too far behind or ahead of the membership, the rumbles will be loud and clear, and the policy will be revised to more accurately reflect the true posture of the constituency.

In a collective bargaining setting, the contract proposals are the most definitive statement of an organization's immediate goals. In addition to the specific demands for higher salaries or upgrading of classifications there will often be proposals that indirectly reflect the concerns or frustrations of a bargaining unit. What the employees see as overly strict enforcement of a "no socializing at work" rule may be reflected in a demand for longer breaks or extended clean-up time. Delay or failure in satisfactorily resolving grievances may result in a number of proposed language changes, such as substituting "shall" for "may" and eliminating "where possible." Strong language prohibiting subcontracting may have been occasioned, not by the belief that the employer is considering subcontracting, but by a less specific apprehension about job security.

Because proposals should and do reflect the specific concerns and needs of a given bargaining unit, they may vary in content and emphasis from one group to another, even if they are associated with the same employer and employee organization.

If employees are represented by an organization with national affiliation, their proposals may be conditioned by the philosophy and experience of the national organization. These members are

more likely to be aware of and impressed by what has happened to other similar bargaining units in other parts of the country; they are more likely to have been exposed to articles and editorials in national publications, stressing the importance of certain language covering certain working conditions. Many national organizations provide their locals with model contract language, to be used as a guide in framing proposals on various issues. While their use is in no way mandatory, they are often used with appropriate modifications to a specific situation, and may tend to influence the form and scope of the proposals.

Generally local proposals are formulated by the local membership and/or its leadership. The degree of interest or apathy of the membership determines how vital a role they plan in the actual shaping of their unit's demands. Apathy may reflect either total satisfaction or total discouragement over existing conditions within their organization or at their place of employment.

Procedures for the ratification of *proposals* vary widely.

Where geography and the size of the group permit, there may be meetings and/or surveys conducted to get the widest possible expression of the membership's goals.

Sometimes a committee, other times staff, then translate these desires into specific proposals. Occasionally the desired language is developed at this point. Some organizations prefer to prepare the proposals in outline form and leave the language to be developed at the bargaining table.

Normally a "ratification of proposal" meeting

is then called. The proposals may be amended prior to approval and new proposals added. Many organizations also use this proposal meeting to elect or approve the selection of the rank and file negotiating committee who will serve along with the chief spokesperson at the bargaining table. If such a meeting is held, it will also provide an opportunity for the chief negotiators to gain insight on which issues are viewed as true priority items. Often certain proposals are key issues, even though there appear to be fewer cold, hard, reasons supporting them than there may be for others.

Good negotiators need to know what compromises will be most acceptable to the people for whom they speak.

What happens at the bargaining table will depend in part on the validity of the proposals, the skill of the negotiators, the good faith of both parties, and the perception of both sides as to how determined the bargaining unit is. It is easier for the union spokesperson to say with credibility, "My members won't stand for this," if he or she is deeply convinced that this is so.

If good faith bargaining has taken place, and if the bargaining unit has confidence in their leadership, the membership's perception of the negotiating process should be accurate and result in the ratification of a recommended settlement.

If key issues have been unsatisfactorily compromised, the membership will, if necessary, accept these compromises temporarily but prepare to achieve their original goals the following year. Very few demands that reflect the legitimate concerns of a membership simply "go away." They may instead be articulated more firmly, or in a different manner, the following year. They may be

pursued less directly during the life of the agreement through use of the grievance procedure. The membership may also attempt to gain support for its position through legislative action.

CHAPTER VII

WHAT ARE THE UNIONS' GOALS?

Certain demands continue to be heard at nearly every bargaining table in the public sector. In addition to proposals for higher salaries and better health and retirement benefits, the cry for final and binding arbitration of rights issues seems constant and determined. The arguments in behalf of arbitration are familiar to every labor relations specialist, as are the arguments raised in opposition. The demand for binding arbitration will continue, and the employee organizations will very likely take a firmer stand on this issue in the future.

To the average union member, a demand for rights arbitration seems reasonable as well as essential. In our society, even if a citizen commits a violent act which under our laws could result in a long prison term, that citizen is considered innocent until proven guilty. He is entitled to a trial before a jury of his peers, or in certain cases, before an impartial judge. It is not left for the plaintiff to decide the guilt and inflict the punishment.

Only in matters regarding employment is an individual denied that which in other areas of life is a basic right. Arguments of delegation of sovereign power do not seem relevant to the public employee. It does not seem logical that if a citizen were to wantonly destroy public property, that person would be entitled to a fair trial; but if a public employee commits what he or she perceives as even a minor rule infraction in connection with

employment, the employee is not entitled to an impartial hearing. The same sovereign power who would have to go to court in the one instance to establish guilt and seek remedy, can as an employer make a unilateral decision that affects the employee's livelihood and reputation.

In responding to the questionnaire discussed earlier, nearly all employee organizations stressed final and binding rights arbitration as the change which they felt would most benefit their membership. A substantial majority also stressed the need for interest arbitration in resolving impasses, absent a clear and explicit right to strike.

Where American unions have over the years generally accepted final and binding arbitration of grievances during the life of an agreement in exchange for giving up right to strike during the term of the contract, certain unions in the public sector are now considering interest arbitration at time of impasse as an alternative to the right to strike. Fire and police organizations have generally indicated a willingness to make this compromise. Some other employee groups have not shown this willingness. A resolution proposing endorsement of the compromise was made at the last National AFL-CIO Convention, and was resoundingly defeated.

In commenting on the current status of public sector collective bargaining, in an address before the Industrial Relations Research Association in the spring of 1976, Benjamin Aaron again set forth what he deems as minimum conditions:

Nothing I have to say on this subject is new, but it all bears repetition. First, collective bargaining in the public sector requires a proper statutory framework.

Executive orders or administrative regulations are not an acceptable substitute. An adequate statute or ordinance must provide, at a minimum, for the following rights: (1) the absolute right of all government employees at state and local levels to organize and to engage in collective bargaining (as distinguished from meet-and-confer procedures) over wages, hours, and other terms and conditions of employment; (2) the right to an orderly procedure for dealing with all questions of representation, including determination of appropriate bargaining units, conduct of elections, and related matters; (3) the right to negotiate for a provision in collective agreements for the final and binding arbitration of grievances by a neutral third party; (4) the right, in the absence of a legal right to strike, to an impasse procedure leading to settlement of disputes over interests; (5) the right of access to an independent agency with the power and the means adequately to administer all provisions of the statute; and (6) the right to judicial review of any final orders of that agency.—

While California has progressed further than many other states in achieving these goals, the rights stated in Aaron's points (3) and (4) are still lacking for all public employees in the state. The employee organizations are sure to continue the fight to achieve these conditions, either at the bargaining table or before the state legislature.

A second major policy demand which will continue until achieved is the negotiation of an

agency or union shop clause. Often viewed by public and private sector management as primarily an organizational need, rather than an issue of importance to the membership, NLRB history in this respect may be worth noting. At one point, the National Labor Relations Act contained a provision that if a union wished to propose a union security clause, a bargaining unit at the time it voted for or against union representation should also vote for or against an attempt for that union to negotiate a union shop clause.

Statistics showed that nearly 100 percent of those employees voting for union representation also voted for the right to negotiate union shop clauses. The election for a union shop clause was discontinued within a year or so, as having been an unnecessary procedure and a waste of government funds.

Employees who opt for collective bargaining recognize the need for a strong and viable organization. Aware that their organization -- and their dues money -- is committed to representing each and every member of a bargaining unit, the concept of everyone paying his or her share is apparently one with which employees are comfortable.

The California Federation of Teachers has not uniformly made this a demand in negotiations. Other organizations have given it varying degrees of emphasis even under the Rodda Act, which specifies that it is a bargainable issue. It will undoubtedly continue to be proposed in the public sector, and will very likely become part of a general pattern in time.

In the private sector many employers continue to oppose a union shop clause, particularly in first contracts. However, others show only token

resistance. These employers may prefer dealing with an organization which is more stable and secure which does not feel the need to constantly assume a militant, agitative posture in a search for new members.

The third area of predictable demands is less specific but perhaps even more significant: demands which expand the areas encompassed in the phrase "working conditions."

Public employees and their organizations are not blind to the current economic situation. Commenting on the current national budget crunch in the public sector, Aaron, in the address referred to earlier said, "...responsible unions can and will take 'no' for an answer to unacceptable economic demands if, but only if, all other options have been carefully explored and the reasons for their rejection convincingly made. To put the matter in another way, what is needed now is not less collective bargaining, but more."

Where there is a logical need for lowering of economic expectations, one of the ways in which employee organizations will seek to "make collective bargaining work" will be to focus on goals which can be met with factors other than money.

For instance, if in response to taxpayer clamor, public sector management wishes to achieve increased productivity, the unions are going to insist on having a voice in determining how that increased productivity is achieved.

John McCart, Executive Director of the AFL-CIO Public Employee department, summarized the position of the unions in this regard:

Workers and unions generally are interested in cooperating in productivity efforts. But it has to be real, based on negotiations with a quid pro quo for the worker. Productivity studies have become a scare word to workers primarily because such studies are so often used to disguise management intentions.

Just as bargaining rights cut down on strikes by removing one whole variety, recognition strikes, so does the union contract go a long way toward getting the ball rolling on productivity talks. Management willingness to grant the seniority, job security and grievance procedure protections of a bona fide collective bargaining agreement have a leg up in the employee trust that will be brought into productivity discussions by the union. 2/

Rudolph Oswald, discussing productivity bargaining, says:

However, before one can move to productivity bargaining, there must be a strong underpinning of true collective bargaining. Without that base, there is no foundation to build on for future mutual trust. Job and income maintenance guarantees are also prerequisites for achieving employee cooperation to change work methods. Only then can the worker approach the changes secure in the knowledge that the productivity program will not threaten his livelihood. 3/

Given the appropriate setting for productivity bargaining, employee organizations may reach out toward new concepts of worker participation and involvement in what have heretofore been considered management policy decisions.

There have been a number of success stories of workers being given, or taking, responsibility for traditional management policy decisions and improving the efficiency and fiscal welfare of the employer. Most of these cases have occurred in Europe but some have taken place in the United States. The Kaiser plant in Fontana is the example best known to Californians.

If public employees are to be asked to increase productivity, they will want a voice in determining how they are to achieve it. Which pieces of equipment work best? What systems of sorting mail get the mail to its destination soonest? What floor wax goes on most quickly and lasts longest? The public employee operating the machine or sorting the mail or waxing the floor may have some valuable insights, and may wish to have them considered in a collective bargaining setting.

It has long been assumed that while professional employees had a legitimate concern with the quality of their product, blue-collar workers did not. Many union spokespersons dispute this assumption, based on their contact with members of bargaining units whose expressions of frustration are often tied to a need for greater pride in their work and the circumstances surrounding it. Just how these frustrations will be expressed at the bargaining table will depend in part on the creativity of the bargaining unit, and in part on management's response to workers' desire to improve the quality of their product.

The concern of professionals with being involved in the policy decisions affecting their work has long been recognized. Describing its impact at the public sector bargaining table, Arvid Anderson wrote:

...Teachers, nurses, social workers, and other employee organizations new to the collective bargaining arena are not content to bargain only over the traditional subjects of wages, hours, and working conditions. They want to bargain about a more effective school program or all other matters affecting educational policy, or the number of duty stations which a nurse must serve, or the level of benefits for relief recipients. Some of these bargaining requests involve what is called the mission of the agency and would utilize the collective bargaining rather than the legislative process for effectuating change in social and economic policy. This development has frightened a number of public employer representatives, but I think ^{4/}some of them are needlessly fearful. —

And the Columbia Law Review, February 1969, reported:

Inclusion of professionals in union activity has caused a new goal to be created for union activity, namely, a say in nonlabor policies for these reasons: the government is the largest employer of salaried professionals; salaried professionals in the private sector often have explicit policy roles; and policy issues are more visible in the public sector. The Supreme Court, in *Town and Country* and in the *Fibreboard* decisions, began the widening of the mandatory area of bargaining, saying in effect that policies that have a substantial impact on the unions' traditional concerns are bargainable. —^{5/}

Not only has society recognized as legitimate the concerns of the professional in these areas, but has *demande*d that professionals be vitally concerned with the quality of their work. However, expression of this concern has been perceived as a problem when *salaried* professionals seek to formalize their right to involvement through the collective bargaining process.

Archie Kleingartner, writing in 1972, summarized the then-current situation in public sector bargaining where large numbers of professionals are employed and are striving to adapt the pattern of union representation and negotiation to meet their needs as employees:

A prominent complaint of professionals and their organizations has been that they are saddled with a lot of professional responsibility but without commensurate professional authority. Salaried professionals have made it clear that they want real authority to make decisions affecting not only their own status and career aspirations but the basic character, quality, and amount of services provided to the recipients of their professional services. We can expect, for example, that increasingly teachers will be involved in deciding the content of the courses they teach, the textbooks they use, all of the learning activities within the classroom, overall curricular planning, recruiting of new colleagues and promotion and tenure decisions. Parallel kinds of decisions exist for such groups as nurses, social workers, engineers, architects, and district attorneys in the public service.

We are rapidly moving from an era of unilateralism in public sector activity to one of bilateralism. This trend will undoubtedly continue at an accelerated rate. Consultation, negotiation, and bargaining which result in a genuine redistribution of authority are becoming part of everyday management in the public sector. The groups on the cutting edge of this revolution are the salaried professions. The implications of this revolution are a tall challenge to public management and employee organizations alike. 6/

These concerns will continue to be articulated, and it is hoped that the collective bargaining process will continue to prove itself flexible and dynamic enough to accommodate the relatively new demands being placed on it.

The concept of collective bargaining has proved flexible in the past. Within the framework of our economic system it has been adapted to fit the needs of different kinds of workers in vastly differing employment settings, without jeopardizing our form of government or free enterprise system.

Some legislative solutions have been sought over the years, and this course of action will likely remain a traveled route. From early child labor laws, through the Fair Labor Standards Act, to pension reform (ERISA) and health and safety (OSHA), the American labor movement has been involved in seeking through changes in law solutions to problems too vast in scope to be dealt with at the level of the individual bargaining table. Today's union legislative demands on a national

level are for a higher minimum wage, a shorter work week, and a comprehensive public employee bargaining law. While striving in these areas for national legislation, the unions will continue to push for relief at local and state levels, and at the bargaining table.

Samuel Gompers, President of the AFL from 1886 to 1927, who is often quoted as having responded to the query as to what American unions wanted with "More," expanded on this theme in a dialogue with Morris Hillquit, the American socialist, who was apparently chastising him for not having a more clear-cut political philosophy:

GOMPERS. I say that the workers, as human beings, will never stop in any effort, nor stop at any point in the effort to secure greater improvements in their condition, a better life in all its phases. And wherever that may lead, whatever that may be, so far in my time and my age I decline to permit my mind or my activities to be labeled by any particularism.

HILLQUIT. Do not try to attach any ism to me, please; but the question I ask is whether you maintain -- whether the American Federation, and its authorized spokesmen have a general social philosophy, or work blindly from day to day?

GOMPERS. I think your question --

HILLQUIT. (interrupting) Inconvenient.

GOMPERS. No. It is an insult.

HILLQUIT. Why? Why, Mr. Gompers?

GOMPERS. To insinuate that the men and women in the American Federation of Labor movement are acting blindly from day to day.

HILLQUIT. I am giving you an opportunity to deny.

GOMPERS. If a man should ask me whether I still beat my wife, any answer I could make would incriminate me if I answered yes or no. If I answered that I did not, the intimation would be that I had stopped. If I answered that I did, that I was continuing to beat her.

HILLQUIT. Then, inform me upon this matter: In your political work of the labor movement is the American Federation of Labor guided by a general social philosophy, or is it not?

