Bargaining’s Effect on Library Management and Operation

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Public employee unionization has grown so rapidly in the past decade that a greater proportion of public employees, as opposed to private sector employees, now belong to unions and associations. Membership in unions by public employees in the United States is rapidly approaching 5 million. State and local governments alone account for 2 1/2 million union members. The federal government has more than 1 million employees who are union members, and public education has another 1 million unionized employees. All data indicates a continuing increase in public employee organizing.

GROWTH OF UNIONISM IN THE PUBLIC SECTOR

A few employee groups such as postal employees, teachers and law enforcement workers have had organizations with deep historical roots dating back to the 1930s, but their early development was very slow. The recent spread of unionism among government civil employees and teachers, however, is a partial answer to the old question of whether substantial numbers of white-collar employees can be unionized. While it is true that much of the growth of public sector unionism has been among blue-collar employees, some important footholds have been gained among white-collar workers and professionals. This is due primarily to the fact that teachers comprise the largest unionized group because they represent 25 percent of all public employees at the local and state level. Teachers are proving that they have power and are capable of using it to advantage.

Nurses and social workers, particularly in the big cities, are now making demands and extending their unionism. In spite of legislation encouraging employees in public employment to establish collective

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bargaining relationships, many groups of workers still remain outside the area of protected collective bargaining activity. The rapid growth of unionization among teachers, nurses, and social workers has all but hidden the union organizing attempts in the quasi-public employment field. A quasi-public institution is one which is associated with a public endeavor but is a private corporate institution supported in part by public funds. The cultural institutions in New York, including the zoological societies, botanical gardens, museums, and libraries, come under this definition. One of the early efforts in New York to organize library employees and, in particular, the professional librarian classification merits comment.

The American Federation of State, County and Municipal Employees (AFSCME) started an organizing campaign at the Brooklyn Public Library in early 1966. In autumn of that year, an election was conducted among two separate units of employees. The first unit was composed of all professional librarians except the major administrative officers of the library. The second unit was composed mainly of the clerical and maintenance staffs. While the union did not achieve the resounding results it had hoped for, it did obtain the required majority in each election unit.

Immediately following the election the union asked for a procedure to be instituted which would facilitate dues collection among the employees and for a formalized grievance procedure. In January 1967, a preliminary set of demands was submitted to the administration in addition to requests for the dues and grievance procedures. These included the benefits which had been enjoyed by the long-established Brooklyn Public Library Staff Association: (1) use of library bulletin boards to publicize union activity; (2) use of the internal branch mail system to distribute union material; (3) distribution by the library of union literature and an application for membership to all new employees; and (4) use of working time and library facilities to conduct union business.

The library resisted these requests because of the obvious encroachment that their granting would have on service to the public. Of equal importance was the fact that the granting of these privileges would, in effect, make the library administration an agent of the union in conducting union affairs, communication with members, and recruiting new members. During the negotiations it was particularly difficult to convince the union representatives that the union was not the staff association, but was instead a new entity which had a
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separate and distinct legal relationship to the library and its employees.

The Los Angeles County Public Library System became unionized in 1970. Both AFSCME and the Los Angeles County Employees Association (LACEA) competed for membership. LACEA won the right to be on the "Librarian" election ballot in a hearing before the County Employee Relations Commission (CERCOM).

There were two classes of voters in the election: librarians and library assistants (library assistants were considered nonprofessional according to the County Employee Relations Ordinance definition). The three issues on the ballot were: (1) Should LACEA be designated as the library's negotiating representative? (2) Should library assistants be included in the librarians' unit? (Only librarians could vote on this issue.) (3) Should "no" organization be designated as the certified unit?

There was an estimated turnout of over 70 percent of those eligible to vote—60 percent was necessary for the election to be valid. A strictly supervised secret ballot election was held under the auspices of the County Registrar of Voters. The unit chose LACEA as their certified "bargaining" representative by a vote of 234 to 33. The professional librarians voted 110 to 37 to include the class of library assistant in the librarians' unit.

