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Unionization of Library Personnel: Where We Stand Today

During the past decade a rapid change has been taking place in public employment: public sector employees of all types are joining employee organizations. Unlike the employee organizations of the past, these are being formed for the major purpose of engaging in collective bargaining with employers, including state governments, county governments, school boards, local governments, universities, colleges, and nonprofit institutions.

The growth of our own organization, AFSCME (American Federation of State, County, and Municipal Employees), may indicate what has happened among public employees over the last fifteen years. In 1964, for example, the dues-paying membership of our union was about 235,000; today the membership stands at 700,000, and is made up exclusively of people who work for state and local governments and for nonprofit institutions. There has been continual pressure on the part of public employees throughout the nation to join unions such as AFSCME and other employee organizations. The major issue involved seems to be the desire of public employees to introduce the concept of bilateralism into the employee relationship. Public sector employees number fewer than their private sector counterparts, and in terms of employee relations, most institutions and local governments have been run on a unilateral basis. Public employees are unhappy with this, and as a result the organization of public employees has taken place across the board, including not only blue-collar workers, nonprofessional white-collar workers, technicians and hospital workers, but also professional employees, especially where they are hired in large numbers. For example, AFSCME has substantial numbers of social service employees, engineering personnel, and librarians. Many of the teachers' groups—the National Education Association, the

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American Federation of Teachers, and the American Association of University Professors—have also witnessed considerable growth during this period.

Until recently, most public employers in most states really did not care whether employees joined associations or unions. It was relatively immaterial to them, because even when employees joined unions, that was about the end of the story. Although the unions may have become involved in some handling of personal grievances and matters of that nature, there was really no genuine collective bargaining.

Our union was founded in the midst of the depression, during the same period when some of the more militant industrial unions, such as those of the auto workers, the steel workers, and the rubber workers, were founded. AFSCME had a different birth, however, for it was founded by a group of management employees in Wisconsin who were fearful that a newly elected state administration would attempt to destroy the recently established civil service system in that state. To protect that civil service system, the organization which later became the American Federation of State, County, and Municipal Employees was founded in 1932 and became active in 1935. From the beginning, therefore, AFSCME was linked very closely to the problems of administration of public service affairs and the encouragement of civil service.

These goals remained very much the same until after World War II. Then the nature of the organization slowly began to change. In the 1950s we had the first movement anywhere on the part of public employees to sit down at a bargaining table and actually negotiate conditions of employment with the public employer. The earliest instances of what might be called the birth of collective bargaining in the public sector took place in a few large cities—first Philadelphia, then Cincinnati and New York. As a matter of fact, the framework of the New York bargaining situation later provided the background for the Federal Employees' Executive Order 1098, which was promulgated by President Kennedy in 1962 and established the framework for the limited form of bargaining which federal employees have.

Actually, most of the movement in the public sector toward collective bargaining took place on a *de facto* basis—i.e., without benefit of law. When Congress passed the Wagner Act in 1935, it specifically excluded from coverage all public employees, as well as most employees of nonprofit institutions such as hospitals. The Wagner Act was amended in 1947 by Taft-Hartley, and by Landren and Griffin in 1959, but all amendments to the original law continued to bar public employees from engaging in collective bargaining and from the protections of the national labor relations policy of the country. Because of this, when collective bargaining appeared in the public sector it grew up on a piecemeal basis, state by state, county by county, school board by school board, municipality by municipality. It was about 1960 in the state of Wisconsin when the first public sector bargaining law was

passed, giving public employees for the first time the legal right to sit down with employers and mutually determine the conditions under which they would work.

In the last several years there has been a rash of bargaining legislation, but thus far only about one-half the states have enacted any general legislation covering most public employees. I am not considering here laws which deal specifically with a single group such as teachers, police, firefighters, or university personnel, but am concerned with laws applying to the broad range of public employees working for state and local governments. Although about one-half of the states have enacted some kind of general legislation, coverage varies widely. In some states, coverage extends to both state and local governmental employees; in others only state employees are covered. Ironically, a number of state legislatures have enacted legislation covering local government employees only, excluding state employees.