GOMPERS. It is guided by the history of the past, drawing its lessons from history, to know of the conditions by which the working people are surrounded and confronted; to work along the lines of least resistance; to accomplish the best results in improving the condition of the working people, men and women and children, today and tomorrow -- and tomorrow's tomorrow; and each day making it a better day than the one that had gone before. That is the guiding principle and philosophy and aim of the labor movement -- in order to secure a better life for all.

HILLQUIT. But in these efforts to improve conditions from day to day you must have an underlying standard of what is better, don't you?

GOMPERS. No. Does it require much discernment to know that a wage of \$3.00 a day and a workday of 8 hours, a day in sanitary workshops are all better than \$2.50 a day and 12 hours and under perilous conditions of labor? It does not require much conception of a social philosophy to understand that.

HILLQUIT. Then, Mr. Gompers, by the same reasoning, \$4.00 a day and seven hours a day of work and very attractive working conditions are still better?

GOMPERS. Unquestionably.

HILLQUIT. Therefore --

GOMPERS. (interrupting) Just a moment. I have not stipulated \$4.00 a day or \$8.00 a day or any number of dollars a day or eight hours a day or seven hours a day or any number of hours a day, but the best possible conditions obtainable for the workers is the aim.

HILLQUIT. Yes; and when these conditions are obtained --

GOMPERS. (interrupting) Why, then, we want better.

HILLQUIT. Now, my question is, Will this effort on the part of organized labor ever stop until it has the full reward for its labor?

GOMPERS. It won't stop at all. Not when any particular point is reached, whether

it be that you have just declared or anything else.

HILLQUIT. Then, the object of the labor union is to obtain complete social justice for themselves and for their wives and for their children?

GOMPERS. It is the effort to obtain a better life every day.

HILLQUIT. Until such time --

GOMPERS. Not until any time.

HILLQUIT. In other words --

GOMPERS. (interrupting) In other words, we go further than you. (Laughter and applause in the audience.) You have an end; we have not.

Just this spring, in accepting the 1977 Eugene V. Debs Award of the Social Democrats, George Meany, President of the AFL-CIO, commented on how Debs, for many years leader of the Socialist Party in the United States, would have viewed today's labor movement:

...Nonetheless, there has been, overall, a fundamental and, I believe, lasting shift in the alignment of force as between labor and capital. It is a shift that would have pleased, though not of course satisfied, Debs. In any case, it is a shift that has had a profound impact on American society....

Big business still exercises more than its fair share of influence over government

policy, but we have a say, too -- and we have more and more to say. And because we have more to say, the American people are better off.

So, the trade union movement has come a long way since Debs. Sometimes, we forget how far....

Take another example of the progress we have made as a trade union movement. Certainly, one of Debs' chief criticisms of the old AFL was that it was not sufficiently involved in politics. Of course, Debs had in mind a specific political program that would have tied the labor movement to the Socialist Party or to some kind of labor party. Neither has proven viable in the United States, although some diehards refuse to recognize that reality.

Nonetheless, the American trade union movement today is more deeply involved in politics than its most politically-oriented critics could have believed possible a few decades ago....

And our legislative operation is truly a people's lobby. It doesn't work only for trade union objectives, in a narrow sense. It works for consumers, for the unemployed, for the elderly, for the handicapped. Our trade union movement is involved in every issue that affects the daily lives of working people -- housing, education, health care, energy, the environment -- you name it.

I don't know whether this is "pure and simple unionism" or "business unionism" or "social unionism" or "political unionism." None of these labels tells the true story of what the trade union movement is today. One thing is for sure: It is a more sophisticated, effective, broad-based, democratic, and involved movement today than it was ten, twenty, or thirty years ago, let alone in the days of Gene Debs....^{8/}

Joseph A. Beirne, past President of the Communications Workers of America, wrote in his book, *New Horizons for Labor*, of the worker of the 1960s, "He is more concerned with the security of his employment, the recognition of himself as an individual, appreciation of work well done, health and so-called fringe benefits, sympathetic help with personal problems, participation." ^{9/} He saw tomorrow's unionism being based "on a recognition of social imperatives."

Those social imperatives may well involve negotiations for more subtle forms of dignity and involvement in regard to work. As the nature of work has changed, so too have employees' proposals at the bargaining table and before legislative bodies.

And yet, perhaps employees' proposals have not changed that drastically. More than 50 years ago, Samuel Gompers said, "We want more schoolhouses and less jails, more books and less arsenals, more learning and less vice, more leisure and less greed, more justice and less revenge -- in fact, more of the opportunities to cultivate our better nature, to make manhood more noble, womanhood more beautiful and childhood more happy and bright." ^{10/}

While today's women trade unionists might argue for opportunities to make *personhood* more noble and beautiful, Gomper's statement might otherwise stand today as an idealistic summation of union goals.

NOTES

CHAPTER I

NOTES

¹The tax is currently 13 cents a month.

²Presently Article XX.

CHAPTER II

NOTES

¹Irving Bernstein, *The New Deal Collective Bargaining Policy*, University of California Press, Berkeley, 1950, p. IX

²Louis Adamic, "The Collapse of Organized Labor," *Harper's Monthly Magazine*, CLXIV, 1932, pp. 167, 171.

³National Industrial Recovery Act, Public Law No. 67, 73rd Cong., June 16, 1933.

⁴Unions free from employer domination.

⁵Elias Lieberman, *Unions Before the Bar*, Oxford Book Company, New York, 1960. p. 185.

⁶*Ibid.*, p. 43.

⁷ Bernstein, *New Deal Collective Bargaining Policy*, p. 55.

⁸ For a more complete understanding of the development of labor policy during this period, see Bernstein, *New Deal Collective Bargaining Policy*.

⁹ John B. Ferguson, *Guide to Statutory Provisions in Public Sector Collective Bargaining*, Industrial Relations Center, University of Hawaii, March 1977, pp. 127-132. (For details on the statutes please refer to *State Labor Laws*, B.N.A., CCH, Prentice Hall, or publications put out by the Bureau of National Affairs, Commerce Clearing House or Prentice Hall among others.)

CHAPTER III

NOTES

¹ "Civil Rights Movement Impact on Public Union." *The Chronicler*, January 31, 1977.

² Thomas R. Brooks, "Public Unions: Parallels to the 1930s," *AFL-CIO American Federationist*, vol. 83, no. 12 (December 1976), pp. 8-9.

CHAPTER IV

NOTES

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Challenge of Organizing," *AFL-CIO American Federationist*, vol. 83, no. 11, (November 1976) pp. 8-9.

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NOTES

¹Janice E. Perlman, "Grassrooting the System," in *Social Policy* September/October 1976, pp. 11 & 12.

CHAPTER VII

NOTES

¹Benjamin Aaron, "Reflections on Public Sector Collective Bargaining," *Labor Law Journal*, August, 1976, p. 458. Institute of Industrial Relations, UCLA, Reprint No. 258.

²John A. McCart, "Public Worker: Handy Scapegoat," in *AFL-CIO American Federationist*, May 1976, p. 14.

³Rudolph A. Oswald, "Bargaining and Productivity in the Public Sector: A Union View," in *Somers, Anderson, Denise and Sayles*, pp. 100-01. Institute of Industrial Relations UCLA, Reprint No. 258, p. 457.

⁴Arvid Anderson, "Public Employees and Collective Bargaining; Comparative State and Local Experience."

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⁵*Ibid*, p. 83.

⁶Paul Prasow and others, *Scope of Bargaining in the Public Sector: Concepts and Problems*, U.S. Department of Labor, 1972, pp. 52-53.

⁷Staughton Lynd, "What Should a Union Do?" in *Advanced Studies for Labor Leaders*, Roosevelt University, Labor Education Division, 1967-68, pp. 34-36.

⁸*AFL-CIO News*, Washington, D.C., April 2, 1977, p. 5.

⁹Quoted in *Our Union Heritage*, United Automobile Workers, Pub. No. 380(n.d.) p. 28.

¹⁰Quoted in *labor scrap book*, United Rubber Workers (n.d.) p. 6.

APPENDICES

APPENDIX A

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GLOSSARY

AGENCY SHOP: A union security clause whereby all members of a bargaining unit must pay a service fee, the equivalent of dues, whether or not they are union members.

AMERICAN PLAN: A post-World War I employer movement which stressed freedom of industry to manage its business without union interference.

APPRENTICE: An individual in training for a skilled trade.

ARBITRATION: The referral of collective bargaining or grievance disputes to an impartial third party. Usually the arbitrator's decision is final and binding, although there is "advisory arbitration" in which the decision of the arbitrator is taken under advisement by the parties.

AUTOMATION: Self-correcting feedback and computer electronics. Also, dramatic technological innovation of any sort at the workplace. Often regarded by unions as a cause of unemployment, job alienation, and dislocation.

BARGAINING UNIT: A specified group of employees empowered to bargain collectively with their employer.

BLUE-COLLAR WORKERS: Those in private and public employment who engage in manual labor or the skilled trades.

BOYCOTT: The term originated in 1880 when an Irish landowner, Captain Charles Boycott, was denied all services. Today the expression means collective pressure on employers by refusal to buy their goods or services.

BREAD-AND-BUTTER UNIONISM: Also called "business unionism" or "pure-and-simple unionism." Adolph Strasser, president of the Cigar Makers Union and one of the founders of the AFL, once told a Congressional Committee: "We have no ultimate ends. We are going from day to day. We fight only for immediate objectives—objectives that will be realized in a few years—we are all practical men."

CENTRAL LABOR COUNCIL: A city or county federation of local unions which are affiliated with different national or international unions.

CHECKOFF: A clause in union contract authorizing the employer to deduct dues or service fees from employees' paychecks and remit them to the union.

CLOSED SHOP: The hiring and employment of union members only. Illegal under the Taft-Hartley Act.

COLLECTIVE BARGAINING: The determination of wages and other conditions of employment by direct negotiations between the union and employer.

COMPANY STORE: A store operated by a company for its employees. Often prices were higher here than elsewhere. Occasionally, workers were paid in script redeemable only at the company store.

COMPANY UNION: An employee association organized, controlled, and financed by the employer. Outlawed by the National Labor Relations Act.

CONCILIATION: An attempt by an impartial third party to reconcile differences between labor and management.

CONSPIRACY CASES: The Philadelphia cordwainers' case in 1806 and subsequent decisions involving labor disputes declared unions to be unlawful conspiracies. In 1842 the court decision in *Commonwealth v. Hunt* said that under certain circumstances unions were lawful.

CONSULTATION: Clauses in union contracts or in some state laws applicable to public employees stating that management must consult the union before making any major personnel changes.

CONTRACT LABOR: Workers signed a contract in Colonial times making them indentured servants for the life of the agreement. The system was later used to import Orientals into California and Hawaii and Italians and Greeks for work on the East Coast. It was bitterly fought by organized labor for the contract worker meant low wage competition.

COOPERATIVE STORE: A nonprofit store that is collectively owned and operated for the benefit of both the seller and the shopper.

COST-OF-LIVING INDEX: The Consumer Price Index prepared by the U.S. Bureau of Labor Statistics. The Index measures changes in the cost of living month by month, year by year.

CRAFT UNIONS: Trade unions organized along lines of their skilled crafts. They formed the base of the American Federation of Labor.

CRIMINAL SYNDICALISM: Syndicalism comes from the French word for union—"syndicat." Syndicalists believe unions should run the economy. The term is associated with the Industrial Workers of the World. Half the states just after World War I passed criminal syndicalist laws. In California a person could be convicted for having once belonged to the IWW. In New Mexico, an employer could be prosecuted for hiring an "anarchist."

DAYWORK: The worker is paid a fixed amount for the day rather than being paid a salary or being paid for the individual piece produced.

DISCRIMINATION: Unequal treatment of workers because of race, sex, religion, nationality, or union membership.

DUAL-UNIONISM: The AFL expelled most CIO unions in 1937 for dual unionism because industrial unions were encroaching on the jurisdiction of craft unions within factories.

ESCALATOR CLAUSE: A clause in the union contract which provides for a cost-of-living increase in wages by relating wages to changes in consumer prices. Usually the Consumer Price Index is used as the measure of price changes.

EXECUTIVE ORDER 10988: President John F. Kennedy issued this Executive Order which recognized the right of federal employees to bargain with management.

FAIR LABOR STANDARDS ACT: Passed in 1938, this law set minimum wages and overtime rates and prohibited child labor for industry connected with interstate commerce.

FALL RIVER SYSTEM: The factory system which employed men, women, and children and made no special provisions for their housing.

FEATHERBEDDING: Employing more workers than are actually necessary to complete a task.

FREE RIDER: A worker in the bargaining unit who refuses to join the union but accepts all the benefits negotiated by the union. Also called a "freeloader."

FRIENDLY SOCIETIES: Early labor groups formed by workers for social and philanthropic purposes.

FRINGE BENEFITS: Negotiated gains other than wages such as vacations, holidays, pensions, insurance and supplemental unemployment benefits.

FULL EMPLOYMENT ACT: Passed in 1946 by a Congress which intended to establish machinery to maintain full employment. A Council of Economic Advisers was created to survey the status of the American economy and to advise the President. The Act, however, failed to solve the unemployment problem.

GAG ORDER: President Theodore Roosevelt issued an executive order dubbed by unions "the gag order" which forbade federal employees on pain of dismissal to seek legislation on their behalf except through their own department.

GOON: A person brought in from the outside to break strikes and union-organizing attempts.

GOVERNMENT BY INJUNCTION: The use of the injunction by government to break strikes.

GREENBACKISM: Reference to partisans of the Greenback Party and the Greenback Labor Party of the 1870s. Greenbackers advocated increased issues of paper money to make cash more readily available to people. They also demanded shorter work hours, abolition of convict labor, boards of labor statistics, and restrictions on immigrant labor.

GRIEVANCE COMMITTEE: A committee within the local union which processes grievances arising from the violation of the contract, state or federal law, or an abuse of a shop's past practice.

GROG PRIVILEGES: The practice of allowing laborers to stop work and have an afternoon drink.

HANDICRAFT SYSTEM: A pre-industrial system where the skilled artisan found identity, pride, and self-worth in his work.

HOT CARGO: A clause in a union contract which says that workers cannot be compelled to handle goods from an employer involved in a strike.

IMPRESSMENT: The act of forcing American seamen into the service of the British Navy.

IMPROVEMENT FACTOR: An annual wage increase negotiated by the union and management which recognizes that the rising productivity of workers contributes to the company's profitability.

INCENTIVE PAY: A system based on the amount of production turned out by workers.

INDENTURED SERVANT: A person bound through a contract to the service of another for a specified amount of time.

INDUSTRIAL DEMOCRACY: A phrase once used to describe unions as a humanizing force at the workplace. In the 1970s it is coming to mean worker participation in management decision-making.

INDUSTRIAL REVOLUTION: The great advances in technology beginning in the late eighteenth century turned America from a handicraft economy into one of technological mass production.

INDUSTRIAL UNION: A union which includes all the workers in an industry regardless of their craft. Industrial unions formed the base of the CIO.

INJUNCTION: A court order which prohibits a party from taking a particular course of action, such as picketing in the case of a union on strike.

INTERNATIONAL UNION: A union with members in both the United States and Canada.

JOURNEYMAN: A worker who has completed his apprenticeship in a trade or craft and is therefore considered a qualified skilled worker.

JURISDICTIONAL DISPUTES: Arguments among unions over which union represents workers at a job site.

LANDRUM-GRIFFIN ACT: The Labor-Management Reporting and Disclosure Act of 1959. The law contains regulations for union election procedures and supervision of their financial affairs by the U. S. Department of Labor.

LITTLE STEEL FORMULA: The World War II War Labor Board introduced the "Little Steel formula" which tied the cost of living to wage increases "as a stabilization factor."

LOCKOUT: When an employer closes down the factory in order to coerce workers into meeting his demands or modifying their demands.