Early in 1970 the work of hammering out the first union agreement with the Los Angeles County Librarians Unit began in earnest. The major point of contention during the long months of negotiations was premium pay for overtime. Finally, in November 1970, the first Memorandum of Understanding (MOU) was signed. It was ratified by the Board of Supervisors on November 17, 1970, with the stipulation that the subject of overtime be submitted to factfinding. This issue was resolved, at least for the 1970/71 fiscal year, in February 1971 with the signed understanding, following the factfinder's recommendations, that:

Not withstanding the provisions of Article IX of the Memorandum of Understanding for the Librarians Unit, employees on the payroll as of November 17, 1970 will not be required to work on Sunday, except where such Sunday work exceeds their regular 40-hour week, and on such occasions the employees shall be paid the premium rate for such Sunday work. Employees who may volunteer to work Sunday as a part of their 40-hour week will not receive
such premium pay. Any person who has sincere religious conviction will not be compelled to work hours prohibited by his religious belief.⁴

Former County Librarian, William S. Geller, in recounting the development of the union, said, “California librarians could take a perverse pride, in that formation of the County Library bargaining unit was probably the most intransigent, bitter and longest ‘argument’ of all 50 units in Los Angeles County.”⁵ It was the last of all the units to reach agreement, a posture which caused county management to develop a new image of librarians as assertive and aggressive—much to their surprise.

LEGISLATION

FEDERAL

President Kennedy signed two Executive Orders on January 17, 1962 in response to recommendations by the Task Force on Employee-Management Relations in the Federal Service. As Ann Holland states: “Executive Order 10988, ‘Employee-Management Cooperation in the Federal Service,’ and its sister order Executive Order 10987, ‘Agency Systems for Appeals from Adverse Actions,’ have ushered in a new era in employee-management relations in the Federal service as the first major policy change in fifty years.”⁶ Executive Order 10987 recognizes that it is in the public interest to provide safeguards which protect employees against unjust adverse actions, and that prompt reconsideration of protested decisions will improve employee-management relations and promote the efficiency of the service.

Executive Order 10988 proclaims that “participation of employees in the formulation and implementation of personnel policies affecting them contributes to effective conduct of public business,” and that “the efficient administration of the Government and the well-being of employees require that orderly and constructive relationships be maintained between employee organizations and management officials.” The order further proclaims the right of federal employees to organize.

After several years of implementation under Executive Order 10988, dissatisfaction with the order and its interpretations by federal agencies increased as collective bargaining units and agreements spread among federal employees.⁷ In September 1967, President
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Johnson appointed a panel to study the operations of Executive Order 10988. The panel was to review what the program had accomplished and in what ways it was deficient.

The report of the review panel, although never released officially by President Johnson, was issued in draft form as part of the 1968 annual report of the U.S. Department of Labor. The report contained nineteen recommendations designed to respond to complaints raised during the public hearings and to influence the course of the federal labor relations program.

Most of the recommendations of the review panel were accepted by a cabinet-level group established by President Nixon and were eventually incorporated into Executive Order 11491, effective October 29, 1969. The main changes in Executive Order 11491 were: (1) the removal of authority from the agency head, (2) an attempt to standardize the federal labor-management relations system, and (3) a closer conformity of the system to that in the private sector.

STATE

Executive Order 10988 was issued in 1962 and had a noticeable impact on state and local government. By the mid-1960s,

several states began to enact laws that showed the distinctive influence of the federal model provided by Kennedy's order. The overwhelming majority of state statutes pertaining to public employee relations have been enacted since 1965, and each year brings additional states into the picture, either through amendments or enactment of new laws.8

The need for determination of state policy with regard to public employee labor relations is clear. The rise in union membership and in union militancy and strikes suggest that the need for policy response exists in all of the states. State policy is needed, preferably before the problems become more acute. In the absence of legislative guidelines, some administrators have entered into bargaining arrangements which most experts would consider unwise.9 Because of their naïveté, they have permitted an unusually broad scope of bargaining, which may interfere with their abilities to manage. Most authorities agree that the preferred solution would be a set of guidelines developed after careful study by each state legislature for its specific situation.

