

Public Employee Strikes Hit By Merit Chief

Attempting to cope with "the public employee revolution of the 1960s" with ritualistic reliance on the assumptions upon which private collective bargaining is based will backfire on public employee unionism," Michigan's Director of State Civil Service said today.

Franklin K. DeWald, president-elect of the U.S. Public Personnel Association, emphasized the following points in a speech to a special conference of city employees of the American Federation of State, County and Municipal Workers AFL-CIO.

Laws in the few states which currently require public employees to bargain collectively on one hand, yet prohibit strikes on the other, are an "extraordinary contradiction" which have resulted in a disproportionate acceleration of work stoppages and public irritation.

The economic self-interest of public employee unions on behalf of their members is adverse to the economic self-interest of the taxpayer," yet current procedures ignore the citizen with no provision for his part of the bargain, even though he will pay for it.

Public managers "lack the balance against a strike" of private counterparts who can use a lockout; they lack the options such as use of stockpile inventory, selling out and investing in another business, merger, etc., and lack the personal economic incentives of private managers.

The public lacks the option of obtaining a strike service from a competitor.

The likelihood for a "good settlement" in case of a strike is greater in the public sector, where "the pressure to settle from the citizenry which can't get the service elsewhere is instantaneous and unlike anything experienced in the private sector."

The critical point in public bargaining generally does not occur between the public executive and the union negotiators at the bargaining table, but when the legislative branch appropriates funds from the taxpayers' pocketbooks to finance the costs of the bargaining agreement. "Bargaining and the withholding of services against a legislative body will inevitably result in restrictive laws on collective bargaining as well as employee unionism."

"Many of the facets of collective bargaining must and will be extended to public employees, but the system that will survive will be a system of limited negotiation."

"GENERALLY the public employee in return for the rights of organization, formal recognition, formal grievance procedures, a system of resolving impasses involving terms of mediation and fact finding, and a system of checks and balances on unfair labor practices, will have to give certain other things in return," DeWald said.

"They will include basic acceptance of: (1) a form of limited negotiation which includes a no-strike pledge, (2) provisions affected citizens can be heard at a time when their voice can have a weight in the deliberations, (3) limitation on the scope of negotiation to physical conditions of work and economic matters, and (4) a timetable so economic negotiations coincide with the budget cycle.

"The likelihood of strikes by public employees in this context would be vastly diminished. Any violation of the no-strike pledge should in turn be handled by clear-cut injunctive suits and/or contempt proceedings and hearings by the governmental body affected to determine whether the checkoff and recognition should be suspended or terminated.

"I recognize that much of the leadership of many of the public employee unions is militant labor leadership wedded to the no-strike pledge, and I am an expert in using them with a little short range incentive to change," DeWald said. "To many of them collective bargaining is a sacred model, and proposals for major design changes extremely suspect."

"It is my belief that what is needed on both the part of the public employee organization as well as public management, is less reliance on the old, rebound concepts and more emphasis on finding new ones for the public good."

DeWald noted what he called an extraordinary contradiction in public thinking which attempts to separate the use of collective bargaining from the right to strike—when in fact they are inseparable.

"Everybody using the term means a method of determining conditions of employment in private negotiations between representatives of the employer and employee organizations. But many cannot readily forget or ignore the

balance wheel that has made collective bargaining work in the industrial context.

"IN PRIVATE employment bargaining, both management and the union must weigh the economic risks in terms of pricing the employer out of the market in the face of consumer choice and competition. In the face of these economic restraints, agreement then tends to be compelled by the employees' right to strike on

one hand and the employer's right to lock out on the other. Remove one or the other and you take the wheels off the buggy; your machinery is instantly out of order."

"So what we have is the incongruity in many public jurisdictions today of new laws allowing or requiring public employees to bargain collectively—which also say employees do not have the right to strike, and the lockout is out of the question for the public

employee.

"Union membership in many of these jurisdictions is growing rapidly, employees are being forged into bargaining units which are then protected with not only exclusive recognition and the checkoff, but varying types of union security as well."

He said strikes are "only a natural consequence of the environment initially created by the enabling legislation in the first place. Our political leadership and labor relations ex-

erts should not profess surprise at the results, which should have been obvious from the beginning.

"This situation will get much worse before it gets better," DeWald said public confidence in the free collective bargaining process in private industry has fallen in recent years because a few strikes in private industry approached the scope of national discom-

"It is a particularly poor

time, from the standpoint of the overall union movement, to have the glare of publicity and the glowing of public reaction focused on a new type of public service," DeWald said.

"Yet these forces are already set in motion and are on a collision course. It will, I'm afraid, take only a few such strikes of tragic consequence to heat public opinion to the point where legislative bodies will move to put out the fire."

"IN MICHIGAN in 1966, the first full year after our public employees' relations act was amended to require collective bargaining by local units of government (but still prohibiting strikes) we had 23 strikes in public employment, more than in the previous 20 years. In 1967 we had twice that many, and friends in the State Labor Mediation Board are fearful of a further increase in numbers this year. Legislation has been introduced to substan-

tially amend the law to place restraints on public employee unions."

Michigan's 42,000 state civil service workers are excluded from the law and have a form of compulsory arbitration embedded in the State Constitution.

DeWald said the social, economic, and political climates in the nation have been "ideal for the birth of public employee militancy."

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