LOWELL SYSTEM: The system associated with Lowell, Massachusetts, whereby workers, mainly young women, lived in boarding houses owned and run by the company.

MAINTENANCE OF MEMBERSHIP: A provision in the union contract which says that a worker who voluntarily joins the union must remain a member for the duration of the agreement.

MASSACRE: Union descriptions of tragic events in labor history. Examples include Chicago's Memorial Day Massacre where ten steelworkers were shot dead and over eighty were wounded by police on May 30, 1937. There was the Hilo, Hawaii, Massa-

cre of 1938 where nearly fifty unionists were shot or bayoneted by police while sitting on a government pier protesting the unloading of a struck ship. Also, the Ludlow Massacre of 1914 which included the killing of eleven children and two women by the state militia.

MAY DAY: In 1889 the International Socialist Congress meeting in Paris fixed May 1 as the day to publicize the eight-hour day because America's AFL was going to hold an eight-hour-day demonstration on May 1, 1890. Since that time May Day has become a major celebration in communist countries. President Eisenhower in 1955 proclaimed May 1 as "Loyalty Day."

MECHANICS INSTITUTES: A workers' education movement for self-improvement in the 1830s and '40s.

MEDIATION: Attempts by an impartial third party to get labor and management to find agreement during a dispute.

MERIT SYSTEM: The major grievance of public employees was the indignity and insecurity fostered by the political patronage system which ruled government employment. They wanted a system where they would be hired and promoted on their merit. The merit system was introduced by passage of the Civil Service Act of 1883.

MINIMUM WAGE: The lowest rate of pay an employer is allowed to pay under the law or a union contract.

MODIFIED UNION SHOP: A provision in the union contract requiring all new employees to join the union and requiring all workers already in the union to remain as union members.

MOHAWK VALLEY FORMULA: Developed by James Rand, president of Remington Rand, in 1936 to break strikes. The formula included discrediting union leaders by calling them "agitators," threatening to move the plant, raising the banner of "law and order" to mobilize the community against the union, and actively engaging police in strike-breaking activity, then organizing a back-to-work movement of pro-company employees. While the National Association of Manufacturers enthusiastically published the plan, the National Labor Relations Board called it a battle plan for industrial war.

MOLLY MAGUIRES: A group of Irish miners who in the 1860s and '70s vandalized the mines and terrorized the bosses. Ten were hanged as the leaders of the conspiracy after Pinkerton agent, James McParland, exposed them in 1877.

MOONLIGHTING: Working more than one job.

NATIONAL LABOR RELATIONS ACT OF 1935: Also known as the "Wagner Act" after the law's chief sponsor, Senator Robert Wagner of New York. It represented a fundamental turnaround in government's attitudes toward labor relations. The law created a National Labor Relations Board to carry out its goals of guaranteeing the right of workers to form unions of their own choosing and to bargain collectively with employers.

ONE BIG UNION: The slogan of the IWW which stressed the inclusion of everyone, regardless of trade, into an all-encompassing union. This was also the rationale for the general strike where workers in all type of employment would strike at the same time.

OPEN SHOP: A business that employs workers without regard to union membership. In the 1920s the "open shop" employed an ill-disguised attempt to get ride of bona fide unions. States with "Right to Work" laws have decreed the open shop.

PACE-SETTER: A method of speeding up work. The pace-setter is a person who sets the work pace, usually at an ever higher rate, by leading the work gang and necessitating its catching up with him.

PALMER RAIDS: In 1919-20, U.S. Attorney General A. Mitchell Palmer conducted raids on the headquarters of alleged radicals. Unionists, liberals, radicals, and aliens were indiscriminately arrested and around four thousand were tried for their dissent from the status quo with little regard for their civil rights.

PATERNALISM: The company considered itself the father of its employees and as such had the responsibility of regulating their lives through company houses, stores, hospitals, theaters, sports programs, churches, publications, and codes of behavior on and off the job. Paternalism was also prevalent in public employment. Teachers in 1915 were not permitted to marry, keep company with men, travel beyond the city limits, smoke, dress in bright colors, or wear skirts shorter than two inches above the ankles.

PERB: The abbreviation of state public employment relations boards.

PERQUISITES: In addition to payment of wages, the company provided employees with room, board, and medical care.

PICKETING: The stationing of persons outside a place of employment to publically protest the employer and to discourage entry of nonstriking workers or customers. Most picketing takes place during strikes although there is also informational picketing conducted against nonunion business establishments.

PIECEWORK: The incentive wage system by which workers are paid by the individual piece worked on or completed.

PINKERTONS: Agents of the Allan Pinkerton Detective Agency of Chicago who were hired by employers to break strikes or act as company spies within unions. Some believe the expression "Fink," a pejorative term for a worker not loyal to the union, originated by combining a common expletive with the word "Pinkerton."

POLITICAL ACTION: Unions engaged in political action at least as far back as the 1820s, when they demanded universal free public education and abolition of imprisonment for debt as their major social reform issues. Today, AFL-CIO and independent unions expend a substantial amount of money and effort in the promotion of their political causes. Their rationale is that what is gained at the bargaining table can be taken away from unions through legislation. AFL-CIO's formal political organization which functions at the national, state, community and local union level is the Committee on Political Education (COPE).

PREVAILING WAGE: In 1861, Congress passed a prevailing wage rate law which said in part: "That the hours of labor and the rates of wages of the employees in the navy yards shall conform as nearly as possible with those of private establishments in the immediate vicinity of the respective yards."

PRODUCTIVITY: The measure of efficiency in production. The comparison of resources used in creating goods and services. If the same resources that were used in the past produce more goods and services, productivity has increased.

PROHIBITED PRACTICES: Generally used in public employment to describe unfair labor practices on the part of employer and employee organizations.

READING FORMULA: The procedure with which union recognition was achieved in factories during the 1930s. Rather than being compelled to strike for union recognition, the new Wagner Act provided a method of union representation elections which were conducted by the National Labor Relations Board.

REAL WAGES: Wages expressed in terms of what today's dollar will buy. A common method of determining buying power is through the Consumer Price Index.

REDEMPTIONER: A white emigrant from Europe who paid for his or her voyage to the New World by serving as a servant for a specific period of time. Also known as a freewiller.

RIGHT TO WORK LAWS: The term used by opponents of unions to institute open-shop laws in the state. The expression has nothing to do with guaranteeing anyone the right to a job.

SABOTAGE: From the French word "sabot" or wooden shoe which workers threw into the machines to keep them from working. Workers have been perpetually fearful that new machines would take their jobs away from them and sabotage was one of their early answers to the Industrial Revolution. It was also a part of strike violence where strikers incapacitated machines or buildings in order to shut down production.

SCAB: A worker who refuses to join the union or who works while others are striking. Also known as a "strikebreaker."

SECONDARY BOYCOTT: An effort to disrupt the business of an employer through boycott techniques, even though his own workers are not directly involved in the labor dispute.

SENIORITY: A worker's length of service with an employer. In union contracts, seniority often determines layoffs from work and recalls back to work.

SEPARATION PAY: Payment to a worker who is permanently laid off his job through no fault of his own.

SERVICE FEE: Money, usually the equivalent of union dues, which members of an agency shop bargaining unit pay the union for negotiating and administering the collective bargaining agreement.

SHOP UNION: Established by the Knights of Labor in the 1880s. Shop unions in the factory carried out the rule enforcements of the local assemblies.

SIT-DOWN STRIKE: In June, 1934, Rex Murray, president of the General Tire local in Akron, Ohio, discussed a pending strike with fellow unionists. If they hit the bricks, the police would beat them up. But if they sat down inside the plant and hugged the machines, the police wouldn't use violence. They might hurt the machines! So began the era of the sit-down strikes effectively used by unions like the Rubber Workers and Auto Workers to build the CIO. The sit-down period lasted only through 1937, but it provided labor history with one of its most colorful chapters.

SLOWDOWN: A form of protest where workers deliberately lessen the amount of work for a particular purpose.

SOCIAL UNIONISM: Unions which look beyond immediate objectives to try to reform social conditions and which also consider unionism as a means of appealing to needs of members which are not strictly economic. In addition to fighting for economic gains, social unions have education, health, welfare, artistic, recreation, and citizenship programs to attempt to satisfy needs of members' whole personalities. Labor, social unionists believe, has an obligation to better the general society.

SPEED UP: A word used by workers to describe employer attempts to increase their output without increasing their wages.

STATE SOVEREIGNTY: The idea that the state is king and public employees had no right to make demands on it. In 1949 a New York court said: "To tolerate or recognize any combination of civil service employees of the government as a labor organization or union is not only incompatible with the spirit of democracy but inconsistent with every principle upon which our government is founded."

STOOLPIGEON: A person hired by an employer to infiltrate the union and report on its activities.

STRETCHOUT: A workload increase that does not grant a commensurate pay increase.

STRIKE: A temporary work stoppage by workers to support their demands on an employer. Also called a "turn out" early in the nineteenth century.

SUBCONTRACTING: The practice of employers getting work done by an outside contractor and not by workers in the bargaining unit. Also called "contracting out."

SUPPLEMENTAL UNEMPLOYMENT BENEFITS: A provision in the union contract which provides laid-off workers with benefits in addition to unemployment compensation.

SYMPATHY STRIKE: A strike by persons not directly involved in a labor dispute in order to show solidarity with the original strikers and increase pressure on the employer.

TAFT-HARTLEY: In 1947, Congress passed the Taft-Hartley Act which outlawed the closed shop, jurisdictional strikes, and secondary boycotts. It set up machinery for decertifying unions and allowed the states to pass more stringent legislation against unions such as right-to-work laws. Employers and unions were forbidden to contribute funds out of their treasuries

to candidates for federal office, supervision was denied union protection, and the unions seeking the services of the National Labor Relations Board had to file their constitutions, by-laws, and financial statements with the U.S. Department of Labor. Their officers also had to sign a non-communist affidavit.

TAYLORISM: Associated with the principles of "scientific management" advocated by Frederick W. Taylor at the beginning of the twentieth century. Taylor proposed time and motion studies of jobs to enable managers to set standards for more efficient production. Unions argued that Taylorism was the old speed up in modern dress.

TENANT FARMER: When southern plantations were broken up after the Civil War, blacks and poor whites were controlled by landowners through sharecropping. The tenant farmer paid roughly a third of his crop to the landlord, a third for provisions, tools, and other necessities, and he kept whatever was left. Unsuccessful efforts were made in the 1930s to organize tenant farmers by the Southern Tenant Farmers Union. More sustained attempts at farm worker organization are being made today.

UNDERGROUND RAILROAD: A system of clandestine routes toward Canada whereby abolitionists helped fugitive slaves escape to freedom.

UNFAIR LABOR PRACTICES: Defined by the National Labor Relations Act and by the Taft-Hartley Act as practices of discrimination, coercion, and intimidation prohibited to labor and management. Management cannot form company unions or use coercive tactics to discourage union organization. Unions cannot force workers to join organizations not of their own choosing.

UNION LABEL: A stamp or a tag on products to show that the work was done by union labor.

UNION SECURITY: A clause in the contract providing for the union shop, maintenance of membership or the agency shop.

UNION SHOP: A shop where every member of the bargaining unit must become a member of the union after a specified amount of time.

WALKING DELEGATE: A unionist who policed jobs to see that workers were getting fair treatment.

WHITE-COLLAR WORKERS: Workers who have office jobs rather than factory, farm, or construction work.

WOBLIES: A nickname for members of the Industrial Workers of the World. The origin of the word is unknown.

WORKIES: A nickname for members of the workingmen's associations in the 1820s and '30s.

YELLOW-DOG CONTRACT: A contract a worker was compelled to sign stating that he or she would not join a union. The practice was outlawed in 1932 by the passage of the Norris-LaGuardia Act.

APPENDIX B

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**LEGISLATIVE PROGRAM FOR THE 95TH CONGRESS
ISSUED BY THE
AFL-CIO PUBLIC EMPLOYEE DEPARTMENT
ON FEBRUARY 19, 1977**

The Executive Board of the AFL-CIO Public Employee Department notes with expectation the change of national political leadership. A new Congress, new Congressional leadership and a new Administration pose the promise of an activist federal government reacting with vigor to solve the problems confronting our nation.

After eight years of the Nixon-Ford Administrations, we are hopeful future historians will point to America's Bicentennial Celebration as the watermark where a decade of benign neglect ended and a decade of achievement began. A measure of that achievement is presented in the Department's Legislative Program for the 95th Congress.

Although specifically designed to fulfill the needs of public employees at the federal, state and local levels, these legislative recommendations also encompass benefits for all Americans. Two examples are the needs to develop a federal urban policy, and improve the United States Postal Service.

Many of our legislative proposals already are included in the 1976 Democratic Platform. President Carter, Vice President Mondale and the leadership of the 95th Congress

are committed to the goals and ideals outlined in their Party's platform statement to the American people.

With this support, we reaffirm our resolve to win Congressional acceptance of this legislative package which represents the consolidated viewpoints of the 29 unions affiliated with the AFL-CIO Public Employee Department.

The PED Executive Board, therefore, instructs the President of the Department to forward this Legislative Program and supplementary materials to the AFL-CIO Executive Council, and urges Federation endorsement of it. To further emphasize our intent, the Executive Board directs the Department to convene a national legislative conference, March 29-30 in Washington, D.C., and calls upon all public employee union leaders to attend.

FEDERAL URBAN POLICY

State and local governments have been financially hard hit by unemployment, inflation and recession. Excessive unemployment causes sharp declines in tax revenues, and increased demands on public assistance programs. At the same time, this urban crisis has been compounded by soaring interest rates and the tight monetary policies of previous Republican Administrations.

Faced with this situation, states and cities have reacted by cutting back on such essential services as health, education, sanitation and public safety. Government workers, unfortunately, have been used consistently as the first targets in budget retrenchments. As a result, the quality of life has been lowered drastically in the urban centers of the world's richest nation.

These economic ills are national in scope, and require the attention of the national government. Left to themselves, states and cities cannot possibly expect to cope with such problems. The federal government must formulate a unified national urban program to help local governments through the current crisis period, and insure the financial stability of state and local government during future economic downturns.

The beginnings of a federal urban policy were incorporated into the 1976 Public Works Act, which provided needed construction, employment and anti-recession funds

to local governments. The PED Executive Board strongly supported this measure, and urges an immediate expansion of these programs. The Executive Board, however, believes long-range policies must also be developed which will substantially reduce the costs of operating state and local governments.

The Executive Board, therefore, calls upon Congress to enact legislation which will establish a permanent program of federal action to meet the needs of state and local governments. Such a federal urban policy should include the following important elements.

1) Reform of Welfare Programs — The federal government should assume the total costs of public assistance programs. In addition, national eligibility and payments standards should be developed;

2) Aid to Education — The federal government should provide at least one-third of the costs of education to local governments;

3) Fare-free Mass Transit — Once a novel idea, fare-free urban mass transportation is a viable method to reduce gasoline consumption and pollution in urban centers. The federal government should immediately fund a series of experimental programs to fully test this concept.

4) Government Finances — The ability of government to borrow funds should not be subjected to the fluctuations of the private investment market. The federal government should insure low-interest rate loans to state and local governments through the establishment of a municipal assistance corporation.

PUBLIC EMPLOYEE PENSION PROTECTION

A long-standing myth of public employment is the "overly generous" pension benefits enjoyed by government workers, particularly at the state and local level. Because of the wide publicity given a few, isolated examples, the general public has come to believe all state and local government workers receive pension benefits much higher than provided in private industry.

Available data on state and local government pension plans graphically disprove this myth. According to the U.S. Census Bureau, the average yearly pension benefit for public

employees was a mere \$3,792 in fiscal years 1974-75. At the same time, the U.S. Government determined a family of two, with a head of household 65 years or older, required \$4,228 a year just to maintain a lower level budget in October, 1974.

In addition, the Council of State Governments reports that 94 percent of state retirement systems required employee contributions, while only 10 percent of private sector plans demanded worker payments.