There are currently forty-two states which have enacted some sort
of law requiring or permitting either negotiations or consultation between governmental authorities and public employee unions. There are basically two policy responses that a state legislature may consider: (1) to adopt legislation for recognition without bargaining, generally known as "meet and confer" legislation; (2) to adopt legislation authorizing and regulating collective bargaining.

The California public employees relations law is the Meyers-Milias-Brown Act, first effective in January 1968. The stated purpose of this legislation is as follows:

... to promote full communication between public employers and their employees by providing a reasonable method of resolving disputes regarding wages, hours, and other terms and conditions of employment between public employers and public employee organizations. It is also the purpose of this chapter to promote the improvement of personnel management and employer-employee relations within the various public agencies in the State of California by providing a uniform basis for recognizing the right of public employees to join organizations of their own choice and be represented by such organizations in their employment relationships with public agencies. Nothing contained herein shall be deemed to supersede the provisions of existing state law and the charters, ordinances, and rules of local public agencies which establish and regulate a merit or civil service system or which provide for other methods of administering employer-employee relations nor is it intended that this chapter be binding upon those public agencies which provide procedures for the administration of employer-employee relations in accordance with the provision of this chapter. This chapter is intended, instead, to strengthen merit, civil service and other methods of administering employer-employee relations through the establishment of uniform and orderly methods of communication between employees and the public agencies by which they are employed.

The Meyers-Milias-Brown Act is a "meet and confer" law; California is the largest state with it and operates without a labor board. Other provisions of the Meyers-Milias-Brown Act are that it does not contain a strike prohibition and it requires a sharing of costs between the parties for mediation.
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“MEET AND CONFER” v. COLLECTIVE BARGAINING

Although most states, when determining positive policies in public employee labor relations, have opted for a full collective bargaining approach, some solid support exists for the “meet and confer” relationship. “Meet and confer” refers to a formalized relationship between organized employees and public management whereby the employee organization is guaranteed the right to present viewpoints to public management, and management in turn has the duty to listen. Decisions in the area of terms and conditions of employment cannot be made legally without prior consultation with labor organizations. The final decision is unilateral on the part of management, however, and is not an agreement between the parties.

As indicated previously, California is a “meet and confer” state. Legislation establishes procedures under which the employee representatives are determined. Once chosen, the representative has certain rights. The public employer is forbidden by law to change wages, benefits or working conditions without first consulting with the employee representative. If agreement is reached during this process of consultation, the two parties can put their agreement in writing. The agreement or Memorandum of Understanding is not effective, however, until the legislative body acts by statute, ordinance, or resolution on subjects requiring legislative action.

“Meet and confer” can give employees an effective voice in the determination of conditions of employment, particularly if they have an effective political voice that assures them of legislative consideration. “Meet and confer” also satisfies those who believe that collective bargaining undermines the prerogatives of management.

Unions normally dislike this approach, believing that when they sit down across the table from management, they should have powers equal to those of management. The right of petition is not the same as the right to bargain. It takes two to bargain, but only one—management—to make decisions following consultation. The unions therefore reason that as long as employees are supplicants they are in a second-class relationship. Because of union dissatisfaction with “meet and confer,” it can be anticipated that unions will continue to press for full bargaining status. It is therefore advisable to give some thought to the possible temporary nature of the “meet and confer”
relationship. It might be considered as an initial stage in union-management relations. In this case, it is advisable to avoid setting up conditions which might have to be undone if the relationship were to change to collective bargaining.

Collective bargaining implies bilateral decision-making. Union and management discuss terms and conditions of employment, and they must agree to the same conditions. The union voice in bargaining is as strong as that of management. A union refusal is just as final as a management refusal; either party has the power of veto over any proposal.

Management is typically more comfortable in a unilateral decision-making posture. It is much easier to direct someone what to do than to sell him on the merits of the case. It is comfortable to know that once a decision has been made, one has the authority to implement it. With the advent of the unions and collective bargaining, however, management can no longer follow the typical textbook approach to decision-making about the determination of terms and conditions of employment. The union wants to assist with decisions even though no assistance has been sought.