One of the interesting things about state legislation on collective bargaining is the great variety that exists throughout the country. No two public sector bargaining laws are alike, and for a single state there may be as many as four or five laws, one dealing with teachers, one with state employees, one with municipal employees, and another with police and firefighters. Within a state, different municipalities and counties have different codes concerning the right of public employees to bargain collectively. In one municipality, therefore, it is quite possible that employees have more or fewer rights than they have in a neighboring jurisdiction.

For a number of years AFSCME has been seeking federal legislation in this area, either through amendment of the present statutes or, preferably, through a special piece of legislation which would take into account the specific needs and concerns of public employees. We have sponsored a public employees' relations act in Congress for a number of years, and in 1974 we succeeded in having a bill introduced in both the House and the Senate. This bill would provide a collective bargaining framework for all state and local government employees throughout the nation. At the same time, however, it would permit a state which had enacted legislation that was substantially equivalent to that enacted by Congress to continue to administer its own law.

The important problem in this area is that when we bargain in the absence of law, on a *de facto* basis, the mechanism and procedures are generally controlled by the employer. This leaves the employees at a very distinct disadvantage.

It is certainly true that the initial thrust for collective bargaining rights for public employees has come from blue-collar workers, just as the thrust in the private sector toward collective bargaining and unionization came from blue-collar workers in the mid-1930s. But unlike the private sector, the public sector has witnessed an expanded concept of unionism that has far

transcended the blue-collar field. For example, AFSCME represents substantial numbers of professional employees in most of the major local governments throughout the United States and in many of the large state governments.

State governments have typically lagged behind local governments in affording any rights to employees. In the absence of legislation we are very frequently able to sit down and negotiate on a *de facto* basis with a local governmental employer, but it becomes much more difficult to do this with the state employer. The state of Ohio may serve as an example here, for it has no collective bargaining legislation. The state service there mirrors the fact that there is no legislation, for there is very little bargaining at the state level, and what bargaining takes place is concerned with an individual institution or facility. By contrast, we have developed agreements with virtually every large municipal employer in Ohio.

The spread of collective bargaining from its historical beginnings in the blue-collar field through white-collar workers and into professional employees is not based on any great organizing campaign on the part of AFSCME. It is based very simply on the fact that professional employees, especially those hired in large numbers, quickly come to realize that they are not treated as professional employees, particularly in such very basic areas as decision-making. One needs only to look, for example, at the detailed regulations and restrictions which surround the job of an experienced social service employee in many jurisdictions to realize that he is treated as a clerk, not as a professional employee. Although AFSCME does not represent teachers, we may note that one of the main reasons that they began to bargain about a decade ago was the fact that they were not treated as professionals. This clerical status, coupled with low salaries, was a prime reason for the tremendous thrust by teachers to engage in collective bargaining during the 1960s. We are now witnessing this same development on the part of other professional employees. For example, a group of professional employees in Philadelphia organized themselves into an association a few years ago and then asked to be affiliated with AFSCME. We have witnessed this in other cities as well.

A distinctly new development of the past three or four years is the move toward collective bargaining by state employees who are professionals. In a sense these represent the last bastion. State employees, state professional employees, and university and college faculty seem to be organizing concurrently, and there seems to be no doubt that this will continue on an accelerated basis. One thing that is going to accelerate this movement is that general economic conditions in the United States are going to get worse before they get better. We have witnessed a contraction of public budgets, especially on the municipal level, in the past five or six years, and this condition will probably worsen in the next year or two. This budget cutting has already affected colleges and universities, and has begun to affect state

governments too. Despite what might be told to those seeking wage increases, most states have been operating at a surplus; in fact, the state surpluses overall were greater in fiscal 1973 than in 1972. As a result of general revenue sharing help from the federal government, many states have been able to increase their surpluses without increasing state taxes. Some states have at the same time decreased their services to local governments within the state and have generally started to tighten their belts. I expect some of these rather large state surpluses will soon start to wither away as the economic conditions in the nation generally worsen and state revenues decline.

It seems that when governors, mayors, and university trustees start to look for a place to engage in a little belt tightening, they will look for what they consider to be fringe areas of state, city or university operations. They will look for things that may easily be cut back, and every area that can be considered nonessential will be hit. For example, in large local governments we have seen tremendous cutbacks in recreational facilities—cutbacks in personnel and in number of hours—and this kind of operation is spreading. Another area that administrations will examine for budget cutting will certainly be libraries. Libraries and librarians are going to be in for a rough time for the next few years.