Vesting periods in the public sector also stand in sharp contrast to the improved vesting requirements contained in the 1974 federal pension reform law for private workers. Examples of vesting periods vary greatly among state plans, with more than half of the state-administered plans requiring 10 or more years for vesting.

The need for legislation regulating public employee pensions is clearly seen by Congress. The 1974 Employee Retirement Income Security Act required a congressional study of pension plans for state and local workers, and protective pension legislation has been introduced in the past.

The Executive Board of the AFL-CIO Public Employee Department calls upon Congress to adopt pension reform legislation for public employees. A law to regulate public employee pensions is both feasible and necessary, and should incorporate the basic elements of the 1974 Employee Retirement Income Security Act.

SOCIAL SECURITY COVERAGE OF PUBLIC EMPLOYEES

The Social Security system has developed into America's central piece of social legislation. Millions of Americans today enjoy modest, but guaranteed income protection through the retirement, disability, medical and survivor benefits provided by Social Security.

For many state and local public employees, Social Security is an important supplement to existing benefits. But within the next two years, some 454,000 workers in 232 state and local jurisdictions will have their Social Security coverage unilaterally terminated by their employees.

The Senate Special Committee on Aging recently issued a report pointing out the adverse effects of terminating Social Security coverage for state and local workers. Committee

Chairman Frank Church added the decision to terminate "is frequently based upon incomplete, inaccurate or questionable information."

State and local governments have entered into the Social Security system with the consent of employees. But state and local governments have the option of terminating coverage without the approval of affected workers. Once terminated, Social Security benefits never can be reinstated for present or future employees of the government unit.

The PED Executive Board urges the 95th Congress to protect the Social Security coverage of state and local government workers. State and local jurisdictions, which have entered the Social Security program, must be required to maintain this coverage for their employees. Because of the existing Civil Service retirement system which requires a seven percent annual employee contribution, the Board also reiterates its previous opposition to mandatory coverage of federal and Postal Service workers under Social Security.

THE UNITED STATES POSTAL SERVICE

Congress is expected this year to consider legislation aimed at improving operation of the United States Postal Service. The financial squeeze, resulting in increased rates and service cutbacks, experienced by the Postal Service has been widely debated. Management's role in creating many of these problems, meanwhile, has been accurately described by President Carter as "classic illustration of wasteful, imprudent and inefficient management."

With the support of the labor movement, the 94th Congress adopted legislation providing some \$1 billion in emergency funds to the USPS. This legislation also created a Postal Study Commission to review the operations of the Postal Service, and issue recommendations to Congress and the President by March 15.

A central question which must be answered in the development of postal reform legislation is: Should the Postal Service be operated on a "break even," or "profit-making" basis as outlined in the 1970 Postal Reorganization Act; or should the nation's mail delivery system be a public service, available and affordable to all Americans?

The Executive Board points out that mail delivery was America's first government service established under the United States Constitution nearly 200 years ago, and that the basic principle of universal postal service at reasonable rates must be insured.

The PED Executive Board calls upon Congress to include the following specific proposals in the development of legislation affecting the USPS:

1. The United States Postal Service must be operated as a public service for all Americans. An annual, federal subsidy should be appropriated to the Postal Service in the amounts necessary to maintain its public service functions;

2. The USPS must become more responsive to Congress and the American people. The Postmaster General should be appointed by the President and confirmed by the Senate. In order to protect the USPS from partisan political concerns, the office of Postmaster General should not be a cabinet-level position;

3. The Postal Rate Commission should be abolished. This body has become a procedural hurdle to efficient operation of the Postal Service. Management decisions regarding rates and service levels should be reviewed by Congress;

4. The Postal Board of Governors should be abolished. Under its present charter, the Board of Governors cannot properly oversee the operation of the USPS, nor is it truly representative of the American people;

5. We strongly oppose any attempt to amend or dilute the Private Express Statutes. The Private Express Statutes guarantee delivery of first-class mail to all Americans. Permitting private enterprise to infringe on this monopoly held by the USPS will result in a lower level of service to those who live in areas where first-class mail delivery is unprofitable;

6. The collective bargaining provisions of the 1970 Postal Reorganization Act are an essential protection for postal employees. For years, postal operations were subsidized by low wages paid postal workers. Therefore, we will seek to strengthen collective bargaining in the USPS, and will vigorously oppose any attempt to alter this process.

COLLECTIVE BARGAINING IN THE FEDERAL GOVERNMENT

As an employer, the federal government has attempted to set standards of leadership management for other employers in this country. In the past, the federal government, particularly the Executive Branch, has been quite patriotic in using its blue- and white-collar workforce as the shocktroops in emergency situations. Wage freezes, lower temperatures in buildings, and hiring ceilings are federal personnel actions eagerly followed by state and local governments and, wherever possible, by private industry. But in areas requiring positive policies for workers, the federal government has set an example of neglect and delay.

Labor relations in the federal government is no exception. Established under an executive order in 1962, replaced in 1970 and amended three times since then, federal labor relations is a system developed and operated almost solely by management. The twists and turns of federal personnel policies are barred in the private sector by the National Labor Relations Act, and virtually unknown in the Postal Service and many state and local governments.

The failures of federal service labor relations are self evident. Federal employees may not bargain on wages, fringe benefits or conditions of employment. Federal employee unions may not bargain on union security arrangements. Contract administration is ultimately a management responsibility. Based on executive orders in the absence of statutory authority, federal labor relations can be changed on the whim of any President.

Legislation establishing a system of labor-management relations for federal blue- and white-collar workers has been introduced into Congress by Rep. William Clay (D-Mo.). This bill, H.R. 13, incorporates most of the collective bargaining principles proven in private enterprise, and many instituted by executive orders.

Like most American workers, federal employees perform jobs essential to the operation of a civilized society. Unlike most Americans, however, federal workers serve under the direction of the Chief Executive and Congress. As a result, they must contend with regular changes in elected leadership and the weathervane politics of legislative bodies.

The PED Executive Board urges Congress to protect federal service workers from the effects of politics in decision-making on the terms and conditions of their employment. The Executive Board directs the Department to commit its full resources to the enactment of a labor-management relations statute for federal service employees, incorporating the principles enunciated in H.R. 13.

FEDERAL EMPLOYEE PAY

On August 11, 1976, the AFL-CIO Public Employee Department resigned from the Federal Employees Pay Council in a protest action taken in conjunction with the American Federal of Government Employees. The AFL-CIO representatives to the Pay Council took this dire step after five years of frustrating experience under the current system of white-collar pay setting.

Since the enactment of the 1970 Federal Pay Comparability Act, federal classified workers have been subjected to wage freezes, postponements in effective dates of pay increases and reduction in the proper amount of pay raises. Last year, for example, President Ford's pay recommendation averaged a paltry 4.83 percent for 1.5 million federal white-collar workers.

The 1970 federal pay law specifically requires federal employees be paid rates "comparable" to workers performing similar jobs in private industry. The law permits the President to ignore comparability pay raises only "because of national emergency or economic conditions affecting the general welfare."

Successive Republican Administrations have used this loophole effectively to deny proper wage compensation to federal workers. Presidents Nixon and Ford acted contrary to the basic intent of the pay law, and seriously distorted statistical methods used to determine appropriate salary adjustments.

Federal blue-collar workers also have not been immune from attacks on their wage-setting mechanism. Pay scales for these workers, fortunately, are established by legislation through the prevailing wage act. The AFL-CIO Public Employee Department will continue to resist any attempt to alter the prescribed wage-setting system created for federal blue-collar workers.

The Executive Board, therefore, calls upon President Carter to issue an executive order which will protect the pay of federal classified employees from administrative manipulations by the Chief Executive. This executive order should reaffirm the purpose of the 1970 Federal Pay Comparability Act, and insure the law will function as was originally conceived.

An executive order, however, is only a short-term solution. The law itself requires changes which will prevent future presidents from diluting the intent of the comparability act. An important element in restructuring the law would be an amendment permitting the president to issue an alternate pay plan only when economic conditions affecting the general welfare are serious enough to require equivalent economic controls in the private sector.

STATE AND LOCAL GOVERNMENT COLLECTIVE BARGAINING

For more than 40 years, the right of workers to engage in collective bargaining has been the stated policy of the United States. But the more than 12 million employees of state and local government are excluded from the national statute. Today, only 18 states provide comprehensive labor rights for government employees.

The hodgepodge of different rights and regulations permitted public employees has been cited by this Board in the past: some kind of labor relations policy exists in 42 states and 11,594 local governments. Labor relations in the public sector literally are governed by a crazy-quilt patchwork of state laws, local ordinances, executive orders, and, all too often, the individual whims of public officials.

Such a system of labor-management relations would not be tolerated in the private sector.

But in seeking equal treatment under the law, state and local government workers are seeing the same reaction against them felt by unions in the pre-National Labor Relations Act world of private industry: staunch management resistance to the basic principles of worker organizations and collective bargaining; no uniform system of unfair labor practices or representation procedures; proliferation of recognition strikes; the use of oppressive

laws, court injunctions, legal actions and punitive fines against dissenting workers.

The need for a national collective bargaining law for state and local government workers is evident. Rep. Frank Thompson has introduced legislation, H.R. 777, in the 95th Congress which would accomplish this objective by extending coverage of the National Labor Relations Act to public employees.

The Executive Board, however, notes the constitutional objections raised against such a law by anti-union forces. After careful study of this issue, the Executive Board believes sound, constitutional grounds exist for the enactment of H.R. 777 by Congress, particularly in the absence of a Supreme Court decision regarding the right of public employees to engage in collective bargaining.

The Executive Board of the AFL-CIO Public Employee Department, therefore, supports the principles of H.R. 777 in eliminating the exclusion of state and local government workers under the National Labor Relations Act. The Board further calls upon the AFL-CIO to mobilize the resources of the entire labor movement to ensure passage of this legislation.

OCCUPATIONAL SAFETY AND HEALTH PROTECTION FOR PUBLIC EMPLOYEES

The Public Employee Department recently released a comprehensive study of occupational safety and health practices in federal, state and local government, and the United States Postal Service. The results of this study conclusively point out the critical need for safety and health protection for public employees.

High death and injury rates suffered by public workers have been well documented by the Bureau of Labor statistics and the National Safety Council. Statistical data indicate that public employees face far more hazardous conditions than their counterparts in private industry.

But public workers — federal, state and local government and the United States Postal Service — are denied protection from unsafe workplaces, just as they are excluded from other protective legislation. The 1970 Occupational Safety and Health Act's mandatory inspection, enforcement and

penalty requirements for private industry are not applied in the same forceful manner to the public sector.

As the PED report indicates, public employees have lost the right, guaranteed all other Americans, of a truly safe and healthful workplace. Deaths and injuries among fire fighters, policemen, sanitation, maintenance and other public workers are, and continue to be, extraordinarily high.

The Department's study concludes: "Workers are the backbone of effective government. When public employees are exposed to the unsafe job conditions described in this report, the American people cannot expect efficient delivery of public services. These working conditions represent an intolerable violation of basic human rights, and demonstrate the need for immediate national attention and action."

The Department's Executive Board advocates complete coverage of federal, state and local government and Postal Service workers should be included under the mandatory provisions of OSHA.

HATCH ACT REFORM

Since 1939, federal and Postal Service employees have been denied the right to fully participate in the political activities of this nation. This right, a fundamental cornerstone of democracy, is guaranteed all other Americans as a matter of national policy. At the same time, the PED Executive Board recognizes the integrity of government must be preserved, and government workers protected from undue political influence by their supervisors.

The 94th Congress realized the unnecessary limitations and restrictions placed on career federal service workers by the Hatch Act. Both houses of congress approved legislation liberalizing and strengthening the Hatch Act. This legislation, however, was vetoed by President Ford, and the veto override attempt failed.

Similar legislation has been introduced by Rep. William Clay (D-Mo.) in the House, H.R. 10, and by Senator Quentin Burdick (D-N.Dak.) in the Senate, S. 80. These bills shield government employees from political coercion by establishing an independent board to investigate alleged violations. Shortcomings of the Civil Service Commission in protecting federal employees during the 1976 elections have

been graphically demonstrated during recent Congressional hearings. Creation of a separate entity to investigate employee complaints is an important aspect of these bills, and should prevent future occurrences of this nature.

Ultimately, though, this legislation will restore the full rights of political participation to federal and Postal Service workers. Federal employees will be permitted to endorse political candidates, serve as delegates to political conventions and seek political office, in addition to a range of other political rights accorded all American citizens.

The Executive Board of the AFL-CIO Public Employee Department calls upon the labor movement to support the passage of H.R. 10 and S. 80, and urges Congress to quickly enact this legislation which will bring the benefits of full political franchise to all federal and Postal Service workers.

APPENDIX C

CHRONOLOGY

POLITICAL HISTORY

1617

1676

1765

1770

1773

1776 The Declaration of Independence from Great Britain is adopted by Congress.

1783 American independence is recognized by the Treaty of Paris.

1785

1786

1787 The Constitutional Convention is held in Philadelphia. The Northwest Ordinance, which sets up a method whereby people in the Northwest Territory can create states, is passed.

1788 The States ratify the Constitution.

1789 George Washington is elected President.

The first Congress meets in New York.

The Federal Judiciary Act organizes a Supreme Court, thirteen district courts and three circuit courts. John Jay becomes the first Chief Justice.

1790 The first census shows a population of 3,929,214.

1791 The Bill of Rights is added to the Constitution.

1793

THE TECHNOLOGICAL REVOLUTION

The wooden plough enters Virginia. Its invention is ascribed to an unknown Egyptian who lived around 2500 B.C.

Oliver Evans invents the automatic flour mill. Two years later, he patents the high-pressure steam engine.

Samuel Slater opens the first American factory at Pawtucket, Rhode Island.

Eli Whitney invents the cotton gin.

LABOR CHRONOLOGY

Settlers and indentured servants led by Nathaniel Bacon revolt against the aristocratic rule of Virginia's governor, William Berkeley. After initial successes they are destroyed by British troops.

The Sons of Liberty and Sons of Neptune, composed mainly of workers, protest the Stamp Act and other unpopular British actions.

During a scuffle between colonists, many of whom are workers, British troops fire into a crowd killing five people. Patriots use "The Boston Massacre" to whip up opposition to Britain's policies.

The Boston Tea Party sees mechanics and other citizens board ships and toss their tea cargo overboard in protest of the granting of a monopoly of tea imports to the East India Tea Company.

The colonies declare independence from Britain.

Worsening economic conditions after the Revolution bring on a farmers' revolt under Daniel Shays in western Massachusetts. Philadelphia printers strike to protest a wage cut.

The Northwest Ordinance outlaws slavery in the Northwest Territories. It also provides for public education, freedom of religion, and a method for establishing new states.

The Constitution is ratified. In addition to providing for a strong central government it contains a clause declaring five slaves are the equivalent of three people. Slaves cannot vote but their existence gives southern states more power in Congress.

The Bill of Rights is added to the Constitution.

The original Fugitive Slave Act is passed. It is now illegal to give aid or comfort to runaway slaves.

1797

1798 The Alien and Sedition Acts are passed by the Federalists to try to silence Jeffersonian liberals. In response, Jefferson and Madison draft the Kentucky and Virginia resolutions which argue states could defy laws they deem unconstitutional.

America fights an undeclared naval war with France. Relations with revolutionary France become strained, particularly after the XYZ affair when French Government officials tried to wring bribes from American commissioners.

1800 Washington, D.C., becomes the nation's capital. Jefferson is the first president to be inaugurated here.

1803 The United States purchases Louisiana from France, doubling the new country's area.

In *Marbury v. Madison*, the Supreme Court establishes the principle of judicial review.