Although it is often difficult for management to adjust to sharing the decision-making process, it is possible and it must be done. After all, management engages in bilateralism in many other decision-making areas. For example, buying property, equipment, or books are typically negotiated decisions: bargaining takes place between buyer and seller before a decision to purchase is final. Other examples are the increasing community involvement in the decision-making authority in the urban areas, and the student involvement in the academic sector. The problem then, is management's understandable unwillingness to surrender historical rights and to bargain bilaterally.

Management rights clauses are present in both private and public employment. Executive Order 11491 provides that all agreements shall state that the responsibility of management officials for a government activity requires them to retain the right, in accordance with applicable laws and regulations, to: (1) direct its employees; (2) hire, promote, transfer, assign and retain employees in positions within the agency, and to suspend, demote, discharge, or take other disciplinary action against employees; (3) relieve employees from duties because of lack of work or for other legitimate reasons; (4) maintain the efficiency of the government operations entrusted to them; (5) determine the methods, means and personnel for conducting such operations; and (6) take any necessary action to carry out the mission.
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of the agency in situations of emergency. In a bargaining situation, management must be prepared to present its demands; the union always presents its demands. Management may wish to have work practices changed or policies implemented that may be subject to bargaining. John A. Hanson has said that "collective bargaining is a two-way street, with management having as much right to make demands as the union." Management should take a positive position in asserting its demands. Regardless of management's feeling about the collective bargaining process, it is essential that management prepare for and deal with it in a way which recognizes the right of employees to organize and bargain collectively, and which represents management effectively and retains its right to manage.

DETERMINING THE BARGAINING UNIT

Collective bargaining and "meet and confer" statutes provide for determination of bargaining units. A bargaining unit is a group of workers in a public agency who are represented by one union or eligible to be represented by that union. Unit determination is among the most difficult tasks in public employee labor relations. Decisions about the inclusiveness of a bargaining unit—the group of employees to be represented by one union under one contract—can be crucial.

Essentially, a bargaining unit should be limited to those groups which have a community of interest in decisions concerning their employment. For example, many laws, including the National Labor Relations Act, forbid the grouping of professionals with nonprofessionals unless the professionals vote for inclusion. It is most difficult to determine the scope of a bargaining unit in a typical government agency because of the wide variety of employment classifications, the many diverse services and functions, and geographically dispersed operations. By contrast, the decision is comparatively easy in private industry since the typical factory usually produces one or a limited number of products.

There are some categories of employees which are restricted from union membership because of the confidential or other special nature of the duties. Examples of these employees who are excluded from a bargaining unit are personnel or industrial relations employees, confidential secretaries and assistants, administrative employees, and supervisory employees.

Determination of the appropriate level of supervision that should be excluded from the bargaining unit is extremely important to
management. It is generally accepted that, if supervisors are loyal to the organization, their loyalty to the employee is compromised. Supervisors who are excluded from the bargaining unit which includes their subordinates are those whose duties differ from the duties of subordinates and include the rights to recommend hiring and firing and to handle grievances.

A clear conflict of interest exists, posing many problems for management, between the supervisor's responsibility to perform the management function with regard to the employees and the maintenance of discipline, and membership in a union. If the supervisor is the president of the local union, with whom does the employee file a grievance against the supervisor? Can the supervisor maintain an effective supervisory relationship with a fellow union member?

RIGHT TO STRIKE

Historically, the union's role: "in the private sector has been one of protest—against low wages, long hours, oppressive working conditions. The traditional instrument for protest has been the strike."17 As unions have become better established (often as a result of strike actions), collective bargaining has prevailed and the use of the strike has become more selective, for times when bargaining failed or when agreement could not be reached on the terms of a new contract.

In the public sector, strikes have almost universally been held to be contrary to either specific statute, government policy, or the common law. Various penalties, including mandatory dismissal, fines, and occasionally prison sentences, have been imposed with increasing frequency since 1960.

Despite the sometimes severe nature of the sanctions against striking, strike bans have not been effective. Serious strikes have occurred in states with laws prohibiting strikes and providing for sanctions against strikers and their leaders.18 A number of factors have provoked this disregard of law. In some instances, bargaining agents and leaders have found it in their interest to suffer the consequences of the strike, exploiting the short imprisonment or payment of fines to make themselves "martyrs to the cause." In other instances, there has been no disposition on the part of administrative officers to enforce the sanctions permitted by law. The major factor, however, has been the basic shortcoming in most of the existing legislation: its failure to provide effective legal machinery for the resolution of impasses.

