

EdAd 636 -- LECTURE NOTES

TOPIC #7: COLLECTIVE BARGAINING

- I. Intro: Collective Bargaining (& federal equity legislation) --- biggest impact(s) on personnel since 1960's; Collective bargaining is BILATERAL AGREEMENT re: salaries, working cond's, etc. of EMPLOYEES (NOT a document about KIDS)**
- II. History**
- 1935-- NLRA (Wagner Act) --private sector bargaining
 - 1959 -- State of Wisconsin -- first state to enact public sector bargaining legislation
 - 1962 --AFT allows to represent NYC teachers after strike action --- gained right to bargain collectively
 - 1962 -- Presidential Order #10988 -- gave right to bargain to federal employees
 - by 1980, 32 states had C.B. laws (tho some "permissive" legislation rather than mandatory
 - currently 36 states +D.C. have some sort public sector bargaining laws
 - teachers are currently the largest unionized employee group in the country
- III. Impact of collective bargaining on education (see Eberts & Stone also)**
- A. Permeates nearly ALL aspects of personnel processes due to negotiation on salary & working cond's
 - B. Research results are mixed because of difficulty of controlling extraneous variables, but...
 - C. Most researchers suggest that unionization has favorably impacted teachers' salaries, especially during 1960's. Covariation of:
 1. increased unionization
 2. higher salaries
 3. more men in profession
 - D. Unionization tends to increase class size (tho some data to the contrary)
 - E. Unions are credited with decreasing instruction time, but increasing prep time
 - F. Unions are credited with increasing experience & education levels of teachers
 - G. Often creates more adversarial dynamic between teachers & administrators/board (may be better approaches--e.g. synergistic approaches; Kerchner & Mitchell 3rd generation of bargaining)
 - H. less management flexibility
 - I. increased bureaucratization of system
- IV. Future of collective bargaining**
- A. blue collar, private sector unionization has declined while white collar/public sector unionization has increased
 - B. dilemma for professionals who like high degree of autonomy --- are they serving the union versus serving management?
 - C. are unions becoming too "expensive"?
 - D. do recent participative decision-making or site-based management initiatives undermine the strength of unions?
 - E. AFT versus NEA? Who shall dominate?
 - F. does NEA (as lobbying organization) truly represent its constituents?
 - G. 3rd generation of bargaining? (Kerchner & Mitchell)
- V. Bargaining process**
- A. showing of interest
 1. unit definition--who can be members
 2. unit recognition--NEA/AFT
 - B. bargaining preparation (approx. 9 hrs prep for every hr at table)
 1. identify problems, planning, research

- 2. identify priorities
- 3. prepare proposal
- C. identify ground rules (when & where meet, closed or open sessions, press releases, etc); legislation may identify mandatory, permissive, and non-negotiable items (mandatory are salary and working conditions)
- D. bargaining begins
 - 1. rules about who may speak
 - 2. each side presents extreme solutions in contract language
 - 3. closed issues may not be reopened--if you omit you lose
 - 4. union presents, district challenges, then vice versa
 - 5. other non-speaking members use body language, pass notes
 - 6. both sides may hire professional negotiators; team membership varies
- E. either get a settlement or go to impasse
 - 1. if impasse then procedure guided by state legislation
 - a. mediation &/or fact-finding--professional mediator comes in to try to help the two sides come together--do not have authority to make them agree to terms
 - b. arbitration (binding versus non-binding)
 - (1) newer procedures
 - (a) med-arb (combine mediation & arbitration into one step) or
 - (b) final offer arbitration--each side presents last, best offer because arbitrator must choose single best package in entirety
- F. STRIKE (illegal, but some states' laws do not provide heavy sanctions)

- VI. Traditional versus Alternative Negotiations methods (see overhead/handout)
 - A. purpose of traditional ("to win or get settlement") versus
 - B. purpose of alternative ("to solve problem(s)")
 - C. both parties must mutually decide on which process to use because rules/expectations are so different
 - D. correlation between process & success (Tozer, 1980); success when...
 - 1. process conducted on professional basis
 - 2. process conducted with mutual respect
 - 3. process conducted within limitations of board
 - 4. no grievances
 - 5. no impasse
 - E. situational factors which influence choice of process
 - 1. climate between district & association (if bad, don't do alternative approach)
 - 2. power bases (if power differential, can't choose alternative approach)
 - 3. relationship in past
 - 4. environmental factors -- e.g. money available, other contracts being negotiated in area, etc.
 - 5. mutual needs, interests, & goals
 - 6. how much time do you have?
 - 7. constituent support & public sympathy
 - 8. organizational characteristics --- e.g. structural, political, cultural/symbolic, & human relations (Bolman & Deal)