1806

1807

1811 General William Henry Harrison defeats Tecumseh at Tippecanoe.

1812 The United States declares war on Britain. In 1814 the treaty of Ghent ends the conflict, leaving things about the same as they were before the war. However, the young nation shows the British that they can no longer impress its seamen and otherwise violate its national integrity with impunity.

1814

1819 Spain cedes Florida to the United States.

1820 The Missouri Compromise admits Missouri as a slave state; Maine as a free state.

1822

1823 The Monroe Doctrine warns Europeans to halt further colonization of Latin America and to cease interfering in its affairs.

1825

1827

1828

Charles Newbold patents the first American cast iron plow, but he is unable to convince farmers to accept it for they say iron poisons the soil.

Robert Fulton invents the steamboat.

During the War of 1812, Eli Whitney develops the system of interchangeable parts at his gun factory.

In Waltham, Massachusetts, a mill opens that, for the first time, completes in one location all the stages of cotton manufacture.

Opening of the Erie Canal. The development of inland waterways, along with the building of roads, stimulates the movement of settlers and the opening of markets.

Construction begins on the Baltimore and Ohio Railroad, the first railroad to carry passengers over rails.

Unions are judged criminal conspiracies at the trial of Philadelphia cordwainers.

Denmark Vesey organizes a slave revolt in Charleston, South Carolina. The slaves are betrayed by an informer. Thirty-seven are executed.

The American labor movement is born when Philadelphia unions band together to promote the ten-hour day.

The Workingman's Party is organized in Philadelphia. Similar parties soon spread to other states. They advocate free public education and abolition of imprisonment for debt.

Political History, cont'd

- 1831
- 1832 South Carolina nullifies the federal tariff. President Jackson considers it an act of rebellion but the issue is soon laid to rest.
The Black Hawk War, precipitated when whites occupied the homes and lead mines of the Sauk and Fox, ends with the massacre of men, women, and children at Bad Axe by the U.S. Army.
Chief Justice Marshall affirms the right of the Cherokees to their land, but President Andrew Jackson ignores the Supreme Court and sends soldiers to forcibly remove the Cherokee along the "Trail of Tears" to Oklahoma.
- 1834 The formation of the Whig Party under Henry Clay.
- 1835 Seminoles resist being forced out of Florida. The war lasts until 1842.
- 1836 Mexicans capture the Alamo but are later defeated by Americans at San Jacinto. Texas declares its independence and Sam Houston becomes president of the Republic.
- 1837
- 1839
- 1840
- 1842 The Webster-Ashburn Treaty with Great Britain fixes the northeastern boundaries between the U.S. and Canada.
- 1844
- 1845 Texas joins the Union.
- 1846 The Mexican War starts when Mexican soldiers cross the Rio Grande.
Britain and the U.S. agree on the Oregon boundary.
- 1848 The Treaty of Guadalupe Hidalgo ends the Mexican War and recognizes the Rio Grande as the boundary between the two countries. Mexico cedes California and New Mexico to the U.S. for fifteen million dollars.
- 1849

The Technological Revolution, cont'd

Samuel Colt invents the revolver.
Cyrus McCormick invents the reaper.

Thomas Davenport invents the electric motor.

Charles Goodyear invents the vulcanization process for rubber.

The first telegram, invented by Samuel Morse in 1832, is successfully transmitted between Washington and Baltimore.

Walter Hunt invents the safety pin.

Labor Chronology, cont'd

Nat Turner leads a slave revolt which kills fifty-seven whites before the slaves are cut down by an overwhelming force.

Abolitionist William Lloyd Garrison begins publishing *The Liberator* as antislavery agitation in the North increases.

The Panic of 1837 virtually destroys the burgeoning labor movement.

President Martin Van Buren establishes the ten-hour day for certain federal employees to remove "much inconvenience and dissatisfaction." Washington, D.C., and Philadelphia shipyard workers have earlier struck for the ten-hour day. The Philadelphia workers won.

A Massachusetts court backs unions for certain activities in *Commonwealth v. Hunt*.

1850 California is admitted to the Union as a free state. The remainder of formerly Mexican land is divided into Utah and New Mexico.

1850s

1851

1852

1853 The Gadsden Purchase results in more Mexican land being included in the United States.

1854 The Kansas-Nebraska Act, which declares that citizens of the states will decide the slavery question, repeals the Missouri Compromise. Settlers in Kansas battle one another as the slavery issue heats up.

1856 The Republican Party holds its first convention.

1857 The U.S. Supreme Court's Dred Scott decision rules the Missouri Compromise unconstitutional. The Court holds that a former slave has no liberty even in a free state.

1858

1859 John Brown raids Harper's Ferry, Virginia, to obtain arms for slaves to help them fight for their freedom. He is hanged for treason.

1860 Lincoln is elected President and South Carolina secedes from the Union.

1861 The Confederacy of Southern States is formed with Jefferson Davis as its president.

West Virginia severs ties with Virginia.

The nation is thrown into a traumatic Civil War.

1862

1865 Lee surrenders to Grant, ending the Civil War. Lincoln is assassinated.

1866

1867 The Reconstruction Acts are passed in an effort to insure liberty for former slaves. The South is divided into military districts.

The U.S. purchases Alaska from Russia.

Cornelius Vanderbilt has control of most of the shipping industry.

More than ninety percent of the nation's energy is supplied by wood.

Elisha G. Otis invents the passenger elevator.

The first railroad bridge over the Mississippi is constructed at Davenport, Iowa. The Wabash and Erie canals are completed this year.

First stagecoach from St. Louis west makes coast-to-coast trips possible on public transportation.

Oil found at Drake's well in Titusville, Pa.

Telegraph lines link East to West for the first time.

The battle between two armored warships, the North's "Monitor" and the South's "Merrimac," ushers in the era of steam-powered, iron-plated naval ships.

Richard Gatling invents the machine gun.

The first oil pipeline is in operation.

Cyrus Field is responsible for laying the first successful trans-Atlantic cable.

Slave trade is abolished in Washington, D.C.

A stronger Fugitive Slave Act is passed.

Aided by the westward movement in general and the California gold rush in particular, skilled labor becomes scarce and unions begin to organize. In 1850, in large cities, they win the ten-hour day and wage increases. By the end of the decade several national unions have been founded.

Harriet Beecher Stowe publishes *Uncle Tom's Cabin*, providing momentum to abolitionism.

The Kansas-Nebraska Act, which gives the states the right to decide the slavery question, leads to violent clashes particularly in Kansas.

In the Dred Scott case, the Supreme Court states that a black is not entitled to citizenship rights.

John Brown raids the Harper's Ferry Arsenal. He has planned to arm slaves and precipitate a revolt. Brown is captured and hanged for treason.

The Civil War begins. While there are other issues, a major cause is the southern labor problem of slavery.

President Abraham Lincoln issues the Emancipation Proclamation freeing slaves as of January 1, 1863.

The Civil War ends in victory for the North.

The 13th amendment abolishing slavery is ratified.

The National Labor Union is organized by labor and reform groups to advance the cause of labor, social, economic, and political reform.

The Grange is founded to ease the drabness of rural life. It soon becomes a powerful spokesman for farmers who feel victimized by corporations.

Political History, cont'd

- 1868 President Andrew Johnson is impeached by House but escapes conviction by one vote in the Senate.
- 1869 The fifteenth amendment, which gives blacks the right to vote, is passed.
- 1870
- 1871 The exposé of corruption at Tammany Hall eventually sends Boss Tweed to prison.
The first Civil Service Commission is created.
- 1873
- 1874
- 1875
- 1876 The Sioux, under Sitting Bull, defeats troops of General George Custer at Little Big Horn.
The United States celebrates its 100th birthday.
- 1877 The Reconstruction of the South ends.
- 1879
- 1881 President James A. Garfield is assassinated by a disappointed office seeker. The incident leads to the Civil Service Reform Act of 1883.
- 1882 White opposition to Chinese labor culminates the Chinese Exclusion Act.
- 1883
- 1884
- 1886

The Technological Revolution, cont'd

Christopher Shoales patents the typewriter.

The transcontinental railroad is completed.

John D. Rockefeller organizes Standard Oil.

The first electric trolley is in operation.

Barbed wire is marketed.

Alexander Graham Bell patents the telephone which is shown at the Centennial Exhibition.

Edison patents the first practical incandescent bulb.

Labor Chronology, cont'd

The fourteenth amendment is ratified. It prohibits the states from denying any person within their jurisdiction "equal protection of the laws."

Uriah S. Stephens founds the Noble Order of the Knights of Labor. Men and women of "every craft, creed and color" are accepted for membership.

The labor movement loses much of its momentum when a severe depression causes widespread unemployment.

In the Pennsylvania anthracite region, James McParlan, a Pinkerton agent, exposes the Molly Maguires who have terrorized employers. A number of Mollies are hanged.

Riots spark the hot summer air as railroad workers strike to protest wage cuts. Class war breaks out in a number of cities. Federal troops put down what is taking on the aspects of a general insurrection.

On September 5, the first Labor Day parade takes place in New York City.

White riots and other disturbances against Chinese laborers in California force passage of the Chinese Exclusion Act.

The Pendleton Act replaces political patronage in civil service with the principle of a merit system for hiring and promotions.

The Bureau of Labor is established. It later grows into the U.S. Department of Labor.

Police march on a peaceful rally led by anarchists, at Chicago's Haymarket Square, plugging the eight-hour day and protesting police violence against McCormick strikers. A bomb explodes killing and wounding police who open fire on the crowd. No one knows who threw the bomb or how many were killed but the incident is used to whip up hysteria against all unions. While some of the anarchist leaders are hanged, others are pardoned by Governor John Peter Altgeld who says the case against them has never been established. Chief losers are the Knights of

- 1889 The Oklahoma land rush opens the Oklahoma Territory for settlement.
A conference between the United States and Latin American nations sets up the Pan-American Union.
- 1890 Congress passes the Sherman Antitrust Act and a high protective tariff.
- 1891 The Populist Party is formed to advance the cause of the farmers.
- 1892
- 1893 American business and professional men, backed by U.S. troops, overthrow the Hawaiian Kingdom. Samuel Dole becomes first president of the Republic.
- 1894
- 1895 Southern states pass "grandfather clauses," literacy tests, and poll taxes, to deny blacks the vote.
- 1896 In *Plessy v. Ferguson*, the Supreme Court declares its "separate but equal" doctrine.
- 1897
- 1898 The Spanish American War begins after the Maine explodes in Havana harbor. In the Treaty of Paris, Spain cedes the Philippines, Puerto Rico, and Guam to the U.S. It grants Cuba independence.
The war between U.S. troops and Filipinos begins. It ends when American soldiers use a heavy hand to crush all resistance.
- 1899 The U.S. participates in the Hague Conference which sets up a permanent center for arbitration of disputes between the nations.
Germany and the United States divide up Samoa.

Labor whose membership peaks at 700,000 this year. The Knights soon plummet out of existence.

On December 8, the American Federation of Labor is founded in Columbus, Ohio. Cigar maker Samuel Gompers becomes its first president. The Federation is organized along craft lines and it takes on a conservative coloration, believing that any hint of radicalism will turn the public against unions.

Steelworkers at Carnegie's Homestead plant near Pittsburgh strike against a wage cut. The dispute is marked by a pitched battle between strikers and Pinkerton strikebreakers ensconced in barges. The strikers win the battle but lose the war when the Governor sends in the militia to break the strike.

Protesting a wage cut while the company registers twenty-six million dollars in profits, Pullman car workers near Chicago ask Eugene V. Debs to lead their strike. The strike becomes so effective that not a train with a Pullman car on it moves anywhere in the country. The federal government breaks the strike with troops. It also issues an injunction and Debs and other leaders are jailed for refusal to obey it.

Jacob S. Coxey, an Ohio businessman, rallies the unemployed to march on Washington to persuade the government to set up a public works program. The marchers dwindle to several hundred when they reach the capital. They are easily dispersed by the police.

Duryea produces the first gas-powered automobile.

First of the nation's subways opens in Boston.

Erdman Act authorizes government mediation in labor disputes involving interstate commerce.

Political History, cont'd

- 1900 Hawaii is annexed to the United States.
The Socialist Party is founded under the leadership of Eugene V. Debs.
The United States intervenes in the Chinese Boxer rebellion. The U.S. warns European powers not to dismember China.
- 1901 President McKinley is assassinated. He is succeeded by Theodore Roosevelt.
- 1902
- 1903 Panama revolts against Columbia. American ships help insure the Revolution's success. A treaty between the new nation and the United States gives America the canal zone.
- 1904 President Roosevelt declares the U.S. has an obligation to maintain order in Latin America.
- 1905 Roosevelt wins the Nobel Peace Prize for mediating the war between Japan and Russia. Their treaty is signed in Portsmouth, New Hampshire.
- 1906 A devastating fire, resulting from an earthquake, destroys San Francisco.
- 1907 Hostility to and discrimination against Japanese by whites in San Francisco lead to a "Gentlemen's Agreement" between the U.S. and Japan whereby no more Japanese would enter the United States.
- 1909 Robert E. Peary discovers the North Pole.
- 1910

The Technological Revolution, cont'd

Coal replaces wood as the chief source of energy.

Elbert Gary, backed by J. P. Morgan money, buys out Carnegie interests and combines other firms to create U.S. Steel.

Wilbur and Orville Wright make their first successful airplane flight at Kittyhawk, North Carolina.

Motion pictures make their first commercial appearance in McKeesport, Pennsylvania.

Ford begins mass-production automobile industry.

Labor Chronology, cont'd

Hatters of Danbury, Connecticut, declare a boycott against the Loewe Company for refusal to negotiate. The Supreme Court says the boycott restrains commerce under the Sherman Antitrust Act. The homes and bank accounts of the Danbury Hatters are attached to pay the \$252,130 fine.

Ninety percent of Pennsylvania's anthracite miners strike against a wage cut and for the abolition of company doctors and company stores. The importation of European immigrants and the occupation of the area by soldiers fails to break the strike. An arbitration commission finally awards strikers the nine-hour day and a modest wage increase but it fails to recognize the union.

Birth of the Industrial Workers of the World which advocates unions running economic institutions. The IWW favors direct action, industrial unionism, and the general strike. The union wins the Lawrence textile strike of 1912. It fades after losing the Seattle General Strike of 1919. Most IWW leadership is jailed in the 1919-20 Palmer Raids.

The "Gentlemen's Agreement" with Japan is the result of racial outbursts against Japanese in San Francisco, primarily because of job competition between whites and Japanese. Japan is forced to restrain its citizens from coming to mainland U.S.A., an insult it never forgets.

Birth of the National Association for the Advancement of Colored People led by W.E.B. DuBois to advance job and other rights of blacks.

A labor party in Milwaukee cleans up corruption, institutes planning and efficient service in a "City Beautiful" that becomes a national model for excellence in government. Unfortunately, another kind of labor party in San Francisco is so blatantly corrupt that it sours voters on union politicians.

1911

1912 U.S. Marines land in Nicaragua to protect American interests during a rebellion.

1913 The sixteenth amendment, the income tax, is ratified. The Federal Reserve System is established.

The U.S. intervenes against Mexican revolutionaries.

1914 The Federal Trade Commission is established.

The Clayton Antitrust Act supplements the Sherman Act.

U.S. Naval forces occupy Vera Cruz, Mexico, after shelling it.

The Panama Canal is opened.

1915

1916

1917 Congress declares war on Germany.

Congress passes the Espionage Act, the Trading with the Enemy Act, and Selective Service.

1918 Germany surrenders.

The Sedition Act, resulting in mass arrests for those opposing the war, is passed by Congress.

1919

1920 The 19th amendment gives women the right to vote. Eugene V. Debs, running for President from prison, polls nearly a million votes.

1922 The big powers agree to limit their naval forces.

1923 The Teapot Dome scandals reveal widespread corruption in the Harding Administration.

The combine is invented by Benjamin Holt.