Public employee strikes have occurred and will continue to occur
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with increasing frequency. A table entitled "Summary of State and Local Government Work Stoppages, by State: 12 Month Periods Ended October 1972 and October 1974" shows an increase of total work stoppages in the United States from 382 in 1972 to 471 in 1974. The total number of employees involved was 130,935 in 1972 and 162,115 in 1974; the total number of days of idleness was 1,127,911 in 1972 and 1,404,768 in 1974, representing a 24.5 percent increase.19

There are clearly two opposing views with respect to public employee strikes. Those who oppose a blanket prohibition on strikes in government argue that there cannot be genuine collective bargaining without the right to strike. Without the strike threat, public and private employers alike will realize that they have the upper hand and will not engage in real collective bargaining. Others consider it illogical and inequitable to deny the right to strike to government employees when it is not denied to employees in private industry doing the same work, such as hospital workers, transit workers, printing plant workers, etc.20

Those who support the prohibition against all government strikes do so primarily on three grounds: (1) the fear that the principle of sovereignty will be imperiled by legalizing any strikes in government, (2) the difficulty in differentiating between essential and nonessential activities, and (3) the belief that the strike is an economic weapon which, in government, is not matched by countervailing power normally available in private industry.

Regardless of which view is more correct or appropriate, public employee strikes are extremely costly and inconvenient. They affect the delivery of services provided through a public agency and create a distortion of the political process, a major long-run social cost. The distortion results when the union obtains too much power (relative to other interest groups) in decisions affecting the level of taxes and the allocation of tax dollars.21

In the event of a strike or work stoppage, public managers should attempt to reduce the vulnerability of the public employer. The strike should not be feared, but should be dealt with as positively as possible, with management analyzing the most effective ways of maintaining services while employees are away from work.

The first things management should consider are the various ways in which the effect of strikes by public employees can be mitigated. Careful contingency planning must be done. While there are limits to what can be accomplished through planning, certain things can be done, such as determination of emergency traffic patterns and park-
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ing facilities to offset some of the consequences of a transit strike. Contingency plans to use neighboring hospitals may prevent disasters during a hospital strike. Automating the most critical functions before a dispute occurs can reduce the impact of a strike enormously. For example, many utility strikes today are hardly noticed by the public because automation permits continued service. Another approach to lessening the impact of strikes deserves consideration. It seems evident that emergencies, and most severe inconveniences caused by strikes, can be avoided by partial operation of the struck facility. The goal of any partial operation scheme is to ensure performance of those functions essential to health and safety and the avoidance of severe inconveniences. This condition of limited services would also apply pressure to both the government and the union to settle.

Many library directors have had the experience of developing a contingency plan or a plan of operation in the event of a work stoppage. These plans are usually based upon certain management and supervisory personnel carrying out only very limited public service functions. All other library functions would cease for the duration of the work stoppage.

PRODUCTIVITY

The concept of work productivity is still an unpopular one to most people. A Harris poll conducted for the National Commission on Productivity "shows that 70% of the public believe that productivity gains benefit stockholders 'a lot,' but only 20% believe it benefits employees." Actually, the word productivity, with its emphasis on products, is probably a misnomer today. More than two-thirds of the nation's work force is engaged in performing services rather than in producing goods, and the percentage of workers employed on the production assembly line is less than 2 percent of the total work force. In government, the percentage of those employed in services is certainly higher than the national average. Perhaps a more apt definition would include the concepts of improved managerial and employee performance and more effective delivery of service.

As dramatically shown by the New York City fiscal crisis, this is a period of escalating costs, increased taxes, steady wage increases; there are a broadening of benefits and creation of new ones, and a trend toward public employees retiring earlier and living longer (with consequent strain on pension funds). At the same time there is
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“taxpayer revolt” over the impact of these trends on their pocketbooks. There are growing complaints about the services rendered, and widespread feelings that government at all levels is doing too many things poorly and at too high a price.24

How can these attitudes and conditions be changed while coping with shrinking budgets? It can be accomplished through an analytical approach to productivity with emphasis on reorganization, computerization, procurement of new and improved equipment, scheduling changes, project management, budget reform, assignment of productivity targets and posting of periodic progress reports. Massive efforts are being undertaken throughout the country; if these are to be truly effective, however, they must involve organized labor-management relationships.

