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ABSTRACT

ORGANIZING FOR COLLECTIVE BARGAINING IN
MICHIGAN EDUCATION; 1965-1967

by Charles T. Schmidt, Jr.

Problem

In July of 1965, Michigan's legislature enacted revised public employment collective bargaining legislation which substantially altered the employer-employee relationship in governmental jurisdictions. One of the seriously affected divisions of government so changed was public education, especially school board-teacher relationships.

This study attempts to identify the significant variables, actions, events, processes and actors which contributed to the massive, quick and effective organization of Michigan public school teachers (and other public school employees) for the purpose of collective bargaining during the two year period from July, 1965 to August, 1967.

The study is divided into three parts including (1) The legal and political background leading to the required environmental requisites for revised legislation as well as the organizational dynamics which were activated to achieve the desired changes; (2) A descriptive analysis of the historical developments, internal organization, leadership profile and evolving collective bargaining positions of the principal Michigan educational organizations; and (3) The results of teacher organization drives for exclusive representation including quantitative data on the structure,

characteristics and methods of determining educational bargaining units as well as comparative case studies of teacher organizing drives.

Methodology

No one methodological approach could capture the variety of sources of data tapped to complete the study. Methodology was therefore developed and used which in the author's opinion best suited the sub-section or micro sub-section under investigation. Basically, the methods include legal, library, and archive search, personal interviews, mailed questionnaire responses, personally administered questionnaire responses, study of tapes, legislative hearings and reports, meetings, personal correspondence, case studies and personal observations. However, the central methodological approach must be considered fundamentally historical-institutional in character not simply to recite an historical chronology but to explain both the evolution of present institutions and institutional arrangements and to aid in predictions of future developments and comparative analyses. The data analysis and questionnaire surveys are considered supplementary sources of information otherwise unavailable and which provide an additional dimension to the historical-institutional framework.

Finally, the scope of the study is of considerable depth and detail for two reasons: after only two years it is neither possible nor necessarily desirable to separate the meaningful from the irrelevant, the incident from the trend; and second, it is mandatory to preserve for others and for history as much of the original record as possible.

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Major Findings and Conclusions

There is no doubt that the efforts to organize for the purpose of collective bargaining in Michigan education have been highly successful from the general point of view of the employee organizations, although, obviously, some employee groups are more satisfied than others.

To achieve the legal protection required for effective organization, a combination of political, organizational, resource and leadership factors were required. In this process the Michigan Labor Movement exercised a decisive role, both as an institutional force and in supplying the leadership to the Public Employment Legislative Committee. Further, sympathetic labor relations experts, principally the Mediation Board members and key staff officers were indispensible. However, both of these forces had actively supported legislative change in the past and had been unsuccessful. It was not until the political composition of the legislature was changed to give a Democratic majority that success was possible. Moreover, with the change in legislative control came a change in leadership as well. It is doubtful that Democratic control itself would have been sufficient to effectuate the change if new strong leadership had not been exercised within both the Senate and House. Basically, this phase of the organizing process (achieving the protective legislation) was a labor movement effort. The Education Association was active but ineffective.

However, after the legislation was passed, an entirely different pattern emerged. The earlier Education Association challenge to the particulars of the legislation quickly dissolved, and that organization

quickly focused its members attention upon the desirable features of the new laws. It was prepared to begin intensive organizing and bargaining efforts regardless of which proposals were ultimately supported. This preparation was based upon the assumption that new legislation would be forthcoming that in one way or another would require trained local leadership to quickly organize for bargaining purposes. Further, the organization structure of the MEA was an important part of the MEA's ability to adapt to changing circumstances. Because its Board of Directors could promote policy change in the interim period between representative assemblies, the reaction by the Board was quick and decisive.

Conversely, the MFT did not have the luxury of flexibility. Tied to the AFL-CIO organizationally, politically and philosophically, its appeals to the teachers were not subject to modification as were the MEA's. Whereby the MEA could initiate a militant response when required or alternatively assume a "reasoned" professional posture if the circumstances warranted, the MFT's organizing appeal was rigid. Its legislative and philosophical support was within organized labor, and it had specifically rejected professionalism in order to gain this support. However, as inappropriate as the MFT's response was, it did provide the MEA activists a tangible opponent (a rival in fact or imagination) which could be portrayed, where necessary, as the visible justification for militancy and change in policy and approach.

There is no reason to believe that the background and orientation of the local teacher leadership played a significant role in determining which organization was to represent the Michigan teachers. Insofar as

the teacher organization activist profile represents a reasonable cross section of teacher leaders throughout the state, there appears to be no significant variation between MFT and MEA local leaders. Most activists probably would have supported and led either group, and it was only by the accident of their district of employment that caused them to lead either organization. Of much greater significance is the similarity of their profiles which indicates that the important variables are not the orientations and backgrounds of the local leadership, (or necessarily how dedicated or hard-working they may be) but rather it is the organization, strategy, image and resources of the state level organization and its ability to mobilize these resource leaders that is important. An obvious departure from this analysis is Detroit, whose leadership, image and resources are substantially stronger than the total state organization. The DFT did not and does not need the MFT--other locals in the state did.

The lack of flexibility and inept and non-political response is the central characteristic of the employer organizations and certainly a major cause of their early failures. It is clear, in all three parts of the study, that the public employers in Michigan by their failures to respond politically, administratively or philosophically to changing employment relationships, have learned little from earlier similar experiences by their counterparts in private industry thirty years ago.

Further, the Michigan experience tends to discount much of the hypothesizing that white-collar professionals do not need "unions", will not organize, and will not support militancy. Further, it re-emphasizes

the earlier evidence in the private sector that supervisors will support organizational units formulated to bargain on their behalf if the required protective legislation is effectuated. The Detroit and Hillsdale principal and supervisory units appear certain to be only a beginning.

Finally, the MEA's dramatic, flexible and effective response to changing circumstances should serve as a warning to the hierarchy of the American Labor Movement and a model for their own future organizational responses in the white-collar professional field. However, it may be much too late.

ORGANIZING FOR COLLECTIVE BARGAINING IN MICHIGAN EDUCATION; 1965-1967

by

Charles T. Schmidt, Jr.

A THESIS

Submitted to
Michigan State University
in partial fulfillment of the requirements
for the degree of

DOCTOR OF PHILOSOPHY

College of Social Science

June 1968

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1/15/69

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1968

To Jean, George and Dan; a

sincere thank you.

PREFACE

With the issuance of Executive Order 10988 by the late President Kennedy in 1962, "the first [federal] government-wide official employer policy on collective employee representation" spelled out clearly "the right of employees to organize, to have their organizations accorded official recognition, to be consulted in the establishment of personnel policies and procedures, and, under specified conditions, to negotiate agreements with agency management on working conditions."[1] Given this policy, other [governmental jurisdictions] were forced to acknowledge the inadequacy and inequities in their own legislation pertaining to public employer-employee relations. One of the first to effectuate legislative change was the State of Michigan. In July of 1965, Michigan's legislature passed amendments substantially altering the employer-employee relationship in governmental jurisdictions from one of master-servant to one of equal partnership. Probably the most seriously affected division of government service so changed was public education, especially school board-teacher relationships.

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[1] William B. Vosloo, Collective Bargaining in the United States Federal Civil Service, (Chicago: Public Personnel Association, 1966), p. 2.

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Scope

This study attempts to identify the significant variables, actions, events, processes and actors that resulted in the massive, quick, and effective organization of public school teachers (and other public school employees) for the purpose of collective bargaining in the state of Michigan. The massive scope and speed of the activity can best be illustrated by the fact that over 550 collective agreements for public school teachers were negotiated by January, 1968; the vast majority were achieved during the first two years after the legislative amendments were passed.

The effectiveness of this organizing activity can be studied either in terms of an analysis of the processes whereby teacher units achieved exclusive representation or by viewing the content of the collective agreements subsequently negotiated. This study will be limited to the former approach, an analysis of the attempts to organize for collective bargaining in Michigan education, within about the first two years after the legislative amendments (July, 1965 to August, 1967), although occasional references will be made to later developments when they appear important for clarification.

Although my primary intent is not the scientific test of hypotheses, a basic hypothesis to both questions of effectiveness is: "Collective bargaining in the classical sense, and as generally conceived to be practiced in private industry in the United States, is a satisfactory process for the effective resolution of potential and actual conflict between boards of education and teachers in public education; and, as a process, it can be transferred effectively from the private to the public sector of the economy with little change in procedure and philosophy.

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However, since the criteria for effectiveness are highly subjective and there is far from unanimous opinion or criteria for judging the success of collective bargaining, even in its 35-year history in the private sector, the proof or disproof of the hypothesis lies basically with the value judgments of the reader as he observes the evolution of this admittedly imperfect process.

Further, it is this evolution, itself, that is meaningful, not only as an aid in understanding the developments in Michigan, but as a basis for both prediction and comparative study of similar and contradictory developments in other states. In this sense, then, the study is concerned as much with the formulation of hypotheses as it is with solving them.

The scope of the study is of considerable depth and detail for two reasons: after only two years it neither possible nor necessarily desirable to separate the meaningful from the irrelevant, the incident from the trend; and second, it is mandatory to preserve for others and for history as much of the original record as possible.

Methodology

No one methodological approach could capture the variety of sources of data tapped to complete the study. Methodology was therefore developed and used which in the author's opinion best suited the sub-section or micro sub-section under investigation. Each approach will be explained where necessary, in detail, within the text. Basically, they include legal, library, and archive search, personal interviews, mailed questionnaire responses, personally administered questionnaire responses, study of

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Acknowledgements

Obviously the scope of this study required the help and cooperation of hundreds of individuals who became both directly and indirectly involved. First and foremost were the teachers, school administrators and school board officials throughout the state of Michigan and the spokesmen for their respective organizations, the MEA, MFT, MSBA, MASA and other public employers and employee organizations--all of whom gave willingly of their time and views in answering questions, completing questionnaires, and providing information from their files. Further, this study could not have been undertaken without the encouragement and endorsement of Dr. Ira A. Polley, Superintendent of Public Instruction and the Michigan State Board of Education; Dr. Jack Stieber, Director of the School of Labor and Industrial Relations, Michigan State University; Mr. Robert Howlett, Chairman of the Michigan State Labor Mediation Board and members of the Mediation Board Staff, especially Mr. Hyman Parker and Mr. Robert Pisarski. Additionally, I am grateful to the Industrial Relations Center of the University of Minnesota, Dr. Herbert Heneman, Jr., Director, for making time available to complete the writing of the manuscript.

Also, it was my pleasure as a teacher and my gratitude as a "boss" to have been associated with the following graduate research assistants, students, and student employees who worked under my direction on various parts of the study, many since its early inception: John Hirsch, Jeff Dorans, Richard Clute, Jane Simon, David England, Tom Montgomery, Jim

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Kuccera, Mike Sobocienski, Al Foodym, and Jeff Gates. Without their efforts and perseverance in the examination of dusty files, records, and journals; in the administration of questionnaires and the conduct of interviews; in the coding of data and de-bugging of computer programs, the study could not have been started, much less completed. Moreover, I think we all now consider the project an education in itself.

Finally, I wish to extend a special note of appreciation to my Doctoral Committee for their advice and guidance throughout the many stages of my Doctoral program: Dr. Charles Larrowe, Department of Economics, who served as my thesis advisor; Dr. Donald Olmsted, Department of Sociology who guided me through my course work and examinations; and Dr. William Form, Department of Sociology; Dr. Charles Killingsworth, Department of Economics and School of Labor and Industrial Relations; Dr. Melvin Segal, Department of Social Science; Dr. Bruce Smith, Department of Political Science; and Dr. Robert Scigliano, Department of Political Science.

Rather than apologize to my wife and family for their indulgence during the period of research and writing, I am more inclined to suggest that we were all involved, all interested, and we all profited from the experience.

Obviously, all errors in fact, judgment, omissions and conclusions are mine. The positive features of the study belong equally to all of the contributors.

Minneapolis, Minnesota
June, 1968

Charles T. Schmidt, Jr.

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CHAPTER I

INTRODUCTION

In 1965, the State of Michigan became the third in the Union to enact legislation reforming its laws affecting public employees. It substantially amended Public Act 336 (as previously amended) to guarantee that public employees may freely organize and join employee organizations for the purpose of engaging in good faith, collective bargaining with their employers in the codetermination of their wages, hours, and conditions of employment. Thus, the state declared as public policy these rights for public employees -- rights and protections that thirty years earlier had been declared as national policy for similar, but privately employed, workers in interstate commerce.

An analysis of the organizing and bargaining developments in Michigan education during the two year period after the amended Act was implemented must include an account of both the specific articles (guarantees, prohibitions, intent, and procedures) of the amendments themselves as well as the historical, legislative, and legal developments that led to the revised legislation. Obviously, a key element to this latter analysis is a review of the changing and developing positions of the major organizations, pressure groups, and individuals as they vied for organizational, personal, and political advantage to influence the content of the 1965 amendments. Without this detailed review, it is impossible to understand and interpret the first two year's activities.

Moreover, meaningful predictions for success and failure, both in Michigan and elsewhere, cannot be attempted without a knowledge of all the components of the system; and, although some of these developed after the amendments were enacted, many had their origins in the past. Consequently, a central hypothesis both to this chapter and throughout the study is that the practices, positions, advantages, weaknesses, successes, and failures in collective bargaining in Michigan education during the first two years had their genesis in the past, particularly in the two-year period from 1963-65.

The Law And Its Interpretation

In 1947 the State of Michigan enacted Public Act 336, commonly referred to as the Hutchinson Act, "An Act to prohibit strikes by certain public employees; to provide certain disciplinary action with respect thereto; to provide for the mediation of grievances; and to prescribe penalties for the violations of this Act."[1] The law, based on New York's Condon-Wadlin Act, defined the strike in terms of the individual employed in the government of the State or any branch thereof, and imposed automatic penalties. Violation required termination of employment and abandonment of all benefits including pension rights, unless the employee was later reappointed. Employees could act only through provisions of Section 7 of the Act, which referred to Public Act No. 176 of 1939, commonly called the Bonine-Tripp Act or Labor Mediation Act (LMA); it enabled a majority of the public employees of a "given group" to

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[1]See generally, 20 Michigan Compiled Laws, Annotated, 279 for the provisions of the original Hutchinson Act.

petition the Labor Mediation Board (LMB) for the mediation of grievances. Thus, the Hutchinson Act was restrictive in its approach, and abundantly clear in enumerating what activities were prohibited and what penalties would be automatically imposed for violation.

Basically, however, this act was only a reflection of the common law in which the right of public employees to strike had been emphatically denied, and it represented a public reluctance toward having public servants become involved in labor activities. But, as with any law, its real character was shaped by authorities charged with its interpretation and by the reaction of the public and those affected by it.

Public Act 336 - The Hutchinson Act: Basic Provisions

The Hutchinson Act's prohibition of strikes by certain public employees and provisions for mediation of labor disputes involving such employees was further defined.[1] A strike was "the failure to report for duty, the willful absence from one's position, the stoppage of work, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment for the purpose of inducing, influencing or coercing a change in the conditions, or compensation, or the rights, privileges or obligations of employment."

No public employee could strike or approve of or consent to one or more other employees' striking; the penalty was the termination of his

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[1]Act #336, Public and Local Acts, 1947. This category included all employees of the State of Michigan, in political subdivisions of the State, in the public school service or any public or special district, or in the service of any authority, commission, or board, or in any other branch of the public service (Section 2, Act #336). This and Section 4a, Act #336 also applied to civil service employees insofar as the legislature could control the employment policies of the Civil Service Commission.

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employment and any retirement or other rights attached to such employment. A public employee violating the Act could be reinstated (reappointed) only on the following conditions:

1. His compensation could in no event exceed that received by him immediately prior to the time of such violation;

2. The compensation of such person could not be increased until after the expiration of one year from such appointment or reappointment, employment or reemployment; and

3. Such person would be on probation for a period of two years following such appointment or reappointment, employment or reemployment, during which period he would serve without tenure and at the pleasure of the appointing officer or body.

A public employee discharged for violating this Act could appeal to the officer or body having the power to remove him and if it was determined that the employee had violated the Act, the employee could then petition the Labor Mediation Board for review.

The Labor Mediation Board also was required to mediate disputes involving government employees when a majority of a given group (as evidenced by a signed petition) or a public official in charge requested mediation. Here, the Hutchinson Act and the Labor Mediation Act, Act #176 of 1939 as amended, were interrelated, as the Board was required to exercise the powers granted it in the mediation of other labor disputes. During the course of mediation the Board could make written findings concerning the matters in disagreement and make them public if it felt such action would expedite a settlement. However, the Board would direct the parties to proceed rather than make public findings if the public employer party to the dispute had agreed, prior to mediation,

to the following procedure:

Within ten days the public employer and the petitioning employees, would each select one delegate who would conduct hearings; the parties were required to furnish all pertinent information within their knowledge and control. If a recommended settlement was reached, copies would be sent to both parties, even though such a settlement was not binding on the parties. If they failed to recommend a settlement within twenty days of their appointment, the delegates were required to designate a mediator to aid in the negotiation. If they failed to appoint a mediator within five additional days, the Board would do so, as the delegates were required to make such a request to the Board upon their own failure to act.

This appointee would act as chairman of a mediation panel, whose other members were the two delegates. He would call a hearing within ten days. Within twenty days after the hearing began, the panel was required to send written findings and opinions to the two parties. Again, a majority decision by the panel was not binding on the parties.[1]

Employees were not to be discharged for submitting a grievance under this Act. Any person not a public employee who instigated the violation of the Act could be fined from $100 to $1,000 or imprisoned up to one year, or both.

Hutchinson Act interpretations

From the beginning, public employers looked to the Act as a refuge

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[1]Section 25, Act #176 (as amended). This procedure was spelled out in the 1956 amendments. The delegates appointed by the parties were allowed legal counsel during these proceedings.

from organized labor, for there was no legislative base for union activity. In June of 1948 the first Attorney General's opinion under the Act opened a small area of opportunity for the unions: "...Public officials cannot insist upon mediating grievances directly with employees in their charge. Public employees may, if they so desire, mediate with their superiors through representatives of their own choosing."[1] In this way, a union appeared as representatives of employees who specifically authorized it to act in the mediation of a specific grievance, but not as the exclusive representative of all employees of a given unit. Indeed, the law would not allow those public officials who were willing to act through a union the right to do so. On a request for interpretation, the Attorney General in 1952 issued an opinion that a county road commission is not authorized to enter into a contract with a labor union or to make it the sole bargaining agent of employees.[2] Even the question of whether the "employee representatives" referred to in the 1948 Opinion could be a union was not firmly settled until 1956.[3]

Nevertheless some few public employers did negotiate on an extra-legal basis with unions.[4] The union would seek out the employer, and would ask to discuss not only grievances but also wages, hours, and working conditions. If the employer refused, the union would have one of its local members request an opportunity to be heard at the monthly

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[1]Michigan, Attorney General Opinion No. 662, June 9, 1948, p. 538.

[2]Michigan, Attorney General Opinion No. 1601, November 7, 1952, pp. 66-69.

[3]Michigan, Attorney General Opinion No. 2588, August 14, 1956, pp. 464-466.

[4]Statement by Robert Grosvenor (AFSCME), interview, June 23, 1967.

public meetings of the governing body. The member and his union representative would then argue for pay increases or other terms and conditions of employment. If refused, they would return the next month and in each succeeding month until the employer either stipulated to an "agreement" for a certain length of time or was convincing in his refusal. The agreement might be a commission resolution, a council ordinance, or perhaps simply a "gentlemen's agreement". However, none of these agreements had any legal force. This form of negotiation, which the union has characterized as "collective bargaining", yielded 28 agreements for the Michigan locals of the American Federation of State, County and Municipal Employees by 1957.

The next significant interpretation of the law concerning public employees developed in the teaching field. In 1955, 101 classroom teachers petitioned the Mediation Board for intervention in a dispute involving salaries and other conditions of employment.[1] The Board did intervene, but against the protest of the School District of Garden City. The District took the case to court where the following significant decisions were rendered:

1. Teachers are considered public employees under the Hutchinson Act.

2. The LMB may mediate questions of salary under its authority to mediate grievances since "The word 'grievances' must be read in the statute in its generally accepted sense rather than as defined by usage in some contract cases. We know of no grievance more likely to provoke

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[1]Garden City v. Labor Mediation Board, 99 N.W. 2d 485 (1959).

the sort of dispute which the labor mediation board and P.A. 1947, No. 336, are designed to avoid than those concerning wages or salaries."

3. Supervisory employees--even though they are certified classroom teachers--should not be included as part of the given group for petitioning purposes.

4. The notion of a given group is that of a "unity of interests".[1]

Although this decision allowed for further involvement by a third party in all of public employment bargaining, the mediation process was itself rather unsatisfactory, both in its procedures and in its results. First, it was a cumbersome process, invoked by a majority petition of the particular group of employees or by the public official in charge of them. Members of the group may indeed have had feelings of discontent, but often employees with no legal protections were reluctant to put their names on record.

The mediation process was altered twice in attempts to make it more productive. In 1954, a fact-finding procedure was incorporated in Section 10 of the Labor Mediation Act, with referenced application to the Hutchinson Act.[2] Again in 1956 a more complex variation of fact finding (which was rarely used) was amended to Section 25 of the LMA.[3] The problem may be summarized as follows:

> Many problems arose in the implementation of the legislations. Major parts of it were ignored. Public employee representatives found it difficult and cumbersome to obtain the signatures of a majority of the employees in "any given group" for the purpose of invoking mediation. Upon the filing of a petition, the Board was required to

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[1] Ibid.

[2] Mich. Stat. Ann. 17.455(7)(1960).

[3] MLMA, Section 25, as amended.

> determine if a majority of the employees in the group had signed it. To do so required a request to the public employer for a list of the employees in the unit. The Board adopted a policy of withholding the names of the employees on the petition from the public employer for the protection of the employees signing the petition. This withholding was often resented by the public employer, and the right to withhold this information was challenged in court. The Board's right to do so was upheld. (Benton Harbor School District v. Michigan Labor Board, Circuit Court for Berrien County, Michigan, Docket No. B4241(1960).[1]

Additionally, the discontent of public employees was increased by the unrealistic action of some employers. For example, the mediation process in many situations became an "exercise in futility because the act provided no obligation on the part of the public employer to bargain and no means other than fact-finding for the public employee group to exert pressure on the public employer."[2] The employer finding refuge in the no-strike section quite frequently refused to recognize employee problems: "The [Mediation] Board found that many times the public employer would send microofficials to represent it at mediation sessions, who were without authority to make commitments and who were reluctant to effectively recommend means of settlement of the dispute to the public employer's governing body."[3] The employer further frustrated his employees in some instances by refusing to acknowledge grievances[4] and ignoring employee requests to participate in the decision making process.

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[1]Leo W. Walsh, "Michigan Labor-Management Relations Law: Past and Present," Journal of Urban Law, 44 (Fall, 1966), p. 107.

[2]Ibid., p. 108.

[3]Ibid.

[4]Jackson City Local AFSCME, "Statement", Michigan, Joint House-Senate Labor Committee, Hearings, May 10, 1965.

These developments were taking place at the same time when others in the private sector were making substantial financial progress and were being permitted to negotiate an expanding area of subjects.

Other Hutchinson Act Cases

One of the principal court tests under the repealed Act was a case testing the Act's constitutionality. This question reached the Michigan Court in 1952 in a case involving Detroit Street Railway employees.[1] The court declared that, as it was against public policy for a public employee to strike, the Act did not deprive such an employee of any vested right and was therefore consitiutional. In that same case the Court ruled that the City of Detroit was not bound to take back its workers on the same terms under which they worked before the strike. In other words, public employees who struck had no vested right to agreeable terms of employment when they were reemployed.[2] In fact, they could be reemployed only on certain conditions.

In a 1954 State Supreme Court case, it was ruled that a court of equity had jurisdiction to restrain public officers from arbitrarily discharging a public employee who submits a grievance to the Labor Mediation Board. However, the mere implication of such a discharge is not enough for court intervention. In this same case the Court ruled that the court could not intervene to direct procedures to be used by the Board in processing employee grievances. The Board had exclusive

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[1] This decision arose from a case involving the Flint Trolley Coach Co.

[2] Detroit v. Division 26 of Amalgamated Assn. of Street, Electric Railway & Motor Coach Employees of America 332 Mich 237 (1952).

jurisdiction in this field.[1]

Earlier, in 1949, the State Attorney General advised that disputes arising in municipally-owned utilities should be mediated under this Act rather than by use of a special commission under the utility provisions of the Labor Mediation Act.[2]

Attempts to Change Michigan Legislation

The original Hutchinson Act, as earlier indicated, was modified in two minor ways prior to the 1965 amendments. In 1954 a fact-finding procedure was adopted[3] and in 1956 an abortive procedure was installed to allow delegates to designate an impartial chairman to act as fact finder for the panel and recommend a settlement. During the last decade there have been many attempts, primarily by Democrats, to change existing law to the benefit of public employees: the activity has focused upon improved mediation procedures giving employees the right to organize and providing for compulsory arbitration; there have also been some attempts at repealing Hutchinson and providing special procedures for teachers. (See Appendix A for a list of the bills introduced into the Legislature during the decade prior to enactment of the 1965 amendments.) The efforts from 1955 to 1958 were to alter the Bonine-Tripp Act by empowering the LMB to enter disputes on its own motion and to allow the governor to submit the dispute to a special commission if it were not resolved within thirty days. From 1957 to 1965, Democrats sponsored legislation

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[1]Gaidamavice v. Newaygo Board of County Road Commissioners 341 Mich 280 (1954).

[2]Michigan Attorney General Opinion #1124, December 13, 1949.

[3]Michigan Stat. Ann. 17.455 (7)(1960).

that would permit employees covered by the Hutchinson Act to form, join, or assist in labor organizations and union activities. Compulsory arbitration was first introduced in 1959 and from 1961 it was perennially sponsored by the fire fighters union.[1]

Concurrently, private sector bills were being advocated by Democrats--"Little Wagner" bills go back to 1955. Legislatively, some of the cumbersome problems with mediation were first approached in 1957. House Bill 198 advocated the full extension of the provisions of the LMA to public employees, and additionally it would have removed the requirements of an official election prior to a strike and would have dismissed the legal fiction of conducting strike votes as required for a representation election.[2] However, further pursuit of the procedural problems of the LMA waited until 1963.

In 1962[3] Republican Governor George Romney appointed two of his political aids, Malcolm R. Lovell, Jr., and Robert G. Howlett, to the Mediation Board. Mr. Lovell, who had been Romney's former industrial relations executive at American Motors Corporation, was appointed Chairman.[4] Lovell, seeing some of the procedural problems of hospital employees, who required special commissions appointed by the Governor to handle all disputes, and the strike vote representation elections, and who believed in the propriety of allowing public employees to bargain

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[1]Simon Chappel, "Statement", Hearings, op. cit.

[2]Mich., House Journal, 1957, 2, p. 2213.

[3]See, Mich., Michigan Manual, 1963-1964; 1965-1966. The Manuals do not indicate the date of office, only the date in which the terms expire.

[4]Interview with MLMB members, July 11, 1967.

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collectively, set out for the first coordinated attack to revise Michigan labor legislation.

After clearing his views with the Governor, Lovell organized an informal "blue-ribbon committee" to develop legislative proposals that would solve the basic labor problems and inequities and would obtain the support of the legislature. Enlisted for the committee were: Russell Smith, University of Michigan; Ronald Houghton, Wayne State University; Wayne Stettbacher, The Employer Association of Detroit; Thomas Roumell, NLRB Regional Director; Alfred Fortino, an attorney; Hyman Parker, Chief Mediation Officer LMB; and the Board Members. Lovell devoted serious energies towards developing a consensus bill. He or Howlett personally contacted such vitally interested organizations as the Michigan AFL-CIO, the Michigan Municipal League, the Michigan School Board Association, and the Michigan Education Association to rally interest and support.

The legislation finally introduced was based in large measure on the Wisconsin Public Employment Relations Act and a New York State commission report. It consisted of a package of two separate bills, one amending the LMA and the other the Hutchinson Act. The amendments to the LMA (H374 and S.1111) were designed to accomplish five specific goals: (1) to empower the LMB to conduct representation and decertification elections, (2) to bring hospital employees within this procedure, (3) to authorize the Board to determine bargaining units, (4) to provide for a special procedure to settle disputes for professional teachers, and (5) to eliminate the cumbersome, seldom used dispute settlement procedure.[1]

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[1] Statement of: Malcolm R. Lovell, Jr., Chairman of Labor Mediation Board, Leo W. Walsh, Board Member, and Robert G. Howlett, Board Member, Concerning Senate Bill No. 1111.

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[1] Ibid., p. 2.

[2] Ibid.

[3] Ibid. The leg
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[4] Ibid., p. 7.

The arguments for these five proposed changes were as follows: Although the LMA did not provide for a representation election procedure, the LMB had devised a procedure subsequently approved by the Michigan Supreme Court,[1] whereby the representation issue was posed as a strike vote question. This was a cumbersome process and began collective bargaining with a face-to-face legal controversy.[2] Further, according to the existing legislation, hospital employees were not allowed to strike[3] and the special hospital commissions cost the state $1,000 with the most likely recommendation to call for a representation election by the LMB. The election procedure proposal was patterned after the Wagner Act procedure except that the thirty per cent rule was to be adopted legislatively. Also suggested was legislation enabling the Board to determine the appropriate bargaining unit in order to insure employees the full benefit of their right to self-organization and collective bargaining.[4] And finally, a unique provision would have provided a special dispute procedure for professional teachers. As explained in a report by the Board:

> The new language was included in our proposals at the request of teachers' organizations when it appeared that these

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[1] Ibid., p. 2.

[2] Ibid.

[3] Ibid. The legislatively provided machinery also covered public utility disputes. The Board's power was almost completely eliminated in 1955 when the U.S. District Court for Western Michigan held that the jurisdiction belonged with the N.L.R.B. Grand Rapids City Coach Lines, Inc. v. Howlett, 137 F. Supp. 677.

[4] Ibid., p. 7.

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1 Ibid, p. 6.

> organizations would favor an amendment to the Hutchinson Act (House Bill No. 375). The Hutchinson Act and the Labor Mediation Act dovetail into each other; hence the proposed changes in the Hutchinson Act necessitated this amendment in the Labor Mediation Act.[1]

Except for representation elections, the LMB would have been authorized to refer teacher disputes to the governor who would appoint a three-member panel to act as fact finders. Additionally, the proposals would have deleted the dispute settlement procedure, adopted in 1956, which had been used only once since it was placed in the law.

In the public sector the Hutchinson Act proposed revisions (H.B.375) were more substantial. First, the bill recognized the right of public employees to organize and to bargain with their public employers through representatives of their own free choice. Second, it provided for exclusive representatives of the employees, who made a majority determination. Third, the bargaining unit determination and election procedures established in H.B.374 were also included in this bill. Fourth, employee representatives on their own motion could request that the LMB mediate grievances. Fifth, certain unlawful acts by <u>public employers</u> similar to unfair labor practices were enumerated. Finally, it was provided that a public employer shall bargain collectively with the duly elected employee representatives.

These provisions were to be enforced only through the courts. Apparently the Committee saw this stipulation as favoring passage, for in its report it stressed this point:

> None of the proposed administrative changes vest in the [Labor Mediation] Board any more power than it has at the

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[1] <u>Ibid.</u>, p. 6.

> present time except the timing of representation elections and holding decertification election. ....Enforcement of the Act, including prohibited practices which in several respects are like the unfair labor practices of the Federal law, is vested in the Circuit Courts. We believe the procedure is correct--that enforcement power should be vested in the Circuit Courts and not in the Board. The emphasis under the Michigan law is on mediation, but in Michigan (unlike the situation in some states) a single agency exercises both mediation and labor relations powers. If we had enforcement powers, it might be harmful to our mediation function.[1]

Although the bills had the support of both Malcolm Lovell and the LMB, they were not enacted. The milder amendments to the LMA passed only in the House. They failed simply because they could gain no one's support. Labor found the bills too weak: the penalties in the Hutchinson amendments were not ameliorated, the unfair labor practices were not complete and were enforceable only through time consuming court processes, and the teachers' union was not happy with the special procedures. The Michigan Education Association which had been extensively courted by Lovell could not gain internal agreement as to the advisability of placing the profession in the context of bargaining. The Association had not yet achieved its later militancy and continued its intense rejection of the idea of collective action. Its Board of Directors by a split vote rejected support of the proposals. On the other hand, the public employers, as represented by the Michigan Municipal League, also rejected the proposals by a split vote. By and large the League was wholly against the notion of exclusive representation and the duty to bargain, and considered it a challenge to their legally constituted authority to represent the public. Thus rejected by the power groups on both sides of the issues, the bills died.

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[1] Ibid., p. 9.

But the efforts of the Committee and the LMB served to focus attention on the problems of the obsolete legislation and pointed out the focus of needed change: (1) a poor system for representation elections, (2) recognition for public employees only at the whim of the employer, (3) no legal right of contract for public employees, (4) no workable means of dispute settlement, and (5) harsh penalties.

CHAPTER II

RENEWED EFFORTS FOR LEGISLATIVE CHANGE; THE PUBLIC EMPLOYMENT LEGISLATIVE COMMITTEE

The 1964 labor amendments had been sponsored by a few Republicans who, because of their governmental positions and their labor relations backgrounds, recognized the problems of the existing legislation. Although they were members of the majority party, they failed to gain support, notwithstanding that their proposals were very much in line with accepted standard practices in the private sector. These were apparently considered far too revolutionary when applied to the public employee-employer relationship.

The political situation in Michigan radically changed by the Fall of 1964. [Appendix B] The November 10th general elections swept the Democrats into control of both chambers of the Michigan legislature for the first time in thirty years: their margin was 73 to 37 in the House and 23 to 17 in the Senate.[1] Two interrelated factors appear to account for this change. First, this was the first Michigan election held under a reapportionment plan directed by the

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[1] Mich., Michigan Manual, 1964-1965.

U.S. and Michigan Supreme Courts in June of 1964.[1] Second was the effect of the concurrent, landslide victory of President Lyndon Johnson. Both are important, for apportionment itself probably would not have brought as large a Democrat victory. A comparison of the results of the 1964 election with those of the 1966 state election[2] makes evident that something more than apportionment swept the Democrats to power.

Seeing that an apportioned legislature would increase the chances for the enactment of favorable labor legislation, labor united its factions into an offensive force. The idea for a united union effort was initiated by three people: Robert Repas, a Michigan State University professor, apparently was one of the first to broach the idea with

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[1]Charles S. Rhyne, "State-By-State Summary of Legislative Apportionment (as of May, 1964)," Legislative Apportionment: Key to Power, Howard D. Hamilton, editor (New York: Harper & Row, 1964) p. 161. The statement reads in full:

> In 1963, Michigan held a constitutional convention and adopted a new constitution. This new constitution included new apportionment provisions according to which the senate formula considers factors other than population, while the house apportionment is on strictly a population basis. The Michigan Supreme Court had previously held that certain 1952 constitutional amendments were invalid under the Fourteenth Amendment to the U.S. Constitution. However, Justice Stewart of the U.S. Supreme Court had issued an order stating the redistricting order of the Michigan Court. A Legislative apportionment committee was appointed to prepare a districting plan. The commission could not agree, and the proposed districting plans were submitted to the Michigan Supreme Court for their decision. The Michigan Supreme Court indicated that it would make no decision pending further guidance from the decisions pending before the U.S. Supreme Court. The Supreme Court acted in June, 1964. On June 22, the Michigan Supreme Court accordingly ordered into effect a reapportionment in which districts for both houses were laid out on the sole basis of population.

[2]The House was evenly divided and the Republicans had a 20-18 advantage in the Senate.

Bill Marshall, Michigan AFL-CIO Vice President, in 1964; and Dave Williams and Robert Grosvenor, both professional officers in the Michigan AFSCME Council 7, also quickly approached Marshall.[1] Their goal was to unite labor for the first time behind one legislative proposal rather than to permit each union to promote its own pet projects, as all had in the past.

The Public Employment Legislative Committee (PELC)

To effectuate the desired coalition, Marshall, after consultation with Gus Scholle, president of the Michigan AFL-CIO, called together several key leaders of public employee unions for a June planning session. Those attending agreed to set aside their differences and to support the coalition proposal. The first official organizational meeting was held July 24, at the Detroit headquarters of the AFL-CIO. Attending were twelve union representatives from the AFSCME, the Fire Fighters, Teachers, Police, the Building Service Employees, and the state AFL-CIO. The following organizational business was transacted:[2] (1) The committee was named the Public Employment Legislative Committee (PELC); (2) Assessments at the rate of $200 per organization had yielded $2,000; (3) Henry Limne, president of the Michigan Federation of Teachers, volunteered to draft a resolution asking the Michigan AFL-CIO convention for support; and (4) Marshall was instructed to communicate with and request the services of Attorney Ted Sachs to draft a "Little Wagner Act" for public employees.

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[1] Grosvenor, interview, op. cit.

[2] Public Employee Legislative Committee, PELC Minutes, July 24, 1964, pp. 1-2.

The committee moved that their objectives be: "To secure full and equal rights for public employees in the field of organization and collective bargaining and to remove public employees from second-class citizenship in employer-employee relations".[1] In a separate motion by AFSCME representatives, the following objectives were specified:[2]

A. The right to organize
B. The right to petition for elections
C. The right to define bargaining units
D. The right to sign agreements
E. Mediation and fact-finding procedure (to be made binding)
F. Identification of unfair labor practices
G. Prohibition of company unions
H. The use of labor mediation as a guide

In his letter to Attorney Sachs, Marshall amplified the Committee's feeling toward dispute settlement procedures (point "E" above).[3]

> In regards to arriving at a final adjudication of a dispute after the collective bargaining process had been utilized, it was felt we should incorporate arbitration procedure or to have final and binding fact-finding procedures through the Labor Mediation Board. The overwhelming consensus of opinion [sic] of the delegates participating seemed to be that fact finding through mediation would be most acceptable to the public.

Thus, from the beginning, the PELC participants favored some means of third party, terminal settlement procedure.

The first full meeting of the PELC was held on December 15, 1964. A morning executive committee meeting was held by those who participated in the July meeting, and all other potentially interested unions were invited to a general afternoon meeting, which included the Teamsters, who are not members of the AFL-CIO. Matters of general concern to labor

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[1] Ibid.

[2] Ibid.

[3] Ibid.

--as opposed to just public employees--were discussed and voted upon. Voting was open to all rather than restricted on a union or proportional membership basis; apparently, anyone attending the meeting could vote on all the issues. A sample review of the official union publications indicates that the PELC proceedings were not publicized and the rank and file were probably unaware of the proceedings.

At the morning executive committee meeting "Attorney Sachs told the delegates that, while the prospects of labor legislation are good, there is concern whether the governor will sign them."[1] He went on to comment that, in order to prevent "cries of radicalism", he had drafted the proposals so that they would parallel federal law. It also seemed more feasible to him to amend the two present statutes; the Labor Mediation Act and the Hutchinson Act, rather than to propose new laws. "He cautioned that, if an attempt is made to get a 'Little Wagner Act', we may wind up with a 'little Taft-Hartley Act'. He felt [that] it was unrealistic to get a Little Wagner Act in 1965."[2] Regarding compulsory arbitration, Sachs said that there was no compulsory arbitration anywhere in the country and that, "Whatever we do will be appraised by others in light of what has or has not been accomplished elsewhere."[3]

Four separate proposals were presented to the delegates. Each is summarized below:[4]

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[1]PELC, Minutes, December 15, 1965, p. 3.

[2]Ibid.

[3]Ibid.

[4]Ibid., pp. 1-2.

Proposal I "Redraft with substantial tightening and improvement of bills introduced last year with the sponsorship of the Labor Mediation Board, Representatives Waldron, Van Til, etc. [H.B.374 and H.B.375]. This is substantially an amendment to the Hutchinson Act to declare basic organizational and recognition rights of public employees with corresponding duties of public employees." It establishes (1) the right of public employees to form and join unions; (2) a violation for any public employer to interfere with the exercise of collective bargaining rights; (3) provides for representation elections and procedures under the auspices of the LMB to determine the sole bargaining representative; (4) sets forth the duty of the public employer to bargain in good faith on wages, hours and conditions of employment; and (5) mandates that he execute agreements in writing, if requested.

Proposal II This updates and improves H.B.374 of 1964, providing private intra-state employees the coverage of Proposal I. It allows questions of representation in hospital disputes to go to the LMB instead of a governor's commission and deletes the seldom used special tri-partite panel.

Proposal III "A bill to amend the Hutchinson Act in very modest form." It defines a strike as concerted activity rather than the then current language which reads that one person may be on strike. The right to strike is however not demanded. However, judicial review is provided and the loss of pension clause is deleted.

Proposal IV Makes violation of these acts unfair labor practices, enforceable by administrative procedure. It was fashioned after Taft-Hartley with some adaptation from the LMB. "Ideally, these functions should be separated and a new agency set up but there is the problem of the added expense. Such an agency would need top level hearings officers, attorneys, etc. It was felt best to work within existing administrative framework."

