

Media Relations

Collective Bargaining Expert Available To Discuss Unions

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DURHAM, N.H. -- Todd DeMitchell, professor and chair of the Department of Education and the Lamberton Professor in the Justice Studies Program at the University of New Hampshire, is available to discuss public unions, collective bargaining, and trends in organizing public-sector workers.

DeMitchell bargained for school boards in California where he was both a teacher and a school administrator. He teaches public-sector collective bargaining in the school administration program at UNH, and he is the author of "Labor Relations in Education: Policies, Politics, and Practices" (2010). He also is union member at UNH, which has collective bargaining.

Below is a commentary by DeMitchell about the current issues regarding public unions:

Money, Power, and Relevance: The Wisconsin Budget Repair Act

It is possible to see the drama of thousands of workers, many with their children in tow beating drums and carrying signs, with legislators walking through the gauntlet with counterdemonstrators chastising the demonstrating teachers, as a struggle over money, power, and the relevance of the public-sector union.

Wisconsin Gov. Scott Walker casts the argument as repairing the budget and addressing the deficit, while for many the subtext is the need to loosen what they characterize as the stranglehold of unions and their self-entitled and privileged workers. They argue that the taxpayers' pocket books must be protected from the avarice and voracious union bosses who want to protect their privilege.

However, union leaders and their rank and file members, such as classroom teachers, and other supporters, believe the governor and the state's Republican Party exclaim that the real goal is to bust their union and that the worker will be left without protection from the will and whim of the employer and they will be turned out of the middle class. They believe that they are being unfairly targeted as the reason for the economic recession and assert that their contracts are bilaterally negotiated and not unilaterally forced on the public. The irony that this is happening in the first state to allow for public-sector collective bargaining is not lost on either side: how can this happen here and it is about time bookend the controversy.

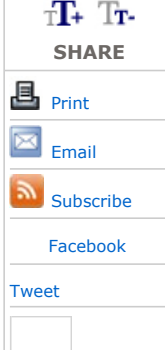





All About Money

Both sides are right. The controversy is about money. The governor's policy would address the budget shortfall by compelling targeted public employees with paying a greater share of their benefits and their retirement contribution. The unions have agreed to the changes.

Collective bargaining is always about money. Management tries to balance how little it can pay and still attract and retain the right workforce. Unions represent the self-interests of employees who want to maximize the pay they receive for their labor. Both sides pursue legitimate ends. This is the essence of private or public-sector collective bargaining, an employee asking for a raise, or a corporate executive seeking a pay raise, enhanced benefits, and perks such as expanded business expenses to cover the use of their car with their board of directors. There is a conflict of interest between management and labor, and there is a community of interest between the parties. The conflict drives bargaining, and the community allows for resolution.

Limiting Collective Bargaining

However, the Wisconsin governor has gone further than just money while trying to repair the budget. The governor wants to limit public-sector bargaining to just wages, with a requirement that any raise over the

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consumer price index must be referred to the voters on a referendum. In addition, the governor wants to force the union to have a certification election every year, allow employees who benefit from the collectively bargained contract to not pay a fee for the work performed on their behalf, ban the public employer from collecting the dues of the union members, and the legislation would eliminate all collective bargaining for employees in the University of Wisconsin System. The question is how do these acts repair the budget. Since the police and fire unions are exempt from many of these restrictions is the argument that public-sector unions undermine the economic viability of Wisconsin, or does it mean that only specific unions undermine the long-term economic health of the state?

The answer lies with power. If the governor can break the power of the union by severely limiting bargaining to only wages the union will have no ability to influence the working conditions, a staple of union successes, and benefits which would be entirely the province of the school district. The relationship between wages and benefits would be severed even though unions are often forced into tradeoffs of pursuing wages or benefits. The legislation also tries to negate the relationship between wages and benefits in that the increase of salary automatically translates into increased benefits. If a union must hold an election each year, the apparent hope is that it will be too much of a hassle for the union members and it will die a death that would be laid at the hands of the workers.

While appealing to the American sense of freedom, the argument that teachers and other public employees are compelled to join a union is inaccurate. Closed union shops are illegal. Where unions have gained the right through bargaining with the public managers of assessing agency fees in which members of the bargaining unit must pay the cost of bargaining through a fee or join the union, the budget repair essentially outlaws the practice. Unions are required to provide fair representation to the members it represents without regard for whether the employee is a union member or not. Employees who do not support the political agenda of the union may opt for the agency fee, which does not include that portion of dues used for political activity. The relationship between the individual paying for a benefit provided by another and the cost to the public seems so slight as to be inconsequential. If it does not repair the budget, what does it do except for eliminating the concept of fairness providing for free riders who gain benefits on the work of others and paid for by others?

Real Motive: Reducing the Power of Unions

Reducing the power of unions appears to be the underlying rationale for Gov. Walker's Budget Repair Act. While Governor Walker stated, "We must take immediate action to ensure fiscal stability in our state" does the elimination of all bargaining rights of the employees of the University of Wisconsin, family child care workers, and home health care workers balance the budget now and into the foreseeable future? Since these workers have been able to bargain in the past is the budget crisis laid at the feet of these workers because their managers caved into their unreasonable demands? Legislating away the traditional bargaining subjects of benefits and working conditions may implicitly assume the position that public managers at the bargaining table are unable to say no to the union proposals, even when "no" should be the answer to the proposals of the union.

The relevance of public-sector unions is called into question in the first decade of the 21st century. Republican governors and legislatures across the nation have sounded the trumpets to rally the public against the public employee and its union. Can a public-sector union, the largest unionized workforce in America, remain relevant? Two questions arise from the retrenchment in Wisconsin and potentially other states such as Ohio in which the Senate passed (March 2, 2011) Senate Bill 5 to curtail the bargaining rights of public employees. First, can public-sector unions maintain their ability to provide a voice and a buffer for public employees or will public employees return to the conditions of employment that existed prior to collective bargaining in which they worked at the pleasure of the employer? Second, will the voice of the union which speaks for the workers be reduced or eliminated so that the only the voice of the employer remains in the public sphere? Some are concerned that an irrelevant workforce represented by a union will be weakened as a counterbalance to business interests who lobby government for their political purposes. Gov. Walker's legislation appears to take the position that public-sector unions must be rendered irrelevant.

The legislation in Wisconsin is not entirely alone in trying to diminish the power of unions and in places to eliminate collective bargaining. While the latter half of the 20th century witnessed governors and legislatures pass laws allowing public-sector collective bargaining, there has been a retrenchment, a pulling back of the reach of unions. For example in 1994, Governor Engler of Michigan signed a law that expanded the list of subjects prohibited in bargaining and allowed school boards to implement their last best offer. Oregon, a year later, passed legislation that reduced the number of mandatory subjects of bargaining. The governor of New Mexico in 1999 vetoed an extension of its public-sector collective

bargaining law. And in New Hampshire the Legislature has rolled back the Evergreen Clause keeping the collectively bargained salary schedule in full force and effect even after the contract has expired.

Emerging Pattern

Wisconsin is part of an emerging pattern of states pushing back the power of unions and the voice of the employees. Public-sector collective bargaining laws were typically passed to foster harmonious relations between the public employer and its public employees who provide a governmental service. Will the reduction of union power, and its elimination in some instances, foster harmonious relations? Or is harmony in the workplace no longer the goal? The public employer will face the real challenge of retrenchment. In the new power relationship will the employer seize the moment to keep or improve the relationship with its employees or will it grab the opportunity to impose its will on those employees.

Labor relations must adjust to the changing social and economic environment. This requires both labor and management to find common ground, to accept the conflict of interests and to expand the community of interest.

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