Improving employee performance will not be easy. As government units grow larger, the distance between the public employer and the individual employee increases. This contributes to alienation, frustration, and a feeling of being ignored and unappreciated. Since all change is unsettling and usually resisted, a successful productivity program requires the involvement of employees and their acceptance of the soundness and fairness of the approach.

A spokesman for the AFL-CIO has charged that “the most fundamental obstacle to real advances in public sector productivity gains has been the resistance of public employers to accept true collective bargaining.”25 Public management has held that it has an inviolate prerogative in directing the work force and in establishing conditions of employment. Proponents maintain that true collective bargaining brings about an understanding and cooperative attitude between employers and employees. Such an attitude establishes the appropriate climate for discussions on productivity.

Productivity bargaining is an element in bargaining dealing with methods for improving productivity. This may involve changes in traditional occupations, work jurisdictions, job rights or established customs. These become very sensitive areas since work patterns develop a certain tradition and become institutionalized as established practice. In Los Angeles County, after a five-year battle in the courts, the Joint Council of LACEA and Eligibility Workers Local 535 have made a significant breakthrough on the “past practice” issue. The 1975/76 Memoranda of Understanding with the Child Welfare Workers and the Eligibility Workers units contain, for the first time, clauses relating to caseloads. These clauses limit management’s ability to assign caseloads and adjust workload.26
Another major difficulty to overcome if productivity bargaining is to be effective is the basic difference in approach to productivity held by management and by labor unions. Management typically views increased productivity as an alternative to service cutbacks and higher taxes. In a recent report to the Los Angeles County Board of Supervisors, Harry L. Hufford, Chief Administrative Officer, cites a policy statement, in which the Committee for Economic Development called upon politicians, public managers, unions and citizen groups to make better performance a political issue and driving force behind the operations of these government organizations. In view of prevailing financial situations, which can be characterized by an excess of program requirements in competition for limited dollar resources, the mandate to government managers to accelerate and expand productivity efforts is clear.

Conversely, the union position is strongly opposed to productivity bargaining as a budget reduction device. They feel that any gains resulting from productivity improvement must be shared. Unions believe that the worker should be in a position to recommend productivity improvements and that the motivation to do so would result from the knowledge that he or she will share in the savings. Unions do not advocate pay incentive systems, however, but rather seek to establish programs attuned to the needs and aspirations of the workers. Such proposals would include job enrichment programs aimed toward making the job more interesting, challenging, rewarding, or convenient. Frequently where job enrichment programs have been emphasized, increased productivity results even if productivity had not been one of the stated goals of the program.

How, then, can these two viewpoints be reconciled? Unfortunately, not all points at issue may be totally resolved and it is realistic to anticipate that new problems will replace old ones. Nevertheless, it appears that improved management skills and training in work simplification and measurement can provide substantial relief to the problem.

Hufford's report to the Board of Supervisors, mentioned earlier, recommends a productivity enhancement program in three areas:

1. Productivity measurement,
2. Productivity awareness and training,
*Appendix 2 of the report graphically displayed labor productivity index of the Los Angeles County Library System. It showed that library productivity increased an average of 3.7 percent/year for the three-year period from 1972 to 1975. By comparison, productivity increases in U.S. private industry have averaged 3 percent/year since World War II. The library productivity index shows an uptrend, which demonstrates improvement and it establishes a basis for future evaluation.
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ing at the supervisory and managerial level, and (3) work simplification and system improvement. The program is to be carried out by productivity review teams, which will employ survey techniques, specialized training and workshops, and employee and customer attitudinal surveys to accomplish the following:

- Improve basic management skills, with particular reference to productivity improvement and work simplification. Performance evaluation skills will be strengthened to define levels of expectation, improve standards of evaluation, and handle productivity-related disciplinary problems, such as absenteeism and tardiness.
- Identify targets of opportunity, that is, bottlenecks, methods problems, or opportunities for cost reduction, and assist the department in correcting them during the survey.
- Establish or refine productivity indexes and quality indexes.
- Establish measure of program effectiveness and customer satisfaction.