One hundred fifty-four workers, mostly young women, die in a fire at the Triangle Waist Company, New York City. Fire escapes end in mid-air, doors are locked. The factory commission which sprang from the tragedy's ashes presses the Legislature into passing the first serious safety laws for working people.

Radio is first used on American ships.

The Lloyd-LaFollette Act abolishes presidential gag orders on federal employees which deny them the right to lobby on their own behalf. It also recognizes their right to organize.

U.S. Department of Labor is established.

The Panama Canal is completed.

Colorado militia sweeps a strikers' tent colony near Ludlow with machine gun fire and then proceeds to burn tents with people inside them. Thirty-nine men, women, and children are killed. This is the culmination of a twenty-year class war in the Rockies. Following the Ludlow Massacre, miners, wearing red bandanas, rout the militia but President Wilson sends in federal troops to end the war. All those who participate in the massacre are absolved from wrongdoing.

The LaFollette Seamen's Act establishes much-improved working conditions, food and living allowances for sailors. It also protects them from human sharks who exploit them while in port.

Expansion of state highways throughout the nation begins with the passage of the Federal Aid Road Act.

Congress passes the Adamson Act which establishes the eight-hour day on interstate railroads.

The first radio station, WHA, University of Wisconsin, Madison, is established. KDKA, Pittsburgh, begins commercial programming in 1920.

The Boston Police strike is snuffed out by the National Guard. Calvin Coolidge takes credit for breaking it and becomes an instant national celebrity. Congress passes a law making it a misdemeanor for police or firefighters to affiliate with unions.

A bitter and massive strike by steelworkers ends in the union being crushed.

Employers launch the American plan to combat unions.

Political History, cont'd

- 1925 John Scopes, a Tennessee schoolteacher, is convicted for teaching evolution.
- 1926
- 1927
- 1928 The Kellogg-Briand Pact outlawing war is ratified by the Senate.
- 1929 The stock market crash throws the nation into a severe depression.
- 1930 The Hawley-Smoot Tariff Act brings tariffs to their highest level in history.
- 1932
- 1933 The first hundred days of Franklin D. Roosevelt's administration brings forth a host of economic recovery legislation.
- 1934
- 1935 New Deal laws enacted include the Wagner Act, the Works Progress Administration, the Resettlement Administration, and the Social Security Act. The Supreme Court, threatened with a "packing" by Roosevelt, responds by okaying the New Deal.
- 1936
- 1937

The Technological Revolution, cont'd

Lindbergh makes first solo across the Atlantic.

Labor Chronology, cont'd

Congress passes the Railway Labor Act which establishing bargaining in the industry.

The Norris-LaGuardia Act restricts injunctions against strikers and outlaws yellow-dog contracts.

Wisconsin passes the nation's first unemployment insurance law.

A violence-laden strike in Minneapolis, the killing and wounding of nearly seventy people, leads to a dramatic teamster victory for over-the-road drivers.

In San Francisco, longshoremen battle police on Rincon Hill and on "Bloody Thursday." Three pro-unionists are killed and 115 strikers and police are wounded. A general strike aids the union cause. The dispute finally goes to arbitration where the union wins benefits and recognition.

The sit-down strike is born at the General Tire plant in Akron, Ohio.

Congress passes the Wagner Act which establishes the first national labor policy of protecting the right of workers to organize and to elect their representatives for collective bargaining.

The Committee for Industrial Organization, headed by John L. Lewis, is formed within the AFL to advance the cause of industrial unionism.

The first CIO strike, which includes a mile-long picket line, ends in a victory for Akron Goodyear workers.

The Public Contracts Act sets labor standards for government contracts.

Ten CIO unions are expelled from the AFL for "dual unionism."

Auto workers win bargaining rights after a historic sit-down strike at the Flint, Michigan, General Motors plant.

On Memorial Day, Chicago police fire on unnamed steelworkers, killing ten and wounding over a hundred. It is a Pyrrhic victory for employers. By 1941 the union has nearly swept the industry.

- 1938 The Fair Labor Standards Act, which abolished child labor and set a twenty-five-cents-an-hour minimum wage, is passed.
- 1939 The United States pledges its neutrality after war breaks out in Europe.
- 1940 Congress passes the Smith Act making it unlawful for anyone to advocate the overthrow of the government or to be a member of any organization advocating such a goal.
- 1941 The Japanese attack Pearl Harbor. Congress declares war on Japan. Germany and Italy declare war on the United States.
- 1942 President Roosevelt issues the Japanese Relocation Order which uproots over 100,000 Japanese-Americans and herds them into relocation camps.
- 1943 Italy surrenders to the United States.
- 1945 Germany unconditionally surrenders. The United States forces Japan into submission by dropping the atomic bomb on Hiroshima and Nagasaki. The Potsdam Conference plans the division of Europe among the allied powers. The United Nations is formed.
- 1946 The Atomic Energy Commission is established under the principle of civilian control. The Philippines gains independence from the U.S.

Industrial unions found the Congress of Industrial Organizations (CIO).

The Fair Labor Standards Act is passed. It sets a minimum wage of twenty-five cents an hour and it outlaws child labor in business under its jurisdiction.

More than forty Hilo, Hawaii, unionists are shot and bayoneted by police as they assemble on a public pier as an act of protest during a ship strike.

TV is demonstrated at the New York World's Fair.

The Office of Production Management, National Defense Mediation Board, and the Office of Price Administration are set up to try to maintain stability in wages and prices.

After the attack on Pearl Harbor, the AFL and the CIO sign a no-strike pledge for the war's duration.

The National War Labor Board is established. It issues the "Little Steel Formula" which pegs wage increases to rises in the cost of living.

A Fair Employment Practices Committee is established by the government to try to eliminate discrimination in war industries based on race, creed, or national origin. Women have also entered war industries in droves, and symbols like "Rosie the Riveter" assert they can do the jobs of men in the world of work.

The Smith-Connally Act is passed which authorizes the President to seize plants if necessary to maintain the full war effort. When mine workers strike, the President seizes the mines.

First tests of jet planes in the United States.

The first self-sustaining nuclear reaction takes place at the University of Chicago.

The atomic bomb is exploded in Japan.

Presper Eckert and John Muchly invent the electronic computer.

Upon the end of the war, a wave of strikes puts four and a half million workers on picket lines.

Walter Reuther rises to national prominence when he asks General Motors to open its books to prove it cannot grant the wage increases the UAW demands. GM refuses and 200,000 auto workers hit the bricks. Meanwhile, Steelworkers settles for eighteen and a half cents after a thirty-day strike. After striking GM for 113 days, the UAW wins also.

Sugar workers strike in Hawaii to establish their union and a lot more besides. Led by the ILWU, the strike is the culmination of a forty-six-year effort to bring social, industrial, and political democracy to the territory outside of Honolulu.

Political History, cont'd

- 1947 General George C. Marshall proposes a plan for the recovery of Europe.
The Truman Doctrine attempts to stop the spread of communism by aid to Greece and Turkey.
- 1948 President Truman's executive order ends discrimination in the armed forces.
The U.S. airlift counters a Soviet move to blockade West Berlin.
- 1949 The North Atlantic Treaty Organization is formed.
President Truman's Point Four Program stresses technical assistance to developing nations.
- 1950 North Korea invades South Korea. The United Nations takes action. The U.S. contributes the lion's share of military support.
- 1952
- 1953 The Korean War ends.
- 1954 The U.S. Supreme Court in *Brown v. Board of Education*, Topeka, Kansas, outlaws segregation in the schools. U.S. involvement in Southeast Asia begins with the formation of SEATO and aid to governments in Indo-China.
- 1955
- 1957 Congress passes the Civil Rights Act in order to secure voting rights for blacks.
Governor Orval Faubus calls out the National Guard in an effort to stop school integration at Little Rock, Arkansas. President Eisenhower sends in federal troops to see that the law is obeyed.
- 1958 The U.S. launches an earth satellite.
- 1959
- 1960

The Technological Revolution, cont'd

The transistor is invented by J. Bardeen, W. H. Bratain, and W. Shockley.

The first microwave facilities for transcontinental television are completed.

The first U.S. earth satellite is launched.

Oil overcomes coal as leading source of energy.

Labor Chronology, cont'd

The Taft-Hartley Act is passed over President Truman's veto. It outlaws the closed shop, jurisdictional strikes, and forms of secondary boycotts. It opens the door to state open-shop laws.

New York and Michigan pass laws prohibiting public employees from striking.

The CIO starts expelling unions accused of following the communist line.

The Supreme Court declares President Truman's seizure of steel mills during a strike unconstitutional.

The AFL expels the International Longshoremen's Association for corruption.

The AFL and the CIO merge. George Meany is elected president.

The AFL-CIO expels three unions for not meeting its code of ethical practices.

One thousand workers strike the Harriet-Henderson, North Carolina, textile mills. Governor Luther Hodges calls out the National Guard. Textile Workers Regional Director Boyd Payton and other union leaders are found guilty of conspiracy to bomb a mill on the testimony of a single man. The defendants are given prison sentences according to their union rank. The case becomes a national cause célèbre and finally Payton is pardoned by the new governor in 1960.

The Landrum-Griffin Act is passed after the McClellan Committee exposes corruption in several unions. The law issues a bill of rights for union members assuring them freedom of speech and assembly. It requires unions to file financial statements and officers and staff to be bonded.

A landmark strike is conducted by the United Federation of Teachers in New York City for a union

- 1961 An invasion attempt of Cuba fails at the Bay of Pigs.
- 1962 President Kennedy convinces the Soviets to dismantle their weapons in Cuba.
- 1963 President Kennedy is assassinated.
- 1964 Congress passes the Civil Rights Act which prohibits segregation in public facilities and accommodations.
- 1966 The Medicare Plan is established.
The War on Poverty gains momentum.
- 1968 Assassinations of Martin Luther King and Robert Kennedy.
- 1969 Americans land on the moon.
- 1970
- 1971 The twenty-sixth amendment granting voting rights for eighteen-year-olds is ratified.
- 1972 President Nixon visits China and the Soviet Union.
Watergate burglars are discovered in the Democratic Party's national headquarters.
- 1973 The Watergate affair captures the political scene.
Vice-President Spiro Agnew resigns under charges of corruption. Gerald R. Ford replaces him.
- 1974 President Nixon resigns as more revelations of official wrongdoing are exposed.
- 1975 The South Vietnamese and Cambodian governments fall to insurgents. The U.S. pulls out of Indo-China.
- 1976 America celebrates its 200th birthday.

Alan B. Shepard, Jr. is first American in space.

representation election to enable teachers to bargain. From this time on public employee unions change their tactics from preoccupation with lobbying to stressing collective bargaining.

President Kennedy's Executive Order 10988 recognizes federal employee unions, including their right to bargain.

The cause of women workers is aided when Congress passes the Equal Pay Act prohibiting wage discrimination because of sex.

Farm workers, led by Cesar Chavez, join the AFL-CIO and march 300 miles from Delano to Sacramento to dramatize their grievances. The farm workers' boycott of nonunion grapes involves more Americans than any previous effort.

Martin Luther King is assassinated while aiding a strike of Memphis sanitation workers. The bullets that kill King fail to defeat the American Federation of State, County and Municipal Employees strikers whose victory has since been considered a victorious turning point in public employee organization.

The Age Discrimination in Employment Act prohibits bias against persons aged forty to sixty-five.

Neil Armstrong and Edwin Aldrin are the first humans to land on the moon.

Two hundred ten thousand postal workers strike eight cities, winning a six-percent pay increase.

Hawaii and Pennsylvania pass legislation giving most public employees the right to strike.

The Occupational Safety and Health Act is passed which authorizes the Secretary of Labor to establish health and safety standards and to enforce them.

APPENDIX D

A Five-Year Study of California Public Employee Strikes

By Bonnie G. Cebulski, CPER Assistant Editor, and Clara Stern, CPER Librarian

Strikes are a continuing phenomenon among California's public employees despite the case law which declares such strikes illegal.¹ The accompanying table provides data from CPER records on strikes from 1970-1974 among employees of school districts, local governments, transit districts, the university, and the state.

California does not hold the record for public employee strikes. New York has been ahead every year except 1974, with 34 strikes in 1970, 19 in 1971, 25 in 1972, and 18 in 1973. In 1974, New York reported a five-year low of 16. Nationally, California ranked sixth in the number of strikes in 1970 and eighth in 1973, with Michigan in first place both years with 59 and 73 strikes respectively.²

The table provides a profile of strikes. Stoppages of exceptional duration or size tend to distort the image of a "typical" strike. For instance, in 1970 four of the 21 strikes produced four-fifths of the mandays idle. The longest strike -- 52 days -- only idled 400 workers (San Diego Transit District), whereas a four-day stoppage affected 7,000 employees (San Francisco). The manday figure was also increased by the fact that five of the strikes idled more than 1,000 employees.

The 1971 manday figure is lower because there was only one strike of more than 400 employees -- a 21-day stoppage of 3,000 (San Francisco schools). The 1972 increase is due primarily to four exceptional disputes making up 92 per cent of the manday total. One six-day strike affected over 3,000 workers (SCRTD); two strikes were among the longest recorded in the five years -- a 67-day and an 83-day stoppage at two U.C. campuses; and the fourth was a 25-day walkout of 1,500 employees in Contra Costa County.

The 1973 profile comes closest to the "typical" strike, with no long or large strikes. A number of factors in 1974 contributed to the half-million mandays lost. The increase in strikes coincides with an unusual number of one-day "protest" stoppages, 18 in schools. 1974 included two record-makers: the SCRTD strike was the largest in mandays -- 265,200 in a 68-day walkout of 3,900 workers. The San Francisco city strike affected the most employees, an estimated 10,850 for 9 days. Combined with A-C Transit's 61-day walkout of 1,650 workers, these three accounted for nearly 80 per cent of the mandays lost in 1974.

Strike Causes

The major issues which precipitated the strikes are not tabulated because most strikes occur over more than one issue. Strikes wherein pay and health care benefits were named as the *only* major issues increased in frequency from 2 out of 21 strikes in 1970, to 7 out of 17 in 1973, to 24 out of 43 in 1974. The primary issue of wages was combined with other major demands to increase "economic" strikes to 8 in 1970, 11 in 1973, and 34 in 1974. The jump in 1974 coincides with the increase in the number of strikes, and both trends were attributed by the parties to the marked increase in the cost of living. Inflation also gave rise to a related economic demand for cost-of-living escalator clauses, appearing for the first time as a major issue in two strikes in 1973 and again in four in 1974.

The occurrence of strikes over *only* non-wage demands ranged from 3 to 6 annually. Among the most frequently reported non-wage issues were grievance procedures (often including binding

Reprinted from CALIFORNIA PUBLIC EMPLOYEE RELATIONS, June 1975.

arbitration), a major item in 15 strikes but declining in frequency in 1973 and 1974; and union security (either dues deduction or agency shop), a relatively constant issue demanded in 9 strikes. A wide spectrum of non-economic items, including hours, workload, safety, reduction in force, employee involvement in policy-making in health and educational institutions, seniority, and promotions, occurred in conjunction with wage demands in about half of all strikes until 1974, when non-economic issues were considered major demands in only 15 out of the 43 strikes.

Thirteen strikes occurred in the five-year period over the employer's refusal to recognize the employee representative, or to meet and confer in good faith, or to enter into a signed agreement. These strikes, to establish basic bargaining relationships, declined over the period with only 2 in 1973 and none in 1974.

Legal Sanctions and Punitive Action

The nature of California law, which makes strikes of all public employees other than employees in some transit districts illegal, is fully described in "An Analysis of 22 Illegal Strikes and California Law," in *CPER* No. 18. The conclusion reached in that study, that court orders do not end or shorten strikes, is borne out by these five-year statewide statistics.