In the discussion that followed, some favored omitting a provision excluding state civil service employees (who are excluded by the Michigan Constitution), expressed concern at giving up the right to strike, and asked that the entire Hutchinson Act be repealed.[1] The Detroit Teachers' Federation representative indicated:

> It has been customary for superintendents to negotiate for all employees of that unit and [she] asked if this

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[1] Ibid., p. 3.

> language could be construed as meaning this would continue. Attorney Sachs replied that it would not; an organization such as [the] MEA would have the right to be on the ballot but supervisory personnel would not have the right to participate in that election.[1]

Later, specific committee action was taken on several questions including granting to the Executive Committee the authority to determine whether civil service employees ought to be mentioned in the bill. Finally, after a recess for delegates to caucus, the question of compulsory arbitration was put to vote. It was moved that the PELC go on record in favor of the proposal drafted by Mr. Sachs, "The method of presenting this legislation, i.e., as part of the bill or as a separate bill, shall be left to the discretion of the officers, Attorney Sachs, and the Executive Committee."[2] Perhaps sensing a serious split, perhaps pushing for the motion, several key leaders expressed their hopes that, once a majority decision was made, those in the minority would at least not work against the legislation. With 61 people in attendance, the motion passed 38 to 7.[3]

Three days after the December PELC meeting, a special subcommittee met with the Labor Mediation Board to present the position of the PELC.[4] Although there is no evidence that support was pledged, Howlett is reported to have stated that the LMB "would be very happy to work with Attorney Sachs and would be available for any help or consultation that might be required."[5] It was agreed at the conclusion of the meeting

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[1] Ibid., p. 4.

[2] Ibid., p. 2.

[3] Ibid., p. 3.

[4] Ibid.

[5] Ibid.

that this had been very helpful in clarifying the positions of both parties.[1]

Obviously there was considerable correspondence between Sachs and various interested parties. By January 18, 1965, the final draft of four bills was completed.[2] As presented to the January 28th PELC session, the three-pronged approach suggested above had been chosen, and an omnibus alternative was also suggested by the AFL-CIO's Committee on Political Education (COPE).

There were 58 members present at the general meeting on January 28.[3] This was the second and final general PELC meeting. Its basic purpose was to communicate to the membership the content of the proposed legislation.

Marshall explained that the Executive Committee had revised the

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[1] Ibid.

[2] Correspondence, Theodore Sachs to ACLU of Michigan, January 18, 1965.

[3] PELC, Minutes, January 28, 1965.

recommendation for an omnibus proposal although COPE as well as the full PELC had earlier advised that it be introduced. Marshall also related that COPE had subsequently reviewed the proposed legislation. Apparently the PELC Executive Committee had decided to use the discretion conferred on it by the December assembly, for Marshall explained that COPE now concurred with the wishes of the PELC regarding the submission of a separate compulsory arbitration bill.[1] Apparently, the PELC leadership was afraid that tying arbitration into the other bills might defeat the entire package.

The revised omnibus bill carried forward the basic provisions of the National Labor Relations Act,[2] excluding supervisors and including public employees. It included all of the major points discussed at the first general meeting with the exception of compulsory arbitration. But it went somewhat further: (1) It provided for a separate Michigan Mediation Service and a Labor Relations Board, (2) It repealed the Hutchinson Act and the anti-strike provision, and it guaranteed that "the right of free speech shall not be declared an unfair labor practice unless it [sic] contains a threat of reprisal or force or promise of benefit.[3] In discussing this legislative approach, Sachs was more practical than COPE when he stated that, "If the fire becomes excessive on the omnibus bill, a judgment will have to be made by those on the firing line."[4]

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[1] Ibid., p. 1.

[2] Ibid., pp. 2-4.

[3] Ibid., p. 3.

[4] Ibid., p. 4.

Three other bills, based substantially on the five proposals reviewed by the Committee in December, were presented. "Bill A", which was to be introduced as H.B.2953, combined Proposals I, III and V in amending the Hutchinson Act. In addition to those points noted in the December meeting, the January minutes noted two additions. The procedure for requesting Labor Board mediation was changed from one requiring that a majority of employees in an appropriate unit sign a petition to one permitting the collective bargaining representative to initiate the procedure.

"Bill B", which was to be introduced as H.B.2954, was referred to in the December meeting as Proposal II. The changes made involved the removal of various penalties of the LMA deleting: (1) The $10,000 a day fine for hospital or public utility strikes and lockouts before procedures are exhausted; (2) The criminal penalties for employers or unions engaging in a strike or lockout pending mediation; and (3) Misdemeanor penalties for general unfair employer practices. It further provided for procedures for LMB enforcement of unfair labor practices and the same election procedures for the private sector as in the new public sector proposals.[1]

"Bill C", which was to be introduced as H.B.2869, was not changed from Proposal IV of December.

As it had in the December meeting, the discussion that ensued after a review of the proposed legislation centered on compulsory arbitration. A split in the united front had developed. The AFSCME, urged that only

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[1] Ibid., p. 5.

one bill be entered and that it contain compulsory arbitration. "It was their concern that [arbitration] would not succeed separately."[1] Speaking for the same position, representatives of the Michigan Fire Fighters Association restated the position of his union's members who had strongly urged it. "He also pointed out that the Michigan AFL-CIO convention adopted a resolution to work for compulsory arbitration for public employees."[2] Marshall, mediating the altercation, pointed out that COPE had agreed to separate bills; "The COPE had agreed unanimously that every effort would be made to get both pieces of legislation passed."[3]

The final PELC meeting prior to the legislative hearings was held on February 13 and was apparently quite informal. The handwritten minutes list attendants not included in either prior minutes or on the PELC membership sheets. (See Appendix C for the names of these people.) The one identifiable group was from the hotel-restaurant union. It was announced that the bills were at the Legislative Service Bureau ready to be introduced. (However the bills were not introduced until April 14.) Discussion appears to have centered on the question of decertification, and the hotel union argued adamantly against having any decertification procedure. However, except for some minor changes, the legislation was introduced as discussed at the January meeting.

Between this meeting and the legislative hearings, the decision was made to drop support of the omnibus bill. Senator Levin, who participated

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[1] Ibid., p. 6.

[2] Ibid.

[3] Ibid.

in this decision explained:

> The omnibus bill was not really dropped the very morning of the hearing. The decision had been made by some involved Labor Committee members at an earlier date, although the public statement probably had not been issued before then. The main reason for discarding the omnibus bill was the widespread reaction from both management and labor that it was too comprehensive. Nobody seemed interested in it except a few of us who had worked on it. The argument was that we had to take first steps in new territory rather than embracing a total structure. After considerable discussion, that point of view seemed to make great sense. It was easier to pose the basic issue by a discussion of concrete amendments to the Hutchinson Act and to the Labor Mediation Act rather than replacement of both with an entirely new super structure.[1]

Contributions and Positions of the Major Labor Groups Within the PELC

The Michigan AFL-CIO

As earlier stated, various labor leaders recognized that a unified approach would be necessary for the passage of labor legislation; some organization would have to speak on behalf of organized labor in Michigan. The most obvious answer was the Michigan AFL-CIO. It was in this capacity that the AFL-CIO made its important contribution. The Public Employee Legislative Committee met under the auspices of the state AFL-CIO and its Executive Vice President, William Marshall.

Marshall made meeting and other administrative arrangements, petitioned the two state political parties for inclusion of the principles of public employee legislation in their platforms, and promoted general labor support through a convention resolution. (See Appendix D for the text of the resolution.)

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[1]Personal letter, Sander M. Levin, August 23, 1967.

The Michigan AFSCME

Dave F. Williams and Robert C. Grosvenor, both professional officers of Council 7, AFSCME (AFL-CIO), were prime movers in establishing the framework for initiating and maintaining a united union force. Williams, in fact, took the key position of Secretary-Treasurer of the PELC. It is not surprising that these two men would take the lead, for both had devoted many years to organizing public employees. Council 7 itself had much to gain, for although many of its members were state civil service employees who could not be covered under public employee legislation because of the restriction in the new state constitution, Council 7 also represented non-civil service state employees at the universities, prisons, and hospitals.[1]

Of course, such legislative action would be of direct help to the four non-civil service AFSCME councils and would establish a precedent which would be difficult for the Civil Service Commission to ignore.

In his vital position, Williams handled the bulk of the formal internal correspondence including the writing and publishing of the Committee's minutes. Through his efforts, over $5,000 was collected for the operation of the Committee; as of April 6, 1966, just after his death, there was a net deficit of only $120. It is interesting to note that, of the monies received as of that date, 47 per cent, the largest amount contributed by any single organization, came from AFSCME councils

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[1]Grosvenor, interview, op. cit. Mr. Grosvenor also stated that the membership of Council 7 rose from approximately 5,000 in June of 1965 to over 9,800 by June of 1967.

and locals.[1] AFSCME also represented the largest block of votes on the PELC, 44 per cent of the membership, and their people composed about half of those attending the two full Committee meetings. (See Appendix C.) The dominance of AFSCME people is not unexpected since they had much to gain in potential new members.

It is evident by the overwhelming vote for compulsory arbitration at the December meeting that Council 7 backed the measure. This position was taken in spite of the recommendations of their International Representative from Detroit, who "told the delegates that the administration of AFSCME is not in favor of compulsory arbitration. This is not a directive from convention, but is based on past experience."[2] But the union leaders had long been in the collective "begging" role of being subjected to unilateral decisions by the employer. If the right to strike were denied, they wanted some terminal means for settlement, a means that would remove them from this situation. With fifty per cent of the attendees at the meeting from this union, the supporting motion passed 38-7.[3]

Grosvenor spoke before the legislative hearings on behalf of the 26,000 Michigan members of his local. His remarks pointed to the problems inspired by the Hutchinson Act:

> During the course of my 14 years of service I have repeatedly encountered the two situations described by Attorney Sachs; in that, in one case, anti-union public officials use the punitive measures outlined in the Hutchinson Act to harass and intimidate the public employees, or, in the second case,

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[1]PELC, Operating Statement, November 4, 1965 - April 6, 1966.

[2]PELC, Minutes, December 15, 1967, p. 2.

[3]Ibid., p. 3.

> where a more rational relationship could exist by mutual agreement, there is no machinery by which this attitude can be effectuated.[1]

The Fire Fighters Association

The Fire Fighters Association represents a select group of government employees who perform truly essential services and who long ago adopted in their national by-laws an official stand against the use of the strike.[2] But it was their position that a substitute was necessary in order to gain fair play from their employer:[3] compulsory arbitration was accepted by them as the just quid pro quo for renouncing the strike. Beginning in 1961, the Michigan chapter began introducing into the legislature compulsory arbitration bills to cover public employees generally.[4]

With the formation of the PELC, the Fire Fighters saw a real opportunity to achieve their goal. They gained direct representation on the policy-shaping executive committee when their state president, Simon Chappel, was appointed Vice Chairman of the PELC. The Fire Fighters were well represented on the Committee itself and their seventeen member delegation was proportionately larger for the size of their group than that of other public employees in the state (see Appendix C). Together with the sheriff and police organizations, whose position was much the

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[1]Robert C. Grosvenor, "Statement Before House and Senate Labor Committees," (Paper read at Hearings, typewritten), p. 1.

[2]Statement by William Marshall, interview, July 20, 1967.

[3]Chappel, Hearings, op. cit.

[4]See Appendix A, "Ten Year List of Bills Introduced in the Michigan Legislature."

same, they held over 20 per cent of the votes at the two full committee meetings in December, 1964 and January, 1965.

In turn, the support of the fire fighters and police was needed by labor to maintain a united front. Given that the philosophy of the committee was that a majority vote would bind all the members of the PELC to a common position, this interdependence led to the passing of a motion for compulsory arbitration at the December meeting. The motion read:

> ....The Public Employee Legislative Committee go on record as being in favor of seeking legislative establishment of compulsory arbitration for public employees in accordance with the proposal drafted by Attorney Sachs. The method of presenting this legislation, i.e., as part of the bill or as a separate bill, shall be left to the discretion of the Officers, Attorney Sachs and the Executive Committee.[1]

Although the motion tended to placate the fire fighters and those others who had long faced unilateral action by management and wanted to be assured of some means of challenging future decisions, some dissension arose over the failure of the motion to require a combination bill.[2] Some parties feared that their backing of the general legislation would not pay off in return support for a separate arbitration bill. They wanted, but did not receive, security for their aid.

Behind the scenes there were many reasons to doubt that labor gave its wholehearted support to the compulsory arbitration bill. The AFL-CIO is against compulsory arbitration as a matter of national policy. Several of the labor leaders at the meetings reflected that point of view. Sachs made several comments, recorded in the PELC minutes, that the bill should

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[1]PELC, Minutes, December 15, 1964, p. 2.

[2]Ibid., p. 3.

be separate. Although he did not say that he was opposed to the concept, he did say that this type of bill often failed court scrutiny and inferred that, because its chances of passing were dimmer than those of the other bills, it should remain separate.[1] Sachs also had to consider certain strategic points. Among these was the view that urged that a compulsory arbitration bill be sponsored by labor with the hope that it would be passed by the legislature and become a face-saving device for Romney since it would permit the Governor to use his veto on the compulsory arbitration bill to demonstrate his moderate position and at the same time to show his friendliness to labor by signing the other bills.[2]

Finally, this bill was the main target of employer organizations. The Michigan Municipal League and Michigan School Board Association saw the bill as a direct challenge to their authority and to their belief in the absolute sovereignty of government. Whatever power these groups could muster was directed primarily at compulsory arbitration.

In the legislative hearing of May 15, Si Chappel spoke for the Fire Fighters on compulsory arbitration. He complained that the Hutchinson Act had effectively precluded meaningful bargaining and, since its passage, their average salaries had fallen $1,500 below the national average. In addition, he complained that local governments had refused to resolve their grievances and, in some instances, had even refused to attend fact finding hearings.[3] But for all his effort, support for compulsory arbitration all but collapsed during the hearings. Labor

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[1]Ibid., p. 3.

[2]Correspondence, Robert Repas to Ted Sachs, December 23, 1964, p. 2.

[3]Chappel, Hearings, op. cit.

appeared divided as Bill Marshall made an offhanded comment disparaging to this bill, the Hotel-Restaurant official, who was not part of the PELC, spoke out directly against the bill, and other labor spokesmen made only fleeting statements of their support.[1]

The Influence of Miscellaneous Parties

1. The Hotel Restaurant International Union: This union did not participate as an official member of the PELC, although its members attended the February meeting. Their position at that meeting and at the legislative hearings opposed that of labor as a whole and was based on what they considered to be their special problems. At the hearings, Mort Freere, their spokesman, said that his union was in the lowest paid industry in the State.[2] His members worked for employers ranging from "mama and papa" restaurants to the largest hotels, and, since most of them were not covered by the federal laws, his people required similar coverage under Michigan law. He urged that all employees have the right to strike, that the Hutchinson Act be repealed, and that a "Little Wagner Act" be adopted without decertification provisions. Finally, he exposed the major union split when he spoke against compulsory arbitration. Such bills, he said, are usually upset by the courts and they are detrimental to the bargaining process.

2. The Craft Unions: Although the crafts had a representative from the Building Trades Council at the PELC, they were by and large a separate, strong, outside force. That they would not support a bill with

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[1] Ibid.

[2] Mort Freere, "Statement", Hearings, op. cit.

unfair labor practices against employee organizations is suggested as one reason for Senator Levin's staunch position against such provisions.[1] Over the opposition of the MFT, the crafts were also successful in winning a three-year contract bar.[2]

The Michigan Federation of Teachers

Henry B. Limne, Michigan Federation president, attended the PELC organizational meeting in August. This in itself is of major importance, for the MFT, by its association with labor, "represented" teachers on the policy formulating body which was to write and implement legislation. By this affiliation teachers became written into the law as part of the body of public employees generally, in spite of the opposition of the MEA, which was the spokesman for a significantly larger number of teachers.

In preceding years the MFT had stood opposed to the MEA on most major issues: the MFT approved the strike as a proper weapon; it rapped the MEA for including administrators in its ranks as philosophically wrong and totally unworkable at the bargaining table; it was first to strive for exclusive representation; and it saw no reason for teachers to propose negotiations under the jurisdiction of the state board of education.

This position was reported by Henry Limne:

> The MFT and AFT look at the teachers' problems, especially in collective bargaining rights, as part of the total situation facing all public employees. Consequently, the MFT's efforts to secure bargaining and organizational rights for teachers will be part and parcel of a larger effort to secure these rights

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[1]Statement by Robert Repas, interview, July 12, 1967.

[2]Statement by Henry Limne, telephone interview, August 14, 1967.

> for all public employees. It will be interesting to see if the MEA's efforts for "professional negotiations" will be part of a broad movement or whether it will be a narrow, separatist effort to secure rights for teachers (educators) only without regard to the plight of other public employees in a similar situation.
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> The MEA insists that teachers and administrators are certified as teachers and does not recognize the difference in the functions of the two or the differing points of view that derive from the inherent interests of teachers and administrators in their diverse functions.[1]

The MFT's involvement with the PELC is something of an enigma. On the one hand, its representatives were given positions of importance: Henry Linne, MFT President, served on the Executive Committee and Mary Ellen Riordon, DFT President, was assigned to the special subcommittee which met with the Labor Mediation Board.[2] On the other hand, two of their strongest views, use of the strike and opposition to compulsory arbitration, were not supported by the Committee. Both internal and external politics precluded either of these views from being official PELC positions. The teachers' union also favored a one-year contract bar in order to regain quick access to bargaining units that might be won in early elections by the larger MEA. This too they failed to obtain.[3]

The extent of their overt participation on the PELC decreased after the beginning of 1965. Neither Linne nor Riordon are listed having attended the January or March meetings, although the January minutes verify that Linne had been there but left. This departure may have been the result of declining interest inasmuch as it was already apparent that

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[1] Michigan Teacher, 22,5 (February-March, 1965).

[2] PELC, Minutes, infra.

[3] Linne, interview, op. cit.

some form of their legislation would pass,[1] the result of their own time consuming problems with militant locals demonstrating in Detroit, Lincoln Park, Utica, Dearborn Heights, and Hamtramck,[2] or a combination of the two. The MFT also claimed that it purposely played down its role on the PELC at this time because they were in the limelight and they did not want to appear to monopolize the Committee and break its unity.[3]

Fourteen days prior to the legislative hearings the first Michigan strike in education was conducted by a Federation local. A four-day "sit-in" at Hamtramck beginning on April 26 caused a stir across the state when the Hamtramck School Board tried unsuccessfully to obtain an injunction under the Hutchinson Act from Judge John B. Swainson, former Michigan governor. It brought quickly to focus both the unjust treatment of the Hamtramck teachers and the inability of the State to enforce the Hutchinson Act. On May 3, 1965, in an editorial condemning all parties to the dispute, the Detroit Free Press called for changes in the Hutchinson Act.

Whatever the reason may have been for a somewhat diminished role of the Federation, Mrs. Riordon addressed the legislative hearings on May 10 and expressed full support for the three measures supported by labor. She directed her remarks primarily to the area of education and argued that there were more similarities than differences between teachers and other public employees, that under the proposed bills there

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[1]Repas, interview, op. cit.

[2]Michigan Education Journal, 42,8, p. 4.

[3]Linne, interview, op. cit.

was sufficient flexibility for teachers to adjust their special problems; and that it was improper for supervisory personnel who supposedly represent the Board of Education to be in the same bargaining unit with teachers. In short, she spoke against the MEA sponsored H.B.2450, and, in her concluding remarks, said that she would rather live with the Hutchinson Act than with 2450![1]

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[1]Mary Ellen Riordon, "Statement", Hearings, op. cit.

CHAPTER III

THE ALTERNATIVE LEGISLATIVE POSITION OF THE MICHIGAN EDUCATION ASSOCIATION AND THE POLITICAL RESPONSE OF KEY PUBLIC EMPLOYERS

The Michigan Education Association (MEA)

The Michigan Education Association (MEA) as part of the National Education Association (NEA) was a broad-based professional society composed of teachers and administrators dedicated to the advancement of education as a profession. It was controlled largely by administrators who had the time and freedom to engage in such activities. Within a seven-year period, however, the organization has undergone a drastic metamorphosis and has changed under external pressures from a conservative society dedicated to the advancement of education to an association pursuing an advantage for teachers.

In 1958, the MEA asked its legislative committee to draft legislation decreeing that teaching was a profession and to set criteria for admittance of members.[1] The first national response developed at the 1961 Denver Convention.[2] Here for the first time the National Education

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[1]News article, ME Journal, 42,15 (March 15, 1965), p. 4.

[2]Mark Garbarini, "What Happened at Denver?" ME Journal, 40,3 (1962), p. 20.

Association (NEA) authorized limited professional negotiations and a conservative system of sanctions, and it called for a strengthening of the state and national organizations. In late 1962 the MEA established a professional negotiation committee to study the question of teacher negotiations and to formulate a legislative position;[1] and, in 1963, it recommended stopgap measures, including a proposal urging school administrations to adopt written personnel policies. It was also in 1963 that Republican labor specialists offered the MEA almost carte blanche to develop acceptable amendments to the Hutchinson Act. But the organization was unable to reach a consensus on the advisability of this type of legislation. Largely as a result of the MEA refusal to support the new legislation, the Republican bills failed. In 1964 the MEA was faced with the political reality that apportionment had changed the composition of the legislature and that some form of legislation affecting public employment would be enacted. The MEA proceeded to develop what later became H.B.2450. However, because its Republican political base had dissolved, its version of an acceptable bill was never reported from the House Labor Committee and it was eventually forced, with some reluctance, to support the PELC proposal. In spite of these protests, the MEA nevertheless was later to report a victory!

The early orientation of the MEA was reflected in their legislative goals for 1958--the passage of a Professional Practices Act (PPA) creating professional control over teaching in much the same manner employed by lawyers and doctors. PPA, as the general idea is called,

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[1]"Current Resolutions", op. cit., 40,18 (May 1, 1963), p. 661.

was sent to an appropriate MEA committee for study. Although the agendas of the Legislative Commission indicate that the subject was discussed, no action was taken, and in 1961 the MEA board of directors again referred PPA to committee for study.[1]

The initial response to the pressure from the advances made by the New York teachers union in 1960 and 1961 occurred at the NEA national convention in Denver in 1961. There, the NEA adopted its first resolution approving a form of collective bargaining, which it preferred to call professional negotiations. This procedure called for professional associations to participate with boards of education in determining "salary and other conditions of service," but the teachers were admonished to recognize the legal authority of the board of education, and "under no circumstances should the resolution of differences between professional associations and boards of education be sought through channels set up for handling industrial disputes."[2] The prevailing notion with regard to negotiations was the same as that underpinning the PPA--viz., that teachers were professional. As such they would not utilize labor techniques, for the industrial assumption of a conflict of interests and diversity of purpose was not considered appropriate in public education.[3]

At the same convention professional sanctions were approved for the first time. These rather limited methods initially required that

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[1]Michigan Education Association, Legislation Commission, Minutes, September, 1961. PPA proposals remain a major legislative goal of the MEA in 1968.

[2]News article, ME Journal, 40,3 (1962), p. 20.

[3]"Current Resolutions", op. cit., p. 616.

state and national approval of sanctions be given prior to their implementation at the local level, and also required that a certain sequence of steps be followed: i.e., Widely publicize the facts of each case; Advise members of the problems through the State and National Journal; Advise state members against accepting jobs in the community until the problems were resolved.[1] Once permission was granted, "Contracts may be withheld during negotiations of salaries and other conditions of employment. "Intent to return" notices should be used, particularly where a tenure status is involved. Teachers may fulfill their contracts for instructional services but may refrain from all extra-curricular activities.[2]

In Michigan, the MEA established a Professional Negotiation Committee in the summer of 1962. Working with the Legislative Commission, the Committee drafted legislative goals. The Commission listed for consideration: (1) standards for entry into the profession, (2) standards of practice, (3) discipline of and sanctions against members, (4) professional negotiations on matters of salary and conditions of employment, and (5) statewide removal of educational negotiations from the jurisdiction of the LMB.[3] Thus, as of 1962, the MEA viewed its legislative goals as the establishment of education as a profession and the use of negotiations only within the jurisdiction and guidelines of the profession and not connected in any with private employment labor

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[1]Garbarini, op. cit., p. 24.

[2]National Education Association, Guidelines for the NEA Sanctions, 1963, p. 11.

[3]Legislation Commission, op. cit., 9/19/62, p. 483.

relations practices or agencies.

An explanation of this philosophy toward negotiations is found in the September, 1962, MEA Journal:

> We believe that consultations to reach common agreement between representatives of the teaching profession and their boards of education regarding matters of common concern including salary and other conditions of employment are necessary and compatible with the dignity and ethical standards of the profession. When common agreements cannot be reached, we recommend the use of a board of review consisting of members of professional and lay groups affiliated with education as the means of resolving extreme differences. We believe appeals to the Michigan Labor Mediation Board are not appropriate to professional negotiations in public education.
>
> We believe that where professional negotiations fail to rectify situations involving unethical or arbitrary policies or practices detrimental to the welfare of the schools, professional sanctions should be invoked. These sanctions would provide for an appropriate disciplinary action by the organized profession.[1]

The Professional Negotiation Committee attempted to face the actual problems being encountered by local associations. The Committee urged school boards to maintain written personnel policies developed on the understanding that negotiations include concerns for all conditions of work. It further recommended that each local association set up a negotiation committee.[2] Limited success was achieved when the first MEA agreements were signed in the Fall of 1963 at Utica, Howell, and Muskegon.[3] While these agreements were evidence of the changing attitudes of the membership, the local agreements were quite moderate and

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[1]"Current Resolutions", op. cit., p. 616.

[2]Ibid., p. 661.

[3]"Tenure - Professional Negotiations", ME Journal, 41,6 (November 1, 1963), p. 5.

did not include a grievance procedure. The guide for negotiators was stated in this way:

> At its heart, professional negotiation involves matters of joint concern to a local organization and the school board. An adopted instrument may include, but not limited to, setting standards in employing professional personnel, committing support for schools, in-service training, class size, teacher turnover, personnel policies, salaries, working conditions, and communications within the school system.[1]

Nevertheless the MEA office still maintained a professional, non-union attitude. The October MEA Journal acknowledged the right of educators to involve the LMB in settling disputes, but "the professional teacher wishes to settle problems in a professional manner, not as labor unions do. However, if means are not spelled out which establish a professional process, perhaps schools will have thrust on them the kind of machinery used to solve problems in private industry."[2] This comment was printed at the same time that Malcolm Lovell, Chairman of the Labor Mediation Board, was attempting to cultivate MEA support for bills to amend the Bonine-Tripp and Hutchinson Acts. The attitude reflected by the quotation above readily explains why his proposed legislation was rejected.

The bills suggested by Lovell would have amended the legislation affecting public employment, and, therefore, teachers as public employees and boards of education as public employers would have been affected. The bills would grant teachers the right to utilize the LMB election procedure for the determination of an exclusive bargaining representative, boards of education would be required to bargain with teacher

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[1] Ibid.

[2] Marcia Bosnango, "The Why of Professional Negotiation," MEA Journal, 41,4 (October 1, 1963), p. 35.

representatives, and the LMB could be asked to enter disputes to mediate.[1] In addition, a special procedure for fact finding in teacher disputes was introduced: the Labor Mediation Board was empowered to certify to the Governor disputes which required fact finding and the Governor would appoint a panel of three qualified, disinterested persons for that purpose.[2]

Lovell had conferred with MEA officials at various times to gain their support. In fact, the MEA was given wide latitude in shaping these bills, as is indicated by this quotation from the minutes of the MEA Legislation Commission: "Conferences with Malcolm Lovell, Chairman of the Labor Mediation Board and E. Dale Kennedy, Dick Adams, Don Wollett (NEA), and Gerald Simmons indicates [sic] a willingness to make additional changes."[3] The question of MEA support was put to the Commission on November 27, 1963. The motion lost, however, and the amendments were sent to the Board of Directors "without recommendation".[4] The Commission wanted (1) to change the title of the LMB to The State Mediation Board; (2) to refer impasse situations to the Superintendent of Public Instruction, who would appoint an "educational service panel of three with demonstrated competence in dealing with problems of public education"; (3) to define a unit as the school district; and (4) "liberal use of such terms as 'professional' and 'negotiate' where advisable."[5]

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[1]Legislation Commission, op. cit., 11/27/63, p. 1801.

[2]Mich. H.B.374 (1964), p. 7.

[3]Legislation Commission, op. cit., 11/27/63, p. 1802.

[4]Ibid., p. 1801.

[5]Ibid., p. 1802.

These changes, however, were not acceptable to Lovell and others--especially the impasse resolution procedure.

The Board of Directors, by a split vote in February of 1964, refused to support the unrevised legislative amendments.[1] But the split vote was in itself an auspicious moment, for it was a signal that ideological changes were occuring within the organization. There were those within the ranks of the MEA who saw that changes would come to pass and who wanted the MEA prepared. However, in 1964, the majority was not willing to break from the traditional view of keeping teachers out of the "labor arena."

During 1964 the MEA Legislation Commission went back to the task of developing acceptable legislation. At its May 27 meeting, several important issues were discussed. First, it was decided that a provision denying the right to strike should be included in any legislative proposal. Second, the Commission recognized the problem of reconciling the fact that both administrators and teachers were part of the MEA. They wanted a clause allowing supervisors to be part of an organization that negotiates with boards of education and to be able to vote in any bargaining election. Similarly, it suggested a provision that would permit the board of education to require a certified employee who performs supervisory functions "to refrain from participating in the management of the organization where a conflict of responsibilities exist [sic]."[2]

By the August 21 meeting the no strike provision had been eliminated;

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[1]Statement by Robert Howlett, interview, July 11, 1967.

[2]Legislation Commission, op. cit., 5/27/64, p. 4551.

the key items that would be found in their proposal, H.B.2450, had been determined.[1] The bill was reported to the Board of Directors and was approved. Briefly, the bill was a composite of S.B.1111 of 1963, the recommendations of the Legislation Commission on S.B.1111, and the solutions to particular MEA problems mentioned above.[2] The bill provided for:

1. A professional commission within the Department of Education;

2. Mediation by "intervenors" who had experience and demonstrated competence in dealing with problems in education;

3. Professional teachers to lawfully form, join or assist professional educator's organizations and "to engage in the activities, individually or in concert for the purpose of the improvement of education, the advancement of the interests of education and of educators, and the promotion of the professional growth of members of such organizations."

4. Voluntary agreements with Boards for the purpose of professional negotiation;

5. The granting of exclusive recognition by boards of education if they are satisfied that the organization is representative of certified public employees;

6. An election procedure to determine the exclusive representative.

7. An escape clause for supervisors whereby, "The Board of Education or the Governing Board of the organization may require a certified

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[1] Ibid., 8/21/64.

[2] Mich. H.B.2450.

employee who performs supervisory functions for the Board of Education to refrain from participating in negotiating procedures in any area of conflict or dispute where participation in such area will create an immediate conflict."

8. The requirement that both parties negotiate in good faith;

9. An appeal procedure that impasses be submitted to the State Professional Negotiation Commission.[1]

With the legislature reapportioned and the existence of a labor based PELC, those in education realized that some type of legislation affecting them would be enacted. The question for the MEA was whether or not they could gain the necessary support to isolate education from labor legislation.

As the 1965 school year progressed, the MEA was rapidly transforming its local associations into bargaining units. Under the provisions of Attorney General Kelly's March, 1964, opinion, school boards could voluntarily permit elections to determine an exclusive bargaining representative. By December, 1964, the MEA represented 14 districts[2] and the list swelled to 23 by April, 1965.[3] During these elections the MFT complained bitterly of special and favorite treatment by school boards.[4]

The MEA Legislation Commission temporarily dropped its PPA program in February to devote all its efforts to H.B.2450. At the same time, a campaign was undertaken to gain the support of its members for the proposal. The February Legislative Bulletin outlined the substance of

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[1] Ibid., pp. 3-5.

[2] ME Journal, 42,8 (December, 1964), p. 6.

[3] Ibid., 42,12, p. 33.

[4] News article, Michigan Teacher, 22,5 (February-March, 1965), p. 1.

H.B.2450 and criticized both the Hutchinson Act and the LMB.

> Experience under these existing legal provisions [the Hutchinson Act] has not been good. There is no provision made for bargaining or negotiating in good faith at the local level. Too often attempts to reach local agreement have been immediately bypassed, and appeals have been made for the intervention of the State Labor Mediation Board. Personnel skilled in labor mediation are not necessarily knowledgeable in the problems of education.
>
> Long delays in settlement through the use of the Labor Mediation Board have often been the case. Often the issues in dispute have been adjusted and forgotten long before labor mediation procedures are accomplished.[1]

A decisive blow, however, came when H.B.2450 was introduced in the legislature on March 19, 1965, and was referred to the Committee on Labor rather than to the Committee on Education. Had the MEA been able to have the bill referred to the education committee, the bill might have been reported. A former President of the MEA, explained that the MEA's troubles with the Democratic-controlled legislature went back to the elections for the State Board of Education under the new Michigan Constitution.[2] The MEA's directors for the first time endorsed candidates for those offices, and all of the endorsements went to Republicans. None were elected. The Democratic Speaker of the House,is reported to have said that MEA legislation would never leave committee.[3] Henry Linne, MFT President, relates that he was in Lansing the week that H.B.2450 was introduced.[4] He received a copy of the text, read it, and

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[1]Michigan Education Association, Legislative Bulletin, 5 (February 2, 1965), p. 4.

[2]Interview, July 13, 1967. (Requested to remain unidentified by name.)

[3]Ibid.

[4]Linne, interview, op. cit.

took it to the House Speaker, asking him to send it to the Labor Committee where the bill "died".

At the legislative hearings, H.B.2450 was strongly criticized by labor spokesmen. Sachs and Riordon spoke of the similarity between teacher and public employee problems. Conversely, Ray McLoughlin, Executive Secretary of the Flint Education Association, testified that teachers had "divergent interests".[1] McLoughlin also voiced opposition against compulsory arbitration unless local school boards were given the unilateral right to levy taxes. The only other support for H.B.2450 came from the Michigan School Board Association. They endorsed the bill generally, even though they believed that the rights of school boards should be set forth in detail.

During the Spring of 1965, consultations were held between the MEA and proponents of the legislation.[2] Confronted with the knowledge that their bill would not be reported out of committee[3] and now convinced that, except for the provision that disputes would be handled by the LMB rather than the State Board of Education, the PELC bills, which outlined unfair labor practices, were stronger and better for the MEA, the MEA decided to strike a bargain. In exchange for its support of the labor bills, the MEA wished to amend Section 10(d) of H.B.2450, (the amendments to Bonine-Tripp) to allow the LMB to hire specialized mediators for educational disputes.[4] The MEA was still convinced that people

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[1]Ray McLoughlin, "Statement", Hearings, op. cit.

[2]Statement by Senator Sander Levin, interview, August 2, 1967.

[3]Statement by Richard Adams, interview, July 14, 1967.

[4]See enrolled H.B.2953, p. 2.

familiar with education should handle their problems.

It is interesting to note that in the end the MEA's Legislation Commission listed the enactment of H.B.2953 and H.B.2954 as legislative accomplishments and stated that, "H.B.2953 and H.B.2954 [were] amended to include most provisions of N.B. [H.B.] 2450 except a separate commission."[1]

The Michigan Municipal League (MML)

The Michigan Municipal League (MML) has had a written policy regarding public employees since 1961.[2] This policy was issued after the New York teachers' strike but before the developments in Michigan. The policy was developed in response to H.B.372, the second in a succession of bills proposing compulsory arbitration in the public sector. (See Appendix A.) This bill had been introduced with the sponsorship of the Fire Fighters Association.

The League policy represented the prevailing attitude of county road commissions and county and city governments: that collective bargaining is alien to the sovereignty of government. In summary the policy states:

1. "Present provisions at the local level in the State of Michigan for the handling of employee relations matters between municipal and other local government employers and employees are sound and adequate. Labor relations activities between local government employers and employees

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[1]Legislation Commission, op. cit., 9/7/65, p. 850.

[2]Michigan Municipal League, Public Employer-Employee Relations (Statement of Policy) (adopted October 14, 1961).

are handled adequately and fairly through our representative system of government and subject to the appeal processes which are provided by that representative government."

2. Present provisions are in line with Michigan's tradition of strong home rule for local government. The intervention of a state board or independent arbitrator would remove the responsibility from elected officials who have been delegated by the electorate; thus, there would be no means by which to hold public officials accountable. Compulsory arbitration is incompatible with representative government. Particularly if an award of additional pay were made in a city whose budget was at the limits of its charter restrictions.

3. The following distinct differences between public and private employment make collective bargaining unworkable in the public sector:

A. There is no profit motive.

B. Financial decisions are not tested in the market place.

C. Government responsibilities extend to the public. Pay decisions must be made with a consideration of the public interest in all governmental services.

This underlying philosophy was the basic position when Malcolm Lovell met with the MML in 1963. The three meetings which Lovell had with the staff and board members of the League were largely an educational process and did not produce agreement. A majority of the MML saw the legislation simply as a little Wagner Act; they did not recognize the changing attitudes of public employees and the public in general.[1]

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[1]Statement by Eugene Berrodin, interview, July 28, 1967.

Even as it entered into the legislative hearings in 1965, and faced with obvious labor strength in the legislature, the MML continued with the same inflexible policy. The League was the first organization to speak in opposition to the labor legislation. Its main speaker, Eugene Barrodin, faced a hostile committee, for the MML was viewed as the prime antagonist; it was considered an effective lobbying organization and was the only employer group with a viable statement of policy.[1]

Barrodin spoke broadly of the philosophical objectives of the League and of its objections to some general aspects of the proposals. Although he admitted from the outset that he spoke only for a majority of the League members (there were those in the MML from some of the larger cities who did not agree with the League's position), he said that the League was concerned about the problem of designing a law that could be applied to the great diversity of local governments. Reading extensively from the policy statement, he placed primary emphasis on the negative aspects of compulsory arbitration and formal bargaining procedures. He quoted Arthur Goldberg, who, in his report to President Kennedy on public employees, stated, "[the] impasses in negotiations between government officials and employee organizations should be solved by other means than compulsory arbitration."[2] Also referring to the Goldberg report, he called to the attention of the Committee that Executive Order 10988 permitted only advisory arbitration. Regarding bargaining procedures, the League desired a declaratory statement on

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[1]Marshall, interview, op. cit.

[2]Eugene Barrodin, "Statement", Hearings, op. cit.

the right of public employees to affiliate with a union rather than to submit to what he called "mandatory bargaining". That is, the MML was opposed to the requirement of signed legal contracts; it favored what it called "agreements".

In addition to these major concerns, Berrodin related that the League was opposed to exclusive recognition, to permitting supervisors in the bargaining unit, and to allowing police to be represented by an international union.

The Committee questioned Mr. Berrodin in an attempt to isolate primary criticisms from the broad objections expressed. Although Berrodin as a staff employee of the MML would not be pinned down to precise statements of policy, the cross examination did indicate that the prime problem centered on compulsory arbitration.

At the conclusion of this testimony, Senator Levin asked that the League send a summary statement of its position to the Committee. In a letter to Chairmen Levin and Bradley by Robert E. Fryer, Director of the MML, the League revised its opposition and, now for the first time, made six specific recommendations, none of which pertained to arbitration:[1]

1. Section 9 of H.B.2953, which sets forth the right of public employees to organize and bargain, should be amended to restrict the membership of police, supervisors, and other law enforcement personnel to insure that conflicts of interest are avoided.

2. It also desired union membership standards ensuring that

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[1]Personal correspondence, Robert E. Fryer to Hon. Sander M. Levin and Hon. James Bradley, May 13, 1965.

entrance to the employee organization be free of restrictions because of "race, religion, color, creed, or racial origin", that the union be "free of [sic] corrupt influence and must not assert the right to strike or advocate the overthrow of government by force, violence or other means".

3. The refusal to bargain clause, Section 10(f), should be eliminated.

4. The phrase "collective negotiation" should be substituted for "collective bargaining" in order to connote the different concept of negotiations between public and private sectors.

5. The term "exclusive" (in reference to exclusive representative) should be omitted from all bills.

6. Public employer rights based on Federal Executive Order 10988 should be stated to specify the right to direct, hire, transfer, discharge, and discipline employees, to maintain governmental efficiency, and to determine the means, methods, and personnel for operations.

In addition to using the Executive Order as the rationale for its position, the League quoted at length from the minutes of the Michigan Civil Service Commission with respect to exclusive recognition:

> The minutes of the Michigan Civil Service Commission, July 24, 1963 respond to a request of a State employees' union, for exclusive recognition. "The request raises extremely serious questions of law and public policy, to which the Commission has given careful consideration. For many years the Commission has recognized all employee groups as the non-exclusive representatives of their respective members. Therefore, the first part of the request means that the union wishes to be recognized as the exclusive representative of its members, in other words, that the Commission should not deal with any employees who are members of the union, except through the union. Otherwise the request asks for something already granted....
>
> "The second portion of the request is that appointing authorities be authorized to enter into collective bargaining

> agreements. As is well known, it has been the policy of Congress to encourage collective bargaining in private industry. In our case the question to be considered is whether it is lawful and if so whether it is desirable, for the terms and conditions of public employment to be similarly settled over the bargaining table between appointing authorities and local unions. There are significant differences between public and private employment. The private employer is limited in his bargaining by what he can afford. The people of the state would have no such safeguard in negotiations between appointing authorities of public employees...."[1]

Prior to the June 11 legislative Committee reporting deadline, the MML issued another memorandum to Levin and urged only four changes: (1) the use of the words "collective negotiation", (2) the establishment of restrictions on union coverage of law enforcement personnel and supervisors, (3) a management rights section, and (4) the allowance of grievance adjustments outside of the contract.[2]

Thus, within a one-month period, the position of the League was adjusted. In the hearings, the MML speakers objected to most of the amendments. They didn't seem to understand the goals of labor or how to successfully influence the legislation. No concrete recommendations were emphasized and only their opposition to compulsory arbitration was stated. Even on this point their testimony was based primarily on a 1961 policy which reflected their fear of binding arbitration. However, their testimony also showed that they were not aware of the division among labor people on this issue. Notably however, their memorandum three days after the hearing did not discuss this subject. Perhaps the statements of various labor groups at the House Labor Committee hearings gave them an indication of the labor split. In their statement six proposals

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[1]Ibid., pp. 3-4.