This problem relates to the idea of collective bargaining for public employees in several ways. Typically, public employees, like their counterparts in the private sector, wish to sit down in some mutually satisfactory way to determine the wages, hours, and conditions of employment under which they will work. Many professional issues fall under the heading of conditions of employment. The decision of how facilities are to be staffed is an example. These issues become more crucial for discussion and negotiation among professional employees than they do among nonprofessional employees. We have seen this in the arguments over classroom size in the teacher negotiations and over case loads for social service employees. There are similar problems throughout the area of public employment, including library services. In the case of budget cuts, the questions are: How is the situation to be handled? If there is going to be a cutback in services, how is this cutback to be performed? What will be the impact on employment and employment opportunity? These are all areas that we have made subject to the collective bargaining procedure.

My experience has been that negotiations by professional employees have dealt with many professional issues and have tried to deal with a much wider range of issues than negotiations in the private sector. As a result, when professional employees want to talk about services, the first response by the employer has been that these areas are concerned with the mission of the agency and are therefore a management prerogative and not subject to negotiation. But in AFSCME we look at it from another perspective: we believe

that anything which has an impact on the employee and how he functions is in essence a condition of employment. Even some of the more restrictive laws under which we bargain in the public sector—those laws which have spelled out management rights—still generally permit the public employee to engage in dialogue where there is a management prerogative that affects employment conditions. Most of our collective bargaining procedures, even in situations where the law has a management-rights clause, provide that we have the right to bargain over subject matters which affect the employees, the way in which they perform their jobs, and the general conditions under which they work. The negotiations of most professionals have therefore much more readily entered those areas which are called the “mission of the agency” or “management prerogatives” than have negotiations among, for example, blue-collar workers in the private sector.

I expect this trend to continue, but I do not accept the argument that has been made by observers of and participants in professional negotiations that monetary items take a back seat in such negotiations. It isn't even necessary to consider today's economy to realize that “bread and butter” issues—wage and pension matters and health insurance matters—are of primary significance. To suggest that these issues have little meaning to the professional employee, who is concerned only with performing a service to the employer and to the public at large, is nonsense. I don't know who started this story, but I suspect that it came in part from the employer; by claiming this he almost puts his employees on a pedestal, and I suspect that they are somewhat receptive to the idea. It puts a halo around their heads, and it sounds nice. It also makes a nice public appeal if the professional workers say they are more concerned about quality of service or how children learn than they are about the fact that they are still working for \$4500 a year. If this was ever true, it is not so today. Professional employees are interested in wages, in providing their families with a decent standard of living, in having a measure of security and a decent retirement system, in being covered by reasonable health and life insurance plans. This is nothing shameful, for you really cannot take pride in your job unless you can have a certain amount of self pride as well. It is important that service employees be interested in these “bread and butter” issues.

Of course it is true by the very nature of the job that professionals—librarians, social service employees, teachers, engineers, chemists or physicists—should be interested in the way in which the service they perform is going to be delivered to the people who want, request and need that service. Their entire training has told them this is proper, and to expect otherwise of them is to ask them to demean themselves. I contend that the only way professionals can have a voice in how services are to be established and delivered is by having a collective voice. This is particularly important in the case of large

facilities and large institutions where there are many professionals and many employees under supervision. The only way that public employees may have a voice in setting the conditions of employment under which they will work—wages, fringe benefits, hours, etc.—is again by having a collective voice. Whether the vehicle is an out-and-out labor union like the American Federation of State, County, and Municipal Employees, or whether it is an employee association given some more euphemistic or appealing name, is a decision that public employees will make on a city-by-city, state-by-state, service-by-service basis.

I think, however, that the problems that librarians have faced up until now will increase considerably over the next year or two. They are going to increase as a result of the real budget crunch that employers will face. Libraries will in many cases be looked at first when sacrifices need to be made, and public employees in general will be scrutinized regardless of the kinds of services they perform. This is only one further reason why self-organization becomes absolutely essential. Librarians will need to have a voice in determining how crises will be met, how decisions are going to be made. Only through a collective voice does any individual professional, public employee have any voice at all.