Of the 104 "illegal" strikes, court orders were obtained in about one-third, and only 6 were apparently ended by such orders. Employers also seemed reluctant to take punitive action against strikers, either in legal redress for violation of court orders, or by threatening job-related sanctions for striking. Such action was initiated in 16 out of 115 strikes, but nearly all strike settlements contained "no reprisal" clauses, and employers consistently dropped pending legal action and rescinded sanctions. One of the rare exceptions grew out of the 1972 Contra Costa County strike, where the settlement agreement allowed discipline for "aggravated misconduct," but not for participation in the strike. Six employees were fired or demoted, but the matter is still pending in the courts three years later. Most strikers are not paid for days they are out, but pay loss is not counted here as punitive action.

Strike Settlements and Impasse Resolution

Fifty-five per cent of the strikes ended with a memorandum of understanding or a formal agreement to submit the issues to a neutral party. If one-day stoppages are eliminated, that figure increases to 95 per cent. Most one-day strikes are essentially protest actions, not strikes in which employees predicate their return to work on a settlement. Although a few strikes did end after one day because agreement was reached, nearly all could be eliminated, bringing the total number of strikes in which an agreement was sought but not obtained to less than 10. Only impasse resolution procedures used during strikes to reach settlement are included, as no data has been collected on pre-strike use of impasse procedures.

Other Concerted Activity

No data has been collected on non-strike coercive tactics, such as slow-downs and picketing. Some innovative tactics have been devised by safety service employees. For example, San Mateo police wrote no tickets but handed violators union literature; Monterey Park firefighters advertised themselves for sale; and Long Beach police conducted a 130-day slow-down, estimated to have cost a quarter of a million dollars in fine revenue.

¹ *Los Angeles Unified School Dist. v. United Teachers* (1972) 24 C. A. 3d 142; *City of San Diego v. American Federation of State, County, and Municipal Employees* (1970) 8 C. A. 3d 308; and *Almond v. County of Sacramento* (1969) 276 C. A. 2d 32. See "Analysis of 22 Strikes and California Law," *CPER* No. 18.

² Source: New York State, Public Employment Relations Board, *PERB News*, March 1972 and March 1975.

CALIFORNIA PUBLIC EMPLOYEE STRIKES, 1970-1974

Year	1970	1971	1972	1973	1974	5-year period
Strikes ¹	21	15	19	17	43	115
Average Duration in Days ²	9.1	9.4	13.9	8.6	8.1	9.5
One-Day Stoppages	4	4	6	8	26	48
Strikes of Two Weeks or Longer	5	4	4	4	7	24
Mandays Idle ³	145,745	76,691	159,209	79,722 ¹	595,463 ¹	1,056,830
Employees Involved	14,915	4,371	9,885	6,993 ¹	38,409 ¹	74,573
Total State and Local Employees in California ³	1,076,515	1,098,384	1,143,751	1,179,223	n.a.	—
Safety Services						
Strikes	6	2	1	0	2	11
Average Duration	5.5	2.0	1.0	0	10.0	5.2
Public Schools						
Strikes	4	3	1	8	22	38
Average Duration	10.7	21.6	5.0	4.7	2.5	5.4
Transportation Services						
Strikes	5	0	2	2	3	12
Average Duration	16.0	0	4.0	16.0	43.3	20.8
Other Local Government						
Strikes	6	8	12	7	16	49
Average Duration	6.1	8.0	8.3	10.8	9.0	8.4
State						
Strikes	0	0	1	0	0	1
Average Duration	0	0	4.0	0	0	4.0
University						
Strikes	0	2	2	0	0	4
Average Duration	0	4.5	75.0	0	0	39.7

Impasse Procedure Utilized During Strikes: ⁶									
Mediation	6	1	5	3	11	26			
Factfinding	1	0	1	0	0	2			
Arbitration	1	0	0	0	0	1			
Strikes Against Which Court Orders Sought ⁷	11	6	6	2	10	35			
Punitive Action Against Strikes Initiated ⁸	5	4	4	1	2	16			
Strike Ended:									
By Court Order	3	2	0	0	1	6			
By Agreement to Submit Issue to Arbitration or Factfinding	3	0	1	1	1	6			
By Mediated Agreement ⁶	6	1	5	3	6	21			
By Agreement Negotiated Without Third Party	6	8	7	6	9	36			
With No Immediate Agreement ⁹	6	6	6	8	26	52			

¹Strikes are defined as work stoppages of at least one-half day, including sick-outs, but excluding slow-downs, picketing, sit-ins, paper-wars, etc. Public employees include all workers in public agencies in California, excluding federal service and public utilities.

²Duration measured from date strike began through date ended (weekend days included). Partial days counted as one day.

³Computed from best available estimates of number of employees staying away from work. No adjustments made to reflect striker attrition during longer strikes. Mandays include weekends, as workweeks in many public service agencies, such as transit districts or hospitals, are seven-day weeks.

⁴No employee count available for a one-day stoppage in 1973 and a one-day stoppage in 1974.

⁵Source: U.S. Department of Commerce, Bureau of the Census, *State Distribution of Public Employment in 1970, 1971, 1972*, and unpublished estimates for 1973. No data available for 1974.

⁶Utilizing professional neutrals only, excluding mediation efforts of mayors, labor councils, citizens' groups, superior court judges, or similar interested parties. Pre-strike use of neutrals not included unless continued into strike.

⁷Including court orders sought by third parties, such as the Water Quality Control Board, when the involved employer did not seek legal sanction.

⁸Including initiation of contempt proceedings for violation of court orders and job-related sanctions for striking or related activity, even though discipline dropped as part of strike settlement.

⁹Most one-day stoppages end without an agreement even though agreement may be reached soon thereafter.

APPENDIX E

**Independent
State and Local
Public Employee
Associations in
California, 1968**

*California Human Relations Agency
Department of Industrial Relations
Division of Labor Statistics and Research*

*United States Department of Labor
Bureau of Labor Statistics
Pacific Regional Office*

FOREWORD

The proliferation of threatened and active strikes by public employees in recent years has focussed attention on an important problem area in national labor-management relations. Much has been published about the gradual evolution in some states of a legal framework for collective negotiations, with emphasis on the attempt to develop workable impasse procedures. But the comprehensive study of the growth, organizational structure, policies, and activities of independent public employee organizations has largely been neglected. A study, Independent State and Local Public Employee Associations in California, 1963, conducted by the Division of Labor Statistics and Research was a pioneer effort to provide some basic data about the growth of such organizations in California. We hope this report, which updates and expands the 1963 survey, will help provide a framework for further study of labor relations of government employees in the State.

The report summarizes the results of a survey of independent State and local public employee associations in California in 1968, which was conducted jointly by the United States Department of Labor, Bureau of Labor Statistics, and the California Department of Industrial Relations, Division of Labor Statistics and Research. The survey was confined to organizations of government workers that as one of their primary functions represent employees on matters of wages and working conditions. Organizations affiliated with the AFL-CIO or engaged in collective bargaining in private industry were excluded from the survey. Although attempts were made to obtain a complete universe, some organizations falling within the scope of the survey were probably overlooked. We believe their total membership is small. The questionnaire was designed and mailed by the Washington office of the Bureau of Labor Statistics. The Division of Labor Statistics and Research contacted non-respondents, tabulated the data, and prepared the tables. The report was a joint effort of the Division of Labor Statistics and Research and the Pacific Regional Office of the Bureau of Labor Statistics.

We would like to take this opportunity to thank the officers of independent associations of State and local employees in California who completed and returned the questionnaires.



Leo G. Connolly, Chief
Division of Labor Statistics
and Research



Charles Roumasset, Director
Pacific Regional Office
Bureau of Labor Statistics

INDEPENDENT STATE AND LOCAL PUBLIC
EMPLOYEE ASSOCIATIONS IN CALIFORNIA

Membership in 260 independent State and local public employee associations in California totaled about 500,000 in 1968, close to half of State and local government employment.

Between December 1963 and mid-1968¹ these organizations picked up about 96,000 new members, a 24 percent gain. Over the same period, employment in State and local government in California increased 34 percent.

As shown in the following tabulation, organizations of State workers gained members at a rate slightly exceeding the employment increase, county employee associations came close to matching the employment increase, but membership gains among city and school employee groups lagged far behind the rises in employment:

<u>Type of jurisdiction</u>	<u>Percent change, December 1963-June 1968</u>	
	<u>Employment</u>	<u>Employee association membership</u>
State	28.3	28.7
County	33.0	30.6
City	21.2	6.5
School districts	44.1	24.7
Total	33.9	23.8

Two large statewide organizations, the California Teachers Association and the California State Employees Association, with membership gains of about 38,000 and 23,000 respectively, accounted for nearly two-thirds of the total membership rise during 1963-68.

The average annual growth rate of unaffiliated State and local government employee associations during 1963-68 was substantial (more than 4 percent) but was below the average annual gain of almost 7 percent for the 13-year period ending in December 1963.²

This report summarizes the results of a survey of unaffiliated associations of State and local government workers in California conducted jointly by the U. S. Bureau of Labor Statistics and the Division of Labor Statistics and Research. It updates a similar census made by the Division of Labor Statistics and Research in 1964. Organizations fell within the scope of the survey if they were composed exclusively of State and local government employees and reported in 1968 that as one of their primary functions they represented workers on matters of wages, working conditions, grievances, etc., in direct dealings or meetings with supervisors or

¹The data reported in the current survey actually represents the status of membership as of various periods during 1968. Data were collected by a mail questionnaire in which the associations were asked to report their "1968 membership." Most completed and returned the questionnaire during the months February through June 1968.

²See Department of Industrial Relations, Division of Labor Statistics and Research, Independent State and Local Government Employee Associations in California, 1967.

officials. Organizations affiliated with the AFL-CIO or engaged in collective bargaining in private industry were outside the scope of the survey.¹

A total of 260 independent public employee associations meeting these criteria were ultimately identified. About 70 percent of their aggregate membership of 499,600 in 1968 are employed in professional, technical, and clerical classifications.² In all probability, some organizations falling within the scope of the survey have been excluded inadvertently; their total membership is believed to be quite small.

<u>Job classification</u>	<u>Number of members</u>	<u>Percent of total members</u>
Professional, technical, and clerical	349,000	70
Law enforcement officers, firemen, and protective employees ^a	55,600	11
Blue collar or manual crafts and occupations	77,300	15
Not assignable or not reported	<u>17,700</u>	<u>4</u>
Total	499,600	100

^aPrimarily policemen and firemen but includes some prison and jail guards, lifeguards, and investigators for regulatory agencies.

Distribution of the membership of associations in 1968 and membership changes during the period 1963-68 are given by type of jurisdiction in tables 1 and 2. The 260 associations included in the survey are listed grouped by type of jurisdiction employing the great majority of their members beginning on page 19.

Changes in status of associations, 1963-68

In the Division's earlier survey, it was found that there were 266 independent organizations that actively represented the interests of State and local government employees exclusively. Respondents for 35 of the 266 associations reported in 1963

¹ See Explanatory Note for a discussion of the procedures followed in identifying the associations, the response to the questionnaire, treatment of nonrespondents, and other matters.

² Since some public employees belong to more than one independent association, the membership total is somewhat higher than the number of individual employees who belong to the organizations. It should also be observed that, in July 1968, an estimated 83,700 (up from 62,000 in July 1963) State and local government employees belonged to labor unions affiliated with the AFL-CIO or engaged in collective bargaining in private industry. Some members in this group also belong to the associations in the survey.

that their organizations no longer met the criteria for inclusion in the census.¹ Questionnaires for four of the 35 stated that the organization had affiliated with the AFL-CIO at some time between the survey years. For seven organizations, the person completing the questionnaire reported that the association had either merged into another independent public employee association or had gone out of existence. The largest association involved in a merger was the former Affiliated Teacher Organizations of Los Angeles, which is now part of the California Teachers Association. Twenty-four associations did not report that they had merged or dissolved, but stated that they were no longer active in representing employees on wages and working conditions.

Of the 260 independent public employee associations active in 1968, 30 were not among the 266 found to be active in the previous survey. Fourteen of the 30 reported that they were not active in 1963. Sixteen, however, stated that they were active in 1963 although they were not included in that year's census; according to estimates obtained from the organizations, the 16 associations had a total of 1,700 members in 1963. This amount was added to the 1963 membership totals published in Independent State and Local Public Employee Associations in California, 1963, when calculating 1963-68 membership changes in the present report.

State government

In 1968, 23 associations reported that they represented the interests of State employees exclusively.² Their combined membership totaled 136,900 equivalent to 63 percent of total state employment.³

The California State Employees Association, with over 115,000 members working in nearly all job classifications in State government and State-run schools, is the largest of the State employee organizations. The other 22 State employee associations tend to represent persons in specific professions or occupations. These specialized associations had 21,500 members in 1968, many of whom also belong to the California State Employees Association.

¹ An additional association that was one of the 266 did not respond to the questionnaire in 1968; it had 40 members in 1963. Because of failure to reply, it was assumed to be no longer active.

² Includes organizations of employees of the University of California, the California State Colleges, and other State schools.

³ The proportion of State employees belonging to these associations is somewhat less than 63 percent because some members--the exact number is unknown--belong to more than one association and are counted more than once in the combined membership totals.

Membership distribution of the 23 State employee organizations by type of job classification is shown below.

<u>Job classification</u>	<u>Number of members</u>	<u>Percent of total members</u>
Professional, technical, and clerical	101,800	74
Law enforcement officers, firemen, and protective employees	19,000	14
Blue collar or manual crafts and occupations	15,500	11
Not assignable or not reported	<u>600</u>	<u>1</u>
Total	136,900	100

Between 1963 and 1968, State employee organizations added 30,500 to their rolls, a 29 percent gain; the membership increase slightly exceeded the 28 percent increase in employment in State government. Of the four types of public employee associations in the survey, i.e. State, County, City, and School districts, State employee organizations alone reported membership gains exceeding increases in employment.

County government

Fifty-five associations represented county employees; their combined membership in 1968 was 90,900, equivalent to 58 percent of county employment.¹

Largest of the county organizations was the Los Angeles County Employees Association, which represented 34,000 members employed in a variety of classifications. It was one of seven associations of Los Angeles County employees; the other six represented employees in specialized occupations.

More than one employee association also was recorded in the following five counties: Alameda, Sacramento, San Diego, Sonoma, and Ventura. In each, there were two organizations--one representing uniformed employees of the sheriff's department and the other composed of workers in all other county departments.

¹Both employment and membership of associations of employees of the City and County of San Francisco are classified in city government.

The breakdown of membership of the 55 county employee groups by type of job classification is as follows:

<u>Job classification</u>	<u>Number of members</u>	<u>Percent of total members</u>
Professional, technical, and clerical	51,500	57
Law enforcement officers, firemen, and protective employees	14,500	16
Blue collar or manual crafts and occupations	20,000	22
Not assignable or not reported	<u>4,900</u>	<u>5</u>
Total	90,900	100

Membership in county associations in 1968 was 21,300 above the 1963 total. The 31 percent membership gain over the interval occurred while county employment increased 33 percent.

No active organizations of county employees falling within the scope of the survey were reported for the following 13 counties: Alpine, Amador, Contra Costa,¹ Del Norte, Glenn, Humboldt, Inyo, Lake, Mariposa, Modoc, Mono, Nevada, and Sutter.

City government

Interests of city employees were represented by 177 associations in 1968. The aggregate membership of city employee groups totaled 68,800, approximately 45 percent of city employment in mid-1968.²

¹ Questionnaires returned by associations in Amador, Contra Costa, Glenn, Humboldt, Inyo, Lake, Modoc, and Mono counties stated that, at the time, they either did not actively represent employees on wages and working conditions or for some other reason did not fall within the scope of the survey. No information was received about the other five counties.

² Both employment and membership of associations of employees of the City and County of San Francisco were classified in city government.