[2]Memorandum, Robert E. Fryer to Hon. Sander M. Levin, June 7, 1965.

were introduced. These were reduced to four on June 7, but even then, one was totally new and different than those previously presented.

In summary the League did not influence the legislation in any specific way. The basic reason was their failure to recognize that their policy statement of 1961, which held as a premise the "present provisions...on the local level in the State of Michigan of the handling of employee relations...are sound and adequate",[1] was entirely wrong and in fact the reason for new legislation.[2] Thus their perspective would not allow them the luxury of compromise. The League's spokesman has since related that the four goals of the MML were: (1) some type of sanctions if strikes occurred, (2) a management rights section, (3) no compulsory arbitration, and (4) no supervisors in bargaining units[3] (note that unfair labor practices against employee organizations were not included). If these were in fact their goals, the League did not articulate them well. The MML did not coordinate its opposition with other employer groups and was ineffective in bringing pressure on key legislatures; in addition, being the only organization with a policy, it received the brunt of union attacks.

The League has rationalized its defeat quite simply: the Democrats had the votes and were not in the mood for compromise because they didn't have to.[4] Certainly, the Democratic majority didn't help the League's case. However, political alignments do not offer a complete explanation

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[1]Michigan Municipal League, op. cit., p. 1.

[2]Levin, interview, op. cit.

[3]Berrodin, interview, op. cit.

[4]Ibid.

for it is obvious that the League really never put up a good "fight".

The Michigan School Board Association (MSBA)

The Michigan School Board Association (MSBA) is a loosely-knit organization representing the interests of school board members across the state. As such it has a vital interest in all legislation affecting education and maintains a staff of experienced lobbyists at the Capitol. The organization by its very nature, however, has difficulty in exerting pressure on some controversial bills, because its members are elected from a widely divergent constituency across the state. This problem was exemplified in the MSBA's approach to the public employment bills.

In early 1964, Robert Howlett spoke to a meeting of the School Board Association about the bills which the LMB was supporting. A motion for support was defeated, however, by a split vote of the Executive Board;[1] there were those who agreed that teachers should have the statutory right to collective bargaining, but the majority held a negative view on the issue.

It wasn't until after the labor bills were signed into law that a direct public policy statement was issued by the MSBA. Earlier, the Association's publication, the Michigan School Board Journal, carried only an oblique comment about compulsory arbitration, in the December, 1964 issue:

> Any legislation which delegates determination of action to other than the legally constituted authority, that is, Boards of Education, might lead to fiscal irresponsibility and unbalance of budgetary allocations. Boards of Education must be

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[1]Howlett, interview, op. cit.

> recognized, as any other governmental agency, for their legal authority as well as responsibility.[1]

The position of the MSBA is probably best understood in a behavioral context. Members of boards of education are elected to their posts and view themselves as trustees of the people, guarding the youth of the community. They resent having their paternalistic authority and judgment challenged. "The President's Message", carried in the Journal, after the legislation passed articulates this concern.

> As I view the problem [of the issues between teacher's groups and boards] it appears that we must clarify whether teachers are seeking joint responsibility with boards of education, or are seeking to share joint concerns. It must be pointed out that boards of education are subdivisions of the State government and the responsibilities and authority of boards of education, being established by law, cannot be delegated or shared with any other body.... If, on the other hand groups seek to share joint concerns, i.e., those concerns of common cause, then boards must recognize that it is their responsibility to listen, to take into account the views and recommendations of its professional staff and to allow for ample discussion between board and staff. This is the method of resolving differences. Strikes, sanctions, third party mediation and the like can do no more than add further stumbling blocks in the path of our youth in their quest for learning something. These coercive methods are destructive forces that could destroy the very institution that has kept this country free...[2]

For the legislative hearings, however, the MSBA sent two high-level representatives: Dr. Lester Dankert, President of the MSBA and employed by the Dow Chemical Company, and George W. Coombe, Jr., a Director of the MSBA and the Chairman of its Committee on Negotiations, President of the Birmingham Board of Education, and an attorney on the

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[1]Helen Field, "1963-1964 MASB Legislative Report," Michigan School Board Journal, 11,10 (December, 1964), p. 7.

[2]Dr. Julius Barbour, "From the Executive Director's Desk", Michigan School Board Journal, 12,6 (August, 1965), p. 8.

staff of General Motors Corporation. Both men spoke favorably in support of the MEA sponsored H.B.2450 and against including teachers in a public employment act. Dankert spoke of the duties and responsibilities of the boards of education as provided by law. If a bill was to be passed, he recommended that these rights be spelled out in the new legislation, that the legislation maintain local authority for negotiation, and that compulsory arbitration was "repugnant to good government" because the duty of the board of education is the maintenance of the public interest.[1] Coombe, speaking "for the vast majority of the people of this state", also urged that professional teachers stay out of the labor management relations arena. Although he spoke for H.B.2450, he had some objections to it, including the provision that placed impasse procedures under the jurisdiction of the State Board of Education. He preferred to utilize a commission appointed by the governor--apparently he favored S.B.1111 of 1964.[2]

When the bills were passed by the legislature and sent to the governor, the MSBA discussed the measures with Governor Romney and pointed out that there would be more millage needed and that militancy would develop if the bills were passed.[3] To their regret, the Governor signed both bills.

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[1]Dr. Lester Dankert, "Statement", Hearings, op. cit.

[2]George W. Coombe, Jr., "Statement", Hearings, op. cit.

[3]Statement by Julius Barbour, interview, July 26, 1967.

CHAPTER IV

THE MICHIGAN LEGISLATURE'S APPROVAL OF NEW PUBLIC EMPLOYMENT AMENDMENTS

--DYNAMICS AND CONCLUSIONS--

The Public Employee Bills in Committee

The Joint House-Senate Labor Committee heard testimony pertaining to eleven separate legislative proposals (fifteen bills including those entered in both chambers). Of these only the three PELC-sponsored bills were reported out of committee: H.B.2869, compulsory arbitration; H.B.2953, amendments to the Hutchinson Act; and H.B.2954, amendments to the LMA. The strategy was for the House to report the legislation because the bills would have less difficulty there.[1]

The compulsory arbitration bill, H.B.2869, was the first reported out. (See Appendix F for the sequence of action on the bill.) The committee had made some minor amendments. (See Appendix G for a copy of the bill.) It passed the House on May 28 by a vote of 56-38, which indicated that the Democrats, who had 73 members, were somewhat disenchanted with it. But the last chamber to act on a bill has the real pressure of determination, and the Senate was not as favorably inclined as was the House. On June 11, the bill was reported out of committee without

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[1]Marshall, interview, op. cit.

recommendation. Because of the traditional power of the committee chairman, this action indicates that Senator Levin (Senate Labor Committee Chairman) was not especially in favor of passage. On June 22 the motion to hear and vote on the bill failed by one vote, and Senator Levin voted for the motion.[1]

The amendments to the Hutchinson Act, H.B.2953, were favorably reported on May 26. (See Appendix F for sequence.) The House committee had amended the bill in two basic respects by transferring the language of H.B.2954 Sections 23(B)-(K), which provided procedures for unfair labor practices, to Section 16, and by establishing a contract bar. Additionally, a sixth unfair labor practice was added requiring employers to bargain with employee representatives. The inclusion of this clause had been urged as a means of making specific the somewhat ambiguous language of the similar intent in the federal law. The delayed addition of a three-year contract bar reflects an internal union split between the MFT, who wanted a one-year bar, and the craft unions who wished long term insulation.[2] (See Appendix H for a copy of the bill.)

When the bill came before the House for its third reading, Representative Grim, a member of the MEA, challenged the union position by offering amendments: "To create a professional negotiation commission; to prescribe its function; to provide for procedures for the presentation, discussion and solution of matters of salary, conditions of employment and other matters of mutual concern."[3] In essence, Representative

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[1]Mich., Senate Journal, 1965, 3, p. 1885.

[2]Lirme, interview, op. cit.

[3]Mich., House Journal, 1965, 2, p. 1863.

Grim was trying to introduce H.B.2450, the MEA-sponsored legislation, into the House by means of the amendment process (H.B.2450 had failed in Committee, by a 6-4 vote, on party lines). The amendments were defeated 44-53, with most of the affirmative votes from predominantly MEA districts.[1] The original bill then passed the House by a 68-32 vote.[2]

In the Senate, the Labor Committee made two other important amendments. First, it provided that the State Court of Appeals instead of the Circuit Courts be the court for enforcement of unfair labor practices. Senator Levin explained:

> The reason for this was essentially one of time. The Federal experience has manifested many examples of very protracted consideration of a single labor-management relations problem. Sometimes three or four years have elapsed before a final decision. Since the purpose of our amendments was to help resolve disputes in an expeditious manner, it was decided to skip one tier in the court structure.[3]

Second, Section 13 was amended to permit most fire supervisors to be union members. Traditionally fire captains and chiefs have been members of the Fire Fighters Association. Accordingly, the labor organization wanted to insure that as a result of "favorable legislation" they were not suddenly reduced in membership by an unfavorable determination of a unit by the Labor Mediation Board.[4] The amendments were adopted 31-1 by the Senate and returned to the House, where they passed 90-6. The bill was to have immediate effect.[5]

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[1]Linne, interview, op. cit.

[2]Mich., House Journal, 1965, 2, p. 1861.

[3]Levin, correspondence, op. cit.

[4]Marshall, interview, op. cit.

[5]Mich., Senate Journal, 1965, 2, p. 1648.

The major alterations to the Labor Mediation Act amendments, H.B.2954, were those concerning changes in the unfair labor practice section, changes in the court of enforcement and inclusion of a contract bar. (See Appendix F for the sequence of action on the bills, and Appendix I for a copy of the bill.) It passed the House 69-28 and the Senate 35-2.[1]

Thus, the two bills succeeded in both chambers. The crucial vote counting revealed that, although the bills had gained bipartisan support, they would not have received the 74 House votes required to override a veto if the Governor had rejected them.

The Role of Senator Levin

While William Marshall served as the rallying point and coordinator for union efforts, Senator Sander Levin must be characterized as the grand strategist and acknowledged pilot of the legislature. Prior to his first election to the legislature in 1964, Levin had been an attorney. One of his specialties was labor law and he represented various labor organizations in that capacity. Although in his first year in the legislature, Levin was able to rise to the powerful position of Chairman of the Senate Labor Committee because half of the Democratic senators were new.

While in favor of revisions in labor legislation, Levin did not overtly play a role in the development of PELC proposals. That is, he was not in attendance at any of the official meetings as were Senator Coleman Young and Representative Robert Dingwell. However, it would be naive to suggest that in his role of Senate Labor Committee Chairman he had not been consulted.

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[1] Ibid., 3, p. 1744; House Journal, 1965, 3, p. 1867.

Correspondence with Senator Levin indicates that he worked on the bill earlier than its entrance into the legislature on April 14, 1965, when he wrote, "Nobody seemed interested in it [the omnibus bill] except a few of us who had worked on it."[1]

He corresponded with most of the major political forces. For example, an outline of the legislation and proposed changes was sent to Robert Howlett for his comment. Senator Levin queried most of the powers in this way.[2] Furthermore, the manner in which he handled himself and the bills won him the respect of both sides and undoubtedly helped the bills gain what has been called bipartisan support.

Although in large measure the substance and fate of the bills appear to have been set prior to the hearings, Levin chaired the morning sessions and established an open atmosphere and attempted to divide the available time between opponents and proponents. He further suggested that the parties forward written copies of their statements or in other ways correspond with the committee. He assured those in attendance that their documents would receive the utmost attention of the committee. Perhaps this was a charade, perhaps not. The fact is that the legislation changed very little in committee.

One change accomplished after the hearings involved the MEA. Correspondence by Howlett to Levin indicates that the Senator proposed the key amendment which achieved the compromise to gain MEA support. (See Appendix J.)

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[1]Personal letter, Sander M. Levin, August 23, 1967.

[2]Levin, interview, op. cit.

After his work in the legislature had been completed and the bills were on the Governor's desk, Levin recognized the quandry of the Governor over New York Governor Rockefeller's veto of somewhat similar legislation. To bolster the bill and the Governor, Levin dispatched form letters to interested parties encouraging correspondence urging the Governor to sign the legislation.

The Role of the Michigan Labor Mediation Board (MLMB or LMB)

Since the election of Governor Romney in 1962, the members and particularly the chairman of the Labor Mediation Board have been very active in the behind the scenes development of legislation affecting labor. They themselves sought to develop legislation and others sought their advice.[1] Their involvement comes in part from the activist philosophy of the two chairmen, Malcolm Lovell and Robert Howlett, from the fact that they are regarded as experts in the field and would eventually be responsible for implementation of the legislation, and from their close association with the governor.

Lovell, who had been an American Motors industrial relations executive, believed that, if collective bargaining worked in the private sector, it ought to work in the public arena as well. He saw the need for public employees to have the right to organize and bargain and for their representatives to be able to request mediation without submitting a petition from 50 per cent of a unit's employees. The Michigan private sector law had procedural problems: the LMB was required to take a

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[1]MLMB members, interview, July 11, 1967.

strike vote as a means of determining representation questions, and hospital and public utility employee disputes had to be initially referred to a panel appointed by the governor for representation questions. To remedy these problems, Lovell attempted to enlist bipartisan support for amendments to the existing laws during 1963 and early 1964.

The legislation introduced with Board support failed to gain any substantial backing from either party. Marshall relates that the bill was too weak to gain labor support: it failed to rid the act of its harsh penalties and was generally weak. Lovell was viewed with suspicion as a "do-gooder" who could have gotten the bill passed if he really wanted to.[1] On the other hand, the Michigan Municipal League was completely unwilling to support any idea of collective bargaining for public employees. However, these early bills did serve the useful purpose of focusing public and legislative attention on the inadequacies of the laws.

In the following year, Robert Howlett, the new MLMB chairman, again went to Romney to discuss labor legislation. He knew the labor leaders and he knew that they would be pursuing their legislative goals. This time, however, labor came to the Board. On December 18, 1964, a committee of the PELC met with Howlett, Walsh, and Parker. Howlett states that philosophically, the two groups were in sympathy, although the union wanted to go much further than the Board members.[2] It was at this stage that Howlett went on record to support the proposition of unfair labor practices against employee organizations.

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[1]Marshall, interview, op. cit.

[2]Howlett, interview, op. cit.

The Board published a full analysis of H.B.2954[1] (for Governor Romney, in line with a standing order that all agency heads prepare an analysis of bills affecting their agencies). (See Appendix K for complete text.) The analysis is undated but its reference to the probability that the omnibus bill would not be reported from committee would indicate that it was prepared in April or May. Although it is called an analysis of both H.B.2953 and H.B.2954, it deals only with the LMA amendments and the procedural overlap applications of the Hutchinson Act. The Board noted that the bill would empower the LMB to issue cease and desist orders for unfair labor practices and stated that this provision goes beyond S.B.1111 of 1964. The Board did recommend that the bill be amended to require a bipartisan LMB. As it did with the 1964 proposal, the Board heartily endorsed the changes pertaining to election procedures, but it went further by also endorsing the elimination of criminal penalties for injunction violations in hospital disputes.

Three of the MLMB suggestions specifically departed from those made by the PELC. The Board suggested that consideration be given to prohibition of the closed shop with an authorization of the union shop, and they went on record as favoring the designation of employee unfair labor practices.

> If the Board is to have cease and desist powers as provided in Section 23, we believe it preferable that the unfair labor practices specified in Section 8(b) of NRA be included and that the language be changed to conform with the NLRA.[2]

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[1]Analysis of House Bills Nos. 2954 (Senate Bill 619) to Amend the Mediation Act and 2953 (Senate Bill 621) to Amend the Hutchinson Act, by Members of Labor Mediation Board (typewritten, undated).

[2]Ibid., p. 8.

Finally, the Board raised the question of "whether appeal should be to the Circuit Court as provided in the Bill, or to the Court of Appeals, consistent with the federal practice."[1] Since the Analysis did not discuss the substantive provisions of the Hutchinson Act, we can only speculate that its 1965 position on compulsory arbitration was the same as that stated in their Comments on the Advisory Committee on Public Employee Relations Report.

> We are opposed to the concept of compulsory arbitration in the public service. Compulsory arbitration is contrary to our democratic system of government in which the legislative body of a governmental unit is the final judge of policy. Cities, communities, boards of education, etc., are the direct representative of the voters and are charged by statute with the responsibility of determining fiscal and other policies. The use of compulsory arbitration brings in a third party who has no responsibility to the voters or in the final outcome. While the committee suggests judicial review, this concept vests in the judiciary a legislative function which may, under Local 170, Transport Workers of America v. Genesee Circuit Judge, 322 Mich. 332(1948), be unconstitutional as a breach of the doctrine of separation of powers.[2]

The amount of direct involvement by Chairman Howlett and the members of the LMB will probably never be known because much of it was by private correspondence. Senator Levin for one was in close touch with Mr. Howlett. He had solicited comments from Howlett by giving him a detailed breakdown of the proposals.[3] The Senator also consulted him about the MEA's desire for special teacher mediators.[4] His interest was not clandestine, however.

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[1] Ibid., p. 9.

[2] Comments by Members of the Labor Mediation Board on the Report to Governor George Romney by the Advisory Committee on Public Employee Relations (typed, prepared shortly after February 15, 1967; verified by Mr. Howlett), p. 6.

[3] Levin, interview, op. cit.

[4] Correspondence, Robert G. Howlett to Hon. Sander Levin, June 9, 1965.

Mention is made in the transcript of the legislative hearings that Mr. Howlett was in the audience. Moreover, that he was backing the legislation became public in June when the Grand Rapids Press and the Detroit Free Press reported a flare-up between the Chairman of the MLMB and Grand Rapids Mayor Chris Sonneveldt. Howlett was quoted as stating that the "City Commission was making a great mistake in opposing legislation that would allow public employees to have exclusive bargaining agents." He was also reported as stating that "the entire Board--two Republicans and a Democrat--supports the bill...", and that he was sure "the Senate will amend the House bill to make minor changes he believes to be necessary." The major change he stated, was the equalization of unfair labor practices.[1]

But the bills passed the legislature and went to the governor without the much sought-after employee organization unfair labor practice provision. Because of the potential negative political implications of the Rockefeller veto of a somewhat similar bill in New York, Governor Romney asked Mr. Howlett for an analysis of the bill and a comparison of it with the New York version. Although not completely satisfied with the bills, Howlett recommended that the governor approve the amendments, for to do otherwise would negate many desirable features of the legislation.[2]

Romney Signs the Legislation

Governor Romney's interest in revisions in Michigan labor laws was

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[1]Howlett, interview, op. cit.

[2]Ibid.

passive from the beginning. In 1963 he had agreed to Malcolm Lovell's proposal to consider amendments to both the private and public sector labor laws. As we have seen, Lovell's approach was to improve the laws conservatively. The Governor's approach to Lovell was, "who besides yourself is in favor of it?"[1] There weren't many.

The PELC petitioned both parties to go on record in their 1964 platforms as supporting changes in the law. The Republican party did not adopt such a platform, and Romney did not include any such recommendations in his legislative program for the following year.[2] Thus, even though Republican representatives in the LMB showed signs of interest, Romney's failure to speak out on the issue left doubt as to what his position would be. This was a major hurdle to the Democrats, for they had votes sufficient to pass the bills through the legislature but probably not enough to override a veto without some Republican help.

This question mark severely restrained the position of the PELC and forced it to question its proposals in this light. At the December 15 meeting, "Attorney Sachs told the delegates that, while the prospects for labor legislation are good, there is concern whether the Governor will sign them."[3] Some within the labor movement favored the specific repeal of the strike prohibition and the substitution of an omnibus bill. But these ideas were rejected: "As a matter of political expediency they [the PELC] are fearful of a Governor's veto if the Hutchinson Act were

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[1]Statement, Malcolm Lovell, telephone interview, August 8, 1967. Reference being made to his report to Romney after his efforts.

[2]Howlett, interview, op. cit.

[3]PELC, Minutes, December 15, 1964, p. 3.

repealed in its entirety."[1]

Part of the PELC strategy appears to have been based on the Governor's probable reaction. Three bills were sponsored after the legislative hearings. However, if the strategy were to give Romney the opportunity to exercise his veto on the compulsory arbitration bill, the plan did not succeed. The Senate pre-empted him.

The bills were put on the desk of the Governor on July 15. Just three weeks before, fellow Republican Governor Rockefeller had vetoed somewhat similar legislation in New York. As a result, Romney asked Howlett to get in touch with the appropriate parties in New York to determine the reasons for Rockefeller's veto and to prepare a report comparing the two laws.

Realizing the Governor's quandry, Senator Levin forwarded letters to his friends explaining that the Governor's office had been receiving some mail in opposition to the legislation. Levin suggested that these people send communiques urging his signature.

Romney received pressure from the MML, who "strongly appealed to the Governor to veto the legislation."[2] The Michigan School Board Association also approached him and pointed out the negative effects of the legislation.

Howlett's report to Romney pointed out that the New York legislation was a product of political partisanship and was considered by New York experts as being a poorly constructed bill.

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[1]Ibid.

[2]Berrodin, interview, op. cit.

Though the bills could have become law without his signature, the Governor signed them on July 23. The Governor gave..."this bill the most careful consideration of any of the hundreds of bills adopted at this sitting in the Michigan Legislature."[1] As suggested by one labor leader, undoubtedly one reason was his presidential aspirations. Perhaps pointing more subtly in the same direction is Senator Levin's reply to the question.

> Why [did] the Governor sign the bill rather than allow it to become law without his signature? I would answer this by referring to his message upon approval of the bill. The Governor's office was involved in many discussions of this bill. The contents of the bill came as no surprise. While I do not believe that any legislation reforming archaic notions about public employment would have originated and passed in a Republican controlled Legislature, at least in the foreseeable future, an overwhelming number of Republicans voted in the affirmative. The Governor lauded the bill when he signed it.
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> The bill, in my opinion, was in the mainstream of progress in this country, while not pretending to solve automatically every single issue that might arise. As the Governor showed in 1965 and 1966, he very much wanted to appear to be in the mainstream of reform initiated by the first Democratic Legislature in thirty years.[2]

Summary and Conclusions

In Michigan, there were three preconditions necessary for the enactment of this reformed labor legislation; the development of a receptive environment, a source of power, and coordinated leadership.

In reality the development of a receptive environment is spread over thirty years, for the Federal Wagner Act established a visible

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[1]Press Release, Office of the Governor, Lansing, Michigan, July 23, 1965 (mimeo.).

[2]Levin correspondence, op. cit.

goal for public employees. Public employees (like their private sector counterparts prior to Wagner) for years had been without the right to choose exclusive representatives, without the right to demand that their employer bargain collectively, and without effective procedures for settling disputes. The early efforts to remedy this situation were begun in Michigan by unions such as the AFSCME, which attempted to organize and bargain almost without tools. The political climate began to change visibly in the mid-fifties. A 1955 American Bar Association report on government-employee relations depicts some of the changing sentiment. Also, beginning in 1957 in Michigan, bills to grant public employees basic collective bargaining rights were introduced in every session of the State Legislature. The real catalyst, however, may have been the New York teachers' strike, which served two purposes: First, it dramatized the problems of the public employee; and second, it demonstrated that strikes in the public sector were no longer futile and that gains could be accomplished through their use.

Although bills were introduced annually in Michigan to change the laws, these were always sponsored by the minority Democratic Party, until 1964. In that year a few Republicans attempted to develop a consensus bill. These Republicans being professional labor relations practitioners, understood the need for procedural changes and saw the changing demands being made by these employees. But because these leaders were unable to gain political support for their remedial measures, the law remained unchanged. It was not until the election after the legislature was reapportioned that a willing source of political power developed and the Democrats controlled both chambers of the legislature.

However, because their margin was not large enough for a coup de force over a Republican Governor's veto, skilled labor and party leadership were necessary. The minutes of labor's PELC amply demonstrate that Attorney Ted Sachs carefully sized up the internal union forces and drafted legislation to satisfy his constituency while at the same time considered the attitudes of potential opposition. Senator Sander Levin provided the necessary leadership to steer the bills through the legislature. Through his political activity, the proposals were referred to major power sources for consideration and comment. Bipartisan support was achieved because there was a known source of power and a leader who knew when to use this power and when to compromise--a classic demonstration in the successful and effective use of power.

PART II

HISTORICAL DEVELOPMENT, INTERNAL ORGANIZATION, LEADERSHIP PROFILE AND EVOLVING COLLECTIVE BARGAINING POSITIONS OF THE PRINCIPAL MICHIGAN EDUCATIONAL ORGANIZATIONS

CHAPTER V

TEACHER ORGANIZATIONS

The Michigan Federation of Teachers

The earliest attempts to organize teacher locals in Michigan were undertaken by the American Federation of Teachers during the 1920's. These early efforts did not succeed, however, and it was not until 1932 that the first local union, Detroit Local 231, was chartered.

In January, 1933, Grand Rapids Local 256, and in February, 1934, Ann Arbor Local 284 were organized. In May, 1934, a local was organized in Kalamazoo. Highland Park became the fifth local in January, 1935. The reasons for organization and early activities were essentially political.

Detroit had over one hundred members in its local in 1932 and affiliated almost immediately after organizing with the American Federation of Labor. Its early activities were highly political; e.g., when the Legislative Committee of the Michigan Education Association failed to line up the voters in Detroit against proposed amendments to the State Constitution which seriously jeopardized education, it appealed to the local chapter of the American Federation of Teachers, which then worked for the defeat of the amendments in Detroit. The Detroit local had a Legislative Committee which worked for some time with both the Michigan Education Association and the local labor organizations.

The Kalamazoo teachers' union was organized in May of 1934, and was affiliated with the local Trades Council. During its first year, it elected school board members, worked for the defeat of the Constitutional amendments and fought the proposals for fifteen-mill property tax limitations.

Grand Rapids had an initial membership of forty. The drastic cuts in salary had awakened these teachers to the desirability of union affiliation. In 1933 salaries were reduced 15%, in 1934, 38%, in 1935, 40%. The local fought but lost the fifteen-mill limitation proposals largely because of a powerful real estate board representing real estate holding interests that were seriously delinquent in tax payments.

The Ann Arbor chapter was organized in February, 1935 and affiliated with the local Trades Council. A Legislative Committee was formed and was divided into three units to study the local, the state, and the national situation. Like Grand Rapids, an early major issue was the fifteen-mill limitation proposal. A survey made by the Michigan Municipal League in Ann Arbor showed that the small home owner paid his taxes while the individuals with large real estate holdings were inclined to be delinquent.

In 1934, three hundred classroom teachers in Highland Park voted to organize a local union and to affiliate with the Michigan Federation of Teachers. The salary reductions suffered by the Highland Park teachers was one of the prime reasons for this action. The salaries of the Highland Park teachers ($1800) were below those of the firemen in the community. Further, while the teachers received a 33% cut, the city engineer received a raise of $2000, and the superintendent of the water department and the fire chief received substantial increases in salary. The Board

of Education contended that cut backs in salary were unavoidable because the general home owner was delinquest in paying his taxes. However, a teacher survey of the delinquent tax situation showed that the small home owner paid his taxes, while apartment house owners and businessmen were delinquent.

Evidence indicates that representatives of these locals held joint meetings before January, 1935. Prior to that time these locals were called the American Federation of Teachers Locals of the State of Michigan.[1]

A joint luncheon meeting was held by the American Federation of Teachers Locals of the State of Michigan in Ann Arbor, Michigan,[2] on January 19, 1935. This meeting was of great importance, for it was at this meeting that the Michigan Federation of Teachers was officially created.

> It was moved and supported that the conference proceed at once to set up a state organization composed of a President, Secretary and a cabinet or executive board made up of Presidents of the several locals. This was amended to the effect that each local elect its cabinet or executive board member to spread the responsibility.
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> The amended motion was put to a vote and carried.[3]

Two weeks later at the first official meeting of the newly formed MFT, the members present:

1. Outlined the preliminary steps for a definite, objective state program of action including a program of legislation embodying (a) taxation, (b) tenure, and (c) academic freedom;

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[1]Minutes of Joint Luncheon Meeting, MFT, January 19, 1935.

[2]Ibid., p. 1.

[3]Ibid.

2. Set into motion the eventual creation of a legislative body whose power to act would be delegated by the various locals;

3. Recommended that all proposals regarding tenure legislation be investigated;

4. Discussed educational financing including the undesirability of a sales tax, concern for debt reduction, the need for revised wage laws, and a recommended wage scale calling for a minimum of $1,000 for all teachers;

5. Elected its officers for one-year terms;

a. Dr. W. G. Bergman of Detroit, president

b. Miss Sarah E. Keen of Ann Arbor, state secretary[1]

6. Revealed that one committee (legislation) was already in existence and was working on rules of tenure.

During these formative years the major concerns of the MFT can be broken down into six major areas. A brief resume of each area follows.

Teacher organization.--Communication between teacher groups was infrequent, and members of these locals did not begin meeting until 1934. These meetings were the result of injustices to teachers occurring throughout the state during the time of the Great Depression. Hence, at this time, security was the primary concern of many teachers, who sought relief through provisions for tenure.[2] Some teachers from various parts of the state, discouraged at their lack of progress in promoting

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[1]Minutes of First Meeting of the Michigan Federation of Teachers, Ann Arbor, Michigan, February 2, 1935.

[2]Ibid., p. 9. Tenure seems to have been the great rallying force of the MFT through its initial organization.

tenure through non-union teacher associations, urged the unions to assume the initiative.[1]

Other teachers, however, feared a union with labor because they were uninformed about the policies and practices of labor unions. Unfortunately, courses in the history of education have failed to show the positive support given by labor to measures advocated by educators. To get teachers to affiliate with labor even though many desired a new organization, was a slow and patience-trying task.[2] The Michigan Federation of Teachers found a lack of knowledge by teachers of the problems of their profession as well as the variety of available methods to solve those problems. More than anything else the Michigan Federation of Teachers found a serious lack of organizational experience by teachers of the small locals in out-state Michigan making those groups weak and ineffective.

Tenure,[3]--A tenure bill was introduced in the Michigan Legislature by the MFT with the help of the Michigan Federation of Labor in 1935. This bill failed to pass when a Michigan Education Association (MEA) tenure bill was also submitted shortly thereafter causing confusion and a split among the legislators who supported the tenure concept. In 1937, with a degree of cooperation from the MEA,,a permissive type of tenure bill passed the legislature; i.e., a tenure system could be legally

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[1]Ibid., p. 3.

[2]Arthur Elder, "Report of Out of State Locals," (The Elder Collection, Wayne State University Library), Box 5, p. 4.

[3]Arthur Elder, "Report on State Legislation by the Michigan Federation of Teachers," (The Elder Collection, Wayne State University Library), Box 6, p. 9.

instituted by any school district which voted to do so. This bill was amended in 1941 and remained permissive until 1963 when statewide tenure became mandatory. Until 1963, a major MFT program was to pressure for the adoption of tenure in each individual district.

Recognition and freedom of organizational choice (institutes).[1] -- Teachers in the early years were obligated to attend state-sponsored, MEA institutes for two days in October. Institutes were authorized by the State Superintendent of Public Instruction and held on regular school days for which teachers were paid. The MFT members protested. Some union members refused to join the non-union association and spent the two days in their empty classrooms doing routine assignments.

Further, teachers were obliged to pay an institute fee of $1.00 for men and 50¢ for women teachers when receiving their annual contracts. (Whenever each district reported 100% membership in the MEA it received a gold star placed behind its name, for other districts to see.) Regardless of any original justification, the MFT felt that application of the fee was discriminatory. The deposit of these funds into the MEA treasury was also challenged by the MFT throughout the 1940's. It was also felt that spring institutes often were used for narrow organizational and personal political purposes.

In response to these practices, the MFT sponsored legislative bills which eliminated institute fees in various Michigan cities. Later the MFT challenged the legality of allowing a private organization (the MEA) to conduct meetings at taxpayers' expense. Dr. Elliott, State

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[1]Minutes, MFT Cabinet and Legislative Committee, Ann Arbor, Michigan, March 8, 1935; and Minutes, MFT, Ann Arbor, Michigan, May 4, 1935.

Superintendent of Public Instruction, admitted the justice of the Michigan Federation of Teachers's contention by authorizing it to hold its own fall institutes.

Loyalty Oaths.[1]--During the early thirties, Michigan teachers were required to take an annual, notarized, loyalty oath, which was a part of their contract. Resentment against taking the oath increased, both because teachers felt that it was an unmerited refutation of their loyalty, and because the law had been used by a number of school boards as a pretext for violating contracts. Several teachers were denied thousands of dollars rightfully due them for services performed because the oath was not included as part of the contract as required by the law.

The MFT had bills abolishing the oath requirement introduced at several sessions of the legislature. Individual letters were mailed to senators and representatives. Eventually the law was repealed.

Franchise in school elections.[2]--Franchise in school elections had its proponents in the early stages of the MFT organization and was an especially important issue for both the Grand Rapids and Flint locals. In those communities the franchise in school elections was restricted to owners of property and parents of children in school. The Michigan Federation of Teachers in cooperation with the Michigan Federation of Labor sponsored a bill to extend the right to vote to all citizens at several sessions of the Legislature. The bill eventually became law.

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[1]Minutes, MFT Committee Members, (location unknown), April 25, 1936.

[2]Minutes, op. cit., March 8, 1935.

Pension System (Retirement).[1]--Prior to 1937 the pension system was supported wholly by teachers. They fell further and further behind the allotments granted to other retirees, and their allowances were sometimes below those granted through the WPA and other welfare plans. The MFT assumed that rapid action would follow with the election of Governor Murphy, a Democrat.

The long period of delay by the Retirement Board in introducing a bill seemed inexplicable, until a check revealed that the non-union, state educational association officers and members of the Retirement Board were unwilling to approach the Governor who belonged to a different political party. Through the Michigan Federation of Labor, teacher union representatives secured the Governor's expression of support and facilitated a conference of interested groups. The bill was introduced and passed, and established a minimum pension of $700 and a maximum pension of $1,200 yearly.[2]

Thus the MFT established its goals by 1938, attained some goals early, and continued to reach for others. Throughout the 1940's and 1950's the primary concerns of all MFT locals were salaries, tenure, and retirement. Later, with the passage of the Teacher Tenure Act and the creation of a Tenure Commission, the MFT helped establish a vehicle by which equitable dismissal procedures were established.

By June of 1967, there were 68 local unions affiliated with the Michigan Federation of Teachers. However, the majority of these did

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[1]Minutes, MFT, Lansing, Michigan, October 13, 1935.

[2]Minutes, MFT, Pontiac, Michigan, April 25, 1936.

not possess exclusive bargaining rights for the teachers in their districts. (See Part III.) Obviously, continued growth and survival will largely depend upon achieving this recognition.

The power struggle between the Michigan Federation of Teachers and Michigan Education Association developed in the 1930's and continues today. The Federation's public attack centers upon the charge that the Association fails to consider problems of teachers' welfare to be its paramount concern.

An example of this struggle was the tax diversion amendment adopted in November, 1946. The Association maintained that it led the campaign for adoption of the amendment, and that the Michigan Federation of Teachers opposed the sales tax diversion amendment. It also pointed out that state aid had increased from 62.5 million to 159 million dollars yearly. The Federation contended that it was true that salary increases in all parts of the state have been made from funds derived through adoption of the tax diversion amendment. However, the MFT argued, there is no proof that such salary increases would not have been made in the great majority of districts without the adoption of the amendment. Moreover, there are thousands of teachers in Michigan who had not secured the increase in salary justified by the rise in state aid. Many wealthier districts had cut their local taxes or failed to increase them and were using a considerable portion of state aid funds for school building purposes. Those situations were particularly acute in districts where no teachers union had been chartered. The campaign for the sales tax diversion amendment was initiated and sponsored by real estate interests and civic leaders principally in the fifteen-mill cities; they were becoming increasingly

fearful that they would be forced to support municipal and school services more adequately with local tax monies.[1]

Another example of this struggle was the debate over leadership of teachers' retirement programs. The Federation replied to the Association's claim of leadership in the following way:

> Non-union as well as union teachers urged the organization of the Michigan Federation of Teachers in 1933 and 1934 because, they declared, they were receiving no cooperation in their efforts to promote sound retirement and tenure legislation through Michigan Education Association.[2]

On the National scene, teachers, represented by the American Federation of Teachers (AFT), had a significant role in bringing about changes in many state laws: both nationally and in Michigan it was this organization which brought to public view by strikes and demonstrations the plight of the public employee. In 1961 the New York teachers demonstrated that the strike could yield results, even when it was outlawed; the AFT affiliate won exclusive bargaining rights for the city's 44,000 primary and secondary school teachers.[3] Not that the public or a majority of teachers necessarily approved the means used, but their ability to unite and to benefit from their violation of the law tended to "legitimize" the use of such action elsewhere.

Shortly after the December, 1961, successes, the AFT joined the Industrial Union Department (IUD) of the AFL-CIO. Since that time, the

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[1] The Elder Collection, Box 6, p. 9.

[2] Interview with Thomas Hill at Michigan Federation of Teachers' office on July 17, 1967.

[3] National Education Association, Professional Negotiations with School Boards, A Legal Analysis and Review, (Research Report, 1965 - R3. NEA, 1965), p. 42.

IUD has been deeply involved in organizing public school teachers. But by 1964 they had achieved only twelve written agreements between school boards and teachers unions; only four of these agreements included terms and conditions of employment, and the others were merely recognition agreements.[1]

The Michigan Federation of Teachers (MFT) attempted to capitalize on the New York situation through its journal, the Michigan Teacher, whose issues of the early 1960's featured articles covering New York teacher successes.

The role of the Michigan Federation of Teachers thus was that of an advisor or a resource agency to inform and give experience to local organizations. The Michigan Federation of Teachers accomplished little for each local, but did help locals to help themselves. An attempt was made to encourage the locals to adopt a program to fit local needs.

The Michigan Federation of Teachers' most effective contribution to its membership has been through its relationship with organized labor. It has become a force which has worked for legislation to improve educational opportunities and teacher welfare throughout Michigan.

The Michigan Federation of Teachers speaks of its progress in the following way:

> It must not be assumed, however, that the Federation progress has been made without opposition. Its officers and members have been threatened; they have had promotions offered to them with the suggestion they slacken their activities on behalf of teachers. In working for legislation the Michigan Federation of Teachers representatives had been told repeatedly by senators and representatives that

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[1]Michael H. Moskow, "Collective Bargaining for Public School Teachers", Labor Law Journal, 15 (December, 1964), p. 787.

> influential superintendents and county commissioners were working with vigor against the very legislation the Federation was supporting and the Association claimed to be supporting. Superintendents claiming to speak for the Michigan Education Association, for example, went to legislators urging them to oppose tenure while teachers were urging its adoption.[1]

In 1967, the MFT's appeal is simply that the best protection for teachers against division and promotion of narrow group interests is membership in a classroom teachers' organization affiliated within the state with the Michigan Federation of Teachers and nationally with the American Federation of Teachers and the AFL-CIO.[2]

It has been extremely difficult to collect data that would completely document the development and history of the Michigan Federation of Teachers. The files in the Michigan Federation of Teachers' office extended back to about 1964. The Elder Collection at Wayne State University has excellent early descriptive materials, but they are limited largely to early legislative proposals and administrative data. The Federation staff is small and all are comparatively new; so their knowledge about the past is incomplete and rather uninformed.

From the data available and reinforced by the contemporary developments detailed in Part I, I conclude that the Michigan Federation of Teachers has never been the power group or force that in itself influenced educational change. Its prime contribution to the locals has been its ability to speak for the locals collectively, and, with its relationship to the AFL-CIO, it has been able to influence state legislation.

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[1] Hill interview, op. cit.

[2] Ibid.

However, an examination of the Federation at the state level is an incomplete analysis of Federation activities and influence, for a large part of the Federation's visability and associated strength lies within the Detroit local, especially contemporary collective bargaining activities. Unlike the MEA, where the power, strategy, and influence are directed to the locals from the state-level organization, the Federation's power base rests with the Detroit local.