The program is designed to improve productivity in the departments being studied and (ideally) to save money.

IMPACT ON PERSONNEL FUNCTION

The foregoing discussions on strikes and work stoppages and productivity have suggested the negative impacts on budgets and on service to users which can result from collective bargaining. The financial impact is obvious. The increase in wages and fringe benefits caused by aggressive union activity through the years has had a strong impact on city and county treasuries across the nation. The negotiations process is also extremely costly in terms of time spent in consultation, preparation, negotiation and the grievance procedure. A union attempting to gain popularity, for example, will defend everyone in a grievance action no matter how illogical or unjustified the grievance may be. Disciplinary problems will be carefully watched by unions, and members will be defended by union attorneys. Union membership will be considered by the individual employee in certain classifications as more important and more protective than civil service status.

Various institutional procedures related to the personnel function are being challenged. Chief among these are the historic civil service system and “merit” pay increases. Merit increases are believed by the unions to be based on subjective standards. This accusation is difficult to deny, and the result is that merit increases are frequently replaced.
with across-the-board increases in each bargaining unit. The union philosophy is that promotion should be based upon seniority rather than on merit or performance.

Recruitment and selection techniques are carefully scrutinized by the unions. If these techniques and procedures are not of the best quality, union activity can be a healthy force for change, requiring local governments to undertake some basic reexamination of elementary, but neglected, matters.

Performance evaluations or efficiency ratings and position classification are also controversial matters which are of concern to the unions. Civil service has come to be identified with the employer, even though its original purpose was to protect employees from the employer. Thus, the many challenges by employee organizations of personnel practices typically the responsibility of the civil service system tend to erode and curtail the authority of civil service. The adversary relationship between the union and management in libraries with sound adequate personnel policies will be less strained than in those libraries having outmoded, sloppy personnel practices.

SCOPE OF PROFESSIONAL NEGOTIATIONS

Professional negotiations sometimes present a problem unique to the public service. Frequently, professionals such as teachers, nurses, social workers and librarians seek to extend the scope of bargaining beyond a point recognized in industry. School teacher organizations often attempt to negotiate what boards of education consider to be policy matters. The teachers argue that many so-called policy decisions affect their conditions of work, and that as professionals they have a significant contribution to make in determining policy issues. It can be predicted that librarians, as professionals, will use the collective bargaining process to determine institutional policies at the bargaining table jointly with administrators, and that after the contract has been signed, both sides will carry out their part of the provisions under the contract.

FUTURE TRENDS

This article has described many facets, conflicts and problems surrounding the union-management relationship among public employees, with particular emphasis on library employees. In researching the article, certain trends have become apparent; some discussion
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of the future direction of public employee labor relations is therefore warranted at this point.

Public employee unions will continue to increase in membership. The extent of future organizing gains in the public sector will vary according to occupation. For example, because of the demand for health services and the number of persons employed in these occupations, many unions will concentrate on the health service occupations. Conversely, only limited increases will occur in public education because of the already high degree of organization by professional associations.

The scope of bargaining in the public sector will continue to widen in future years. As the parties get accustomed to each other and become more sophisticated in the techniques of the bargaining process, more topics will be negotiated. Decisions affecting professional employees pose new problems for unions and public employers alike. Some formal procedure may be developed to allow professional employees a voice in important decisions. Collective bargaining will continue to expand among unorganized public employees. Where collective bargaining has already been instituted, the pace will intensify.

The need for more expertise and training in employee relations must be stressed. Management must develop skills in labor relations if other leadership efforts are going to be effective in daily operating situations. If reasonable union-management harmony is to prevail, means of reducing the effects of the adversary relationship must be found. It is not possible to generalize on how this can be accomplished. The key is in the attitude of the parties toward each other—a condition which varies from one agency to another. This condition can be as simple or as complex as good interpersonal relations.

References


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30. Ibid.
34. Moskow, op. cit., p. 288.
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