The majority of city employee associations represent all, or nearly all classes of city employees. The distribution of members by job classification was:

<u>Job classification</u>	<u>Number of members</u>	<u>Percent of total members</u>
Professional, technical, and clerical	20,100	29
Law enforcement officers, firemen, and protective employees	22,100	32
Blue collar or manual crafts and occupations	16,300	24
Not assignable or not reported	<u>10,300</u>	<u>15</u>
Total	68,800	100

The largest of the city employee associations was the All City Employees Association, whose 9,000 members were employed by the City of Los Angeles, followed by the Civil Service Association of San Francisco, with 8,500 members.

Between December 1963 and mid-1968, membership in city employee organizations increased by 4,200, or less than 7 percent, well under the 21 percent rise in city employment during the same period.

Local school districts

In 1968, there were three organizations composed of school employees exclusively with a combined membership total of 202,200, equal to 46 percent of local school employment in the State.¹

The Education Code of the State of California classifies school employees into two groups: certified and classified. Certified school personnel are individuals licensed under the provisions of the Code for employment in teaching and administrative positions. Classified school personnel are persons employed in positions not requiring certification such as clerical, janitorial, and maintenance occupations.

This division of school personnel into two groups is paralleled in the way school employees are organized--certified personnel and classified personnel each have their separate associations.

¹Excludes employment at the University of California, the California State Colleges, and other State schools. Also excludes membership of associations composed entirely, or mostly, of employees of State operated schools. The entire membership of the California Teachers Association is included in the membership count for local school districts; the Association reported that about 1 percent of its members worked for State operated schools.

The California Teachers Association, with 165,000 members in 1968, is the largest organization of certified school personnel and also the largest of the independent public employee associations in California. It is a statewide organization with local chapters in all areas.

The California School Employees Association, with 36,100 members in 1968, is the largest classified school employee association in the State. Seventy percent of its members work in blue collar or manual crafts and occupations; the remainder are in professional, technical, and clerical classifications.

Membership in school employee associations was 40,100 higher in June 1968 than in December 1963 but the 25 percent membership increase did not keep pace with the 44 percent gain in school employment.

Annual dues

The 203 associations answering a question about dues indicated that annual dues ranged from \$1.00 to \$96.00 per year. The most common amount, paid by members of five organizations representing 34 percent of the membership of associations reporting on dues, was \$30.00 per year. Of the five organizations indicating annual dues of \$30.00, three were city employee groups, one was a county association, and one was an organization of school employees. The second most common amount, paid by 31 percent of the members for whom dues were reported, was \$21.00. One State employees association and one school district employee organization reported annual dues of \$21.00.

The table below summarizes the dues of the 203 associations reporting on the amount of annual dues per member.

<u>Type of jurisdiction</u>	<u>Number of associations</u>	<u>Number of members</u>	<u>Annual dues, 1968</u>		<u>Most common amounts</u>	<u>Percent of members paying most common amounts</u>
			<u>Low</u>	<u>High</u>		
State	21	136,200	\$1.00	\$60.00	\$21.00 18.00	85 7
County	48	89,600	2.00	78.00	24.00 26.00	60 18
City	130	53,200	2.00	96.00	18.00 12.00	36 30
School districts and other special districts	4	202,900	4.00	30.00	30.00 21.00	81 18
All jurisdictions combined	203	481,900	1.00	96.00	30.00 21.00	34 31

For five associations answering the question on dues, the amount specified was not a flat payment. Two of the five reported dues as a percent of salary, one police-association reported dues varied by rank, one association indicated that no annual dues were charged but an assessment was made when needed, and one fireman's organization reported a one-time fee of \$10.00 was levied, but did not indicate if regular dues were to be paid by members.

Six organizations reported that they did not levy any dues and 46 did not answer the question.

Date of organization

More than half of the 203 organizations reporting on the date they were first organized were formed after 1950. Thirty-four or 17 percent of the 203, have been organized since 1961, and 20 of these were organized in 1963 or later. (See table 3.)

The California Teachers Association, formed more than a century ago in 1863, is the oldest of the presently active independent public employee organizations in the State. Two other associations were organized before 1910 and are still in operation; the Civil Service Association of San Francisco, established in 1902 and the National City Firemen's Relief Association, organized in 1908.

Federations of public employee associations

Independent State and local government employee organizations in California are joining together in federations to coordinate legislative, informational, and other programs to promote the interests of public employees. Five statewide organizations were known to be active in 1968.

<u>Name</u>	<u>Date formed</u>	<u>Number of affiliated local associations</u>	<u>Total membership of affiliated associations in 1968</u>
Associated California Employees ^a	June 1964	^a 13	^a 393,500
League of County Employee Associations	October 1939	48	85,500
California League of City Employees Associations	June 1947	b	22,000
Peace Officers Research Association of California	1953	b	25,000
California State Firemen's Association	November 1922	b	18,000

^aThe Retired State Government Employees Association is affiliated with the Associated California Employees, but it was not included in the survey because it does not represent employees.

^bNot reported.

Several police and fire associations reported they were affiliated with countywide federations. Those listed were: Harbor District Firemens Association, Orange County Firemens Association, Peace Officers Association of Los Angeles, Peninsula Peace Officers Association, and San Diego County Firemens Association.

Several city associations reported that the county employee association in their locality assisted them in representation matters. County employee associations reported to be assisting city employee organizations were those of Kern, Los Angeles, and Riverside counties. Usually the county association represents city associations on a contract basis.

In 1968, 22 State employee associations were allied with the California State Employees Association in the mutual effort to promote the welfare and improve the working conditions of State employees. Through mutual recognition agreements, these employee organizations coordinate welfare aims and cooperate in legislative programs.

Publications

Of the 260 organizations in the survey, 118 associations representing 96 percent of total membership indicated their organization had a regular publication. Of this total, 79 reported their publication was issued monthly. The form of publication varies from newspapers and magazines to newsletters.

Fifty-five associations reported they did not have a publication and 87 organizations did not answer the question.

TABLE 1--MEMBERSHIP OF INDEPENDENT STATE AND LOCAL
PUBLIC EMPLOYEE ASSOCIATIONS

California 1968

Type of government jurisdiction ^a	Number of associations	Members	
		Number	Percent
Total	<u>260</u>	<u>499,600</u>	<u>100</u>
State ^b	23	136,900	27
County ^c	55	90,900	18
City ^c	177	68,800	14
School districts	3	202,200	41
Special districts other than school districts	2	800	d

^aThe type of jurisdiction accounting for the majority of the associations' members.

^bIncludes members employed by the California State Colleges and the University of California.

^cAssociations of City and County of San Francisco employees are classified with city organizations.

^dLess than $\frac{1}{2}$ of 1 percent.

**TABLE 2--CHANGE IN MEMBERSHIP OF INDEPENDENT STATE AND LOCAL PUBLIC
EMPLOYEE ASSOCIATIONS IN CALIFORNIA, 1963-68**

Type of government jurisdiction ^a	Members		Percent change in membership, 1963-68
	1963	1968	
Total	403,700	499,600	+24
State ^b	106,400	136,900	+29
County ^c	69,600	90,900	+31
City ^c	64,600	68,800	+7
School district	162,100	202,200	+25
Special districts other than school districts	1,000	800	-20

^aThe type of jurisdiction accounting for the majority of the associations' members.

^bIncludes members employed by the California State Colleges and the University of California.

^cAssociations of City and County employees of San Francisco are classified with city organizations.

TABLE 3--ORGANIZATION DATE OF INDEPENDENT STATE AND LOCAL PUBLIC
EMPLOYEE ASSOCIATIONS IN CALIFORNIA

Date organized	Number of associations	Membership in 1968	
		Number	Percent of total
All associations	260	499,600	100
Associations not reporting date formed	57	16,100	3
Associations reporting date formed	203	483,500	97
Before 1900	1	165,000	33
1901-1910	2	8,500	2
1911-1920	3	35,200	7
1921-1930	13	73,200	15
1931-1940	23	144,400	29
1941-1950	55	29,200	6
1951-1960	72	17,800	3
1961 or later	34	10,200	2

EXPLANATORY NOTE

This survey updates a census of independent State and local public employee associations conducted by the Division of Labor Statistics and Research in 1964.

Criteria for inclusion

The survey, conducted by mail questionnaire, was confined to those organizations of State and local public employees in California that, as one of their primary functions, represent employees on matters of wages, working conditions, grievances, etc., before the Legislature, boards of supervisors, city councils, civil service commissions, and similar bodies. Organizations affiliated with the AFL-CIO or engaged in collective bargaining in private industry were excluded. Also excluded were professional societies that may occasionally represent employees on wage and working conditions but do not engage in such activities as one of their primary functions.

Identifying associations to be included

When the Division of Labor Statistics and Research undertook its 1964 census, no complete list of independent associations of public employees in the State meeting the above definition was available. To build up such a list, letters were sent to officials of cities, counties, and special districts (except schools) requesting the names and addresses of independent associations representing their employees. In addition, large associations and leagues of public employees were also contacted.

Through these and other contacts, the Division collected the names and addresses of employee associations, or verified that there were no active associations, in all 58 California counties, 145 of 148 cities with 100 or more employees, and 18 of 40 nonschool special districts with 100 or more employees. (Seventeen of the 22 special district nonrespondents were hospital districts, and it is probable that there are no independent employee associations falling within the scope of this survey in most of them.) Information on school employee associations was obtained from officials of the California Teachers Association, the California School Employees Association, and other reliable sources.

In 1968, questionnaires were mailed by the Bureau of Labor Statistics to a total of 359 organizations believed to meet the criteria for inclusion. Among them were all 266 associations included in the 1964 survey of the Division of Labor Statistics and Research.¹ Names of an additional 93 associations were culled by the Bureau from a directory published by the Associated California Employees, the Government Employee Relations Report issued by the Bureau of National Affairs, newspaperclippings, and other sources. A few names were provided by questionnaire respondents.

Of these 359 organizations, 260 were ultimately determined to fall within the scope of the survey and 99 were dropped for various reasons. The 99 were dropped

¹See Department of Industrial Relations, Division of Labor Statistics and Research, Independent State and Local Public Employee Associations in California, 1963.

from the survey for the following reasons: 58 reported they did not actively represent employees on wages and working conditions; 17 reported they had merged with another public employee association or gone out of existence; 8 were AFL-CIO affiliates, involved in collective bargaining in private industry, or did not at the time of survey represent any State or local government employees in California; and the remaining 16 were nonrespondents.

The nonrespondents included one AFL-CIO affiliate and 15 organizations which were dropped on the assumption that they no longer were active. Most of those dropped were city employees associations in small California cities which were not known to the California League of City Employees Associations as being presently active or State employee organizations not filing representation statements with the State Personnel Board.

Response to questionnaire

Altogether 34 of the 359 organizations to whom the questionnaire was mailed failed to return it. As indicated above, 16 of these were assumed or determined to fall outside the scope of the survey. The remaining 18 were kept in the survey because the fact that they actively represent public employees on wages and working conditions could be established and it was also possible to obtain an estimate of their 1968 membership from a reliable source. The combined membership of these 18 organizations amounted to 2,100 in 1968, which was less than $\frac{1}{2}$ of 1 percent of the total membership of all 260 organizations included in the survey.

Classification of membership by type of jurisdiction

In this report, membership of the 260 associations is broken down by type of government jurisdiction as follows: state, county, city, school district, and special districts other than school districts. The questionnaire asked each association to indicate the approximate number and proportion of its members employed in each of these jurisdictional categories. However, their breakdowns were not used since nearly all of the organizations, including the larger ones, reported that the great majority of their members worked in one type of jurisdiction. Instead, the entire membership of each association was assigned to that jurisdictional class in which the great majority of its members worked.

Classification of membership by job classification

The questionnaire also asked for the distribution of membership among three broad occupational groupings: (1) professional, technical, and clerical; (2) police men and firemen; and (3) blue collar or manual crafts and occupations. The questionnaire also asked for the name of any occupation that did not fall within one of the three groups and number of members employed in that occupation.

Membership data by job classification in this report is based on summaries of the replies to this portion of the questionnaire. In all, 190 associations with 481,900 members, 96 percent of the total for all associations in the survey, answered this question. Many associations answering the question indicated that they were giving an estimate and had no accurate tally of their membership by occupational group.

In presenting the job group distribution, the group "policemen and firemen" was combined with other specialized law enforcement and protective occupations listed in the replies, such as lifeguards, investigators for regulatory agencies, prison and jail guards, etc., to form a classification entitled "law enforcement officers, firemen, and protective employees."

APPENDIX F

UNIVERSITY OF CALIFORNIA, LOS ANGELES

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SANTA BARBARA • SANTA CRUZ

INSTITUTE OF INDUSTRIAL RELATIONS
LOS ANGELES, CALIFORNIA 90024

Center for Labor Research
and Education

(213) 825-3180
(213) 825-3537

March 17, 1977

TO ORGANIZATIONS REPRESENTING PUBLIC EMPLOYEE GROUPS IN THE STATE OF CALIFORNIA:

As part of our commitment, in cooperation with the Center for Labor Research and Education at Berkeley, the State of California Agriculture and Services Agency and the Federal Civil Service Commission to expand understanding and knowledge in the public sector labor relations field, the UCLA Labor Center has agreed to hold a conference on and to prepare a publication entitled "Understanding Public Sector Unions."

Rather than limit the subject matter to generalizations, based on observation and/or experience of those participating, it seems preferable to include a major section where the employee organizations are speaking for themselves.

To this end, we request your cooperation in completing the attached questionnaire and returning it to us no later than April 1.

Also appreciated will be a list of your affiliates and their addresses.

FOR COORDINATING BODIES, PUBLIC SECTOR UNIONS AND EMPLOYEE ORGANIZATIONS:

Organization: _____

Mailing Address: _____

Name and Title of respondent: _____

Number of local entities affiliated with your organization: _____

Estimate of total membership of affiliates: _____

What groupings of employees do your affiliates typically represent?

What percentage of affiliates have completed MOU's with their employer? _____

Do your affiliates also represent members in the private sector? _____

State briefly eligibility requirements for affiliates: _____

Is affiliation voluntary? or required? (Please check one)

If voluntary, what percentage of those organizations eligible belong? _____

Are affiliates subordinate to your organization policy in certain areas? _____

If so, please list general areas: political endorsement economic action

contract approval authority to arbitrate or sue _____

How often does your organization meet? _____

Is participation on a delegated or open basis?

How are delegates chosen if a delegated body? _____

What is the final decision-making body in your organization?

Convention action Executive Board Other

Is your organization affiliated with a larger organization? _____

If so, please list: _____

Is your organization subordinate in policy matters to the larger organization? _____

If so, in what areas: strike sanction contract approval

authority to arbitrate or sue other _____

What representation do you have in larger body, through delegates to its convention, representation on the executive board, etc.?

What services do you receive from the larger body? _____

Does your organization have an official policy regarding strikes? _____

If so, please describe briefly: _____

Have strikes occurred among your affiliates within the last two years? _____

If so, how many? _____ In event of strike action by an affiliate, does your organization offer assistance in terms of:

Advice Financial Support of other affiliates

What services does your organization offer affiliates?

Educational material: Research Publication

Staff assistance: Organizing Negotiation Legal advice

Legislative activity: Information Lobbying

How large is your staff? Full time officers _____ Field staff _____

Clerical _____ Technical (Legal, research, etc.) _____

(The following questions are more general in nature. If you have time, we would appreciate your comments on all or any of the subjects referred to.)

What changes in existing public sector law affecting your constituency would you like to see? _____

What do you view as the major policies or practices of public sector management which interfere with successful negotiations? _____

What characteristics of your membership do you find:

(a) most helpful _____

(b) least helpful _____

As a generalization, would you view your organization as more effective if the membership were:

more vocal less vocal more militant less militant

What action, or change in circumstances, do you feel would make your organization more effective in representing members? _____

Please return completed questionnaire to: Gloria Busman, Coordinator
Center for Labor Research & Education
Institute of Industrial Relations
UCLA
Los Angeles, Ca. 90024