The Detroit Federation

Early attempts at unionism in Detroit schools

Historical parallels exist between the Detroit Federation of Teachers and other labor units. By and large, at the end of World War I when labor unions were rebelling against industry's demands, teachers in Detroit were lagging behind other labor units in economic benefits.[1]

> The year preceding the first attempt to organize teachers in Detroit had been one of unparalleled prosperity. Prices ... reached a level unprecedented since the Civil War. Wages rose correspondingly, labor had been fully employed and the chief complaint had been that employees could not get enough labor.[2]

A shortage of labor and the high cost of living had placed teachers in an unusual position. Their services, like those of labor, were very much needed, yet they were denied, by custom, the privilege of normal competition for their skills. Teachers at that time were dependent upon the Detroit mayor, the Common Council, and the Detroit Board of Education

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[1]Anna May Muffoletto, Organizing Detroit Teachers, Unpublished Master's Thesis, University of Detroit, 1958.

[2]The Detroit News, from a speech by G. W. McGarragh, President of the Mechanics and Metals Bank, New York.

for salary schedules and adjustments. The minimum salary for the 1919-1920 school year was $1,100 annually.[1] During the previous school year (1918-1919), the minimum salaries for teachers had been $900 or $1,000 (a higher amount was given to high school teachers) and a small graduated bonus had been given "from unused balances in various city funds."[2] By comparison, the average annual wages of hodcarriers, plumbers, blacksmiths, and machinists were $1,200, $1,280, $1,700, and $1,980, respectively.[3]

Economic conditions were not the only conditions contributing to the early attempts at union organization in Detroit. Lack of concern by city officials with the teachers' economic plight combined with widespread labor unrest led directly to the organization of Locals 155 and 157, the forerunners of Local #231, Detroit Federation of Teachers.

Mayor James Couzens' attitude was particularly controversial.[4] A bonus, proposed in January, 1920, would have increased a teacher's salary by $300 and would have been payable in July. However, when the budget came up for informal consideration in the council, the mayor cut the supplementary school budget estimate from $1,017,555 to $920,000. Then when the $920,000 supplement was voted upon, the mayor (upon the advice of the corporation council) vetoed the bonus on the grounds that it could not be distributed legally.[5]

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[1] Muffoletto, op. cit., p. 2.

[2] The Detroit News, March 6, 1920, p. 3.

[3] The Detroit Education Bulletin, March 20, 1920, p. 3.

[4] Muffoletto, op. cit., p. 5.

[5] The Detroit Free Press, February 27, 1920, p. 1.

At the same time that he vetoed the proposed bonus, Mayor Couzens advocated that teachers supplement their incomes by becoming solicitors for the Michigan Bell Telephone Company in their spare time. He put the proposition this way: "Teachers should not let a mistaken professionalism stand in the way of their earning an honest dollar whenever possible."[1] Indignant teachers' viewpoints were aired in Public Letter Boxes:

> I heard Mayor Couzens wanted teachers to work overtime and on Saturdays. He wouldn't advise plumbers or other members of any organized labor federation to do such a thing but he would advise teachers to do so. Teachers must be in a position to demand what they need and be assured of getting it.[2]

> ...It is not so much a question of ethics as of strength, of health, and of endurance.[3]

During this fervor of activity, the Detroit Teachers Association scheduled a meeting for Thursday, February 26, 1920, for the purpose of sanctioning the abrogation of contracts in May. The plan was to take advantage of the thirty-day clause in the contract which allowed termination by either party after giving thirty days' notice. The abrogation would allow teachers to use the longer vacation for employment in business and industry, where salaries, higher than they would have received while teaching were possible. Also, abrogation would provide a legal way to pay the bonus if new contracts were drawn up.[4]

Disenchantment with the Education Association by some teachers also enhanced the desire for a new organization.

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[1] Ibid., p. 1.

[2] Ibid.

[3] The Detroit News, March 3, 1920.

[4] Ibid.

> It was felt by some of the teachers that a new organization was needed, one in which the teacher would have a more direct influence than she had had in the past...There was a decided antagonism toward the Education Association. Administration of the schools was equated with the administration of the Education Association.[1]

However, the organization of a teacher union was inhibited by the teacher's self-image, lack of teacher support and public pressure. Teachers then as now were hampered by a public-service committment which unfortunately was defined to include indispensible service with gratuitous compensation.

Miss Rachel McKinney, president of the Detroit Teachers' Association viewed an early attempt to form a teacher union in this manner:

> The Teachers' Association, I am safe in asserting, will take a firm stand against anything of this sort. It is probably just as well that these thirty-nine men have come out and shown their caliber by affiliating with a union. The men who have done the loudest talking among them are men who have not been long in Detroit. They have come from small towns for the most part, in the hope of making a better livelihood than was possible there.[2]

While officers of the Education Association were clinging to the concept of professionalism and public service, militants within the organization were calling a series of meetings to discuss salary adjustments, abrogation of contracts, and strengthening the union.

One administrator organizer, David McKenzie, principal of Central High School, called a meeting to consider the abrogation of contracts. O. L. Chaney, a charter member of the Detroit Federation of Teachers, proposed a constitutional amendment to allow the formation of a new

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[1]The Detroit Free Press, February 28, 1920, p. 1.

[2]Muffoletto, op. cit., p. 5.

organization, but the proposal was defeated.[1] Mr. Lampson, organizer for the American Federation of Teachers, advised:

> Teachers will never enjoy the salaries that are paid to men in other professions and industrial crafts until they place themselves in a position to demand a fair schedule of wages. Purely professional organizations such as teachers' associations and schoolmen's clubs are ineffective because they lack the support of the majority of voters. Affiliation with the American Federation of Labor gives teachers the help of four million voters and organized wage earners in their agitation for higher salaries.[2]

After the speech a group of men signed a petition for a charter from the American Federation of Teachers. On March 1, 1920, the charter was granted and it became known as the Detroit High School Men, Local 155.[3]

Meanwhile, on Saturday, February 29, 1920, the High School Women's Executive Council met under the chairmanship of Miss Grace Millard. About twenty-five women attended, and sentiments were about evenly divided for and against the formation of a union.[4] Nine of the women present at the meeting were willing to sign a petition requesting a charter for a women's local, but the group decided instead to hold a general meeting on the following Wednesday. Mr. Lampson, the organizer for the American Federation of Teachers, was again invited to speak. The scheduled meeting took place and nineteen women signed a petition requesting a charter from the American Federation of Teachers. It was decided at this meeting that grade school teachers below the rank of assistant principal could be included

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[1] The Detroit Free Press, February 28, 1920, p. 1.

[2] The Detroit News, February 28, 1920, p. 1.

[3] Muffoletto, op. cit., p. 20.

[4] The Detroit Free Press, February 28, 1920, p. 20.

in the union. On Thursday, March 5, 1920, a charter for the women was granted and thus Local 157 was formed.[1]

Reactions to the formation of the two locals were varied. Calvin Coolidge had articulated the standard response when he stated: "No public employee has the right to strike at anytime, at any place, for any reason." Dr. John H. Hall, president of the Board of Education, felt that the teachers' action was not a "square deal".[2] In a newspaper interview, Samuel C. Mumford indicated that he felt that the new organization and the small number of petitioners "were not worth talking about" and "it probably was doomed to failure. .. As a member of the Board of Education, I have no particular feeling either for or against the movement. If it will do them any good let them form a union. It may be a relaxation to them to attend labor meetings now and then."[3]

Three board members, Dr. Hall, Samuel Mumford, and Mrs. Laura Osborne, agreed that no policy of aggression should be used against union activity. Another member, Edward D. Devine, thought that the board should take an immediate stand to discourage teachers from continuing the movement.[4] Superintendent Cody said:

> Detroit does not need such a movement and a number of representative teachers I have talked with at various times feel that such action on the part of teachers would not remedy the situation, but instead would seriously hurt their cause. Instead of making them a member of a profession, unionism would make them a member of a procession.[5]

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[1] Muffoletto, op. cit., p. 33.

[2] Ibid., p. 20.

[3] Ibid., p. 17.

[4] The Detroit Sunday News, (News Section No. I) February 29, 1920, p. 1.

[5] The Free Press, Final Edition, February 29, 1920, p. 1.

While some members of the Board of Education were taking a mild stand favoring union organization, Cody made the following newspaper announcement:

> The Board of Education has received an abundance of applications for teaching positions from almost every city in the country... Detroit is free from any danger of a teacher shortage. Besides 450 new teachers needed for the coming year, there were enough applications left over to fill any emergency vacancies during the next school year.[1]

Apparently the veiled newspaper threat by Superintendent Cody achieved its purpose, for a joint meeting of both locals was held Monday, March 9, 1920. The stormy five-hour meeting revolved around the question of whether one could be a union member and remain a professional person. The group decided to withdraw from the American Federation of Teachers and form a new group called the Detroit Council of Teachers.[2] Thus, teacher unionism collapsed in Detroit, and more than ten years passed before any attempts to reorganize occurred.

DFT - Organization to sole bargaining agent[3]

It is apparent that the Detroit Board of Education and the administrators remained very much against unions. Their coercive power over teachers was so great that teachers attempted no further union organizing until 1931. Some teachers then became so dissatisfied with salaries, status and assignments that despite anti-union sentiment by administrators and school board members, they risked loss of jobs to affiliate with the American Federation of Teachers.

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[1] Ibid., March 5, 1920.

[2] Muffoletto, op. cit., p. 21.

[3] Muffoletto, op. cit.; especially for detail of early history.

The man probably most responsible for the organization of the Detroit Federation of Teachers was Dr. Otto Marckwardt, a professor of English at Wayne State University, then known as the College of the City of Detroit. Dr. Marckwardt urged his students to attend informal gatherings at his home and at the homes of friends at which political and educational topics were discussed. Unionism was also discussed and these discussions led to a petition requesting a charter from the American Federation of Teachers. Fourteen people, including Dr. Marckwardt, signed the petition for the charter which became effective February 24, 1931. The group was officially recognized as the Detroit Federation of Teachers, Local 231, American Federation of Teachers, affiliated with the American Federation of Labor. Olive Tilley was the first president of the Detroit Federation of Teachers, Local 231, and was assisted by Jean Seidel, secretary. Because Miss Tilley was no longer a teacher, she was elected president. Acceptance of the presidency by an active teacher could have led to her dismissal because of the administration's anti-union position.

The existence of the Detroit Federation of Teachers began as a secret organization but soon became known to everyone. In 1932, the Detroit Federation of Teachers held its first public meeting at Northern High School. Frances Comfort, Northwestern High School teacher, presided and later became president.

The union, which had a membership of approximately fifty members, continued to hold regular meetings during this early period. According to Mrs. Florence Sweeney, one of the first presidents of the union, guards had to be posted at doors to make sure that non-members did not enter. The administration often sent spies to learn what the union was up to.

The DFT kept growing slowly despite opposition from the Detroit Board of Education and the school administration. An example of the hostile attitude faced by the union was reported in 1937. Dr. Burt R. Shurly, president of the Detroit Board of Education stated:

> I am absolutely opposed to labor union organization among school teachers. I am opposed to [sic] AFL among school teachers.
>
> They are trying to serve two masters--labor and the Board of Education. If they try to do both I personally do not favor their employment as teachers.[1]

The paper also carried a statement by Miss Frances Comfort, DFT president, that the union had 1,000 members.

On July 7, 1937, The Detroit News reported that members of the Detroit Board of Education, following Dr. Shurly's statement, appeared to expect the first major controversy over the existence of the Detroit Federation of Teachers. However, at a Board meeting on July 28, 1937, during which Dr. Shurly was absent, other members of the Board stated that the DFT was a fine organization. Thus, the DFT received the acceptance, if not the approval, of the Detroit Board of Education.

The DFT also had to contend with the strongly entrenched Detroit Teachers' Association, now the DEA, which was affiliated with both the MEA and NEA. The DTA was considered at that time a "company union" because of the great number of administrators who belonged to the group and who strongly recommended that teachers join. Their dues were 75¢ compared with the $6 to $12 range paid by the DFT members.[2] During the 1930's,

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[1] The Detroit News, July 6, 1937, p. 1.

[2] The Detroit Teacher, DFT, May, 1943.

1940's, and even early 1950's, it was not unusual for all the teachers in a school to belong to the DTA.

The Detroit Teachers' Association certainly was given preferential treatment; e.g., the DTA office was provided by the Detroit Board of Education, and the Detroit Educational News, the DTA paper, was edited by Mr. Otis Crosby, a DTA member, as part of his school duties.

One of the milestones in the history of the DFT was the publication of its own paper, The Detroit Teacher, which first appeared in September, 1941. The newspapers of the Detroit Federation of Teachers (AFT) and the rival Detroit Teachers' Association (NEA) gave the teachers of Detroit an excellent opportunity to compare statements, positions, and programs of the two groups.

Little can be said for the militancy of the DTA during this early period. An objective evaluation of the rival organizations' papers will quickly confirm that the DFT was the more militant group. The DTA seemed to be apologizing for the Detroit Board of Education and took rather weak positions on their demands.

For example, in the November, 1941, issue of The Detroit Teacher, the salary proposals of both groups were printed. The Detroit Federation of Teachers proposed a salary schedule of $1,700 to $3,500 in nine steps, while the Detroit Teachers' Association proposed $1,540 to $2,640 in eleven steps.

A survey of both newspapers during the period of June, 1961, to June, 1963, gives no indication that the DEA presented to the Board of Education a single grievance or recommended any improvements in working conditions, although it did submit a new salary schedule in March, 1962. The Education News was filled with articles extolling the teaching

profession, giving advice on how to be a good professional, and listing the advantages of NEA, MEA, and DEA and the accomplishments of teachers who belong to professional organizations. The DFT, on the other hand, detailed its confrontations with the Board and administration with articles claiming: "Union Wins ... Federation Proposes ... Detroit Teachers Demand". The DFT, therefore, concerned itself with settling personal grievances and offering services to teachers while the DEA promoted professionalism.

Major achievements

The following is a record of what the Detroit Federation of Teachers considers some of its major achievements.[1] Most of these reforms, now taken for granted, were opposed by the school administration, the Detroit Board of Education, or both.

1938-1940 The Federation gained agreement to restore depression pay cuts, 10 days sick leave and 10-month school year, and a reduction in class size from 50 to less than 40.

1942 The Union was instrumental in gaining the first salary increase in 20 years, plus a single salary schedule. Since then the Federation has won some pay increase every year.

Prior to this time, high school teachers received higher salaries than teachers in the elementary schools. The Federation argued that the requirements of the elementary teachers were the same as those for high school teachers and they worked as hard.

1944 The Federation won a seniority policy and was successful in stopping visitations to absent teachers by the school nurse, whom the teachers believed was sent to "spy" on them.

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[1]From DFT mimeographed sheet. (No title and undated.)

1945 The Union gained reforms in the retirement plan and also won significant veterans' benefits.

Teachers who were members of the Armed Forces between September, 1941 and December, 1946 were given seniority credit and salary increments.

1946 The Federation was victorious in a back pay suit when $2 million in depression pay-cuts were restored to teachers after a decade of waiting and almost four years of litigation by the Federation's attorney.

In the December 16, 1946, issue of The Detroit Teacher, Mrs. Helen Moore, Executive Secretary of the DFT stated, "It is extremely unlikely that the city or the Board of Education will ever require their employees to work for nothing when the coffers are low, and then refuse to pay their just debts when the money comes in."

1947 The Union sponsored and won sabbatical leave benefits.

1948 The Union proposed and gained a sick-leave policy allowing cumulative sick-leave bank up to 200 days.

1949 The Federation secured a legally-binding, continuing contract for many teachers.

1953 Union efforts helped establish the guidelines for an objective promotion policy.

The DFT recommended that the selection process include the posting of position openings, the listing of duties and qualifications, and a rating by peers. The last recommendation was not secured.

1954 After a long effort, the Union gained agreement to a student discipline policy protecting teachers in unavoidable use of corporal punishment.

Discipline was a grave problem in some schools. Teachers were threatened and abused. They were given authority to act in loco parentis and to administer punishment judiciously.

1958 Lunch-duty relief funds were approved after repeated requests by the Union. It took four more years to implement this benefit.

1959 The policy that teachers remain in their classrooms a "half-hour-after-school" was abandoned after determined Union efforts.

This rule first appeared in Teachers' Bulletin Number 1, disparagingly called "The Book of Sam", after former Superintendent Samuel M. Brownell. The rule was enforced to require all teachers to remain the extra half-hour, regardless of other activities or student needs.

1960 The Union successfully promoted a subsidy for hospital insurance despite DEA opposition.

1961 The Union secured release time to compensate for "after hours", parent-teacher conferences and $7\frac{1}{2}$ guaranteed paid holidays annually.

1962 The Federation blocked a school administration attempt to discard the seniority policy.

1963 The Union successfully prevented the implementation of a teaching load of six classes daily for secondary teachers which was proposed as an austerity measure after a millage defeat.

The Federation presented petitions bearing the signatures of 6,846 classroom teachers to the Board of Education, requesting a collective bargaining election.

May, 1964 A collective bargaining election was granted after a long battle. The Federation was voted as sole bargaining agent by a large majority of the classroom teachers.

It was not surprising that the DFT won the election. Through the years the DEA kept losing members to the more militant DFT. The loss of members reached such critical proportions that the DEA hired Pat Basile, an outside organizer, as full-time Executive Secretary. He wrote in the September, 1963, Detroit Education News, "This year more than ever the DEA is making a vigorous effort to communicate with teachers." However, his efforts came too late. The DFT was more closely associated with the needs of the teachers and won the election.

Michigan Education Association

The Michigan Education Association (MEA), an affiliate of the NEA, is the major "professional" organization for the teachers of the state. With a current membership of over 73,000, the organization is today involved in and committed to an extensive program of professional negotiations for its teachers. Just how the MEA arrived at this position and activity will be described in this section.

Prior to about 1940, a teacher hired by a school district was offered a salary based on what the school board thought it could pay for his services. The actual handling of employment was and continues to be part of the superintendent's job, but any raises granted were solely at the discretion of the board. One of the teachers' association's first efforts concerning teacher economic welfare was the introduction of salary schedules, a planned series of increments, which a teacher could expect, based on his years of employment in the district. The next step was a promotion of a single salary schedule for each district, a scheme recommended by the MEA as early as 1944. At this time, the MEA also began its collective activity to promote the welfare of teachers. It was reported that the MEA, during the 1943-44 school year, assisted many teacher groups in planning salary schedules cooperatively with their superintendents and boards of education.[1]

The year 1947 seems to have been an important one for anticipating the problems and issues of the 1960's. The first important event was a number of strikes by teachers around the country, in Norwalk, Connecticut,

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[1]A. J. Phillips, "Annual Report of the Executive Secretary," Michigan Education Journal, XXI, April, 1944, p. 391.

Portsmouth, Ohio, Pittsburgh, Pennsylvania, and St. Paul, Minnesota, among others. Although they did not condone the strikes, both the MEA and the NEA commented on their cause, which, they believed, was a neglect of the teachers' welfare. The NEA called for procedures that would adequately protect the teachers' economic and professional welfare; and the MEA said, "This does not mean that we condone inadequate salaries or unsatisfactory working conditions.... We believe there are better methods of solving these problems."[1] Also interesting was the response to a question put to the NEA Executive Secretary when the NEA declared that it did not oppose the Norwalk, Connecticut, strike because no contract had been signed when the teachers walked out. "When asked if this was 'not much different from the John L. Lewis system', Mr. Givens [the Executive Secretary] admitted that the two methods were not altogether dissimilar."[2]

The NEA's remedy for poor teaching conditions was the creation of a salary committee. In January of 1947, the NEA issued a statement to the effect that the days of individual bargaining were over and group action was essential. The salary committee would have full authority to act for the local association in a process defined as "democratic persuasion" rather than collective bargaining. The method would be totally professional.

The most outstanding declaration of the year was made by the Executive Committee of the NEA Commission for the Defense of Democracy Through

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[1] "Resolutions - Adopted by the MEA Representative Assembly, March 28-29, 1947," Michigan Education Journal, XXIV, April, 1947, p. 450.

[2] The New York Times, January 2, 1947, p. 1.

Education on March 2:

> Teachers must not be coerced into working for substandard wages with no way of making effective protest. They must not be prevented from collective or group negotiation. Teachers must not be coerced into accepting unsatisfactory contracts. They must be protected in their right to negotiate about salaries and working conditions without prejudice to tenure or retirement rights or threat of loss of license. During periods of negotiation by teachers, employing officials must not fill their positions with other teachers. It is unethical for teachers to apply for such positions.[1]

Even though "negotiations" as used here probably would bear little resemblance to negotiation as practiced by teachers today, and, although this was not a resolution passed by the members of the organization, there appears here an assertion of teachers' rights much in advance of the accepted date for the promotion of such actions.

In Michigan, teachers tried a different approach but were not successful. A group of Flint teachers asked the Michigan Labor Mediation Board to enter a wage dispute between the teachers and their board. The LMB replied that the Labor Mediation Act of 1939 did not apply to teachers because they are not laborers. Therefore, the LMB would not enter the dispute unless requested to do so by both parties.[2]

From 1947 until 1958, both the MEA and the NEA pursued their programs in their traditional manner. They recommended that teachers' salaries be raised. They urged boards of education to take action to make teaching an attractive profession. And they carried on informational and legislative programs for fringe benefits and tenure. The suggested

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[1]"Teacher Strikes," School and Society, LXV, April 19, 1947, p. 277.

[2]"Attorneys Say Mediation Act Does Not Apply to Teachers," Michigan Education Journal, XXIV, January, 1947, p. 360.

salary committees were formed and the journals printed an occasional article on the success of one of these cooperative efforts. These committees, however, generally gathered data, presented proposals to the board, discussed the proposals with the board, and went away to await the board's decision. The Michigan Association took a short look at teacher bargaining in 1955; a legal opinion held found that there was no legal authority that would force a school board to bargain, but that it probably could if it wanted to.[1]

By 1958, however, the NEA had begun to look into the subject of collective bargaining. The NEA Research Division published a bulletin, "Teachers and Collective Bargaining", which revealed that the Butte (Montana) Teachers Union had won a master agreement in 1956, that New Hampshire towns were specifically authorized to recognize bargaining agents and enter collective bargaining agreements with a union of public employees, and that Minnesota and Pennsylvania had made provisions for the adjustment of grievances. The report also noted that the United States Constitution gives teachers the right to organize, but that public employers cannot bargain or delegate their authority. "Increasing interest is noted in the question of a place for collective bargaining in public school employment."[2]

It was not until 1960 that the pace of events began to accelerate. They seem to have moved at a faster rate in Michigan than nationwide,

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[1]Wesley E. Thomas, "The Must and May on Bargaining Agents for Teachers," Michigan Education Journal, XXXIII, October 1, 1955, p. 84.

[2]National Education Association, "Teachers and Collective Bargaining," NEA Research Bulletin, XXXVI, April, 1958, p. 46.

and they went in a slightly different direction. A Michigan Education Association resolution in April called for written personnel policies, cooperatively developed by teachers, boards, and superintendents. Also, overruling the 1947 legal opinion on mediation facilities, the Michigan Supreme Court held that, on a majority opinion of the teachers involved in a salary dispute, the Labor Mediation Board could be asked to enter. Here the MEA outlined one of its major concerns. The Board of Directors recommended that no MEA unit request LMB entry, as this represented unprofessional behavior.[1]

The NEA was ready for neither of these ideas. At its convention in Los Angeles, a "Representative Negotiation" resolution was proposed. The Michigan delegation, in light of their interest in and feelings about impasse procedures, introduced an amendment to this resolution, adding, "Where negotiation is not accepted by both parties, the NEA encourages the use of a professionally appointed, legally recognized mediation board." The amendment was not added, however, nor was the resolution itself approved.[2]

The MEA Board kept close watch on what the NEA would propose as a revised resolution for 1961. In January, 1961, the Board received the proposal and in February approved it in principle. The Michigan Association's Resolution Committee was at this time also preparing a similar statement for the state. This statement was introduced in March under the heading, "Professional Consultation and Agreement". It read:

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[1]"NEA at Los Angeles," Michigan Education Journal, XXXVIII, September 1, 1960, p. 21.

[2]Ibid.

> We believe that consultation to reach common agreement between representatives of the teaching profession and their boards of education concerning salaries and conditions of employment are necessary and compatible with the dignity and ethical standards of the profession. When common agreement cannot be reached, we recommend the use of a board of review consisting of members of professional and lay groups affiliated with education as the means of resolving extreme differences.[1]

The motion was approved as written at the Representative Assembly in April, under a different title--"Professional Negotiation".

The revised NEA resolution, approved in June and entitled "Teacher-Board of Education Relationships", stressed the community of interests of school boards and teachers, recognized the legal authority of boards of education, and said that "professional education associations should be accorded the right, through democratically selected representatives using appropriate professional channels, to participate in the determination of policies of common concern including salary and other working conditions...." The resolution spoke against "The arbitrary exercise of unilateral authority by boards of education and the use of the strike by teachers," and included the re-proposed Michigan amendment calling for a board of review in impasse situations.[2]

The resolutions passed, and the delegates went home. In the absence of any legal mandate, the MEA could only encourage its local associations to seek voluntary agreements from their school boards to jointly develop employment terms and school policy. In a great many districts, the members were not willing to attempt even this procedure and the old practices

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[1]"1961 MEA Resolutions," Michigan Education Journal, XXXVIII, May 1, 1961, p. 589.

[2]NEA Action in Atlantic City," Michigan Education Journal, XXXIX, September 1, 1961, p. 28.

remained. In others, the teacher groups did press for negotiating rights, but success around the state was limited and progress was very slow. In districts where some type of agreement to consult or bargain was reached, a real problem emerged: What should be done when the two parties could not agree? The Association had already said that the Labor Mediation Board was unacceptable, so some specific, alternate procedure was necessary. Accordingly because of the impasse problem and the slow progress made in getting boards to negotiate the officials of the organization began considering proposals for new legislation.

At its February, 1962, meeting, the MEA Board of Directors received a proposed resolution from MEA Region 12 which read: "The Michigan Education Association will provide more effective support to local districts when an impasse has been reached in salary negotiations or when ethical practices have been violated."[1] The Board discussed what procedures could be used--the team approach, the Michigan Cooperative Council for Education, and publishing grievances through mass media, among others--and the need for establishing some procedure which would not use the LMB. At this point the Board authorized the President to set up a special committee to study and make recommendations about procedures and machinery to help local districts resolve negotiating problems and also to work with the Legislative Commission to see what kind of legislation might be introduced in this area.

It was during 1962 that a MEA-MASB [MASB-Michigan Association of School Boards] joint committee was established. In August, when the MEA

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[1]Minutes of Board of Directors Meeting, February 23-24, 1962, Michigan Education Association, p. 12.

Professional Negotiation Committee reported to the Board the procedures it had developed, the recommended actions were referred to this joint committee for further study and recommendation.[1]

An important change on the national level was the introduction, by resolution, of another concept, that of "professional sanctions". Sanctions were the NEA's answer to strikes. Considered a "means for preventing unethical or arbitrary policies or practices . . . professional sanctions would provide for appropriate disciplinary action by the organized profession".[2] Few guidelines were available at this time concerning the specific form of sanctions, but they included such actions as boycotts of school districts, the withholding of services short of a strike, and publicity. The Michigan Association, however, did not present a sanctions resolution, and none was voted from the floor of the Representative Assembly. Working under what guidelines it had at this time, the MEA was concentrating its efforts on solving disputes through local panels, consisting of representatives of the board, the teachers, and the superintendent. Its approach was to make a cooperative investigation of the difficulty and recommend solutions.

Continuing its efforts to secure voluntary agreements, the MEA's progress in 1963 was slow, and sometimes its programs met defeat; e.g., the Legislative Commission's suggested bill was unsuccessful in the legislature. The joint MEA-MASB committee presented a set of procedures which the MEA Board adopted, but which the Directors of the School Board

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[1]Minutes of Board of Directors Meeting, August 24-25, 1962, p. 7.

[2]"Highlights of NEA's Denver Convention," NEA Journal, LI, September, 1962, p. 2.

Association never found completely satisfactory and never ratified. The Association also found that its system of having local panels recommend solutions to school board-teacher problems was not always successful in securing lasting improvements. In many cases investigations made a year or so after the party or parties had agreed to, a resolution of the problem showed that in fact the original conditions still existed.[1] In light of these kinds of difficulties, the MEA Representative Assembly in April followed the NEA's lead and approved a resolution calling for professional sanctions in situations where negotiation failed to change arbitrary or unethical policies or practices.[2]

The organization did move ahead in other areas. The Board in May, 1963 decided to look into the possibility of establishing a system of professional negotiators, and in August received a staff report that recommended the training of local unit leaders for negotiations rather than hiring other personnel.[3] In December the Board gave authorization to retain a Michigan State University professor as a Professional Negotiations (PN) consultant. In addition, by the fall of 1963, three MEA districts, Utica, Howell, and Muskegon, had reached PN agreements with their school boards which provided orderly procedures for settling disputes.

The basic policy at this time was concentrated on two points, the common aims and interests of the various parties in the education

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[1]Conversation, Mr. Kai Erickson, MEA, June, 1967.

[2]"Current Resolutions," Michigan Education Journal, XL, May 1, 1963, p. 616.

[3]Minutes of Board of Directors Meeting, August 22-23, 1963, Michigan Education Association, Appendix A.

profession, and the idea that this common bond made the relationship among these educators very different from any in the industrial world. Therefore, any procedures based on employee-employer relations in industry were not appropriate. Thus, much importance was placed on the development of new terminology and separate facilities for reaching agreement, and all was encompassed by the concept of professionalism.

Professional negotiations were defined as a set of procedures to provide an orderly method for teachers associations and school boards to negotiate on matters of common concern through professional channels to reach mutually satisfactory agreement on these matters, and to establish educational channels for mediation and appeal in the event of impasse.[1] It provided wide latitude in which the local groups could work out their own specific practices. It recognized that the profession included members assigned to all grade levels and stressed that teachers and administrators must work together.[2] The responsibilities of the school board were recognized, and the process would provide for continuous communication among all the parties. Subjects of negotiation extended beyond salaries. The right to negotiate brought with it many responsibilities: to know what the members really desired, to base proposals on facts, and to accept blame for programs that failed.[3]

It is widely held that on the national level the increased pressure from the American Federation of Teachers, and their victory as bargaining

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[1]Martha L. Ware, "The Basics of Professional Negotiation," Michigan Education Journal, XLI, November 1, 1963, p. 6.

[2]This point illustrates an incredible lack of knowledge and appreciation for private industry supervisor-employee relationships.

[3]Ware, op. cit., p. 8.

agent for the New York City teachers in 1961, pushed the NEA to begin its Urban Project and to take a stand in favor of negotiation. The Michigan Federation of Teachers was gaining strength, particularly in Detroit, and certainly was a major challenge that the MEA had to begin to consider. The effort was directed to stressing the independent professionalism of teaching, and much time was spent distinguishing the education association PN processes from the collective bargaining proposals of the union.

In January of 1964, the Association could report that only two more districts had reached agreements, Saginaw and Warren; and the Board of Directors, again thinking in terms of a law, stated: "We believe legal action is needed to improve the process of Professional Negotiations."[1] In February, the Board redirected the Legislative Commission, the staff, and legal counsel to prepare a suggested outline for a bill providing procedures for professional negotiation and also adopted the principles for Professional Negotiations as recommended by the Legislative Commission. (See Appendix L.)

The MEA believed that it had been acting in line with its conviction that there were common goals among teachers, boards, and superintendents, and that the kind of negotiation activities they were suggesting were in accord with the concept of a professional unity and would strengthen such a unity. There was a concern, therefore, over the fact that in practice these activities and procedures were leading more toward disunity. E. Dale Kennedy, Executive Secretary of the MEA,

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[1]Minutes of Board of Directors Meeting, January, 1964, Michigan Education Association.

recommended at the 1964 Representative Assembly that during the next year the MEA "develop new and stronger relationships with MASB at the state level and encourage improved relationships at the local level also."[1] And yet, another of his recommendations is clearly for an action that could be viewed by the school boards only as undesirable. Kennedy proposed to "secure a written procedure for professional negotiation and bargaining representation in every school district in Michigan."[2] Even in the resolution passed by the assembly, a broader scope and a stronger tone are evident. In part it said:

> We pledge ourselves and our resources to the development and implementation of procedures which will guarantee all members of the teaching profession the right to negotiate with their boards of education . . . regarding matters of common concern including salaries and conditions of employment. Should a board of education authorize the election of a single negotiating agency, then this association will endeavor to secure that right.[3]

The proposed resolution had said that members of the minority organization would have the right to participate in negotiations if the education association were chosen in an election. The Detroit delegation could not accept this provision, and the final draft was modified to read: ". . . All members of the teaching profession [will] be assured of their democratic right to participate in the formulation of educational objectives and goals . . . ."[4]

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[1] E. Dale Kennedy, "Annual Report of the Executive Secretary," Michigan Education Journal, XLI, April 20, 1964, p. 24.

[2] Ibid.

[3] "Current Resolutions," Michigan Education Journal, XLI, April 20, 1964, p. 6.

[4] "The 1964 Representative Assembly," Michigan Education Journal, XLI, April 20, 1964, p. 1.

The legislative proposal was accepted in principle by the Board of Directors in August, and the Legislative Commission was instructed to draft it for introduction. From this time until the final passage of the law, legislation was the MEA's main emphasis. Basically, the MEA sought a law that would give teachers the legal right to organize and would require both teachers and boards of education to bargain in good faith. The most important aspect of the bill was the provision for outside assistance in impasse situations. The MEA proposed the creation of a separate body, a Professional Negotiations Commission, which would conduct elections for exclusive bargaining agents and would hear appeals of impasse cases. The Commission would be empowered to appoint an intervenor whose job it would be to encourage the parties to use all possible local means of settlement in an effort to solve the dispute before fact finding became necessary. The Association was still opposed to the use of the Labor Mediation Board--it was said that the labor mediation people were not necessarily knowledgeable about educational problems, and working with the LMB often meant long delays.[1] At the Representative Assembly in April, 1965, the delegates expressed their approval of the legislative program: ". . . The Assembly strongly supports the MEA Professional Negotiations bill and pledges all available resources of the MEA to achieve its passage."[2]

The MEA-sponsored bill was not enacted. Instead, the two bills

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[1]Richard Adams, "A Must: PN Legislation for Michigan," Michigan Education Journal, XLII, February 1, 1965, p. 19.

[2]Minutes of Board of Directors Meeting, April 8-10, 1965, Michigan Education Association, p. 6.

amending the older acts for all public employees became law. The governor signed the bills on July 23, 1965. At the Board of Directors meeting, August 26-27, Dr. Kennedy spoke to the members. He stated:

> With the passage of Acts 282 and 379, the Board was faced with a decision regarding the role of the Association; to avail itself of the machinery established by statute or to abdicate the Association's position on Professional Negotiation as reflected in the Platform and Resolutions adopted by the 1965 Representative Assembly.[1]

It was moved, and carried, "that the Board approve an exclusive negotiation designation campaign to be carried on in every school district in the State of Michigan."[2]

When MEA officials are asked when the pressure for collective bargaining began, they typically answer, "with the law". Undoubtedly, the change in tempo, and nature, of the MEA's activities with this Board motion would easily overshadow any action that had taken place before. The MEA had been pursuing a program of education for negotiations, both philosophical and practical, for some time. They had also earlier prepared and distributed a sample PN agreement. The local associations were well coached and ready to move. The LMB, responsible under the law for conducting certification elections for exclusive bargaining recognition, was swamped with requests for elections. By November, 1965, over 100 MEA units had been recognized by their boards of education.

Positions taken by the MEA Board of Directors in December give an indication of the breadth to which their outlook had grown. It directed

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[1]Minutes of Board of Directors Meeting, August 26-27, 1965, Michigan Education Association, p. 15.

[2]Ibid.

all MEA units to request representational and bargaining rights for all certified personnel in their district; it encouraged educational secretaries and non-instructional employees to form their own MEA units for bargaining; and it encouraged the staffs of community and junior colleges, and other higher education institutions, to form MEA units and seek bargaining rights.[1]

Continuing its campaign in 1966, the Association created the Professional Negotiation Office, to assist the locals in their efforts. Numerous workshops were held around the state. By the middle of April, more than 65,000 Michigan teachers were covered by agreements with their boards, 51,845 of them in MEA units.[2]

Inevitably, there were problems. The MEA charged in a number of cases that the Michigan Federation of Teachers was using delaying tactics, usually the filing of unfair labor charges against a school board, to stall certification elections until it could gain support in the districts. In addition, the Association faced the difficulty of providing enough skilled negotiators for the local districts. Problems in the actual dealings with the school boards were frequent; they refused to meet for sufficient periods of time, the board negotiators did not have authority to make decisions, and, in many instances, the boards would issue individual contracts to the teachers before the negotiated master agreement had been completed and would request their return in a specified time. This last action was vigorously opposed by the MEA as an unfair labor practice.

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[1]"Board Takes Positions," Michigan Education Journal, XLIII, December 1, 1965, p. 4.

[2]"Negotiations Arrive This Year for 65,000 Michigan Teachers," Michigan Education Journal, XLIII, May 1, 1966, p. 6.

The Association did file unfair labor charges against some districts, invoked sanctions on others, and some disputes went to fact finding. boards. The MEA also resolved that it would support any local which, in the absence of a master agreement, chose to withhold its services. (See Appendix L for the entire resolution.)

The spring of 1966 was a period of tension in Michigan education, and there were several teacher walkouts. A strike of the Flint teachers in April closed the schools for two days. It was a significant action. After the teachers had exhibited their strength and will in this conflict, MEA units in about 65 districts reached agreement with their boards within the next 30 days.[1] Further, in combination with the other walkouts, the strike incited the Michigan Association of School Boards to take the hard line it had advocated in June; it called for the blacklisting of teachers who participated in or encouraged strikes or sanctions. This pronouncement served greatly to solidify the Michigan teachers in their determination to achieve and use their rights under the law.

The bargaining in 1967 showed more experience, but difficulties remained. The job of educating the profession to its new role is not yet complete. The MEA hired about 15 part-time professional negotiators to help with the negotiations through the summer of 1967. School boards are still issuing individual contracts before master agreements are signed. The cost of negotiation is high, and the MEA Board has endorsed agency shop agreements in the master contracts[2] as a method of maintaining

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[1]Interview with Kai Erickson, Director, MEA Professional Negotiations, August 30, 1967.

[2]"Agency Shop Recommended," Michigan Education Journal, XLIV, February 24, 1967, p. 1.

revenue. The scope of the bargaining agreement remains an issue. And although experience under the law is not sufficient to say whether the procedures and principles have been successful, some changes are and will continue to be considered.

The NEA, which throughout this period of action in Michigan has spoken mainly in generalities, produced an unusual statement of its position at its July, 1967, convention. By unanimous vote, the Assembly approved a recommendation that pledged NEA support to local affiliates that strike to protest salaries and working conditions.[1]

Structure and Democracy at the Level of the Local Teacher Organization

The Detroit Federation of Teachers vs. The Detroit Education Association

John W. Gardner, in Excellence: Can We Be Equal and Excellent?, points to a social dilemma facing America,[2] the paradox between two of the basic tenets that serve as pillars of American society. We have always voiced a belief in the equality of all men and have constantly and historically worked to guarantee this equalitarian framework for our society. On the other hand, America has also professed a faith in fair competition among people and businesses. How does a society maintain a healthy balance between guarantees for equality and the more Darwinistic viewpoint of competition? This is the paradoxical dilemma of which Gardner writes.

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[1] New York Times, July 8, 1967, p. C10.

[2] John W. Gardner, Excellence: Can We Be Equal and Excellent Too? Harpers: 1961.

Gardner expands his thesis to point out that basically the unions and professional organizations were established and function to preserve the equalitarian attitude towards employment. The employee with the weakest skills and attitudes is as carefully protected by a union as the most highly skilled and effective worker. In internal affairs the organizations are faced with the same dilemma as is the society as a whole. In its selection of members and indeed the officers of the membership, the organizations are by definition bound to the equalitarian attitude. In practice, however, these organizations are often less than totally effective because of a recalcitrant or ineffective member. How then do these organizations formally safeguard democratic policies, retain freedom of action to deal with recalcitrant members, and achieve maximum organizational effectiveness?

Although by-laws and constitutions vary somewhat from local to local, the following comparison between the Detroit Education Association (DEA) and the Detroit Federation of Teachers (DFT) is quite typical of the locals throughout the state. I will show how two teacher organizations (DEA and DFT) proport to safeguard their democratic procedures in membership, selection of officers, and possible suspension and expulsion actions. I will also try to demonstrate how these same groups react to a single member who does not perform satisfactorily the duties required of membership or of an elected official within the membership. Generally, I am making a comparison of the internal democratic procedures and practices of the Detroit Education Association and the Detroit Federation of Teachers as outlined in their written constitutions. I fully acknowledge that the constitutional guarantees and procedures may be essentially contradicted by actual practices. However, this contradiction would serve

as a basis for additional research--an important major study in itself.

I assume the position that the goal or ideal situation is that maximum individual democratic action (free participation with full equality) shall be practiced within an organization. Any movement toward this position is an improvement and, conversely, steps away from democratic procedures may be viewed as retrogression.

The five constitutional areas to be examined are:

1. Administrative or bureaucratic organization of the teacher groups.
2. Qualification for membership in the two groups.
3. Obligations put on membership.
4. Opportunity for referendum or initiative by membership.
5. Methods of impeachment of members and officers.

Organization

The Detroit Education Association divides its powers into three distinct units: legislative, executive, and judicial. The legislative duties of the DEA are performed by the Congress, which consists of members elected from the whole membership. Schools are represented in the Congress according to a reapportionment formula based on its total number of members in the DEA. The duties given to the Congress are to:

a. Establish departments and committees as are created by this Constitution and By-Laws and such other agencies as are necessary to provide for the peace, health, safety, and general welfare of the members of the Association;

b. Adopt, amend or repeal in whole or in part any existing law or resolution;

c. Determine membership dues and special assessment;

d. Conduct business affairs;

e. Approve appointments;

f. Approve the budget;

g. Have all powers and duties delegated to it by this Constitution and By-Laws and any other powers necessary to the achievement of the objectives of the Association not specifically delegated to other agents or agencies by this Constitution and By-Laws;

h. Provide funds for district operation.[1]

Included in the legislative branch is the District Assembly, which conducts membership drives, makes recommendations to the Congress, and provides communications with the schools. The Assembly is composed of the Congress and the elected building representatives from each school.

The executive duties of the DEA are performed by the Executive Division, which consists of an elected president and vice-president and an appointed executive secretary.[2] The executive secretary assists the president and also serves as general business manager and secretary-treasurer but does not have voting power. In addition the Executive Division has within it a board of directors, which more or less serves as a presidential advisor.

The judicial branch of the DEA consists of nine people appointed by the president and approved by the Congress; it is known as the Professional Rights and Responsibilities Board.[3] This Board has jurisdiction over all cases arising under the Constitution including all controversies

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[1] DEA Constitution, Article III, Section 11.

[2] DEA Constitution, Article V.

[3] DEA Constitution, Article VI.

between educators, and between educators and the board of education or citizens. The Board also has judging or censuring power over the members.

The Detroit Education Association has based its organizational pattern after those of our federal and state governments. Although its members have the right of referendum, most authority has been placed in the hands of elected officials. The democratic procedures of the DEA in this area are indirect.

The Detroit Federation of Teachers has a much less complicated organizational pattern. The DFT has an executive branch roughly comparable to the DEA's.[1] There is also an elected Executive Board, which has some of the legislative duties prescribed to the DEA's Congress and most of the judicial powers of its Professional Rights and Responsibilities Board.

The principal difference in the hierarchy of the two organizations is that the DFT claims to follow a more direct democratic procedure than does the DEA. The Federation is proud of the fact that most major decisions are made at general union meetings at which all the members may vote. Any major rule or amendment to its by-laws, for example, must be approved by a majority of members present at a regular meeting. By contrast, the DEA operates through a representative legislative procedure.

In comparing the democratic practices of the two groups as seen from their organizational structures one is drawn to several conclusions.

1. All but one of the officials of each organization are elected by the membership.
2. Both organizations claim that, in all meetings of the elected representatives, democratic methods are followed.

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[1] DFT Constitution, Article VII.

3. While both groups claim that they have a completely democratic election of officials there is reason to doubt this claim. As in government defeating an incumbent is extremely difficult. The executives who have control of the union publications can and do use them to further their own elections and the elections of their supporters. One significant point here is that the DEA president can be reelected only once. It must be noted, however, that much of the executive power of the DEA is in the hands of an appointed official, the executive secretary. The president of the DFT is not limited any number of years in office.

4. A procedure followed by the DFT but not the DEA is that the Federation members must approve by referendum any increase in dues.

5. While the Federation claims to practice more pure democracy because of its general membership meetings, this practice, in fact, assures nothing. It is true that these meetings occur and business is transacted. The union knows that the same, relatively small group of union members attend every meeting. One of the most significant decisions made by the union in its history (the Jan Skalnar decision), was made not by the entire membership but by 200 people out of a membership of approximately 5,000.

6. In general, then, there is little in the constitutions and by-laws of the two organizations to distinguish the structure of one group as inherently more democratic than the other's.

Membership Qualifications

The qualifications for membership in the two teacher organizations are generally the same. The DEA Constitution says, "All certificated contract employees of the Detroit Board of Education shall be eligible for active membership in the Association. . ."[1] Affiliate membership can also be granted to any professionally employed educational employee whether or not he is certified. These members cannot vote or hold office in the Association.

The DFT extends membership opportunities to "All teachers, supervisors, administrators, and accompanists employed by the Detroit Board

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[1] DEA Constitution, Article I.

of Education and others approved by the Executive Board.[1] Although the DFT invites all teachers to join, this invitation is not quite this universal. Article I of the By-Laws lists the steps, ending with a vote by the general membership, an applicant for membership may take if he is turned down by the executive board.[2] It should be noted, however, that no member with a classification above that of teacher can vote or hold office. The DFT also has a clause[3] prohibiting discrimination because of race, religious faith, or non-subversive religious beliefs. All meetings of both organizations are open to all members, and the DFT specifically guarantees the right of speech to its members.[4]

Obligations of Membership

While a democratic process involves privileges it also involves obligations. This is as true in a union as in our society as a whole. Each of the two teacher organizations places the same two obligations on its members: paying membership dues and giving active support to the purposes and programs of the organization.[5]

Impeachment of Membership

What steps are available and necessary to remove an organizational official from office and a member from the membership ranks? There are five possible levels of impeachment or denial of membership within the DEA:

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[1] DFT Constitution, Article III, Section 1.

[2] DFT Constitution By-Laws, Article I, Section 3.

[3] DFT Constitution, Article III, Section 5.

[4] DFT Constitution, Article IV, Section 2a.

[5] DEA Constitution, Article VI, Section 3.

1. Impeachment of members of Congress.

2. Removal from office of the members of the District Assembly.

3. Impeachment of the president, vice-president, and executive secretary.

4. Impeachment of members of the PR and R Board.

5. Suspension or expulsion of members of the Association.

Using the rationale that they are the elected representatives of the membership, the members of Congress are given the power of impeachment over the Congress itself, the Executive Branch, and the PR and R Board. In each case the procedure is the same. Charges are brought before the Congress and an investigating committee is assigned. Following its report a two-thirds vote of the entire Congress is required to remove the official. Three absences from meetings of the Congress or the District Assembly is automatic cause for an impeachment vote.

"The Professional Rights and Responsibilities Board shall have the power to judge or censure, and to recommend suspension or expulsion of any member of the Association for cause, after due notice and with all rights herein guaranteed . . . ."[1] The PR and R Board, then, has the expulsion power over the general membership. The Constitution of the DEA does protect the member by insisting on due process for any accused member. The PR and R Board also has reinstating powers.

The Association defends its "Democratic procedures" in this area by saying that it follows democratic policies through the elected officials. This would seem satisfactory in all but the case of suspension

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[1] DEA Constitution, Article VI, Section 3.

of membership. It would seem that to truly insure democratic practices general expulsion should only be approved by the general membership through a vote following an investigation and public hearing. This would further protect the rights of members who are at odds with the power structure.

The DFT By-Laws affecting suspension and expulsion are being re-written and expanded and are unavailable until the membership is given the right to vote on them. The changes seek to clarify Article XIV. The new By-Laws will hopefully clarify this potentially dangerous situation.

The DFT's present written procedures for expulsion of members and impeachment of officers are similar to those of the DEA. The Executive Board may suspend or expel any member of the Union or any Board member by a vote of two-thirds of its members "for violation of the Constitution, the By-Laws, the rules, or for Conduct prejudicial to the welfare of the Union".[1] No member may be suspended without being given two weeks written notice of the charges against him and an opportunity to appear before the Board. Any expelled or suspended member may appeal to the general membership at a regular or special meeting.

The earlier criticism made of the DEA equally applies to the DFT. *Initial* power is placed in the hands of the power structure which too *easily* can ignore the voice of the opposition. While the expelled member is given the opportunity to appeal to the general membership the regular meetings are attended by a very small number of the members and in most

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[1] DFT Constitution By-Laws, Article XIV, Sections 1-7.

cases by the school representatives who often are friends of the leadership; e.g., Jan Skelnar was removed from the membership by a vote of some 200 members out of a total membership of over 5,000.

Referendum

Both the DEA and the DFT have similar methods for using the referendum. The active membership of the DEA may initiate legislation by submitting a petition from 10% of the membership. A vote on the petition is taken in each school, and, if it is approved by a majority of the members, the petition becomes law.

The DFT membership can propose and amend its by-laws by submitting a petition having the endorsement of 50 members. This amendment is then voted on at a regular membership meeting; a majority vote is required for approval.

In summary the two organizations are facing the same problem that Gardner earlier described as faced by the general society, a problem that has been the subject of continuing debate by labor organizations in private industry: Is it possible, necessary, or desirable for an employee organization to insure internal democracy at the risk of sacrificing efficiency and strength that may be the mandatory components to successful bargaining against a basically autocratic opponent? My own answer is an unqualified "Yes". Michels would argue otherwise.

CHAPTER VI

PERSONAL CHARACTERISTICS AND SOCIAL BACKGROUNDS OF TEACHER ORGANIZATION ACTIVISTS: WAYNE, OAKLAND, AND MACOMB COUNTIES*

The purpose of this chapter is to determine personal characteristics and social backgrounds of teacher organization "activists." "Activists" are defined here as those occupying an official appointed or elected position within a local teacher organization. A questionnaire (see Appendix M) and a covering letter were sent to local representatives of the MEA and the MFT, the two major employee organizations active in the state in 1965-67.

Because the questionnaire was sent during the summer, a period normally considered vacation time for these representatives, it was decided to limit both the number of people questioned and the geographical area of coverage. Thus, the questionnaires were sent only to persons in the tri-county area of Wayne, Macomb, and Oakland counties of Michigan. This decision may very well have biased the results, as all three counties are basically suburban areas. An upstate sample may have given different results. However, because the DFT has virtually no upstate representation, it was necessary to choose these three counties in order to include

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*I gratefully acknowledge the assistance of Bernard Dent and Harold T. Simpson, Jr., who helped to formulate the questionnaire and tabulated the responses.

the DFT in the sample.

The number sent was determined by the availability of names and addresses of organizational representatives, the anonymity of both the respondents and the persons providing their names was assured. Questionnaires were sent to 89 representatives of the Michigan Education Association (MEA) and to 17 representatives of the Michigan Federation of Teachers (MFT). Of the questionnaires sent out, 46 (51.7%) were returned from MEA representatives and 14 (82.3%) were returned from MFT representatives. The combined return was 59.4 per cent of the original 106 questionnaires.

Personal Background

As we can see, eighty per cent of the respondents were less than forty-one years of age; thus, this group of employee organization "activists" is relatively young. (Table #1) Those active in organization work are primarily men with the MFT having somewhat a higher percentage of male activists than the MEA. (Table #2) Finally, most of the respondents in the group sampled are married and have children. (Tables #3 and #4)

TABLE 1

AGE

	MEA No.	%	MFT No.	%	Total No.	%
21 - 30	19	41.3	3	21.4	22	36.6
31 - 40	19	41.3	7	50.0	26	43.3
41 - 50	7	15.2	2	14.2	9	15.0
Over 50	1	2.2	2	14.2	3	5.0

TABLE 2

SEX

	MEA No.	%	MFT No.	%	Total No.	%
Male	36	78.3	12	85.7	48	80.0
Female	10	21.7	2	14.3	12	20.0

TABLE 3

MARITAL STATUS

	MEA No.	%	MFT No.	%	Total No.	%
Married	36	78.3	11	71.4	47	78.3
Single	9	19.6	1	7.1	10	16.6
Widowed or Divorced	1	2.2	2	14.3	3	5.0

TABLE 4

NUMBER OF CHILDREN

	MEA No.	%	MFT No.	%	Total No.	%
None	2	5.4	3	23.1	5	10.0
One	5	13.5	3	23.1	8	16.0
Two	16	43.3	2	15.4	18	36.0
Three	9	24.3	2	15.4	11	22.0
Four	5	13.5	1	7.7	6	12.0
Five or more	1	2.7	1	7.7	2	4.0

Further, almost all of the respondents were native born U.S. citizens. (Table #5) However, the significance of these figures is questionable because there are no comparable figures for all teachers, activists or otherwise. Most parents were also born in the U.S. (Table #6), so most of the responding teachers were educated here. Perhaps their exposure to American school systems created an awareness of the need for changes in educational policies and stimulated an interest in employee organization activities.

Given that questionnaires were distributed only to organization activists in the metropolitan area, it was surprising to find that a considerable number of the respondents were raised in small towns. (Table #7) Less surprising and in line with other evidence from occupational sociology, was the fact that those who replied had classified their wage earning parent as a "blue-collar" worker. (Table #8)

TABLE 5

PLACE OF BIRTH--RESPONDENT

	MEA No.	%	MFT No.	%	Total No.	%
U.S.	45	97.8	14	100	59	98.3
Other	1	2.2	0	0	1	1.6

TABLE 6

PARENTS PLACE OF BIRTH

	MEA No.	%	MFT No.	%	Total No.	%
U.S.	41	89.1	9	64.2	50	83.3
Other	3	6.5	1	7.1	4	6.6
One parent only (U.S.)	2	4.3	4	28.6	6	10.0

TABLE 7

SIZE OF TOWN WHERE RAISED

	MEA No.	%	MFT No.	%	Total No.	%
Under 500	7	15.2	0		7	11.6
500 - 1,000	4	8.7	1	7.1	5	8.3
1,000 - 5,000	9	19.6	1	7.1	10	16.6
5,000 - 10,000	5	10.9	2	14.2	7	11.6
10,000 - 50,000	9	19.6	3	21.4	12	20.0
50,000 - 250,000	6	13.0	2	14.2	8	13.3
Over 250,000	6	13.0	5	35.7	10	16.6

TABLE 8

WAGE EARNING PARENT CLASSIFICATION

	MEA No.	%	MFT No.	%	Total No.	%
White-Collar	10	21.7	2	14.2	12	20.0
Blue-Collar	27	58.7	8	57.1	35	58.3
Professional	10	21.7	4	28.6	14	23.3
No response	2	4.3			2	3.3

The majority of the parents of the survey respondents completed high school or less. (Table #9A-B) 16.6% of the mothers and 11.6% of the fathers had less than an eighth grade education. This result indicates two things: A high degree of motivation on the part of the parents on behalf of their children and the increasing availability of additional formal education for those desiring it.

Further, a decided majority of the persons questioned were not the only children in their families. (Table #10) Since a large number of the respondents ranged in ages from thirty to forty, most of them were born and raised in large families during the depression years. The data also shows that most of the children in each family attended college. (Table #11) Further study of the individual questionnaires additionally reveals that, in 73.3% of the families, all or all but one of the children attended college. Table #12 simply shows the religious preference of the respondents and that there is no significant difference in the distribution between MEA and MFT activists--they are both decidedly Protestant.

TABLE 9-A

EDUCATIONAL ACHIEVEMENT OF MOTHER

	MEA No.	%	MFT No.	%	Total No.	%
Less than 8 years	6	13.0	4	28.6	10	16.6
Completed 8 years	16	34.8	4	28.6	20	33.3
Completed High School	9	19.6	4	28.6	13	21.6
Attended College	5	10.9	1	7.1	6	10.0
Graduated College	9	19.6	0		9	15.0
Post-Grad. Degree	1	2.2	1	7.1	2	3.3

TABLE 9-B

EDUCATIONAL ACHIEVEMENT OF FATHER

	MEA No.	%	MFT No.	%	Total No.	%
Less than 8 years	5	10.9	2	14.2	7	11.6
Completed 8 years	15	32.6	4	28.6	19	31.6
Completed High School	14	30.4	6	35.7	20	33.3
Attended College	5	10.9	1	7.1	6	10.0
Graduated College	6	13.0	1	7.1	7	11.6
Post-Grad. Degree	1	2.2	0		1	1.6

TABLE 10

NUMBER OF CHILDREN IN FAMILY-INCLUDING RESPONDENT

	MEA No.	%	MFT No.	%	Total No.	%
One	5	10.9	2	14.2	7	11.6
Two	16	34.8	1	7.1	17	28.3
Three	11	23.9	4	28.6	15	25.0
Four	3	6.5	1	7.1	4	6.6
Five or more	11	23.9	6	42.8	17	28.3

TABLE 11

NUMBER OF CHILDREN IN FAMILY ATTENDING COLLEGE INCLUDING RESPONDENT

	MEA No.	%	MFT No.	%	Total No.	%
One	19	41.3	7	50.0	26	43.3
Two	13	28.4	3	21.4	16	26.6
Three	7	15.2	2	14.2	9	15.0
Four	3	6.5	1	7.1	4	6.6
Five or more	4	8.7	0		4	6.6

TABLE 12

CHURCH AFFILIATION

	MEA No.	%	MFT No.	%	Total No.	%
Catholic	12	26.1	2	14.2	14	23.3
Protestant	29	63.0	8	57.1	37	61.7
Other	5	10.9	2	14.2	7	11.6
None	0		2	14.2	2	3.3

Education

The majority of the respondents have master's degrees or are working towards them. (Table #13) Further, as more than two-thirds of those replying indicated that they had earned upwards of twenty-five per cent of their undergraduate college expenses, (Table #14) it becomes apparent that most are ambitious people, whatever the reason.

TABLE 13

EDUCATIONAL ACHIEVEMENT-RESPONDENT

	MEA No.	%	MFT No.	%	Total No.	%
Bachelor's	14	30.4	3	21.4	17	28.3
Master's	27	58.7	11	78.5	38	63.3
M.A. + 30 hours	4	8.7	0	0	4	6.6
Doctorate	0	0	0	0	0	0
No response	1	2.2	0	0	1	1.6

TABLE 14

PORTION OF COLLEGE (UNDERGRADUATE)
EXPENSES EARNED

	MEA No.	%	MFT No.	%	Total No.	%
Nil	2	4.3	1	7.1	3	5.0
0 - 10%	2	4.3	3	21.4	5	8.3
10 - 25%	9	19.6	1	7.1	10	16.6
25 - 50%	11	23.9	3	21.4	14	23.3
50 - 75%	6	13.0	3	21.4	9	15.0
75 - 100%	16	34.8	3	21.4	19	31.6

Teaching and Professional Activities

More than eighty per cent of the survey respondents claimed fifteen or fewer years of teaching experience. (Table #15) It would seem that those with added experience are less likely to be active in teacher organization work. Those persons having considerable administrative experience are shown not to be actively representing classroom teacher organizations. (Table #16) The figures also indicate that activists are more likely to be secondary level teachers, and that social studies majors are heavily represented. (Table #17) This commitment to history, economics, politics, and political movements as well as education probably provides a greater awareness of organizational problems and potential solutions than is found in the general teacher population. Inasmuch as 85% of the respondents are full time teachers (Table #18) it is obvious that they are dedicated to their roles as organization activists, since they must perform these organizational duties in addition to their regular work.

Table #19 when compared with Table #20 reveals that, while most of those questioned take part in several professional organizations, they are less likely to participate in social organizations. Quite likely, they do not have sufficient time for social matters in view of the degree of their participation in professional matters combined with a full-time job. When asked, "Approximately how many professional books do you have in your personal library?", the responses revealed that MEA activists have an average of 87 books in their personal libraries. Organization activists of the MFT showed an average of 56 books. The figures for both groups revealed a combined average of 82 books. Additionally, MEA activists subscribe to an average of three professional magazines or journals, while MFT activists subscribe to an average of two. Collectively, the two groups subscribe to an average of three professional magazines or journals.

A review of the hobbies listed on returned questionnaires showed a heavy percentage of people who (a) read, (b) have an interest in music or play an instrument, and (c) consider travel a major hobby. (Appendix N) Over half of those questioned listed football as a favorite sport, with a significant number listing baseball, golf, basketball, and bowling. (Appendix O)

Finally, those questioned were asked to write a very brief statement telling how they became interested in becoming involved in teacher organization activities. The answers indicated three general trends: Participation came about as a result of (a) agreeing to serve on committees and gradually becoming more interested and involved; (b) feeling too few of his co-workers were willing to get involved and recognizing that "someone

must do it"; or (c) wanting to get into a position to express teachers' concerns about various policies and working conditions. (Appendix P)

TABLE 15

NUMBER OF YEARS OF TEACHING EXPERIENCE

	MEA No.	%	MFT No.	%	Total No.	%
1 - 5	13	28.4	2	14.2	15	25.0
6 - 10	18	39.1	5	35.7	23	38.3
11 - 15	9	19.6	3	21.4	12	20.0
16 - 20	6	13.0	1	7.1	7	11.6
21 - 30	0	0	2	14.2	2	3.3
Over 30	0	0	1	7.1	1	1.6

TABLE 16

NUMBER OF YEARS OF ADMINISTRATIVE (ABOVE LEVEL OF CLASSROOM TEACHER) EXPERIENCE

	MEA No.	%	MFT No.	%	Total No.	%
Nil	40	87.0	12	85.7	52	86.7
1 - 5	5	10.9	1	7.1	6	10.0
6 - 10	1	2.2	0	0	1	1.6
11 - 15	0	0	0	0	0	0
16 - 20	0	0	0	0	0	0
21 - 30	0	0	0	0	0	0
Over 30	0	0	0	0	0	0
No response	0	0	1	7.1	1	1.6

TABLE 17

TEACHING FIELD

	MEA No.	%	MFT No.	%	Total No.	%
Elementary	13	28.4	1	7.1	14	23.3
Secondary	30	65.2	10	71.4	40	66.7
Elementary and Secondary	3	6.5	2	14.2	5	8.3
College	0	0	0	0	0	0

AREA OF SPECIALIZATION

	MEA No.	%*	MFT No.	%*	Total No.	%*
Art	4		1			
Auditorium			1			
Business Educ.	3		1			
Counseling	3		1			
English	2					
Library	2					
Mathematics	2					
Music	3					
Science	3		2			
Social Studies	12		3			
Special Educ.			3			
Vocational Educ.	3		1			
No response	3		2			

*No percentages are shown in this table because some secondary teachers listed more than one, and most elementary teachers have no area of specialization.

TABLE 18

CURRENTLY TEACHING (IN ADDITION TO YOUR ORGANIZATIONAL DUTIES)

	MEA No.	%	MFT No.	%	Total No.	%
Yes	40	87.0	11	78.5	51	85.0
No	5	10.9	3	21.4	8	13.3
Just resigned	1	2.2	0	0	1	1.6

TABLE 19

NUMBER OF PROFESSIONAL ORGANIZATION AFFILIATIONS

	MEA No.	%	MFT No.	%	Total No.	%
One	2	4.3	5	42.8	8	13.3
Two	7	15.2	3	21.4	10	16.6
Three	10	21.7	3	21.4	13	21.6
Four	13	28.4	0		13	21.6
Five or more	14	30.4	1	7.1	15	25.0

TABLE 20

NUMBER OF SOCIAL ORGANIZATION AFFILIATIONS

	MEA No.	%	MFT No.	%	Total No.	%
None	4	8.7	2	14.2	6	10.0
One	14	30.4	4	28.6	18	30.0
Two	12	26.1	2	14.2	14	23.3
Three	5	10.9	1	7.1	6	10.0
Four	6	13.0	0		6	10.0
Five or more	2	4.3	0		2	3.3
No response			5	35.7	5	8.3

Profile and Summary

A perusal of these figures might lead to the conclusion that the "typical" employee organization representative's profile would be as follows:[1]

He is a married man in his thirties and the father of two children. He earned more than three-quarters of his own undergraduate expenses and has also earned a master's degree. He has taught between six and ten years, although he lacks administrative experience. Probably he is a secondary teacher of social studies. He is a Protestant and belongs to at least five professional

[1]This study and the resulting profile is not intended to be the final nor definitive answer to role and background definition of teacher organization activists. Obviously, considerably more work is required. The intent here, is simply to supply an additional dimension to both the earlier and later material.

organizations and one social organization. He subscribes to three professional magazines or journals and has about eighty-two books in his personal professional library. In what little spare time he has, he reads, travels, and expresses a musical interest in one way or another. His favorite sports are likely to include football, baseball, golf, basketball, and bowling.

He is native-born, as were his parents. His parents' educations were considerably less than his own, for his mother completed eight years of schooling while his father graduated from high school and then held a blue-collar job. One of three or more children, he doubtless was early impressed with the need for an education, for a majority of the children in the family attended college. During his childhood the family lived in a relatively small city with a population between ten and fifty thousand.

He appears to have become interested in employee organization work in one of three ways: (a) he began by serving on committees and gradually became more deeply involved; (b) he became involved because he felt too few of his colleagues were willing to do so and he saw the need; or (c) he felt that the school board or other administrative personnel were establishing policies with which he strenuously objected, and he felt that teachers should have more to say about these things.

Finally, since no discernible distinctions were apparent in the characteristics of MFT and MEA leaders, they probably would have become "activists" in either organization and their present affiliation is more accidental than ideological.

CHAPTER VII

SCHOOL BOARD AND ADMINISTRATOR ORGANIZATIONS

Michigan Association of School Boards

The Michigan Association of School Boards was incorporated in the State of Michigan on April 19, 1949. Members of a local school board join as a group; any public school district in the state may become a member. The Association at present boasts approximately 600 member-districts, out of a total potential of about 700. These 600 are purported to represent 98% of the children in the state.[1] To accomplish its aims of improving the educational policy and the welfare of school districts, the Association disseminates information, holds meetings, courses, and special schools, and publishes a journal, the Michigan School Board Journal, bulletins, and reports. The MASB holds an annual assembly, at which resolutions are approved by the delegates; each district has one vote. The Association is also an affiliate of the National School Boards Association.

Basic to the American school system is the ideal of local control of education. In Michigan, the constitution requires that "every school district should provide for the education of the pupils. . . ."[2] From

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[1]Interview, Dr. Julous Barbour, Executive Director, MASB, August, 1967.

[2]Frank R. Heselton, "Whither Are We Going?" Michigan School Board Journal, XI, February, 1964, p. 20.

this statement the local school boards derive their right to operate and control the schools. That local boards see themselves as lawful subdivisions of the state is probably the single most important factor bearing on the general policies and practices of an individual board (or an association of boards). Locally elected school boards have historically been very conscious of their status as representatives of the public. They have jealously guarded their decision-making authority; their position has been that, because their authority and responsibility are established by law, they cannot legally (or morally, they believe) delegate them to others.

As a practical matter, school boards have adhered strictly to this philosophy; authority for determining educational policy had never been delegated. Boards, or in some areas their chief officer, the superintendent, have set salaries and hours of work, chosen the curriculum, selected the textbooks, determined class size, and hired and fired almost at will. Teachers were offered contracts individually. They could sign if the terms were satisfactory; perhaps, but probably to no avail, they might try to bargain individually for some change; or they could seek employment in another district if the terms offered were inadequate. Since school boards are autonomous within the boundaries of their charge to run the schools, districts do vary in employment practices. Some school districts, Ferndale, Michigan, for example, have bargained with non-instructional employees, such as custodians, for many years. But teaching staffs typically did not receive the same opportunity. Although occasionally teachers received an explanation of why the terms of employment were what they were, and in some instances had a chance to present

proposals of their own. In these cases, the school board generally met with a teachers' committee to inform it of the current tax situation, the amount that would be available to the school for the coming year, and what their salaries would be. By another procedure, representatives of the teachers' group were allowed to give the board salary and other proposals made by the staff. Sometimes this presentation was the end of the procedure; at others perhaps there would be a discussion of the items. In all these instances, however, the school boards were in no way obligated to share their authority, and they made all final decisions. The School Board Association has no concrete record of any actual bargaining practices before the 1960's, but some undoubtedly existed.[1]

Given the school board philosophy and traditional practices governing its authority, one could easily predict that the School Board Association would neither view lightly nor commend the increased demand by teachers for a part in making educational decisions. There is evidence that, during 1960, local teacher groups were beginning to exert some pressure for their rights. The president of the MASB reported in November of 1960 that the Association had recently been asked by local boards to enter "disputes" between these boards and the MEA. The Association's Board of Directors voted to continue to "investigate the facts and determine if the board was right," upon request.[2] The first official indication that the MASB was aware of this pressure, however, appears in two resolutions approved at the annual business meeting in September, 1961. Both are

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[1]Barbour, interview, op. cit.

[2]Frank Zeiter, "The President's Message," Michigan School Board Journal, VI, November, 1960, p. 14.

strictly in line with the Board's traditional point of view. In response to a National Education Association statement implying that teachers should select their textbooks, the Board responded, "The Michigan Association of School Boards will strongly resist any and all attempts to infringe upon the authority of school boards in the selection and adoption of textbooks and other instructional materials."[1] The second resolution states clearly the philosophy of local control. "Whereas we believe that ultimate decisions on all matters affecting local public schools, including the welfare of professional and non-professional personnel, should rest solely on school boards as representatives of the people, Be It Resolved that concern for the public welfare requires that members of this association resist by all lawful means the enactment of laws that would compel them to surrender any part of this responsibility."[2]

The actions of the MASB in this area of bargaining with teaching employees can only lead to the conclusion that the Association was hoping in some way to prevent the whole problem. Until the passage of Public Act 379 in 1965, the Association's program was not sparked with great initiative. It took very little action. In April, 1961, the Michigan Education Association's first resolution on professional negotiation was voted. Early in 1962, at the invitation of the MEA, the MASB joined in forming a joint committee to try to work out a set of negotiation principles acceptable to both organizations. But not until October, 1962,

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[1]"Resolutions Adopted September 15, 1961," Michigan School Board Journal, VII, October, 1961, p. 14.

[2]Ibid.

did the MASB Executive Secretary report that such a committee had been formed.

There was only one other official action on teacher negotiations taken by the Association prior to 1963, but it was a reaction to events, not an initiation of them. The delegates to the business session in November, 1962, resolved that, because the state mediation law had been interpreted to include relationships between boards and employees, and because boards were being involved in this process, "a committee to study policies and procedures with a view to resolving differences prior to resort to the mediation process" would be established.[1]

The year 1963 brought no greatly different official actions from the Association, although on an individual basis local boards were becoming involved in real negotiations. The proposed procedures for professional negotiation drawn up by the joint MEA-MASB committee were discussed by the MASB Board of Directors early in 1963, but they were never ratified by the MASB Board. They were mainly procedures to be used in the event that a local professional negotiation (PN) committee and its board of education could not reach agreement on problems related to working conditions, teacher contracts, salaries, and dismissals. These were local procedures; but the problem, and a major issue from the school board's point of view, was that they called for a form of compulsory arbitration in impasse situations, and this was an item wholly unacceptable to the MASB.[2] The joint committee simply ceased to operate; the MEA stopped

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[1]"Resolutions Adopted November 8, 1962," Michigan School Board Journal, VIII, December, 1962, p. 5.

[2]Barbour, interview, op. cit.

inviting the MASB to meetings (the MEA always did the inviting), and the school board group never pursued the possibility of joint action further.

Walter Averill, a director and former president of the MASB, showed some awareness of the then (1963) current situation. In November he stated, "We as school board members must in the future deal with [teachers] as a group, not as individuals. We can no longer afford to say, 'Take it or leave it.'"[1] His suggestion was that boards use a consultative procedure: citizens, teachers, and boards would form a committee and discuss school finances, teachers' needs, etc. This should be a cooperative effort to agree on the best plan for the welfare of the children. All policies should be written and distributed. The school board, however, still must make all final decisions. These suggestions may have been a reflection of a statement made by the Delegate Assembly of the National School Boards Association meeting in April. The NSBA was also reacting at this time to the increased pressures from teacher organizations and had called for a program essentially the same as Mr. Averill's. They urged local school boards to follow "procedures that will actively involve boards, administrators, and teachers in discussing budget needs--especially salaries and grievances" and have "written procedures. . . widely distributed and understood."[2] The idea seemed to be that, by communicating with and taking into consideration

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[1]Walter Averill, Jr., "School Board-Teacher Relationships," Michigan School Board Journal, X, November, 1963, p. 9.

[2]"From the Executive Director's Desk," Michigan School Board Journal, X, July, 1963, p. 5.

the views, recommendations, and needs of teachers, the new demands of the staff could be satisfied.

Although the Michigan Association was particularly silent, at this time, the National Association pointed out what the issues were. First, of course, was the sovereignty of school board authority, which could not be delegated. And in its "Beliefs and Policies Regarding Teacher-Superintendent-Board Relations," the NSBA went on to say that "Strikes, sanctions, boycotts, mandated arbitration or mediation are improper procedures to be used by public school employees who are dissatisfied with their conditions of employment."[1] Strikes, sanctions, impasse, procedures, authority--these were the issues, and some stand had to be taken on them.

In 1965, and up to the time the Michigan law was passed, the MASB appears to have focused its attention on the specific area of impasse procedure. The majority of school boards around the country were expressing doubts about the whole idea of bargaining. The NSBA went on record as believing that school boards should "refrain from compromise agreements based on negotiation or collective bargaining and [should] not resort to mediation or arbitration. . . ."[2] In a speech to the Illinois State Chamber of Commerce, Mrs. Fred Radke, a former president of the NSBA, confirmed this vigorous opposition to bargaining agreements between school boards and teacher organizations, and said that, while the Association recognized areas of mutual concern, it did not see any area of joint

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[1]"Excerpts from NSBA Beliefs and Policies Regarding Teacher-Superintendent-Board Relations," Michigan School Board Journal, X, December, 1963, p. 10.

[2]Ibid.

responsibility with teacher organizations.[1] In contrast, the MASB's only resolution on employee relations deals with a specific problem. In response to proposals to have outside arbitrators make binding decisions in school disputes, the delegates approved: "The Michigan Association of School Boards expresses the belief that the authority to an arbitrator to make decisions binding on a school district is both illegal and improper . . . ."[2] If judgments can be based on the absence of policy statements, perhaps it would be safe to say that the MASB had accepted the fact that there would be bargaining agreements. For them the issue was to maintain as much decision-making power as possible under the new circumstances.

Somewhat surprisingly, the Association did not launch a campaign to fight the passage of the Public Employee Relations Act. The Association preferred the separate education bill proposed by the MEA, but when it failed, the Association testified for and against specific items of the bill that in final form became the law.[3] For example, the school boards were against compulsory arbitration, for which there is no provision in the law. On the other hand, they spoke for the inclusion of unfair labor practices against employees as well as employers, but they did not succeed in having this provision enacted. The Association's stand was for "moderation in the law."

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[1]Mrs. Fred A. Radke, "Real Significance of Collective Bargaining for Teachers," Labor Law Journal, XV, December, 1964, p. 795.

[2]"Resolutions Acted Upon By Delegate Assembly," Michigan School Board Journal, XI, December, 1964, p. 13.

[3]Barbour, interview, op. cit.

There is no published official reaction by the MASB to the passage of the amendments. The Executive Director, in his August column, noted that PL-379 had been signed and that it opened up a whole new area of relationships between boards and employees. The President of the MASB, at this time Dr. Lester Dankert, was not so unconcerned about the situation. He called for cooperation to influence a reversal of trends that would restrict the discretion of local school boards.[1] He condemned strikes, sanctions, and third-party mediation. He also pointed out that the authority of the school board could not be delegated, but that, if teachers just wanted to "share joint concerns", the board had a responsibility to take into account their views and recommendations.[2] After the fact of the law's enactment, these verbal and semantic exercises carry little force.

As the MEA immediately stepped up its recognition and negotiation activities, the School Board Association realized that it must act to prepare its local boards to handle the bargaining situation. It was unprepared for the bargaining that took place in the fall of 1965, but in January, 1966, the Association retained Mr. Leonard Keller as legal council for negotiations. They also cooperated with the Michigan Association of School Administrators in publishing a guide called, Labor Relations Handbook for School Boards and Administrators. The Handbook deals with the legal rights and obligations of boards and administrators and presents the techniques of collective bargaining and the preparation of

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[1]Lester Dankert, "The President's Message," Michigan School Board Journal, XII, August, 1965, p. 4.

[2]Ibid., p. 5.

agreements. Articles with suggestions on and principles of negotiation began to appear in the Journal. And workshops on the process of collective negotiation and grievance procedures were held and attendance encouraged.

The general philosophy of the MASB since enactment of PL-379 is that the Association must and will live within the law. If the Association appears to be saying, "We are obligated to do this bargaining, but we'll make every effort to see that teachers get as little of our decision-making power as possible," it is merely holding a position that is quite in line with the standard position assumed by many managements in private industry.

The Association has also demonstrated that, when provoked, it would take a hard line. The boards have always opposed strikes; but this opposition was tacitly understood. In the spring of 1966, a number of teacher walkouts occurred in the state, and the Board of Directors of the MASB reacted. At a meeting on May 20, it formulated a resolution recommending to local boards certain procedures to be followed as their collective bargaining policy: briefly, that school boards fulfill their lawful obligations; that, in the event of strikes, employees be disciplined up to and including discharge; that the board seek injunctions against strikes or sanctions; that school boards stop negotiations with any striking labor organization and not continue until the strike ended; that teachers participating in strikes or sanctions have this action noted on their records and supplied to any other school district requesting such information; and that school boards not recommend for employment teachers

who are on strike or whose district is under sanctions.[1] (Dr. Barbour stated that these resolutions were made at a moment when the school boards felt threatened, and such harsh statements would probably not have been made at another time.)[2]

Despite all the indications that the Michigan Association of School Boards was ill prepared for the advent of full-scale collective bargaining, one must say that it was far ahead of its national organization. The NSBA's journal, School Boards, in June, 1967, noted that an important change in the NSBA beliefs and practices had been enacted by the Delegate Assembly. Its policy simply included a statement recognizing the right of teachers to organize and confer (emphasis noted) with school boards on terms and conditions of employment.[3]

In 1967, the MASB again sponsored numerous workshops on negotiations around the state, and their legal counsel was at work constantly with bargaining and representation and unfair labor practice cases. By August, 1967, there were still over 200 districts with contracts unsigned. The Board of Directors made public a resolution recommending that local boards ask teachers to go back to school in September even in the absence of agreement. In return, the boards would promise that any agreements

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[1]Walter Averill, Jr., "The President's Message," Michigan School Board Journal, XIII, June, 1966, p. 20.

[2]Barbour, interview, op. cit.

[3]"NSBA Delegate Assembly Passes Resolutions on Federally-Related Educational Programs," School Boards, X, June, 1967, p. 10.

finally reached after school was in session would be retroactive.[1] And on August 29, the Education Association charged in federal court that certain Michigan School Boards were "conspiring" to deny teachers their constitutionally guaranteed rights.[2]

Regardless of past pronouncements and ideological positions, the MASB appears to have recovered from its early unpreparedness and obviously has moved to a rather classical (although perhaps "unenlightened") power-oriented bargaining stance characteristic of many private industry labor-management relationships.

Michigan Association of School Administrators

When the subject of collective bargaining in the educational field is considered, the discussion usually centers on the relationship between teachers (or the teachers' organization) and their school board. While these are the major parties to the bargaining and the agreement, there are others in the hierarchy of a school system who must become involved with this new process. One is the chief administrative officer of the system, the superintendent of schools.

The superintendent is responsible for the efficient operation of his district. This position demands that he perform a great number of duties: he "marshals resources, supplies information, stimulates discussion and research and . . . he evaluates, recommends and initiates action.[3] In all these activities, the administrator's main concern is

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[1]Barbour, interview, op. cit.

[2]Attorneys for the MEA have written to the author in December, 1967, indicating that the case preparation is continuing, but has not been heard.

[3]American association of School Administrators, School Administrators View Professional Negotiation, Washington: American Association of School Administrators, 1966, p. 53.

ostensibly the welfare of the student. The ideal superintendent is an independent party, operating the schools within his broadly defined mandate from the school board.[1] How the superintendent's general role works out in practice is not to be dealt with here, but we can assume that the acquisition by teachers of bargaining rights would certainly have some impact on a position of such responsibility.

The school superintendents have both a state and a national professional organization. It will be impossible to describe any set of policies for collective bargaining formulated by the Michigan Association of School Administrators (MASA). They have no official position. I will, therefore, look briefly at the positions taken by the American Association of School Administrators to see what kinds of policies represent a consensus of the ideas of superintendents from all over the United States and attempt to interpret these as they apply to the Michigan situation, and the Michigan Association of School Administrators (MASA).

The American Association of School Administrators (AASA) is a Department of the National Education Association, and its statements on professional negotiation largely follow those made by the NEA. In 1947, the AASA issued an invitation to teacher organizations to participate in matters affecting teacher welfare and stated its disapproval of strikes as a means of securing rights.[2] There was no similar resolution of this strength until after the NEA resolutions on negotiations in 1961 and 1962.

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[1] Ibid.

[2] American Association of School Administrators Official Report, 73rd Annual Convention, Atlantic City, March 1-6, 1947, p. 228.

In 1960, the AASA called for "constant cooperative review of local school policies and programs by staffs, administrators, boards, and citizens."[1] In a 1963 policy statement, "Roles, Responsibilities, Relationships of the School Board, Superintendent and Staff," the administrators defined shared responsibility in policy development as a professional concept. But although the staff should discuss, present proposals, and participate in program development, it had no right to make decisions. The school board still possessed all rights and responsibilities for decision making.[2]

In its policy statements from 1964 to 1966, the AASA stressed the common goals and interests of teachers, supervisors, and administrators, and declared that the development of school policies and programs and the solutions to problems are best handled by these groups working together. The Association has consistently held that education should be independent of any one segment of society and that strikes are not a proper means for teachers to assert their rights. In 1967, the Association urged that "truly professional negotiation procedures" be established and sanctions be intelligently applied.[3]

One might expect that, since the AASA has stated positions on professional negotiations, the more immediately involved Michigan Association of School Administrators would also. There is no certain reason why it

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[1]American Association of School Administrators Official Report, 1959-60 Annual Meeting, February 13-17, 1960, Atlantic City, p. 243.

[2]American Association of School Administrators, School Administrators View Professional Negotiation, op. cit., p. 32.

[3]"Preliminary Draft of 1967 AASA Resolutions is Completed," The School Administrator, XXIV, February, 1967, p. 6.

did not. Two possible explanations could be advanced: First, the MASA was long (until January, 1967) a department of the Michigan Education Association, and in general its policies were those of the MEA. Secondly, perhaps because the Michigan administrators have been drawn into the area of negotiations by the rapid acceleration of activities of the state's teachers and school boards, they have not found it necessary to formulate a position for or against the process; they have simply been occupied with the bargaining process itself and its implications for them specifically.

Prior to the passage of the Michigan law, the literature of the MASA rarely dealt with the subject at all. In December, 1964, the MEA invoked sanctions on the Whitmore Lake school district. The MASA Board of Directors voted to support this action.[1] (This is the only example of such support reported and cannot be interpreted as any kind of standing policy.) In January of 1965, professional negotiation was the main topic of a two-day MASA meeting. These two news items are the only instances that indicate that the Association was aware of current happenings.

With regard to the enactment of the legislation, the Executive Secretary of the MASA, stated that the Association did not oppose a professional negotiation law of the type the MEA proposed. A legislative report in May, 1965, noted that there was a number of professional and labor negotiation bills being discussed, and that "The MASA has not taken a specific stand regarding these bills other than the general philosophy that we favor legislation that will give boards of education the necessary

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[1]"Sanctions Invoked by MEA on Whitmore Lake," MASA Reflections, VII, December, 1964, p. 3.

authority to operate schools efficiently."[1]

Since the passage of the law, the MASA has been involved mainly in the implementation of its provisions. Workshops on techniques of negotiation have been held. By October of 1965, the Board, with the help of legal counsel, had distributed to its members a bulletin on what the superintendent should do when his staff demanded their newly-won rights. He should, this report said, review the law with the school board and point out what is required of both parties.[2] In 1966, the administrators issued the Labor Relations Handbook, jointly with the School Board Association, and secured for superintendents the services of the MASB's legal counsel, Mr. Keller and at a conference reviewing the new law, the administrators were told that their jobs simply had a new dimension.[3]

It is just this new job dimension, however, that has proved to be the biggest difficulty caused by the widespread introduction of bargaining. Both the AASA and the MASA have felt the weight of the problem: just what should be the position of the school superintendent in the bargaining process? Both groups agree that he should not be completely bypassed. The AASA says, "He should be an independent third party in the negotiation process. He should review each proposal in light of its effect upon students and work closely with both the board and the staff representatives in an attempt to reach agreement . . . . His position

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[1]James H. Rossman, "Legislative Report," MASA Reflections, VII, May, 1965, p. 3.

[2]Michigan Association of School Administrators, "Supplementary Report #1," p. 1.

[3]"MASA Reviews Negotiations Laws," Michigan Education Journal, XLIII, January 21, 1966, p. 3.

as leader of the staff and executive of the board requires this."[1] He should exercise free and independent judgment, provide resource materials and information, clarify issues, and make proposals.[2]

Here again the MASA has no stated position. As the MASA Executive Secretary explained, the superintendent's position is different in different districts. It is his personal opinion that the superintendent is the chief officer of the school board.[3] The MASA, in January, 1967, voted to delete from its constitution the section that read, "The Association shall be a Department of the Michigan Education Association."[4] The break is now complete and the position of the superintendent is clear. In Michigan, operating under a law that bars supervisory personnel from the teacher bargaining unit, administrators have moved to the school board side of the bargaining table.

Summary and Conclusions

In no sense was this part intended to be a complete historical or organizational treatment of any of the four organizations. The intent was simply to review some significant developments and other factors that most directly relate to each organization's evolving position and policies regarding collective bargaining.

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[1]American Association of School Administrators, School Administrators View Professional Negotiation, op. cit., p. 54.

[2]Ibid., p. 55.

[3]Interview, Dr. Austin Bates, Executive Director, MASA, August, 1967.

[4]"Action Taken at Grand Rapids," MASA Reflections, IX, January, 1967, p. 4.

The evolution was shown to be abrupt for the Michigan School Board Association (MSBA), continual for the Michigan Federation of Teachers (MFT), gradual for the Michigan Education Association (MEA), and unresponsive for the Michigan Association of School Administrators (MASA). The impact of the speed of adaptation to the new employment relationship and the associated preparation for change had a significant effect upon the results achieved by each organization during the first year of bargaining after Act 379 became law.

Initially, the MASB had failed to react to the signs of teacher discontent and political change and, like their private employer counterparts of 1935 were totally unprepared to assume a constructive, intelligent bargaining position--or even to protect their own interests.

The MFT, because of its AFL-CIO affiliations, was the best technically prepared organization of the four. However, either by design or default, it chose to press this advantage only in the large metropolitan areas and ultimately was successful only in Detroit and in a handful of neighboring, inner metropolitan suburbs. However, the experience and technical assistance received by the MFT from both its national union and other AFL-CIO unions was unflexible and apparently unsuited to the organizing requirements of the "outstate" school districts (as will be shown in Part III).

The MEA's adaptation to the new law and environment was startling and dramatic. Although the genesis of the MEA's militancy can be traced to the middle 1940's and the evolution had been constant, the true nature of the potentials for this militancy were kept carefully obscured and camouflaged, finding expression only when seriously challenged by the

rival MFT. Many a school boards across the state were shocked to find that the "paper tiger company union," MEA, suddenly was "out unioning the union."

Finally, in probably the most pathetic example of an organization's inept reaction to changing circumstances, there was the MASA. A part of the MEA until January, 1967, the MASA had no independent policy or action until after that date. It wasn't until the school administrator found that he was required by his board of education to assume the official role of bargaining spokesman for his board that the delusions of neutrality promoted by his earlier MEA advisors became meaningless and unworkable. This realization brought uncertainty to the individuals and chaos to the organization that even in 1968 has not recovered sufficiently to make an affirmative impact on the bargaining relationship.

This part also partially identifies the characteristics of the teachers' leaders--the new militants. Again, the interest here was to present a dimension that will help to explain later material. There was no intent, however, to suggest that the sample information presented is a complete picture of the leaders of Michigan's teacher organizations. This must be the subject of future research.

In summary, this part answered many of the "Who are they" and "What have they done" questions concerning the organizations, their members, and their leaders.

PART III

THE DRIVE FOR EXCLUSIVE REPRESENTATION

CHAPTER VIII

THE SELECTION OF EXCLUSIVE COLLECTIVE BARGAINING REPRESENTATIVES

With the enabling legislation a reality and the characteristics, positions, and strategies of the contesting organizations reasonably well determined, the stage was set in July of 1965 for the contest to determine which organizations (if any) would represent the school employees and how this representation would be apportioned among a variety of possible bargaining units.

Legal and Procedural Requirements

> "Section 15 of the Public Employment Relations Act provides for collective bargaining between a public employer and the representatives of its employees. This representative must be chosen by a majority of the employees in an appropriate unit. He may be granted recognition voluntarily by the employer, or he may be elected by a majority of employees in a designated unit."[1]

The definition of appropriate bargaining units had also been earlier suggested by court rulings and decisions of other agencies in other jurisdictions. For example, the Supreme Court of Michigan, in Hotel Olds v.

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[1]For a fuller treatment of the provisions of the Act and the representation procedures of the Michigan Labor Mediation Board, see Hyman Parker, "The Michigan Public Employment Relations Act and Procedures Under the Act," in Charles T. Schmidt, Jr., et al., A Guide to Collective Negotiations in Education, East Lansing: Social Science Research Bureau, Michigan State University, 1967, pp. 20-27.

State Labor Mediation Board, 333 Mich. 382 (1952), considered the question of what constitutes an appropriate bargaining unit. In this case, the court cited a decision of the Massachusetts Labor Commission, whose primary objective was declared to be, to constitute the largest unit which in the particular case was most compatible with the effectuation of the purposes of the law, and to include in a single unit all common interests.

Prior to the 1965 amendments, Act 336 of the Public Acts of 1947 made no attempt to define a unit. It provided that "any given group" of public employees could petition for mediation. In construing this provision in Garden City School Board v. Labor Mediation Board, 358 Mich. 258 (1959), the Supreme Court said:

> "The basic notion of a 'group' or unit suitable for bargaining or mediating employee grievances is that of unity of interests."

Additionally, as the Michigan Labor Mediation Board was called upon to render its own decisions, a body of suggestive (but not necessarily controlling) precedents was established.

For example, the Mediation Board has, on several previous occasions, accepted the criterion of unity of interest or community of interest as being the proper one in determining an appropriate bargaining unit. It has held in Union School District of the City of Jackson and American Federation of State, County & Municipal Employees, AFL-CIO, and Non-Teaching Employees Club and International Brotherhood of Electrical Workers, Local Union 933, Case No. R-65-H-26 (January 25, 1966), in City of Warren and International Brotherhood of Teamsters, Local No. 299, and American Federation of State, County & Municipal Employees, AFL-CIO,

Cases No. R-65-H-30, and R-65-H-37 (January 18, 1966), and in South Redford School District and American Federation of State, County & Municipal Employees, AFL-CIO, and Local 299, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Case No. R-65-J-183 (June 30, 1966), that the largest bargaining unit which under the circumstances of the particular case is most compatible with the effectuation of the Act is the appropriate and proper bargaining unit.

In the South Redford School District case it said:

> We do not think the electricians have basic interests substantially distinct and different from those of the other crafts in the maintenance group in terms of conditions of employment, qualifications, skills, pay, places of employment, methods of compensation, similarity of duties and the like (emphasis added).

Thus, past practices of the parties, similarity of conditions of employment, qualifications, skills, pay, places of employment, methods of compensation and duties have all been controlling criteria (usually taken together) in the determination of the appropriate unit. Quite apparently, these are also some of the criteria most cited by the National Labor Relations Board in its over thirty years of experience in determining appropriate bargaining units.

The statewide results of the bargaining unit determinations and representation drives will be examined in a later chapter. Necessary and important as these statistics are to obtain a meaningful view of the total unit determination and representation activity to judge the scope and relative success of each of the major organizations involved, they do not present the total nature of the dynamics of the representation drive by the employee organizations.

For this view, I will turn to three case studies, the first two involving specific teacher organizations and their attempts to gain

representation, and the third, in Chapter IX will be a more general case of the fight for representation and recognition by school principals and supervisors across the state.

--Case Study No. 1--

The Drive for Exclusive Representation in Detroit

Following World War II, Detroit's teachers found themselves in virtually the same position as were teachers after World War I. Average salaries lagged behind those received by those employed in private industry. Unions were vigorously seeking and receiving higher wages for their members, consumer demands were high, and industrial profits soared. The growth in numbers of pupils found the school system woefully inadequate. The post-war shift of rural minority groups to the urban ghettoes was emphasized by the frequent requests of senior teachers to transfer out of the "core", center city schools.

When the United Federation of Teachers began an active drive for exclusive representation for New York City's teachers, union officials in Detroit made a careful analysis of the process. The success of the UFT drive in New York strengthened the decision of the Detroit Federation of Teachers (DFT) to seek exclusive bargaining rights for Detroit teachers. The campaign for exclusive representation was initiated early in 1963. This concept and effort were resisted by both the Detroit Board of Education and the Detroit Education Association (DEA), the rival of the DFT.

> Detroit School Board President, Wm. D. Merrifield, said Wednesday he couldn't see what teachers had to gain by naming an organization to represent them. "I am puzzled as to why they should need a collective bargaining arrangement."[1]

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[1] The Detroit Free Press, May 16, 1963.

Detroit at that time faced a financial crisis and scheduled an election to increase its millage. The April, 1963, millage campaign definitely influenced the timing and intensity of the exclusive representation campaign. According to Mary Ellen Riordan, DFT president, the Federation postponed its request for an election until after the April election "because we wanted to place our full resources behind the millage campaign."[1]

The Detroit Millage Campaigns

Generally speaking, proposals to finance local schools have been received with much reluctance. In 1961, thirty school bond proposals failed for every seventy that were successful in the United States. In 1962, the voters of New Jersey rejected school budget proposals of sixty-five counties. In 1963, twenty-one suburban districts in the New York City area rejected school budget requests.[2] Similarly, in Detroit since 1953, the voters have been presented with seven school budget proposals, but only four were accepted. Surprisingly, in most of these instances, even in those proposals that were ultimately accepted, the approved millage was equal to or less than had previously been defeated.

Not until 1957 were the first signs of organized opposition groups seen in the Detroit area. The most active to appear was the Detroit Chamber of Commerce, which held the position that it would be better to

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[1]The Detroit Free Press, May 16, 1963.

[2]Otis A. Crosby, "Taxes and Tensions - Battle of Ballots," Public Relations Gold Mine Volume Six (Washington: National School Public Relations Association, 1964), p. 43.

raise funds through a bond issue than a millage request. The Chamber's campaign was mounted mainly in the last ten days of the election, and, the proposal was soundly defeated.[1]

Prior to the next proposal, submitted in 1959, the Board of Education began a program of community involvement in school affairs. Under the leadership of Dr. Norman Drachler, the Assistant Superintendent for School-Community Affairs, a Citizens Advisory Committee on School Needs was formed. The composition of this committee made possible the involvement of large numbers of citizens of varying economic and social background. Their comprehensive recommendations served as the foundation for financial proposals in the 1959 election. At this time the Detroit community embarked upon the first half of a ten-year program by passing a 7.5 millage proposal and a sixty million dollar bond issue for school construction and renovation. The voters had been presented with a blueprint for a quality educational system and had endorsed it.

Major opposition never really developed in this election, and organized parent groups, some union and church groups, and education groups took strong positions in favor of increased financial support. The Detroit Chamber of Commerce did not take a public stand.

During the next four years, the Board of Education attended to the task of meeting as many of the recommended needs as possible. An attempt was made for improvements in curriculum development, personnel, integration, building construction, and other needs specified in the study.

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[1]"Millage and Bond Election, April 1957" (unpublished history of the campaign on file at the Detroit Board of Education), p. 2.

As the end of the first five-year program drew near, the schools were confronted by a falling tax base, a recently-approved city income tax, increased sales taxes, and rising operating costs. To renew existing millage would not be sufficient to maintain the type of program suggested by the Citizens' Report. To meet these needs the Board requested not only the continuation of the previous 7.5 mills, but an additional increase of 5.3 mills and a separate 90 million dollar bond issue.

Almost immediately many groups publicly opposed both propositions. Some of the most vocal were home owners' associations, which were originally formed to fight neighborhood racial integration, local groups of Negroes who were dissatisfied with the efforts to provide equal opportunities for education and housing, and small groups of retired people.[1] These groups, with the support of small, neighborhood newspapers and newsletters for both the white and Negro communities, were successful in defeating both proposals.

At this point, the educational system was faced with financial disaster. The superintendent quickly made austerity moves by cutting services in order to extend existing and forthcoming funds. Additional teachers needed were not hired and special services were cut; classes for the first, fourth, and seventh grades were reduced to one-half days. Because of the reductions in the number of school groups (sections), one-third of the physical education staff was released and sent to other schools as resource teachers, in actuality, "permanent substitutes".

Not only were the teachers up in arms, but the voice of the public

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[1] Ibid.

resounded throughout the city. Newspapers, radio, community groups, and television were denouncing the action. After six weeks of chaos the case reached the courts and the Board was restrained from continuing its course, on the grounds that it was illegally withholding funds which were allocated until 1964. Therefore, at mid-semester the school system was returned to its previous organization. In the meantime, a number of the staff transferred to other systems, and the teachers who would have been procurred for the new semester had found jobs elsewhere.

The Board then requested special permission to propose another millage increase, but, this time, they asked only that the 7.5 mill increase about to expire be continued for ten years. Now that the public was truly aroused, the Board reached out for total community support for the renewed millage campaign. Local parent groups were organized and campaigned hard for the proposal for they had seen a glimpse of how an under-financed educational system would affect their children. Public media vigorously supported the proposal. Labor unions, real estate boards (fearing losses in property values), the N.A.A.C.P., the Urban League, the Wayne County Democratic Association, the U.A.W., and even the Detroit Chamber of Commerce actively supported the issue. The only distinguishable groups opposed were two white home owners' groups, but fearing public wrath, they gave only token resistance. The millage proposal was passed and the superintendent and staff made an earnest effort to meet its educational objectives under a very limited budget. Fortunately, in the Detroit area, federal support to education was granted and the Board was able to offset much of its expenses with these funds.

Thus, Detroit's financial crisis led to overcrowded classes and the reassignment of hundreds of teachers with little consideration for their

area of specialization, the subsequent disruption of existing programs and inconvenience to the individual teacher.

Widespread teacher dissension prompted the creation of an Assignment Review Committee to review cases of hardship and to recommend alleviation. Hundreds of requests were made for assignment reviews, and one cannot estimate the number of teachers who were seriously effected, but did not request a review. The Detroit Federation of Teachers (DFT) was quick to challenge the Board's decision and promised teachers action where violations of seniority rights, previous policy, or contract had occurred. Thus, teacher discontent reached a high level due to: no raise, indiscriminate reassignment, half-day sessions, and large class loads.

In the meantime, the drive for exclusive representation was somewhat muted because the school board had decided to campaign again for a November millage election for the extension of the present millage funds. Nevertheless, both teacher organizations, the DFT and the DEA, continued to be heard and to make recommendations to the board.

> Representatives of rival teacher organizations pressed their conflicting demands on the Board of Education Tuesday and the president, Leonard Kasle, demanded that they stop their "petty squabbling" until after the November 5th election.[1]

The success of the November millage election gave impetus to the DFT's drive for exclusive negotiation. Militant was the mood of a large segment of teachers. They were not going to subsidize education for parents who, unwilling to pay the full bill, had refused to support the

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[1]Roberta Mackey, in The Detroit Free Press, October 9, 1963.

larger proposed millage increase in the earlier April election. A decision was made to march to the School Center Building to demonstrate the urgency of their demand for a representation election.[1]

> More than 2000 Detroit public school teachers staged a demonstration march to the Board of Education headquarters Tuesday in a show of strength to emphasize union demands for a collective bargaining election...Mrs. Riordan told the Board, "We march to enforce our petition which the Board has not answered...Teachers simply do not understand your delay...[2]

Nineteen-sixty-four began and the Board maintained its position that the Hutchinson Act forbade exclusive recognition of one employee organization to bargain for all of the teachers. The Federation continued with its plan to have its membership authorize a strike to enforce its demand for an election. A strike was authorized by the DFT membership on February 27, 1964.[3]

The Board's problem of the legality of an election took a slight shift in the face of this threat:

> The president of the Board of Education said Thursday night that the strike vote by the Detroit Federation of Teachers will not change the Board's position on a bargaining agent for teachers. Even if the board did grant the right to hold an election, it still would not have the right to designate any single bargaining agent, said Leonard Kasle.[4]

The DEA supported the Board's position:

> The executive secretary of the DEA which vies with the DFT for membership called [sic] the decision to strike

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[1] The Detroit Free Press, February 15, 1964. 6848 teachers had signed petitions supporting this demand for a representation election.

[2] Roberta Mackey, The Detroit Free Press, December 11, 1963.

[3] The Detroit Free Press, February 28, 1964. The strike vote was passed 2109-387.

[4] Ibid.

> "flying headlong into a dangerous precedent." Patrick Basile said the election results are not very indicative of the will of the majority and do not speak for the total teaching staff of the City of Detroit.[1]

While Kasle and Basile were citing legal restrictions and moral obligations the tempo of militancy was increasing.

Strike Talk A 'Plenty

Teacher Mood: We Won't Budge

> "I'm not a bit worried about state law," snapped Mrs. Geraldine O'Loan..., a teacher at Halley Elementary. "They give us all parental responsibility, the children, then take away our rights. We should have the right to vote for collective bargaining and if we can't have that I wouldn't hesitate to go on strike despite the law."[2]
>
> Wm. Mead . . . . said, "Teachers have been forced to a strike vote; no one wanted it. . . . "But its long overdue and its the only way we're going to get a hearing. I don't feel the law will hold up. And anyway teachers don't fit under its definition. We're not a threat to public security."[3]

In the meantime, the Detroit Board of Education showed its own muscle. In an obvious attempt to set an example, Superintendent Brownell invoked the Hutchinson Act against twenty-one Detroit school maintenance workers--members of the mechanical trades union--who struck in defiance of an administrative directive to report to work on schedule. All twenty-one were fired.

However, within ten days following the strike vote the Board of Education moved from this extreme position and agreed to discuss a plan for teacher representation. A visible crack had appeared in the Board's armor.

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[1] Ibid.

[2] Roberta Mackey, The Detroit Free Press, February 28, 1964.

[3] Ibid.

The plan was a variation of one in use by the Dearborn Board of Education and later incorporated into a number of state laws such as those in California and Minnesota. Its principal component required a delegate form of representation, whereby the percentage of the membership of the bargaining team for each teacher organization is based upon the number of members certified by each organization. Although strongly endorsed by the press and incorporated into the policy of the Detroit Board of Education, the plan was rejected by the DFT as a system which would only lead to chaos--the only alternative to which was, in its view, a single and exclusive bargaining agent.

Meanwhile, during the week of March 10, 1964, Detroit Federation members set up informational picket lines at seven schools from 7:00 a.m. until the start of classes to emphasize their demands for an exclusive representation election. The DEA maintained its long-standing position that being a professional denied teachers the privilege of pressure tactics. Patrick Basile, executive secretary of the DEA, was quoted as saying:

> . . . Picketing is not a constructive measure but . . . the teacher representation plan presented by the board is not to our liking. We hope to make refinements in it, but this picketing is just an out-of-hand demonstration.[1]

Neither appeals to professionalism, nor placation or paternalism by the Board would at this point deter the DFT membership. They were psychologically ready for a confrontation, legal or not, and they set the strike date for April 15, 1964.

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[1] The Detroit Free Press, March 10, 1964.

> Members of the DFT voted Tuesday to strike the City's schools April 15. Whether the DFT orders its members out of their classrooms hinges on a proposal hammered out earlier Tuesday at a school board meeting. The Board proposed that a secret ballot be conducted April 8 at which Detroit's 10,000 classroom teachers would decide:
>
> I. To keep the situation as is with DFT and DEA submitting grievances separately.
>
> II. To adopt a board plan for a Teacher's Representation Committee.
>
> III. Or to have all teachers represented by a single organization.[1]

Part of the Detroit Board's position change to allow the secret ballot poll can be attributed to a March, 1964, opinion by Michigan's Attorney General, Frank Kelley, who advised that teacher strikes were illegal, but school boards did have the power to accept the organization selected by a majority vote of teachers as the sole bargaining agent. Even so, the school board was hesitant and explained that the April 8, 1964, teacher poll was strictly advisory and not necessarily a mandate. One week before the teacher poll there was an intensive effort by some members of the Board of Education to rescind the previous agreement to conduct the poll; only through the efforts of the Board's president, was this proposal withdrawn.

The April poll results startled the Board of Education. Out of more than 9,000 Detroit teachers, 7,510 voted that they preferred to have one organization represent them; i.e., they chose exclusive representation rather than either of the other alternatives on the ballot.

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[1] The Detroit Free Press, March 25, 1964.

Subsequently and not without some disclaimers, on April 11, 1964, just four days before the DFT authorized strike action:

> The Detroit Board of Education agreed . . . to hold an election in which Detroit teachers will choose one organization to represent them in negotiations with the school board.
>
> Board president Leonard Kasle emphasized that the winning organization will work within the framework of the Teacher Representation Committee established by the Board March 4th.[1]

By this time, the DEA was campaigning for exclusive representation rights but still deploring DFT tactics.

> The DEA, an affiliate of the NEA, considers itself a professional group. It frowns on the labor union's approach implicit in collective bargaining.[2]

The struggle for the principle of sole representation in Detroit lasted for about a year. Beginning on May 28, 1963, when the DFT submitted petitions requesting teacher representation in the collective bargaining process, the battle was on and continued until May 11, 1964, when 5,800 out of approximately 9,600 teachers voted the DFT as exclusive bargaining agent in the Board of Education conducted election.

More recently, and even more significantly, at the latest representation election conducted by the Labor Mediation Board because of a DEA initiated decertification petition, 6,400 teachers on April 19, 1967 approved the DFT's continuing as sole negotiating agent.

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[1]Roberta Mackey, The Detroit Free Press, April 11, 1964.

[2]Don Beck, The Detroit Free Press, April 12, 1964.

--Case Study No. 2--

The Drive for Exclusive Representation in Grand Rapids[1]

In 1954, two organizations of teachers in Grand Rapids presumed to speak for teachers: the Grand Rapids Teachers Association and the Grand Rapids Federation of Teachers, Local 256 of the American Federation of Teachers (AFT).

The Grand Rapids Teachers Association (which became the Grand Rapids Education [GREA] in 1963), was affiliated with the Michigan Education Association [MEA] and the National Education Association [NEA]. Membership in these organizations was voluntary and an individual might belong to any one, two, or all three. The Grand Rapids Federation of Teachers [GRFT] was affiliated with the Michigan Federation of Teachers [MFT] and the American Federation of Teachers [AFT], which is in turn affiliated with the American Federation of Labor--Congress of Industrial Organizations.

In addition, there was an active chapter of the Association of Childhood Education, the Grand Rapids Association of Childhood Education [GRACE], a Grand Rapids Elementary Principals Association (informal), a school men's club, a school women's club, and a faculty wives' club. In addition each of the secondary schools and some of the elementary ones had a "building council," which might to some extent be concerned with working conditions in the building. Primarily, however, the teachers

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[1]I am grateful to Mr. David England, former president of both the Grand Rapids Federation of Teachers and the Grand Rapids Education Association, for his assistance in reconstructing the early history and organizational dynamics of these two organizations.

looked to the GREA and GRFT to improve working conditions and salary, and to protect them in the event of some problem in their employment. However, both the "improvement" and "protection" activities of both organizations can at best be described as consultations with the Board of Education. Others are less kind, and frankly describe the process as begging. Each year both the GREA and GRFT made presentations regarding working conditions and salary before the Board of Education. This involved attendance at board meetings and after the completion of the agenda the board allowed an item "presentations from the floor" during which time representatives from various employee groups, various citizens groups (especially P.T.A.'s), various student groups, individual citizens, and an occasional eccentric might ask questions or deliver their opinions. If questions were asked, the superintendent or a board member would respond. If a statement or presentation were made, the presenter was thanked and assured that their position would be given due consideration by the board. (This procedure was common throughout the state and other states as well.)

In addition, in the spring, a special board meeting would be held to hear presentations from employee groups on the subject of working conditions and salaries. At this meeting there was usually no agenda except for these presentations. Otherwise, the proceedings were handled as at a regular board meeting.

Otherwise, from time to time some special area of concern might be taken up with the superintendent and members of his staff. The general conclusion of such a meeting was usually either the reassurance of the group that the problem was being considered and dealt with or if that

was unsatisfactory, the creation of a committee of the superintendent's selection to study the issue and make a report.

An example of the nature of the consultations can be illustrated by the 1954 confrontation. That year the GREA took a hard line on salaries and for the first time employed a local attorney to represent them before the board of education. As the controversy developed the GREA took the position, "$3,500 or else." Various actions were considered by the association to cover the "or else" category, and the chief one was the withholding of contracts. The board of education finally adopted a beginning salary of $3,400, and the president of the GREA publicly thanked the board for its action.

The Grand Rapids Federation of Teachers

In 1955 the GRFT had about 240 members. Its president had been instrumental in conducting a campaign asking the board to establish a uniform policy giving credit for military service in the salary schedule. Because that campaign was successful the Federation ranks were swelled with people who had joined in his support. However, the <u>active</u> membership (as opposed to those who simply paid dues) was somewhat less than 20 of whom no more than five were willing to participate beyond attendance at an occasional meeting.

The GRFT maintained affiliation with the local AFL-CIO community council. In addition the GRFT was affiliated with a Council of Public Employees, a local group, which had been started as a mutual assistance organization composed of the municipal fire, police, and clerical workers, the school custodians, and the GRFT. About four meetings were held a year by delegates chosen to serve on the steering council.

That year the membership was about 94 paid members. The active membership remained about five or six.

In 1958, the GRFT had approximately 94 dues-paying members, but by 1960 the paid membership had fallen to 24. In that school year a motion was made to deactivate the local but was defeated by a vote of about seven to three. In August, 1960, the schedule for secondary school days was changed and when school resumed, secondary teachers in all high schools found that they no longer had a fifty-to-sixty-minute lunch hour but instead had a twenty-five to thirty-minute lunch hour. No strong position was taken by either the GRFT or the GREA on this issue.

During the fall, representatives from the high schools and junior high schools met and created an organization called the "Secondary Teachers Association," the dues for which were $5.00 and were to be used for attorney's fees to challenge the board of education. Between 325 and 350 teachers joined and included both GRFT and GREA members. This organization was led by a council chosen from the representatives from the schools. In the spring of 1961 the board of education, uncertain of expected revenues, issued letters of intent instead of contracts until a salary decision could be reached. The letters expressed the board of education's intent to continue a teacher's employment and asked that he sign a statement and return it to the board stating in effect that he intended to return to employment the following fall.

The secondary teachers attempted to obtain an injunction against the superintendent and the school board from collecting these letters of intent. A hearing was held and the injunction was refused by the local circuit court. The Michigan Supreme Court was not in session but a member

of the Supreme Court was reached and asked to issue a temporary restraining order pending a hearing. The requested order was denied.

Nevertheless as a result of this activity, the attorney for the secondary teachers was able to convince the board to add a clause to the individual contracts issued by the board stating that changes in board policy which would change the working conditions of the certificated staff would not be effected during the period of the contract without the approval of the group. During the school year 1961-62 the leaders had only a few meetings. No membership drive was carried on and by late 1962, the secondary teacher organization ceased to function.[1] However, it was from this group of secondary teachers that the GRFT sought to draw its strength in the later unit determination and representation battles with the GREA.

The constitution of the GRFT specifically disavowed the strike as a weapon. The local constitution also denied membership to any supervisors. These provisions were local and not necessarily characteristic of the other locals in the state nor of the state organization. Detroit, for example, did have principals in their early membership and the MFT did advocate the use of the strike. The issue of the admission to membership of administrators was of particular concern to some of the long-standing members of the GRFT. Finally it is an interesting footnote that both the previous and present superintendent had once been members of the GRFT and that both had also served as president of the GREA.

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[1]The Secondary Teachers Association is the organization referenced in the unit determination dispute between the GREA and GRFT. See State of Michigan, Labor Mediation Board; Case Nos. R65-I-91 and R65-J-169; Grand Rapids Board of Education, vs. Grand Rapids Education Association and Grand Rapids Federation of Teachers, August 29, 1966, p. 7.

Membership in the GRFT is indicated by the following published figures from the Department of Labor:

Year	Members	Year	Members
1960-61	42	1963-64	175
1961-62	69	1964-65	172
1962-63	58	1965-66	141

For the year 1966-67 the only available figure is the GRFT president's estimate of 170 members. In the representation election the GRFT received 172 votes. The GRFT stated that they had 325 teachers pledged to them and that 250 teachers claimed to have voted for them.[1]

The Grand Rapids Education Association

In 1954 the GREA membership had reached about 1,000, which represented almost all of the teachers in Grand Rapids.[2] The local dues at that time were $4.00 and most teachers were members locally even though they might be members of other organizations as well. GREA membership from 1960 to 1966 is as follows:[3]

Year	Members	Year	Members
1960-61	1,108	1964-65	915
1961-62	1,193	1965-66	835
1962-63	1,256	1966-67	859
1963-64	1,008		

In 1960-61 the GREA was just beginning a transition that would bring

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[1] Grand Rapids Press, November 10, 1966.

[2] Dual membership in both the MFT and MEA was a common practice throughout the state.

[3] From the MEA membership files, headquarters, East Lansing, Michigan.

its practices into line with those that were developing across the country. The question of employing help instead of depending on the work of volunteers was beginning to be considered. The first movement in this direction occurred when the local president paid his wife to do some clerical chores. The constitution of the organization at that time provided that stipends be paid to the officers during their terms in office. The treasurer was the highest paid and the president and secretary also received a sum; they had no expense account. In 1961-62 the association employed a secretary on a part-time basis during the school year.

In 1962-63 the GREA in cooperation with the state organization paid part of the salary of one of the state organization's field representatives, who also served as a half-time executive secretary. For this purpose the dues were raised. Also it became apparent that the constitution needed to be revised to authorize the employment of a staff and to change the governing authority from general meetings (usually with less than 20% attendance) to some more workable device. During the year an elected constitutional committee worked on a revision of the constitution, which was to be a completely new document. Further, actions recommended by the salary chairman for the GREA (a former and future GRFT president) brought about the adoption of the GREA policy of requesting a graduated salary schedule with increments expressed as ratios of the beginning salary. Finally, a campaign was mounted to amend the permissive state tenure law to make it mandatory.

The new constitution,[1] which was ratified in the spring of 1963,

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[1] Proposed Constitution, Grand Rapids Education Association, Grand Rapids, Michigan, April, 1963.

provided that the governing authority of the organization would be voted in a representative assembly instead of as the general meeting of members. It provided for a president-elect, president, and past-president rather than the one-year presidency.

In the creation of the new constitution the administration of the school district was most active and, through their delegate, major issues were raised and re-raised for discussion. Out of this debate came the compromise of the representative assembly. The new constitution also provided for the employment of an executive secretary.

In the fall of 1963, the first representative assemblies were held and efforts were commenced to wrest control of the organization from the "old guard." Consideration was given to the proposal that the GREA secure office space outside the schools. The idea was finally rejected. Requests were made for a negotiated agreement, for dues check-off, for exclusive recognition determined by membership, and for the assignment of committees by the association rather than the superintendent. None of these requests was accepted but a series of regular meetings between the representatives of the GREA, the superintendent, and some members of the board of education were started and these requests and others on salaries and other economic items were discussed and debated through 1964. The GRFT also presented a petition seeking recognition and the establishment of a negotiation procedure with the selection of the group to be chosen by election.

After the Public Employment Act amendments, teachers in Grand Rapids started the 1965-66 school year without contracts pending important decisions by the Labor Mediation Board. Unfair labor practice charges had

been filed by the GRFT, which asked, among other things, for the disestablishment of the GREA as a possible teacher representative because it was dominated and assisted by the employer. The GRFT had also filed a petition for a unit determination decision based on a seven through twelve grade unit. No decisions were rendered until into the 1966-67 school year.

A new constitution had been drafted and reflected the results of an evaluation undertaken by the NEA of the GREA. It took into account the provisions of the legislative amendments. The presidency was made a one-year term with no president-elect or past-president positions.

Tactics and Strategy in the Representation Fight

Upon the passage of the amendments, both the GREA and the GRFT were faced with some immediate problems. The GREA found itself in the embarrassing position of having a president who was a principal (and viewed as a management representative) and having its offices located in the school building (rent free) where the principal was assigned. Throughout the state, the MEA found itself confronted with the decision of either accepting the amendments and seeking to win the largest number of unit recognitions while at the same time upsetting its traditional structure of encompassing the aims and interests of school administrators and school teachers or refusing to seek recognition for its locals in hopes of further amending the act to create a special set of rules. The decision was made in the face of competition from the Federation of Teachers to seek recognition for its local affiliates and to attempt to support them in the negotiation process. The GREA not only faced decisions as to how to conform to the requirements of the act but more importantly how to win recognition as the bargaining agent in the light of some real feeling on the

part of the teaching staff that it was substantially a "company union."

The GRFT faced the questions of how best to create a situation in which it might win an election as the exclusive bargaining agent and provide for its own survival. The decisions which were made resulted in its overwhelming defeat of the GRFT. It is clear that the intent of the GRFT and the decisions reached were based upon a combination of honest intent, real concern for teachers' interest, and an opportunity for institutional growth.

The GRFT began with these type of assumptions: (1) We are best able to carry on the process of collective bargaining. (2) The GREA and its affiliates are not able to carry on effective collective bargaining by their tradition and by intent. (3) Therefore it is important that we win recognition for at least part of the teachers in Grand Rapids. (4) In any event the GREA and the employer must be made aware of the practices and attitudes that prevent the real representation of teachers' interests.

The GRFT employed a local attorney to represent them. He had been a Democratic candidate for office in a Republican stronghold, a supporter of unions in a determinedly open shop town, and was somewhat unfamiliar with state and national Federation of Teachers' policy. These factors may have played an important role in shaping the decisions that were reached.

The GRFT first filed several charges of unfair labor practices, and then a petition for a unit determination on the basis of a division of the total staff into that segment which it was believed might be won in an election, the secondary division of grades seven through twelve. As the cases began to develop a conviction grew that the GREA might in fact be disestablished. This posed a very serious problem for the GRFT since its

petition was on file seeking a seven to twelve unit determination. As a result the GRFT's position in the unit determination case became one of wishing to postpone the hearing until the unfair labor charges were decided and of refusing to stand on their seven to twelve unit request for fear that if the GREA were disestablished they would have then renounced a large part of a unit they might have had by default. These actions had all been taken unilaterally by the GRFT and their attorney. The MFT, hoping to win several other districts, some in which their strength was in the elementary level, wanted no part in a seven to twelve unit determination controversy and hence did not file briefs or give any substantial aid to the local.

Once having embarked on the two contradictory courses, the GRFT could do nothing but press on, rationalizing as they went. From the GRFT's point of view, the situation became more and more serious as the months went by as no decision was forthcoming on the unfair labor practice charges. The Labor Mediation Board's ultimate decision to determine the bargaining unit question without a prior decision on the unfair labor charge (specifically the question of disestablishment of the GREA), removed any creditability from the stand in those hearings that the GRFT was to take.

The GREA in the meantime had sought and received assistance from the MEA. Their strategy was to intervene in the unfair labor practice charge and to attempt to disqualify the relevance of GREA activities before the amendments were passed and thus prevent the disestablishment of the GREA, to assert publicly a belief that the board of education was guilty of the alleged unfair labor practices but that to press the issue

would result only in frustrating the teachers' best interests; and finally in the unit hearing, to try to prevent the separation of the teachers into more than one unit.

On these grounds, the GREA asked for an election to determine the exclusive bargaining agent. In the face of the two-pronged attack by the GRFT, they defended themselves on the above issues by saying that they were ready, able, and willing to have the agent determined and if the GREA were chosen, it would effectively represent and negotiate for the teachers. They accused the GRFT of placing organizational objectives over the interest of teachers. Therefore, in the fall of 1965 the GREA had two tasks: to rid themselves of administrators, and to petition for an election as the exclusive bargaining agent for all teachers (K-12) in the district.

The following is a synopsis of the charges, arguments and findings that ensued at the unfair labor practice and unit determination hearings conducted by the labor mediation board:[1]

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[1]The summary and much of the preceeding discussion was taken from the following:

a) Partial transcript of the proceedings had and testimony taken in the hearing in The Matter of the Grand Rapids Board of Education Hearing Before the State Labor Mediation Board; Grand Rapids, Michigan, March 22 and 23, 1966.

b) Ibid.; Cases Nos. R65-L-91 and R65-J-169.

c) Memorandum Brief on Behalf of GREA; Re: Appropriate Unit - Grand Rapids Teachers; May 31, 1966, Theodore Swift, Attorney.

d) Brief of Grand Rapids Federation of Teachers, Re: Case Numbers C65, L-37, Charges of Unfair Labor Practices; February 16, 1966, A. Robert Kleiner, Attorney, GRFT.

e) Exceptions to Trial Examiner's Decision and Recommended Order and Brief in Support Thereof, Re: Case Nos. C-65-L-37; July 13,

I. Unfair Labor Practice Hearing

A. Charges of Unfair Labor Practices by Federation

1. Evidence of activities prior to the effective date of the act should be considered to show violations of the act after its effective date.

2. The employer violated section 10A of the act by unilateral action changing the conditions of employment.

3. The employer assisted and dominated the Grand Rapids Education Association so that an order should be issued to cause it to cease and desist; this domination should disqualify the GREA from participation in the election.

B. Board of Education's arguments

1. The events before the act should not apply.

2. Domination and assistance were not exercised because

1966, A. Robert Kleiner, Attorney - GRFT.

f) Brief of Grand Rapids Education Association, Re: Case Nos. C65, L37; Undated, Theodore Swift, Attorney, GREA.

g) Exceptions to Decision and Recommended Order of Trial Examiner, Re: Case Nos. C65-L37; July 15, 1966, J. Michael Warren, Attorney, GREA.

h) Brief of the Grand Rapids Board of Education, Re: Case Nos. C65, L37; February 15, 1966, Roger Anderson, Attorney, Board of Education.

i) Written Exceptions to Trial Examiner's Decision and Recommended Order, Re: Case Nos. C65-L37; July 13, 1966, Roger Anderson, Attorney, Board of Education.

j) Trial Examiner's Decision and Recommended Order, Re: Case Nos. C65-L37; June 14, 1966, Robert Pisarski, Chief Trial Examiner.

a. While administrators were members they were so individually and not by direction of the employer;

b. While assistance was given it was offered to both organizations on an equal basis and therefore did not favor one.

3. The employer did not in fact encourage membership in the GREA to the exclusion of the GRFT.

4. The employer did not in fact take unilateral action contrary to law in that it consulted with the various employee groups and the action it took followed from earlier employee requests; there was no bargaining unit with whom to bargain the issue.

C. Grand Rapids Education Association intervenor agruments

1. Membership by supervisory employees in a labor organization does not constitute support or domination of the labor organization.

2. The alleged assistance and domination by reasons of free use of Board facilities was offered to the GRFT and used by the GRFT albeit to a lesser degree and therefore was not a reason to disqualify the GREA in the pending election.

D. MLRB findings

1. The interference by supervisors was in violation of section 10A and 10B of act.

2. The holding of offices in organizations by supervisors was a violation of sections 10A and 10B of act.

3. The presence of a supervisor at a labor organization meeting was a violation of sections 10A and 10B of the act.

4. The membership of supervisors in employee organizations was not a violation of section 10 of act.
5. The use of school mails was not a violation of act.
6. The use of school office space was not a violation of act.
7. The adoption of the MEA Code of Ethics in the employer's personnel policy was a violation of sections 10A and 10B of act.
8. The charge of unilateral action by the board effecting working conditions was dismissed.
9. Employer censorship of association material was a violation of section 10A of act.
10. The participation in an association election by supervisor was a violation of sections 10A and 10B of act.
11. The issues do not justify the disestablishment of the association.

II. Unit Determination Hearing

A. GREA Position

1. The appropriate unit should be K-12.

B. Board of Education

1. The appropriate unit should be K-12.

C. Federation Position

1. The appropriate unit should be 7-12. (except see #3 below)
2. The appropriate unit should not be established until after the decisions have been issued on the unfair labor practice charges.

3. The unit determination decision should be reserved until after the above decision (when the federation--if it won--would then support a K-12 determination).

D. MLMB Findings

1. The appropriate unit shall be K-12 (plus determination of three minor disputed categories of employees).

Since the issue of the unit determination was heard before the rendering of the decision of the unfair charges hearing, the GRFT made no clear case for a unit other than K-12 and thus the precedent was established. The argument was in essence that the unit should be the largest appropriate for an employer. The hearing was ultimately ended by agreement of the parties on the issue, and a complete transcript was not made of the testimony.

In the election which followed the eighteen months of delay after the original representation petition, the GREA gained more votes than members for the teachers strongly felt that the GRFT and its attorney had prolonged the dispute for their advantage against the interest of teachers.

The following election results were decisive and devastating to the GRFT:

Election--November 9, 1966

GREA	1151	
GRFT	172	
Neither	13	
Challenged	16	
Total eligible...approximately		1450
Total vote		1352

CHAPTER IX

THE QUESTION OF THE RECOGNITION OF PRINCIPAL AND OTHER SUPERVISORY UNITS

Background

Teachers, bus drivers, maintenance personnel, and cafeteria workers have not been the only school employees in Michigan education directly affected by the implementation of PA 379. Nor have these employees been the only ones requesting exclusive recognition for the purposes of collective bargaining. Considerable activity has also been generated by principal and other supervisory organizations in their efforts to redefine their roles and identities in the changed environment of collective bargaining.

An approximate, although not completely accurate, analogy may be drawn between the anxieties and interests of the school principal and supervisor in public education and those of the foreman and supervisor in private industry. With the advent of collective bargaining, the incumbents in both these supervisory positions feel threatened, their decision-making authority may be drastically reduced, the relationships with those they are supervising may deteriorate, and they remain subject to the directives from above and the demands from below. Both in private industry and in Michigan education, one defensive alternative has been the organization of supervisory units that have requested, and in some

cases received, exclusive recognition and bargaining rights. This alternative tends to serve the dual purpose of providing individual protection and insulation from both above and below as well as furthering the parochial interests (salary, working conditions, etc.) of the organization members.

In private industry, the manifestation of this activity was seen in the dramatic and relatively successful organization by the Foreman's Association of America, which up to 1947 had approximately 45,000 members and signed collective agreements with about sixteen corporations.[1]

However, the private industry experience was short-lived, for

> "In 1947, Congress was revising the Wagner Act in response to the widely-held belief that under the act's beneficient provisions unions had become too powerful, and it was not difficult to persuade the framers of the new law that foremen should not be allowed to use the NLRB to force employers to bargain with their unions."[2]

The Taft-Hartley Act, in 1947, thus removed the legislative protections of the supervisors' right to organize.[3]

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[1]Charles P. Larrowe, "A Meteor on the Industrial Relations Horizon: The Foreman's Association of America," Reprint Series No. 39, Labor and Industrial Relations Center, Michigan State University, 1961-62, p. 288.

[2]Ibid., p. 260.

[3]Ibid.; Sec. 2(3) of the Act excludes foremen and supervisors from the definition of "employees" covered by the law. Sec. 14(a) relieves employers of a duty to bargain with a union of foremen or supervisors. Sec. 2(11) defines a supervisor as: "...any individual having authority, in the interest of the employers, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment."
The Wagner Act had been silent on the question of foremen, withholding protection of the law only from agricultural laborers, persons in domestic service of any family or person in his home, or any individual employed by his parent or spouse. According to the committee which reported the Wagner Bill to the Senate, workers in these categories were excluded because of difficulties the National Labor Relations Board would encounter in administering the Act if it applied to such workers. See U.S. Senate Committee on Education and Labor, Report No. 753, 74th Congress, 1st Session, 1935, p. 7.

--Case Study No. 3--

Michigan Principal and Supervisory Units

Under the Michigan statutes, the situation is far from clear. Appropriate unit determinations by the Labor Mediation Board have made it clear that a "unit that includes both supervisory and non-supervisory employees is clearly inappropriate."[1] But, in their own "appropriate unit," supervisors (principals, etc.) may very well have the same rights to engage in collective bargaining and other concerted activities as non-supervisory employees under the act.[2]

However, the Hillsdale Administrative Unit Case (discussed in detail later in this chapter) notwithstanding neither the MLMB nor the Michigan Courts have rendered any decisions directly dealing with the question of the protection of school principal or administrative units under Michigan statutes. However, a very convincing case has been made for this protection in a Brief of Grand Rapids Education Association, Case No. C65-L37, submitted on behalf of the intervening Grand Rapids Education Association in the matter of the School Board of the City of Grand Rapids vs. the Grand Rapids Federation of Teachers by Theodore W. Swift, attorney, in February of 1966. (See Appendix Q for an edited version of portions of this brief.)

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[1]Charles T. Schmidt, Jr., et al., A Guide to Collective Negotiations in Education, East Lansing: Social Science Research Bureau, Michigan State University, 1967, p. 26.

[2]On May 8, 1967, the MLMB ruled in the Saginaw County Road Commission Case that supervisors are employees under the Labor Mediation Act and qualify as a legal negotiating unit. The Board noted that Michigan Law has no specific exclusion for supervisors; "Public Employees" includes all public employees without qualification of status.

In summary, therefore, it appears that the major question under the Michigan statutes is not whether supervisory units are covered under the legislation (although it must be emphasized that this is only the apparent trend which has developed from the Saginaw Road Commission Case) but rather, whether the supervisory units may be affiliated--either directly or indirectly--with parent organizations, departments, or sections that are also the organizations representing the teachers. The foremost organizations in question are the Michigan Federation of Teachers and the Michigan Education Association.

Although the MFT calls itself exclusively a teachers' organization (and has among other actions denied affiliation requests from the Detroit administrators' group), this attitude has not been historically pervasive in Michigan; furthermore, it is not the policy of the parent American Federation of Teachers, AFL-CIO. The constitution of the AFT (as of January 1, 1966), allowed membership to public school principals, assistants to principals, heads of departments, or other supervisory officers except superintendents [article III, section 2]. Further, at least five AFT locals are primarily for supervisors or administrators. These are:

AFL Local No.	Name and Location
1327	E. St. Louis Principals Federation; Illinois
890	Hammond Federation of Principals and Supervisors; Indiana
1042	Council Bluffs Federation of Principals and Supervisors; Iowa
1240	Minnesota (State) Department of Education; St. Paul, Minnesota
1350	St. Louis County Principals and Supervisors Federation; Missouri[1]

[1]Michigan Education Journal, Vol. 43, Number 9, p. 2. (undated)

However, the major question is not with the Federation (in Michigan at least) but with the Education Association. Constitutionally, organizationally,[1] administratively, and philosophically, administrators, principals, and superintendents not only have been affiliated with the MEA (and the national NEA) but have, on many issues, assumed a high degree of control over the policies and actions of these organizations. Only after the enactment of PA 379 did the MEA reappraise its position regarding school administrators.

In a 1966 policy statement on the role of school executives, Dr. Dale Kennedy, MEA Executive Secretary, set the stage and direction of the MEA's new approach to reformulate the organization's structure to serve effectively both the teacher and the administrator.

> The assumption that administrators and supervisors "have no place in such groups [teachers' organizations]" is a failure to differentiate between a negotiating team of the representative group and the education association. The representative group must negotiate for all personnel whether they are members of the association or not.
>
> It must be pointed out that administrative and supervisory personnel are certified as teachers for purposes of tenure. Therefore, being properly certificated and holding a bachelor's degree with required professional preparation, they are eligible to become and remain members in the MEA (MEA Standing Rules II, A).
>
> We can and must retain the professional status we have established over the past many years. The MEA Board of Directors has adopted the following position: "...that all local units request to represent and bargain for all certificated personnel in the school system within the present law."[2]

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[1] The Michigan Association of School Administrators, the Michigan Association of Secondary School Principals, and the Michigan Association of Elementary School Principals were or continue to be organizational departments or units of the MEA.

[2] E. Dale Kennedy, "The Role of School Executives (Under Public Acts 282 and 379)," Michigan Education Journal, January, 1966, pp. 18-19.

The steps that were taken to implement this statement soon followed.[1] On January 14-15, 1966, the Board of Directors approved an amendment to the MEA constitution and standing rules to permit administrators and supervisory personnel to organize MEA administrative districts (this amendment was later approved by the 1966 representative assembly). The amendment would:

> Provide such administrative districts with all the benefits accruing to other MEA districts including: subsidy to the district based on membership, delegates to the Representative Assembly, delegates to the MEA region councils, participation in leadership training activities, etc.;
>
> Allow the formation of administrative chapters and administrative districts to be composed of administrative and supervisory personnel in single school district or districts;
>
> Provide that, where no administrative district exists, administrative and supervisory personnel shall be members in good standing of their respective departments in order to be members of the state association...[2]

Although not specifically stated, one of the purposes of the amendments clearly was to provide an organizational vehicle for the purpose of collective bargaining by MEA-serviced supervisory units.

However, the proposal of these amendments was also obviously timed and announced in an attempt to influence the deliberations of the Michigan Association of School Administrators, an affiliate of the MEA, composed primarily of school superintendents, whose members had recently denounced the bargaining position that the MEA had assumed on behalf of the teachers. Their position was simply that the parent organization, by serving as the exclusive bargaining agent of the teachers, could not at the same

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[1] Cf. The legal position of the MEA developed in the Grand Rapids Case, Appendix Q.

[2] Michigan Education Journal, Vol. 43, No. 14, p. 4. (undated)

time best serve their interests and in fact, their dues and contributions could be and were being used against their interests at the bargaining table.

Despite the MEA's attempts to redesign the internal organizational relationships (the proposed constitutional amendments), the MASA was unimpressed and, on January 19, 1967, voted to disaffiliate as a department of the MEA by a vote of 392 to 106.

In a February, 1967, editorial,[1] the MEA announced the disaffiliation

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[1] Michigan Education Journal, Vol. 44, No. 21, (February 1, 1967); p. 2.

Events now extending backward for more than a year undoubtedly have left an unknown number of superintendents feeling that they were, in fact, already "going it alone." The public law (PA-379) giving teachers the right, as public employees, to organize and to negotiate concerning salary, hours, and "conditions of employment" instanteously defined a new legal relationship between teachers and their employers. The change set into motion by this new legal relationship was revolutionary. In most cases, only a beginning has been made in the personal adjustments which the change ultimately will require of all the individuals involved--both teachers and school administrators.

Consequently, recent days have been difficult for superintendents (as they have been for classroom teachers). First, in some districts the superintendent found the door closed (for the first time in history) to his membership in the local education association. The door-closing was related to interpretation of law, which excludes "supervisors" from membership in the employees' bargaining unit. Superintendents did continue to see their teachers, however, but from across the negotiating table in what resembled to some an adversary relationship--a threat to their authority as superintendent. They found themselves alone somewhere between the professional staff of their school and their school board, of which they are the executive officer.

The chief school administrators have now acted to adjust their professional organization relationship. Apparently many of them see relations on the state level paralleling those in their local districts--going it alone and defending as best they can an embattled position. They have answered the question concerning their position within the profession. Or have they?

What leader is not aware that to achieve objectives he must "bring along his staff"? Some superintendents have already decided for themselves what the only realistic answer can be. It is that they cannot "go it alone" in their districts and achieve their goals. They must solicit and accept the consultation, ideas, and occasionally the decisions of their professional staff. Some superintendents already see the new public employees' law as offering new opportunities to exercise their leadership role. They do not confuse that leadership role with authority that commands and often gets nothing more than servile obedience.

Some 106 superintendents voted to remain with their state education association during this "traumatic" transitory period in Michigan education. As more days pass, perhaps tempers will cool, minds will change, and new effective relationships will emerge.

and offered some reasons for the action. More importantly, however, they politely took the superintendents to task for not recognizing the legitimacy and virtues of acquiescing to the teachers' demands for joint decision making. Thus, the MEA stated as its principal concern the effective representation of the rank and file member while, at the same time, it attempted to incorporate administrative units within this same concern.

Following the acceptance by the General Assembly of the revised organizational relationship of administrative units with the State MEA, the state organization issued a set of guidelines for the formation of administrative districts and chapters that included steps for organizing and bargaining procedures. The guidelines recommended that:

> All certified administrative and supervisory personnel, who are members not included in a teacher negotiations unit, may organize to seek recognition and designation as the sole representative of these personnel for the purpose of negotiating with the Board of Education on salaries, hours, and other terms and conditions of employment.[1]

In February, 1967, the first two MEA administrative chapters were announced (Garden City Administrators Association and the Mt. Morris Consolidated School District Administrators) as follows:

> This represents a continuation of the "umbrella" professional organization concept under Public Act 379. The MEA Representative Assembly has made it possible for administrators to stay "in the family" through this approach.[2]

Within the next two months, ten additional chapters had been recognized by the MEA and four others were about to seek recognition.[3]

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[1] Michigan Education Journal News, Vol. 44, No. 8 (October 14, 1966), p. 2.

[2] Michigan Education Journal News, Vol. 44, No. 24 (February 24, 1967), p. 2.

[3] Michigan Education Journal News, Vol. 44, No. 32 (April 21, 1967), p. 1; and Ibid., Vol. 44, No. 37 (May 26, 1967), p. 2.

Meanwhile, the two organizations of principals, the Michigan Association of Secondary School Principals (MASSP) and the Michigan Association of Elementary School Principals (MAESP), both affiliates of the MEA, had not remained silent or inactive. As early as December, 1965, the MASSP passed a resolution that called professional negotiations a "logical step forward in building the stature of the teaching profession" and recognized the need for "formalizing and structuring bargaining procedures in all schools."[1] More importantly, however, the resolution further urged "all school districts to take steps to provide bargaining agents representing administrative and supervisory groups..."[2]

Approximately one year later, on December 1, 1966, at the MASSP Annual Business Meeting a series of constitutional amendments and resolutions were proposed both to support the concept of organization and bargaining by administrative and supervisory units and either to withdraw from the MEA or to require major changes in the MEA organizational structure as it pertains to the MASSP and MAESP. After lengthy discussion the MASSP voted to remain affiliated with the MEA provided that the MASSP "constitute a statewide administrative district of the MEA." (A companion motion to disaffiliate was defeated.) Additionally, strong resolutions were passed supporting negotiating groups for principals and the grouping of a wide range of administrative personnel for the purpose of negotiating with the boards of education.[3]

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[1] Michigan Education Journal, Vol. 43, No. 9, p. 5. (undated)

[2] Ibid.

[3] Minutes, MASSP Annual Business Meeting, December 1, 1966. (mimeographed)

On March 8-10, 1967, the Michigan Association of Elementary School Principals (MAESP) adopted a position similar to the MASSP's by defeating a motion "to sever MEA affiliation" and voting to support professional negotiations for administrative units.[1] (See "special note" below)*

These actions by the two MEA affiliated principal organizations were quickly followed by MEA recognition of the MASSP as an administrative district (as well as a department) and two regions of the MAESP as one administrative district.[2]

The administrative organization and the legal arguments (see Appendix Q--Grand Rapids Case) were now available to meet the inevitable and predictable challenge by boards of education across the state. In March, a newly-recognized MEA administrative chapter in Hillsdale had its petition for recognition denied by the Hillsdale Community School District. The three contentions of the school district were that: (1) principals do not have the right to negotiate under PA-379; (2) the unit was inappropriate; and (3) the MEA is not a proper representative to negotiate for principals and supervisors.[3] It was alleged throughout the MLMB hearings conducted from March 23-June 6, 1967, that the Hillsdale Board had been solicitating funds from other boards throughout the state to assist in meeting their legal fees in this precedent-setting case.[4]

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[1] Michigan Education Journal News, Vol. 44, No. 27 (March 17, 1967), p. 1.

[2] Michigan Education Journal News, Vol. 44, No. 32 (April 21, 1967). p. 2.

[3] Michigan Education Journal News, Vol. 44, No. 30 (April 7, 1967), p. 2.

[4] Michigan Education Journal News, Vol. 44, No. 34 (May 5, 1967), p. 1.

* Special Note: At the most recent conventions of the MAESP and the MASSP, (late 1967 and early 1968) both organizations voted to disaffiliate from the MEA.

Of obvious assistance to the MEA's position was the MLMB's ruling on May 8, 1967 (in the middle of the Hillsdale hearing), on the Saginaw County Road Commission case that supervisors are employees under the Labor Mediation Act and may qualify as a legal negotiating unit.[1] In January, 1968, the LMB had yet to issue a decision in the Hillsdale case.[2]

However, all supervisory unit recognitions have not been contested, nor are they exclusively tied to the organizational structure of the MEA. A case in point is the Detroit Organization of School Administrators and Supervisors.

Organization of School Administrators and Supervisors[3]

The impetus for administrators and supervisors in the Detroit school system to seek the strength and protection they could gain from collective bargaining occurred in early 1964. The Junior High School Principals Association took the lead in protesting a substitute directive in October, 1964. The directive required administrative personnel to substitute for absent teachers anywhere in the system. The protests came from all members of the group. In the hearing that resulted from the protests, some modifications were made in the rule. But the most important notion to emerge from this incident was a realization by administrators that they were faced with common problems and that the best way

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[1] Saginaw County Road Commission, op. cit.

[2] Hyman Parker, Chief Mediation Officer, personal correspondence, January 29, 1968.

[3] Background information supplied by Mr. Soleman Cash, Assistant Principal, Detroit Public Schools.

to resolve these problems was to band together. The junior high and senior high school principals decided to meet together at Cooley High School in November, 1964. At the Cooley meeting, the School Administrators Council (SAC) was formulated.

The formation of such an organization came after years of failure to achieve this goal. For many years officers of the different organizations on the three levels of administration had tried to establish joint meetings, but their efforts were consistently unsuccessful. But after the October, 1964, general principals' meeting, there was a widespread demand to create a united organization. During the two years of SAC's existence, the three levels have apparently learned to work comfortably and harmoniously with each other. This confidence in the integrity of other administrators with different responsibilities but similar interests is one of the basic tenets on which the new OSAS was formed.

At about the same time that SAC was being formed, a plan was developed for forming an administrators' organization that would include department heads and supervisors as well as principals and assistant principals. It was believed that if an administrators' group was to be an effective bargaining agent it should include as many middle management personnel as it could accommodate. In the plans it was envisioned that there would be a bargaining unit of more than 1,100 administrators and supervisors. From these plans the Detroit Federation of Administrators and Supervisors (DFAS) was born.

During the year 1965, both DFAS and SAC officers met periodically with Dr. Brownell, Superintendent of Detroit Public Schools, to discuss the problems that principals were facing with the new teacher collective agreement and to examine other administrative concerns. Some precedents

were set in these meetings; e.g., the administrators were asked for reactions to the 1965-66 teacher contract. Heretofore, there had been no involvement by middle-level administrators in such discussions.

In December, 1965, officers of the School Administrators' Council appeared before the Personnel Committee of the Detroit Board of Education and asked that their organization be made the sole bargaining agent for principals and assistant principals. In a separate move, DFAS officers submitted a petition before the Personnel Committee requesting that their organization be given exclusive bargaining rights for their more comprehensive group. The Detroit Board of Education denied both requests.

Both groups filed petitions with the State Labor Mediation Board in the spring of 1966, and each requested that it be designated as the exclusive bargaining agent. In April, representatives of both groups met with Robert Blackwell of the State Labor Mediation Board. After a series of discussions, Mr. Blackwell asked representatives of the two organizations whether they could work out their differences and form a single organization. A caucus of the two organizations was held, but the differences between the two groups remained unresolved.

The following month, the president of SAC and the president of DFAS met together and worked out a joint written plea to the members of both groups. This plea strongly advocated a merger of the two organizations and made the following points: (1) Everyone would lose if the two organizations continued to oppose each other, and (2) by acting as a unified group, one organization, stronger than either of the other two, would be formed. It was further proposed that the merged organization have three basic units--principals and assistant principals, department heads, and

central staff administrators and supervisors. Ranks of field executive and higher were considered top management and were consequently not to be eligible for membership.

SAC members rejected the joint plea. Their petition for sole recognition was still pending before the State Labor Mediation Board, and they felt that any move toward merger at this time would jeopardize any chances their petition had. However, in July, the attorney retained by SAC engaged in conferences with Mr. Aubrey McCutcheon, Labor Relations Representative for the Detroit Board and the officers of DFAS. Mr. McCutcheon promised to recommend voluntary recognition by the Board of Education if both organizations agreed to merge.

On September 6, officers of SAC proposed to the officers of DFAS that a caucus of officers of the two organizations be held on September 15. Attorneys representing both groups were present at the caucus meeting, as were a small committee of officers. General suggestions for a merger were cooperatively made. For all practical purposes, the new, merged group was organized.

A second caucus meeting was held later in September. Then, on October 5, a meeting of the executive boards of SAC and DFAS was held. A slate of officers was named to serve until a constitution could be drawn up and an election held. The Detroit Board granted voluntary recognition to the newly-merged organization in the late fall of 1966. A constitution for the OSAS was adopted in March, 1967, and on March 10, 1967, collective negotiations began with the Board of Education upon the presentation of a formal set of contract demands by the OSAS Negotiating Committee. Negotiations continued through 1967 into early 1968, when the first contract between the OSAS and the Detroit Board of Education was

signed and ratified.

Conclusion

It is obvious that organizing for collective bargaining purposes by principals, administrators, and supervisors in Michigan education is in an embryonic stage in early 1968. The legal questions have not been entirely resolved, nor have the organizational and philosophical relationships and positions been fully explored. However, it is abundantly clear that this middle management group is vitally interested in entering into a bargaining relationship with their respective boards of education (as some have already done). For those who consider collective bargaining an extremely effective institution for the resolution of conflict and the positive benefits derived from shared decision making, this development can be viewed only with extreme optimism. They would hope that the Michigan legislature is equally impressed and does not make the same errors in judgment that let Congress to remove the protections of the Wagner Act from supervisory units. From the early resistance shown by boards of education (e.g., Hillsdale), there is serious doubt that the school administrative units can survive (much less expand) without legislative protection, any more than the foremens' unions could survive once Wagner Act protection was removed.

CHAPTER X

A STATEWIDE SURVEY OF THE STRUCTURE, CHARACTERISTICS, AND DETERMINATION OF MICHIGAN EDUCATION BARGAINING UNITS

July 1965 - June 1967

The scope of this chapter is chiefly quantitative. It examines various facets of public education units, their method of determination, and their characteristics. As such, the main variables to be discussed are: (1) type of bargaining unit, (2) method of determination, and (3) affiliates, 1967.

Methods

The methods and data sources discussed in this chapter are the questionnaire survey and the data analysis of material in the MLMB files. The questionnaire was used to obtain broad-based statistics regarding the general structure and characteristics of bargaining units within Michigan school districts. The data from the MLMB files represent the universe of cases that can be thought of as "non-voluntary recognition" cases. Insofar as the survey statistics are representative of Michigan school districts in general, bargaining unit structure and characteristics may be inferred for all school districts. Further, the survey statistics identify characteristics occurring before cases were sent to the MLMB--

that is, since information such as bargaining unit affiliate, type of bargaining unit, etc., is not available from the MLMB files in those school districts not asking for MLMB assistance in the determination of the appropriate unit or where recognition was not challenged, the questionnaire was used as the source for this data.

The Questionnaire

The questionnaire was sent to a list of 575 Michigan school districts that were considered most likely to have a collective bargaining relationship. These represent the larger districts. The proportion of school districts not covered by the questionnaire who may have engaged in collective bargaining and resolved questions of unit determination is negligible. Three-hundred and five school districts responded to the questionnaire for a 53 per cent return. Within these 305 districts were 549 bargaining units, an average of 1.45 units for each reporting district.

The format of the questionnaire (see Appendix R) was developed in order to accommodate two opposing needs: keeping the questionnaire reasonably short for a higher response rate, and obtaining the numerous and detailed information required for this survey (most choices and categories were constructed so that the respondent merely checked the appropriate response). It was felt that, since the respondents were <u>superintendents</u> of school districts, proper and accurate compliance in accurately completing this fairly detailed questionnaire could be achieved by people who in most cases had obtained at least a master's degree. This assumption proved to be not entirely correct. The "grid" format of the questionnaire lent itself to easier quantification of the data. However, flexibility in reporting data was somewhat hampered. To overcome this problem of

flexibility, the "other" category (as in the bargaining unit type) was used. Where responses could not be fit into any pre-existing category, they were dropped from the sample. Where intent was clear or where alteration would not distort the study, the responses were evaluated to fit into the defined categories.

Response Error

The following represent the most frequent problems that were encountered with response error and coding in the questionnaire: (1) Some superintendents evidently didn't understand the directions on the bottom of the questionnaire. For instance, mutually exclusive bargaining unit types were reported for the same school district. (These responses were less than five per cent of the total.) Sometimes, where evidence of intent was clear, unclear responses could be altered. For instance, where bargaining types 01 and 02 were reported, the 02 category was selected as the proper category since category 02 is more inclusive.

(2) Omissions in one or more of the informational categories constituted the most serious and more frequent type of response error. The most frequent omissions were: failure to specify the name of the bargaining unit affiliate (some merely checked the appropriate cell), and failure to specify the method of bargaining unit determination. In total, these response errors constituted approximately ten per cent of the total responses.

(3) Under the column asking for information concerning affiliates, the following two problems occurred: (A) Some respondents (three per cent) put "AFL-CIO" down for an affiliate instead of its national member union (most probably the operating engineers (IUOE)). This "AFL-CIO"

response was counted as a category since there was sufficient response to make even this general category usable for purposes of analysis. (B) It was found that some secretaries affiliated with the Michigan Association of Educational Secretaries (MAES) were listed as belonging to the MEA, the parent organization. These were recorded exactly as the responses indicated.

(4) The final major type of response error concerned specifying "voluntary recognition" in the same year as "consent election" or other types of MLMB-involved representative disputes. Since it is impossible to have both types representation determination in the same year, the responses were given a value of "0" for computational purposes. This procedure insured that such a dubious response would not be accorded the same weight as the non-dubious responses, but it still left such dubious responses in the sample. A later verification from MLMB files showed that this was the most prudent method of disposition.

Random Sample

The question of the randomness of the sample may be one of the weaknesses of the questionnaire survey. However, a presumption of randomness can be made on two bases, the large number of responses obtained, and the relative conformity of the response pattern to the geographical (actual) pattern of distribution in the State. Every one of the eighteen educational regions of the state was represented in the sample with reasonably equal frequency.

MLMB Files

The MLMB files were examined to obtain the universe of contested representation cases. Data regarding the time the case came to the

MLMB (Table 21), length of time for disposal (Table 22), parties involved in the contention, type of bargaining unit, and type of case disposal (Table 23), was collected from the MLMB's card files.

The most common problem with the MLMB case file material was quantifying and coding of the various types of bargaining units. Because the MLMB wording in bargaining unit determination cases is so precise, over 60 different types of bargaining units might have been isolated. For purposes of simplicity, these various types were broken down into seventeen basic types plus one "other" category. (See Table 26)

A further problem was the definition of the type of case disposal given to each of these cases. For some, the files merely stated "closed," which can mean any number of things. Fortunately, these cases were a small minority of the total.

The third problem involved the identification of affiliates. Often, the identity of a locally-affiliated group would be hard to determine, especially when local groups call themselves "_____Education Association". Unless there was a clear statement that such a local (with the name "association") had no ties to the state and national affiliates, they were recorded as belonging to the state and national organizations.

Analysis, Results and Interpretation

These data were all appropriately coded, and IBM type punch cards were used for the analysis. An IBM 3600 computer performed the contingency table print outs of frequency and percent data of the non-contiguous variables included in the survey questionnaire responses. Tables were constructed to present one variable as the independent variable (variable down) against the dependent variable (variable across); e.g., bargaining

Table 21

M. L. M. B. Representation Case Load by Month

Month(s)[a]	1965[b]		1966		1967[b]		
	#	%	#	%	#	%	
January - February	---	0	36	35.6	14	30.4	
March - April	---	0	14	13.9	26	56.5	
May - June	---	0	13	12.9	6	13.0	
July - August	11	8.1	13	12.9	--	0	
September - October	67	49.3	17	16.8	--	0	
November - December	57	41.9	8	7.9	--	0	
Not Stated	1	0.7	0	0.0	--	0	Cases Total Period
Total	136	100.0	101	100.0	46	99.9	283
		48.1		35.7		16.3	100.1

Source: MLMB Files.

a Month(s) during which the case was received by the Labor Mediation Board.

b 1965 - July-December only; 1967 - January-June only.

Table 22

Median Length of Representation Cases

# of Months	# of Cases			Total # July 1965 - June 1967	%
	1965[a]	1966	1967[a]		
0 (less than 1 month)	2	3	5	10	3.5
1	15	28	24	67	23.7
2	15	29	15	59	20.8
3	38	19	2	59	20.8
4	27	9	--	36	12.7
5	14	8	--	22	7.8
6	8	3	--	11	3.9
7	5	1	--	6	2.1
8	2	0	--	2	0.7
9	2	1	--	3	1.1
10	1	---	--	1	0.4
11	2	---	--	2	0.7
12	3	---	--	3	1.1
13	1	---	--	1	0.4
18	1	---	--	1	0.4
N=	136	101	46	283	100.0
Median # of Months	3	2	1	3	

Source: MIMB Files.

a 1965 - July-December only; 1967 - January-June only.

Table 23

Non-Voluntary Recognition - MLMB Disposition of Cases; 1965-1967

Disposition Type[a]	1965[b]				1966				1967[b]				Grand Total			
	#	% year	% type	% Grand Total	#	% year	% type	% Grand Total	#	% year	% type	% Grand Total	#	% 1965-1967	% type	% Grand Total
Consent Election	72	52.9	43.1	25.4	66	65.3	39.5	23.3	29	63.0	17.4	10.2	167	59.0	100.0	58.9
Board Adjusted	17	12.5	54.8	6.0	9	8.9	29.0	3.2	5	10.9	16.1	1.8	31	11.0	99.9	11.0
Dismissed	6	4.4	40.0	2.1	3	3.0	20.0	1.1	6	13.0	40.0	2.1	15	5.3	100.0	5.3
ırd Order	2	1.5	66.7	0.7	1	0.9	33.4	0.4	0	0	0	0	3	1.1	100.1	1.1
ısed	15	11.0	100.0	5.3	0	0.0	0.0	0.0	0	0	0	0	15	5.3	100.0	5.3
ıhdrawn	14	10.3	35.9	4.9	20	19.8	51.3	7.1	5	10.9	12.8	1.8	39	13.8	100.0	13.8
ırd-Ordered Election	9	6.6	90.0	3.2	1	0.9	10.0	0.4	0	0	0	0	10	3.5	100.0	3.6
Data Unclear	1	0.7	33.4	0.4	1	0.9	33.4	0.4	1	2.2	33.4	0.4	3	1.1	100.2	1.2
N=	136	99.9	48.0	48.0	101	99.7	35.7	35.9	45	100.0	16.3	16.3	283	100.1	100.2	100.2

Source: MLMB Files.

a See Text for definition of these catagories.

b 1965 - July - December only; 1967 - January - June only.

unit affiliates (down) by bargaining unit type (across). (See Table 27) All analyses of the MLMB case file data were performed on the IBM card sorter because the size and number of variables in the data did not warrant computer analysis.

Voluntary vs. Contested Recognition of Bargaining Units

The survey data, supported by the data from the Michigan Labor Mediation Board files (Table 24), indicate that, in the two-year period from July, 1965 to June, 1967, approximately three-quarters (73.8%) of all the bargaining unit determinations in Michigan education were worked out and achieved by voluntary agreement between the parties involved. Further, of the remaining one-quarter of the contested cases (26.2%), three out of five (59.0%) were resolved through the MLMB and the parties voluntarily agreed to a consent election. Therefore, about 90 per cent of the unit determinations involved a considerable degree of voluntarism. In broad perspective, the voluntary nature of these unit determination proceedings must be considered the most outstanding characteristic of the Michigan education experience, not only in the organizing stage of the collective bargaining process but in the negotiations as well.

In fact, further studies which are beyond the scope of this thesis, will hypothesize that this emphasis on voluntarism is the key variable influencing the overt conflicts (strikes) in Michigan education and that attempts to eliminate the strike cannot succeed unless the voluntaristic nature of the decision-making process is drastically curtailed--a very dangerous and potentially costly policy unless the benefits of voluntaristic methods are critically analyzed and found deficient. Unfortunately, emotions are too often weighed on the same scales as are facts.

Table 24

Bargaining Unit Determination - Summary

	Total		Non-Voluntary Recognition	
	#	%	#	%
1. Total Sample (survey data)	549	100		
A. Voluntary Recognition Achieved (survey data)	405	73.8		
B_1 Non-Voluntary Recognition (survey data)			144	26.2
a. Consent election (survey data)			86	59.7[a]
B_2 Non-Voluntary Recognition (MLMB data)			283	100.0
b. Consent election (MLMB data)			167	59.0[a]

Source: Survey Questionnaire and MLMB Files.

a The implication here is that, since these two figures are so close and must be considered the more accurate since they were derived from two independent data sources. Therefore, the voluntary recognition figure of 73.8% which is available from survey data only, must also be considered the best available figure as opposed to the 76.4% and 77.3% figures derived in Tables 25 and 28. This is probably due to the unknown content of the unidentified observations in those tables.

The Composition of Bargaining Units

Tables 25 and 26 give a clear indication that both the voluntarily recognized units and those units that were contested were heavily concentrated (as expected) among the teacher, secretary/clerical, and maintenance personnel. Except for the janitor/maintenance personnel (type 09 --Table 25), the percentages of other defined unit types achieving voluntary recognition do not significantly vary. Further, Table 26 clearly indicates that over 60 per cent of the teachers, secretaries/clerks, and non-teaching employee groups (types 01, 02, and 03) all established their contested units in 1965 and that the total per cent of contested unit cases was very close between the teaching personnel and the non-teaching personnel (types 01 and 03). The most significant departure from these trends was in type 04--Janitors and Maintenance Personnel except Supervisors where the per cent of total contested cases increased from 2.9 per cent in 1965 to 19.8 per cent in 1966 and 32.6 per cent in 1967, and the majority of contested units (51.3 per cent) were determined in 1966 rather than in 1965 as in the 01, 02, and 03 types. Percentage changes for the other units cannot be considered significant because of the small number of cases represented in the data. However, this small number of cases certainly reflects the Mediation Board's position of not allowing (in contested cases) larger units to be fractured. There is some indication that the voluntarily recognized units (Table 25) have been somewhat differently conceived and fractured than have the units that were established under MLMB contested procedures, although the data give mixed evidence on this point.

Table 25

Bargaining Unit Type - Number and Percent of Voluntary Recognitions Achieved

rgaining Unit Type	-1- Grand Total of all Bargaining Unit Type Recorded in Sample Data	-2- % Grand Total this Bargaining Unit Type (1/T1)	-3- #, this Bargaining Unit Type Gaining Voluntary Recognition	-4- %, this Bargaining Unit Type Gaining Voluntary Recognition (3/1)	-5- %, this Bargaining Unit Type, of All Voluntarily Recognized Types in Survey (3/T3)	-6- %, this Bargaining Unit Type of All Types in Survey; Both voluntarily & Non-voluntarily Recognized (3/T1)
Certified Teaching Personnel only	91	17.4	76	83.5	18.8	14.5
All Certified Personnel-Teachers Librarians etc.	143	27.3	117	81.8	28.9	22.3
All Professional Personnel (Psychologists, librarians, teachers)	51	9.7	38	74.5	9.4	7.3
Professional Personnel and Secretarial/Clerical Personnel	4	0.8	4	100.0	1.0	0.8
Professional Personnel & Supervisory Personnel	1	0.2	0	0	0	0
Secretarial/Clerical Personnel only	62	11.8	48	77.4	11.9	9.2
All Non-Professional Personnel	21	4.0	17	81.0	4.2	3.2
Bus Drivers only	31	5.9	23	74.2	5.7	4.4
Janitor-Maintenance Personnel only	58	11.1	36	62.1	8.9	6.9
Cafeteria Personnel only	29	5.5	24	82.8	5.9	4.6
Other (none of above)	33	6.3	22	66.7	5.4	4.2
	T1 524	T2 100.0	T3 405	T4 77.3[a]	T5 100.1	T6 77.4
ntified Observations (N)	25 549					

: Survey Questionnaire

ote the Consistancy of this voluntary recognition % (Table 28) even when the (N) has increased: (also see Table 24)

Table 26

Number of MLMB Handled Cases According to Type of Bargaining Unit - 7/1965 - 6/1967

Bargaining Unit Type	1965[a]				1966				1967[a]				Total			
	No. Cases	% 1965	% unit type	% Grand Total	No. Cases	% 1966	% unit type	% Grand Total	No. Cases	% 1967	% unit type	% Grand Total	No. Cases	% 1965-1967	% unit type	% Grand Total
01 All Certified Teaching Personnel except Supervisors	50	36.8	64.9	17.7	15	14.9	19.5	5.3	12	26.1	15.6	4.2	77	27.2	100.0	27.2
02 Secretarial & Clerical Personnel	13	9.6	61.9	4.6	6	5.9	28.6	2.1	2	4.3	9.5	0.7	21	7.4	100.0	7.4
03 All Non-Teaching Employees except Supervisors	45	33.1	61.6	15.9	25	24.8	34.2	8.8	3	6.5	4.1	1.1	73	25.8	99.9	25.8
04 Janitors & Maintenance Personnel except Supervisors	4	2.9	10.3	1.4	20	19.8	51.3	7.1	15	32.6	38.5	5.3	39	13.8	100.1	13.8
05 Janitors & Bus Drivers	5	3.7	38.5	1.8	7	6.9	53.8	2.5	1	2.2	7.7	0.4	13	4.6	100.0	4.7
06 All Professional Personnel	7	5.1	63.6	2.5	2	2.0	18.2	0.7	2	4.3	18.2	0.7	11	3.9	100.0	3.9
07 Guidance Counselors	1	0.7	100.0	0.4	0	0	0	0	0	0	0	0	1	0.4	100.0	0.4
08 Bus Drivers; except Supervisors	2	1.5	15.4	0.7	7	6.9	53.8	2.5	4	8.7	30.8	1.4	13	4.6	100.0	4.6
09 Mechanics; except Supervisors	1	0.7	33.3	0.4	2	2.0	66.7	0.7	0	0	0	0	3	1.1	100.0	1.1
10 Janitors, Bus Drivers & Cafeteria Personnel; except Supervisors	2	1.5	50.0	0.7	1	1.0	25.0	0.4	1	2.2	25.0	0.4	4	1.4	100.0	1.5
11 Nurses	1	0.7	33.3	0.4	1	1.0	33.3	0.4	1	2.2	33.3	0.4	3	1.1	99.9	1.2
12 All employees in district except Supervisors	1	0.7	100.0	0.4	0	0	0	0	0	0	0	0	1	0.4	100.0	0.4
13 All Non-Certified personnel, except Supervisors	1	0.7	100.0	0.4	0	0	0	0	0	0	0	0	1	0.4	100.0	0.4
14 All Certified personnel, including Supervisors	1	0.7	100.0	0.4	0	0	0	0	0	0	0	0	1	0.4	100.0	0.4
15 Supervisors only	0	0.0	0	0	4	4.0	100.0	1.4	0	0	0	0	4	1.4	100.0	1.4
16 Cafeteria Personnel only, except Supervisors	0	0.0	0	0	5	5.0	55.6	1.8	4	8.7	44.4	1.4	9	3.2	100.0	3.2
17 All employees	0	0.0	0	0	0	0	0	0	1	2.2	100.0	0.4	1	0.4	100.0	0.4
18 OTHER	7	1.5	25.0	0.7	5	5.9	75.0	2.1	0	0	0	0	8	2.8	100.0	2.8
Total	136	99.9	48.1	48.4	101	100.1	35.7	35.8	46	100.0	16.3	16.4	283	100.3	100.1	100.6

Source: MLMB Files

a 1965 - July-December only; 1967 - January - June only.

Organizational Affiliates

The organizational affiliates with the most outstanding success in achieving recognition (both voluntary and contested) have been the MEA and local (independent) organizations. Together, these two groups account for over 80 per cent of the total bargaining units in the state (MEA - 63.84 per cent; Local - 16.29 per cent). (See Table 27) Further, these two groups have achieved exclusive representation for the majority of seven of the eleven bargaining unit types identified. These types are: 01--Certified teaching personnel only, 02--All certified personnel (teachers, librarians, etc.), 03--All professional personnel (psychologists, nurses, teachers, and librarians), 04--Professional personnel and Secretary/clerical personnel, 06--Secretary/clerical personnel only, 08--Bus drivers only, and 10--Cafeteria personnel only. The MEA and the independent organizations also have had substantial success in representing units of: 07--All non-Professional Personnel, 09--Janitor/maintenance personnel only, and 11--Other (usually bus drivers or janitors or combination 06-10).

The remaining 20 per cent of the units are widely scattered among the state, county, and municipal employees [AFSCME] (the next highest with a per cent of 7.14 of all units), the MFT, the operating engineers [IUOE] unidentified affiliates of the AFL-CIO, the MAES, and others (none of the preceeding category). We must recognize, however, that for the MFT the 2.46 per cent of total units and low per cent even among teacher units is not a true reflection of the MFT's power, because the MFT is the exclusive representative of the Detroit teacher unit--the largest and most visible in the state.

Table 27

Type of Bargaining Unit Representation Achieved by Specified Employee Organizations - (Including both Voluntary and Contested Recognition)

Bargaining Unit Type and/or Inclusions (N-448) - July 1965 - June 1967

Organization Affiliate	01 Cert. Teaching Personnel only	02 All Certified Personnel (teachers, lib, etc.)	03 All Professional Personnel (Psy; Nurses Librarians & Teachers.	04 Professional Personnel and Sect./ Clerical Personnel	05 Professional Personnel and Supervisory Personnel	06 Sect;/ Clerical Personnel only	07 All Non-Professional Personnel	08 Bus Drivers only	09 Janitor/ Maintenance Personnel only	10 Cafeteria Personnel only	11 Other (Usually bus Drivers or Janitor or comb. 6-10)	[a] Totals
MEA												
a. #Districts in Barg, Unit Type	83	131	43	3	0	13	7	1	3	1	1	[c] 286
b. % of all MEA Units	29.02	45.80	15.03	1.05	0	4.55	2.45	0.35	1.05	0.35	0.35	
c. % of all Units (within each type)	98.81	95.62	91.49	75.00	0	28.89	36.84	5.00	7.14	5.00	3.33	
d. % of all Units in Survey	18.53	29.24	9.60	0.67	0	2.90	1.56	0.22	0.67	0.22	0.22	63.84
[d] MFT												
a. #Districts in Barg, Unit Type	1	4	4	0	0	1	1	0	0	0	0	[c] 11
b. %of all MFT Units	9.09	36.36	36.36	0	0	9.09	9.09	0	0	0	0	

Bargaining Unit Type and/or Inclusions (N-448) - July 1965 - June 1967) (Table 27-Continued)

	01	02	03	04	05	06	07	08	09	10	11	Total
(MFT Cont.)												
c. % of all Units (within each type)	1.19	2.92	8.51	0	0	2.22	5.26	0	0	0	0	
d. % of all Units in Survey	0.22	0.89	0.89	0	0	0.22	0.22	0	0	0	0	2.46
AFSCME												
a. #Districts in Barg, Unit Type	0	0	0	0	0	0	5	1	11	1	14	32[c]
b. % of all AFSCME Units	0	0	0	0	0	0	15.63	3.13	34.38	3.13	43.75	
c. % of all Units (within each type)	0	0	0	0	0	0	26.32	5.00	26.19	5.00	46.67	
d. % of all Units in Survey	0	0	0	0	0	0	1.12	0.22	2.46	0.22	3.13	7.14
Local (Independent)												
a. #Districts in Barg, Unit Type	0	1	0	0	0	24	4	11	11	14	8	73[c]
b. % of all Local Units	0	1.37	0	0	0	32.88	5.48	15.07	15.07	19.18	10.96	
c. % of all Units (within each type)	0	0.73	0	0	0	53.33	21.05	55.00	26.19	70.00	26.67	
d. % of all Units in Survey	0	0.22	0	0	0	5.36	0.89	2.46	2.46	3.13	1.79	16.29
IUOE												
a. #Districts in Barg, Unit												[c]

(Bargaining Unit Type and/or Inclusions (N-448) - July 1965 - June 1967) (Table 27 Continued)

	01	02	03	04	05	06	07	08	09	10	11	Total
(IUOE Cont.)												
c. %of all Units (within each type)	0	0	0	0	0	0	0	0	2.38	0	0	
d. % of all Units in Survey	0	0	0	0	0	0	0	0	0.22	0	0	0.22
AFL-CIO (Undetermined Affiliate)												
a. #Districts in Barg, Unit Type	0	0	0	0	0	0	2	0	4	0	6	12[c]
b. % of all AFL-CIO Units	0	0	0	0	0	0	16.67	0	33.33	0	50.00	
c. % of all Units (within each type)	0	0	0	0	0	0	10.53	0	9.52	0	20.00	
d. % of all Units in Survey	0	0	0	0	0	0	0.45	0	0.89	0	1.34	2.68
MAES												
a. #Districts in Barg, Unit Type	0	0	0	0	0	1	0	0	0	0	0	1[c]
b. % of all MAES Units	0	0	0	0	0	100.00	0	0	0	0	0	
c. % of all Units (within each type)	0	0	0	0	0	2.38	0	0	0	0	0	
d. % of all Units in Survey	0	0	0	0	0	0.22	0	0	0	0	0	0.22
Other (none of above)												
a. #Districts in Barg, Unit	0	0	0	0	0	7	0	7	8	3	1	26[c]

Bargaining Unit Type and/or Inclusions (N-448) - July 1965 - June 1967)	01	02	03	04	05	06	07	08	09	10	11	Total
(Other Cont.)									(Table 27 Continued)			
b. % of all "Other" Units	0	0	0	0	0	26.92	0	26.92	30.77	11.54	3.85	
c. % of all Units (within each type)	0	0	0	0	0	15.56	0	35.00	19.05	15.00	3.33	
d. % of all Units in Survey	0	0	0	0	0	1.56	0	1.56	1.79	0.67	0.22	5.80
Change (Affiliate not Identified) a. #Districts in Barg, Unit Type	0	1	0	1	0	0	0	0	3	1	0	6[c]
b. % of all "change" Units	0	16.67	0	16.67	0	0	0	0	50.00	16.67	0	
c. % of all Units (within each type)	0	0.73	0	25.00	0	0	0	0	7.14	5.00	0	
d. % of all Units in Survey	0	0.22	0	0.22	0	0	0	0	0.67	0.22	0	1.34
Total Districts Per Unit Type	84	137	47	4	0	46	19	20	41	20	30	448[b&c]
Total % Per Unit Type	18.75	30.58	10.49	0.89	0	10.27	4.24	4.46	9.15	4.46	6.70	100.00

Table 27 Notes

a. Rounding of figures is responsible for lack of complete resolution of columns.

b. In addition, there were 101 undefined observations resulting from omissions in the data; i.e., respondents failure to identify either 1) bargaining unit affiliate or 2) bargaining unit type. These 101 observations were rejected in the contingency table analysis.

c. These district numbers will vary somewhat in succeeding tables as the usable (N) varies up or down. However, the % figures do not vary within about 1%.

d. These figures for the MFT may be somewhat misleading, since that it must be remembered that the MFT is the exclusive bargaining agent for the teachers in the Detroit public schools - the largest school district in the State of Michigan.

Turning now to Table 28, we can see that the MEA and the local organizations are considerably ahead of all of the other organization affiliates in their ability to achieve voluntary recognition. Of all voluntarily recognized units, 87.7 per cent are either MEA or Local, and each achieved over 80 per cent of its units by the voluntary process. Interestingly enough, the AFSCME and the Unidentified AFL-CIO Affiliates have also enjoyed considerable success in achieving voluntary recognition (55.9 and 66.7 per cent, respectively). However, these organizations represented only 7.7 per cent of the total of all voluntarily recognized units. The organization having the lowest per cent of all voluntarily recognized units, (0.6) as well as the lowest per cent of units gained by voluntary recognition (18.2) was the MFT.

The implications here appear obvious. The MEA and the Local organizations were considered "safe" by many school boards and voluntary recognition was quickly and easily granted. It wasn't until later that these "paper tigers" showed that they really had "claws". Alternatively, the MFT was considered a serious challenge to the boards of education and subsequently voluntary recognition was denied.

However, a somewhat different picture appears in the data of the contested representation cases (Table 29). Although the MEA continued ahead of the MFT, the difference is now considerably narrowed; i.e., MEA "wins"--55.3 per cent; MFT "wins"--45.3 per cent. Further, the success of the local independent organizations in contested cases is the lowest of any of the employee organizations, 38.9 per cent. A higher degree of success is also evidenced for both the teamsters (IBT) and the AFSCME. It also appears that the IBT, the mine workers (UMW) and the

Table 28

Organization Affiliate - Number and Percent of Voluntary Recognitions Achieved

ganization Affiliate	-1- Grand Total of all Affiliate Units Recorded in Sample Data	-2- % Grand Total this Affiliate ($\frac{1}{T1}$)	-3- # of Units, this Affiliate, gaining voluntary recognition	-4- % of Units, this Affiliate, gaining voluntary recognition ($\frac{3}{T}$)	-5- %, this affiliate of All voluntarily recognized units in survey ($\frac{3}{T3}$)	-6- %, this affiliate of all units in survey; both voluntarily & Non Voluntarily recognized ($\frac{3}{T1}$)
MEA	292	63.9	242	82.9	69.3	53.0
MFT	11	2.4	2	18.2	0.6	0.4
AFSCME	34	7.4	19	55.9	5.4	4.2
Local or Independent	74	16.2	64	86.5	18.4	14.0
IUOE	1	0.2	0	0	0	0
AFL-CIO (unidentified Affiliate)	12	2.6	8	66.7	2.3	1.8
MAES	1	0.2	0	0	0	0
Other (Unidentified Affiliate)	26	5.7	9	34.6	2.6	2.0
Change (Unidentified Affiliate)	6	1.3	5	83.3	1.4	1.1
	T1 457	T2 99.9	T3 349	T4 76.4[a]	T5 100.0	T6 76.5

ndefined Observations 92

otal (N) 549

ource: Survey Questionnaire

[a] See Note, Table 25 and Table 24.

Table 29
Contested Representation Cases - Organization Involvement and Number and percent of Cases in which Organization was Declared to be the Exclusive Bargaining Agent.

Organization	1965[a]				1966				1967[a]				Grand Total			
	Total		Win		Total		Win		Total		Win		Total		Win	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
School Boards[b]	89	44.9	2	2.2	74	37.4	8	10.8	35	17.7	2	5.7	198	100.0	12	6.1
MEA	57	60.6	35	61.4	22	23.4	12	54.5	15	16.0	5	33.4	94	100.0	52	55.3
MFT	35	66.0	13	37.1	10	18.9	6	60.0	8	15.1	5	62.5	53	100.0	24	45.3
AFSCME	61	48.8	21	34.4	48	38.4	26	54.2	16	12.8	9	56.3	125	100.00	56	44.8
LOCAL	7	38.9	3	42.9	10	55.6	3	30.0	1	5.6	1	100.0	18	100.1	7	38.9
MAES	12	80.0	5	41.7	3	20.0	2	66.7	0	0	0	0	15	100.0	7	46.7
BSEIU	2	15.4	1	50.0	11	84.6	5	45.5	0	0	0	0	13	100.0	6	46.2
IBT	8	42.1	5	62.5	9	47.4	6	66.7	2	10.5	0	0	19	100.00	11	57.9
UMW	1	33.3	1	100.0	2	66.7	2	100.0	0	0	0	0	3	100.0	3	100.0
IUOE	0	0	0	0	2	13.3	0	0	13	86.7	8	61.5	15	100.00	8	53.3
Other	0	0	0	0	3	75.0	1	33.3	1	25.0	1	100.0	4	100.0	2	50.0
			86				71				31		188		Representation Resolved	
[c]Data Not Available			50				30				15		95		Unknown	
													283		Cases Total Period	

Source: MIMB Files

a 1965 - July-December only. 1967 - January-June only.

b This designation refers to those cases where the Board of Education is Contesting the designation of an exclusive bargaining agent in the absence of a rival organization.

c Case still in process. Case withdrawn or dismissed account for the majority of this data gap. The positive resolution of the representation question is unknown but is predicted to be very high.

IUOE were much more selective in their contested cases (especially after 1965) than was the AFSCME. Finally, it is obvious that the school boards wasted a considerable amount of time, energy, and probably money in contesting 198 cases of which they "won" only 12 or 6.1 per cent. There could be no clearer evidence that the school employees were ready and willing to organize for collective bargaining purposes.

CONCLUSIONS

There is no doubt that the efforts to organize for the purpose of collective bargaining in Michigan education has been highly successful from the general point of view of the employee organizations, although, obviously, some employee groups are more satisfied than others. This success was achieved by a combination of design, strategy and accident with the final results not totally as expected by any of the organizations involved.

To achieve the legal protection required for effective organization, a combination of political, organizational, resource and leadership factors were required. In this process the Michigan Labor Movement exercised a decisive role, both as an institutional force and in supplying the leadership to the Public Employment Legislative Committee. Further, sympathetic labor relations experts, principally the Mediation Board members and key staff officers were indispensible. However, both of these forces had actively supported legislative change in the past and had been unsuccessful. It was not until the political composition of the legislature was changed to give a Democratic majority that success was possible. Moreover, with the change in legislative control came a change in leadership as well. It is doubtful that Democratic control itself would have been sufficient to effectuate the PELC purposes if Senator Levin had not exercised strong leadership within both the Senate and House.

Basically, this phase of the organizing process (achieving the protective legislation) was a labor movement effort. The Education Association was active but ineffective. Its contribution was as a vocal critic (a challenge in kind, not in principle) but not as a rallying point for others who opposed the PELC amendments.

However, after the legislation was passed, an entirely different pattern emerged. The earlier MEA challenge to the particulars of the legislation quickly dissolved, and that organization quickly focused its members attention upon the desirable features of the new laws. This was possible only because it had not directly opposed the PELC amendments, but had merely suggested that its proposals were better. If the amendments supported by the MEA had been enacted, the organization would probably not have lost the membership of the superintendents and would have been in a stronger position in the Detroit suburbs. However, it was prepared to begin intensive organizing and bargaining efforts regardless of which proposals were ultimately supported, as evidenced by its early efforts in preparing its local groups for organizing and bargaining activities. This preparation was based upon the assumption that new legislation would be forthcoming that in one way or another would require trained local leadership to quickly organize for bargaining purposes. The MEA would certainly have preferred the procedures of its own legislative proposals but was still able to effectively respond to its advantage when it became clear that these objectives were not to be realized. The review of the evolving and changing policy and position statements, as well as MEA activities abundantly support this point.

The organization structure of the MEA was an important part of the MEA's ability to adapt to changing circumstances. Because its Board of

Directors could promote policy change in the interim period between representative assemblies, the reaction by the Board was quick and decisive. Further, the concept of representative democracy rather than that tied entirely to general membership meetings provided the Board of Directors and the Executive Secretary with broad authoritative power to act. By the time the representative assembly met after the intensified organizing practices of the MEA had been implemented, it was too late to reverse revised practices even if the delegates had desired to do so. Since the Board's policy changes were implemented by headquarter's staff personnel, the local organizations had been fully indoctrinated with the necessity and desirability of the policy changes and strong resistance by delegates at the representative assembly never developed.

Conversely, the MFT did not have the luxury of flexibility. Tied to the AFL-CIO organizationally, politically and philosophically, its appeals to the teachers were not subject to modification as were the MEA's. Whereby the MEA could initiate a militant response when required or alternatively assume a "reasoned" professional posture if the circumstances warranted, the MFT's organizing appeal was rigid. Its legislative and philosophical support was within organized labor, and it had specifically rejected professionalism in order to gain this support.

Although the MFT was successful in Detroit, it must be remembered that this success was achieved before the legislative amendments were implemented and before the MEA had displayed its later militancy. An obvious consideration that the MEA faced at the time of the first Detroit election was whether to oppose the DFT in the aggressive and militant manner that labor became an acceptable and a standard alternative but by

doing so to face the potential loss of other upstate districts by prematurely revealing this possible policy shift. At this juncture, without firm evidence that its own legislative proposals would not be enacted, the risk was too great. Further, the historical evolution of the DEA and DFT organizations and leadership indicates that Detroit would have been a rather poor risk for the MEA at the time.

The contrast with the Grand Rapids organization is startlingly clear. The GREA was well-organized and financially secure. Historically, it had represented the majority of teachers in Grand Rapids even though the evidence of employer domination was substantiated. Further, and most importantly, when the issue of employer domination was raised, the local organization was not left to its own defense but received the support--albeit the control of its defense--from the state organization. This defense coincided with and supported the changed stance and policy of the MEA to, above all, effectively represent and bargain for the classroom teacher throughout the state utilizing whatever means were necessary to achieve this end. This message and evidence of support was not lost by other local teacher groups, nor was the state organization's assistance denied elsewhere. Alternatively, the MFT allowed the GRFT to depart from statewide federation objectives and offered little or no support to the local. Likewise, this response was not forgotten elsewhere.

Further, the MEA successfully capitalized on its national professional image to convince many boards and administrators throughout the state that it was a "safe" organization. The preponderance of first year voluntary recognitions that were achieved testifies that the strategy was effective. It was not until later, when the nature of the position change of the MEA became evident through strike actions and hard bargaining,

that the employer representatives recognized the impact of their early, uncontested recognitions. It was then obviously too late.

In summary, the MEA was willing, prepared and organized to engage in a statewide organizing campaign according to a strategy and plan administered and controlled by the state headquarters staff. The MFT's plan was vague, it lacked effective control and influence over its locals, and was inflexible in its approach. By unqualified support and earlier training and indoctrination efforts, the MEA was able to convince the vast majority of teachers in the state that it could best service their interests.

The MEA offensive was almost impossible for the MFT to counter. The MEA had the resources, the trained personnel, the image, the support of the administrators as well as local organizations in virtually every school district in the state. However, as inappropriate as the MFT's response was, it did provide the MEA activists a tangible opponent (a rival in fact or imagination) which could be portrayed, where necessary, as the visible justification for militancy and change in policy and approach.

There is no reason to believe that the orientation of the local teacher leadership played a significant role in determining which organization was to represent the Michigan teachers. Insofar as the teacher organization activist profile represents a reasonable cross section of teacher leaders throughout the state, there appears to be no significant variation between MFT and MEA local leaders. Most activists probably would have supported and led either group, and it was only by the accident of their district of employment that caused them to lead either organization. Of much greater significance is the <u>similarity</u> of their profiles which indicates that the important variables are not the orientations and

backgrounds of the local leadership, (or necessarily how dedicated or hard-working they may be) but rather it is the organization, strategy, image and resources of the state level organization and its ability to mobilize these resource leaders that is important. An obvious departure from this analysis is Detroit, whose leadership, image and resources are substantially stronger than the total state organization. The DFT did not and does not need the MFT--other locals in the state did.

The lack of flexibility and inept and non-political response is the central characteristic of the employer organizations and certainly a major cause of their early failures. The Municipal League remains today primarily with a reactionary posture, while the School Board Association has belatedly assumed a definitive "hard bargaining" stance, which at least represents an organizational response to the demands of the new environment (even if some of us object to the context of this form of activism). The school administrations remain passive and ineffectual.

It is clear, in all three parts of the study, that the public employers in Michigan by their failures to respond politically, administratively or philosophically to changing employment relationships, have learned little from earlier similar experiences by their counterparts in private industry thirty years ago. It is unfortunate that the positive features of shared employer-employee decision-making will apparently have to be learned once again in the public sector, even though ample positive experience is available elsewhere.

Finally, the Michigan experience tends to discount much of the hypothesizing that white-collar professionals do not need "unions", will not organize, and will not support militancy. Further, it re-emphasizes the earlier evidence in the private sector that supervisors will support

organizational units formulated to bargain on their behalf if the required protective legislation is effectuated. The Detroit and Hillsdale principal and supervisory units appear certain to be only a beginning.

In summary, this extremely effective organizational campaign in Michigan education was conducted in an environment which was created through the efficient political and organizational work of AFL-CIO affiliated organizations and individuals but whose major benefactor became the Michigan Education Association. The MEA's dramatic, flexible and effective response to changing circumstances should serve as a warning to the hierarchy of the American Labor Movement and a model for their own future organizational responses in the white-collar professional field. However, it may be much too late.

Obviously, the methodological approach utilized throughout this study i.e. in large part historical-institutional, is neither the full nor the final answer to the identification of the reasons why Michigan teachers (and others in education) chose to organize in the manner described. Moreover, further analysis of the dynamics of the organizing efforts is left to sociologists, psychologists and other social scientists to initiate the necessary studies to explore additional questions, and to subsequently challenge, modify or reject the stated and inferred conclusions. Certainly, the concept of professionalization as detailed by Vollmer, Mills and other sociologists may add an additional dimension to the study and deserves a fuller exploration as a possible intervening variable contributing the success (if not the tactics) of the MEA.

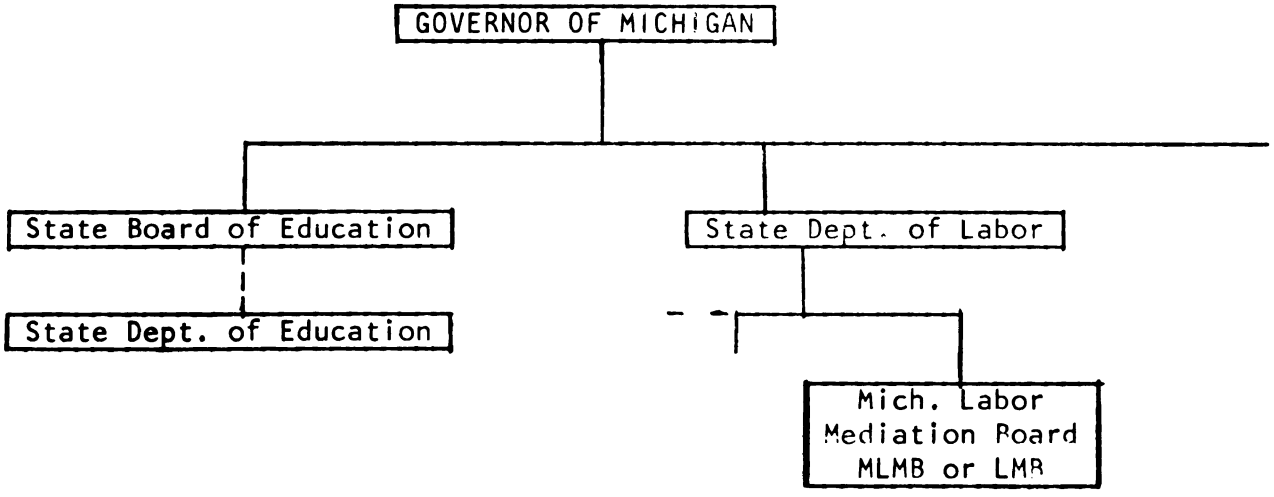
Also, although the <u>form</u> of the employee-management confrontation in Michigan education appears to closely resemble that which has developed in the private sector of the economy, a detailed comparative analysis of the

constraints, values, and idealogies effecting and entering into the two systems would help further identify whether this emerged similar form was accidental or is perhaps common to many different employment relationships and systems.

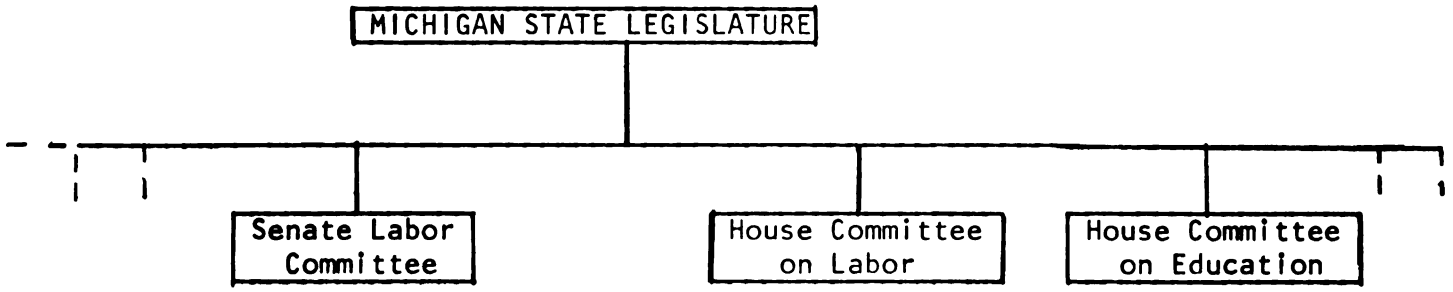
Finally, it is incumbent upon researchers in other regions and states to initiate comparative studies of teacher organizing developments carried on under entirely different legislation, leadership, and institutional patterns to determine if common characteristics and key determining variables can be identified.

ORGANIZATIONAL RELATIONSHIPS OF KEY ORGANIZATIONS IN STUDY
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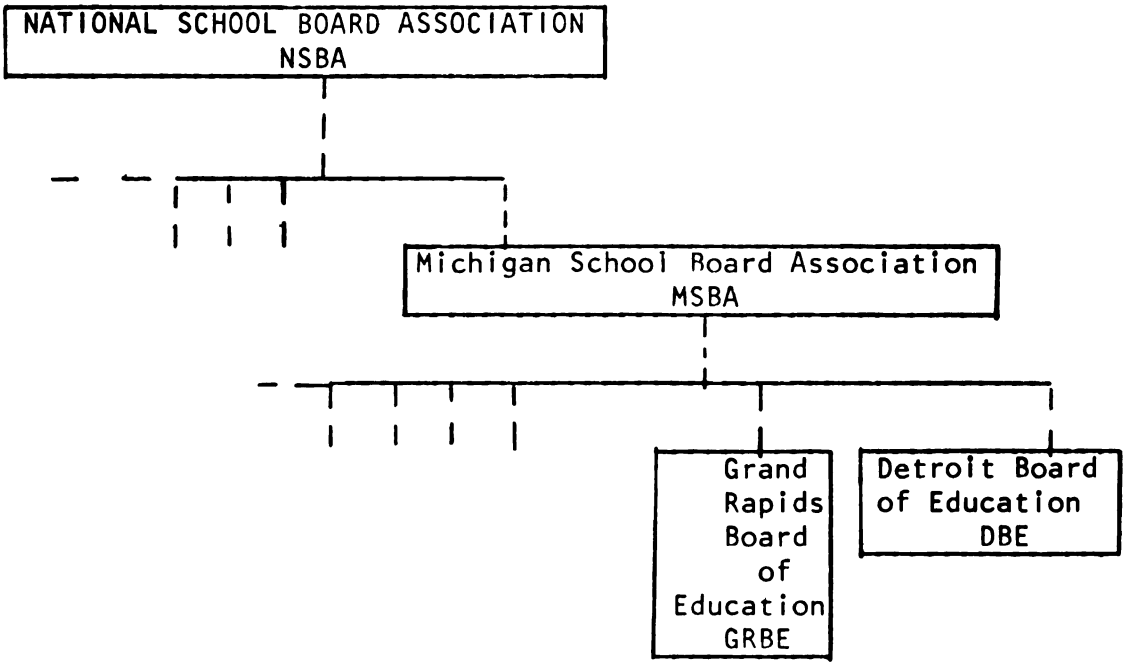
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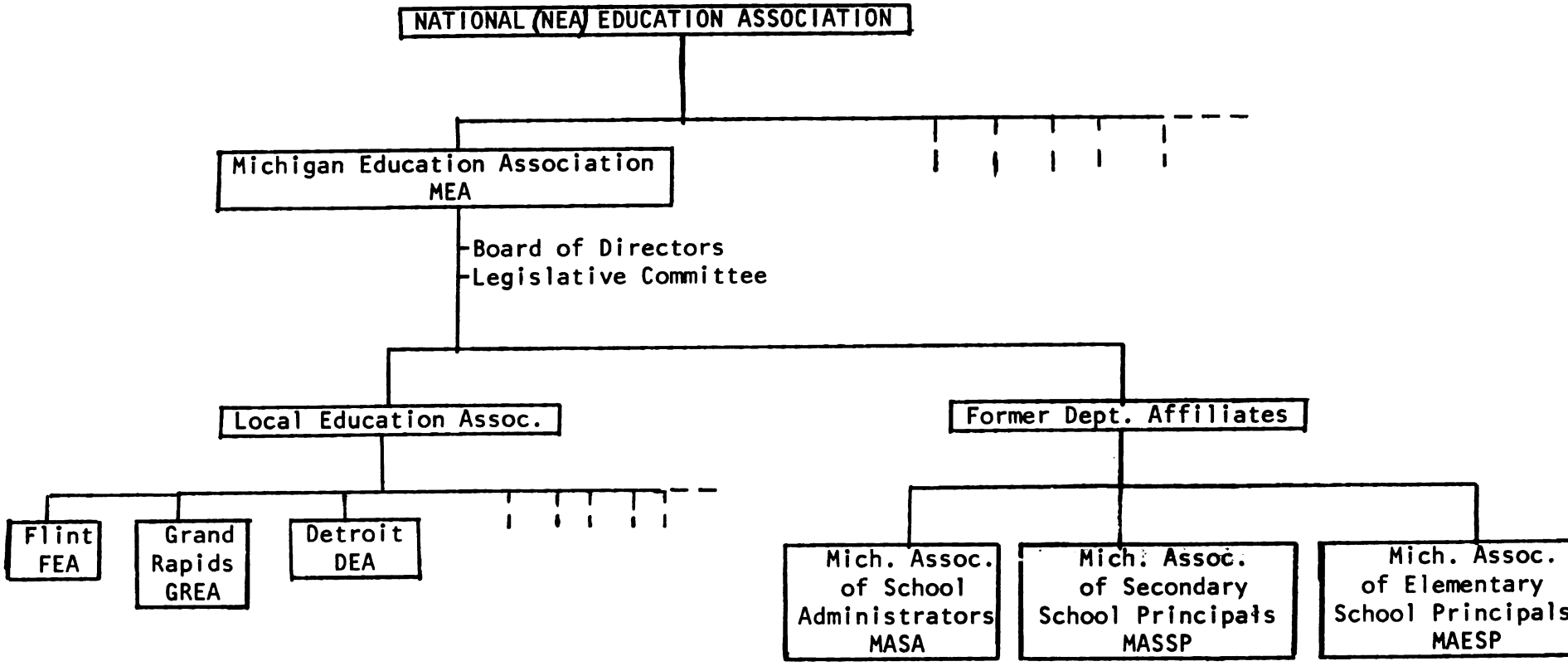


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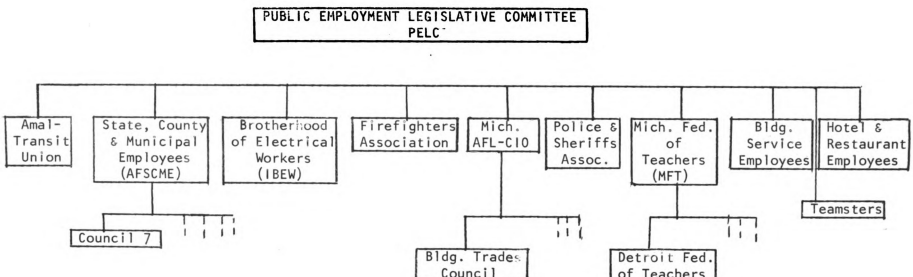
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ORGANIZATIONAL RELATIONSHIPS OF KEY ORGANIZATIONS IN STUDY
(SIMPLIFIED)



240B

5. ORGANIZATIONAL RELATIONSHIPS OF KEY ORGANIZATIONS IN STUDY
(SIMPLIFIED)



APPENDIXES

APPENDIX A

TEN YEAR LIST OF BILLS INTRODUCED IN THE MICHIGAN LEGISLATURE[1]

Year	Changes in Bonine-Tripp (IMA)	Create a Lab. Rels Board	Public Employees				
			Rt to org'ize	Coverage of chg IMA	Repeal Hutch'son	Compul'y Arbit'n	Teachers
1965	H2954(S619)	H2923 (S657)	H2817 H2953 (S621)	H2817 H2953 (S621)	S119 H2953,in part	H2869 (S559) H2871 H2329 H2856 S558	H2450 H2953 (S621)
1964	S1111 (H374) Passed Senate	S1496	H857 H312 (S1130) H375	H375 H451 H270	H389	H405 H311 (S1181) H861 S1039	H374 (S1111) H375
1963		S1178 H585	H448 (S1104)	H449 (S1103)		H226 H391 H689 (S1139)	
1962		H709	H274 (S1169) (S1429)	H274 S1169 S1425		H113 (S1307)	
1961		SB1314	H415 H439 SB1299	H417		H372	
1960	H474	H33	SB1065	SB1042 H515			
1959		H604 H554	SB1027 (H395)			H390	
1958	H432	H468	SB1019				
1957	H198	H197	SB1153	HB407 H590 passed House			
1956		H490 (S1067)		H186* H206			
1955		H138		S1341 H121			

1. Sources: Michigan, Senate Journal, 1955 to 1965; Michigan, House Journal, 1955 to 1965.

Legend: H=House Bill; S=Senate Bill; *=enacted; ()=same bill as above.

APPENDIX B

POLITICAL COMPOSITION OF THE MICHIGAN STATE LEGISLATURE 1962 TO 1964[1]

	House		Senate	
1962				
Republican	38		23	
Democrat	49		11	
Total	87		34	
		1962-1964 Change		
1964				
Republican	37	-1	15	-8
Democrat	73	+24	23	+12
New constitution Total	110		38	

Two-thirds vote needed to override a governor's veto: 74 votes required in the House and 25 in the Senate.

1. Source: Michigan, Michigan Manual, 1962-1963; 1964-1965.

APPENDIX C

PUBLIC EMPLOYEE LEGISLATIVE COMMITTEE:
ATTENDANCE & FINANCES[1]

Organization	No. on Membership list		Money Donated		No. on Exec. Comm'te		Participation at PELC Meetings 7/24		12/15		1/28		2/13*	
	#	%	$	%	#	%	#	%	#	%	#	%	#	%
AFL-CIO (State Level) (Marshall, Young, Dingwell & Kendziorski, etc.)	4	4	250	5	2	8	1	8	5	8	2	3	2	
MFT;DFT;Repas	4	4	400	8	2	8	1	8	2	3	2	3	-	
Fire Fighters	17	17	238	5	3	12	1	8	9	15	11	18	2	
Police	7	7	600	12	3	12	1	8	4	6	3	5	-	
Bldg. Serv. Employee Int'l Union	12	12	385	8	-	-	2	17	7	11	8	13	-	
Amalgtd Transit Un.	3	3	500	10	-	-	-	-	2	3	3	5	-	
Michigan Bldg. Trades Council	1	1	---	-	-	-	-	-	-	-	1	2	1	
IBEW	1	1	42	1	-	-	-	-	-	-	1	2		
Hotel & Rest.	-	-	---	-	-	-	-	-	-	-	-	-	2	
Affiliation unknown: Bill Sharon													1	
Slingerland													1	
TOTALS	98		$5,092.60		26		12		61		61			

1. The figures are incomplete as are the original records. However, they do tend to indicate the over-representation of the Fire Fighters on the PELC.

APPENDIX D

MICHIGAN AFL-CIO CONVENTION RESOLUTION, 1964[1]

COMMITTEE MEMBER BENTLEY: Mr. Chairman and Brother and Sister Delegates, this is RESOLUTION NO. 11, COLLECTIVE BARGAINING FOR PUBLIC EMPLOYEES.

"WHEREAS: Local, state and federal governments as employers in a free democratic society should be an exemplar of the best in employer-employee relationships, and

"WHEREAS: The Government as an employer should be most zealous to insuring to public employees all the rights guaranteed to citizens by constitution or law, instead of keeping them in second- or third-class citizenship status, and

"WHEREAS: Public employees have long been denied rights of collective bargaining and full citizenship assured to employees in private (or non-governmental employment), and

"WHEREAS: The federal government under Executive Order 10988 at long last has given federal employees the right to bargain collectively, and

"WHEREAS: Local and state government should also permit their public employees to bargain collectively, and

"WHEREAS: Representatives of public employee unions in Michigan have recently organized the Public Employees Legislative Committee to coordinate legislative action of all bona fide public employee unions to secure full rights of collective bargaining and first-class citizenship for all public employees in Michigan, now

"THEREFORE BE IT RESOLVED: That the Michigan AFL-CIO give all-out support to the Public Employees Legislative Committee in its concerted drive to secure immediate legislation which will assure to all public employees in Michigan their full rights as employees and citizens, and

"BE IT FURTHER RESOLVED: That the Michigan AFL-CIO call upon all its affiliates to initiate and implement an educational program among their members to apprise them of the needs and ways of helping their sister unions in public employment to achieve these basic rights for their members, and

"BE IT FINALLY RESOLVED: That the Michigan AFL-CIO use its influence to secure the inclusion of such legislation in the platforms of both the Democratic and Republican Parties of Michigan."

"Mr. Chairman, on behalf of the committee I move the adoption of this resolution. (Motion supported)

1. Source: Michigan AFL-CIO, Proceedings of the Fourth Michigan State AFL-CIO Convention, Grand Rapids September 14 to September 17, 1964 (Detroit: Amsterdam Press, 1964), p. 159.

APPENDIX E

SYNOPSIS OF EMPLOYEE RELATIONS BILLS INTRODUCED 1955 - 1965

1955

H.121 Labor mediation; public employees, Labor Mediation Board empowered to enter dispute on own motion, after 30 days board may certify dispute to Governor, who shall designate commission which shall conduct hearings...House Journal, 1955, 2, p. 2051.

H.138 Labor Relations Board; create and impose powers and duties, unfair labor practices, procedures. H. J., 2, p. 2051.

S.1341 Labor mediation; public employees; mediation to continue after facts of case have been made public...S. J., 2, p. 1856.

1956

H.90 Labor Relations Board; create and impose powers and duties, unfair labor practices, procedures. House Journal, 1956, 2, p. 1645, same as S.1067 S. J. 2, p. 1371.

H.186 Labor mediation; labor disputes involving public employees provide procedure for appointment of delegates who shall attempt to recommend a settlement; in case of failure, delegates to designate impartial mediator, who acting as chairman of mediator panel shall recommend a settlement. (Passed. H. J., 2, p. 1663.

H.206 Public employees; empower the Labor Mediation Board to enter dispute on own motion after 30 days from time of intervention of board, governor to cause dispute to be submitted to special commission, powers of commission, findings filed with governor to be made public. Amends Section 7, Act 336, P.A. 1947. H. J., 2, p. 1665.

1957

H.197 State Labor Relations Board; provide for action of, powers and duties, unfair labor practices, employees, election procedure, court procedure and penalties. House Journal, 1957, 2, p. 2213. S.1183 same.

H.198 Labor Mediation Board; employer to include the state and political sub-divisions...remove necessity of mediating before calling a strike election, repeal sections requiring notice of strike, secret ballot, determining bargaining unit, unlawfulness of mass picketing, strike election vote... H. J., 2, p. 2213.

(Appendix E Cont.)

H.405 Public employees, grievance procedures, empower board to enter disputes upon own motion, governor to submit dispute to special commission if not resolved in 30 days, powers and duties of special commission, findings of commission filed with governor who shall make findings public. H. J., 2, p. 2251. Same as S.1163.

H.590 Labor mediation board; public employees, findings of fact made public, mediation to resume until settlement reached. Passed House, died in Senate. H. J., 2, 2286.

S.1153 Public employees; permit employees covered by Hutchinson Act to form, join or assist labor organization and union activities not prohibited from act, Senate Journal, 1957, 2, p. 1680.

S.1184?Same as H.1942.

1958

H.432 Mediation Service, create; Michigan Mediation service, describe powers, duties, functions and responsibilities of the service. Repeals Act 176, P.A. 1939.

H.468 Labor Relations board, create; provide for the establishment of board, enumerate unfair labor practices on part of employers, powers and duties of the board, establish election procedures, evidence, testimony, rushing and appeals.

S.1019 Public employees, permit employees covered by Hutchinson Act to form, join or assist in labor organization and union activities not prohibited by act. S. J., 1958, 2, p. 1309.

1959

H.395 Public employees; permit employees covered by the Hutchinson Act to form, join or assist in labor organization and union activities not prohibited by law. S.1027 same, S. J., 1959, 2, p. 2162.

H.390 Labor mediation; public employees, provide that board shall make its findings public, that the appointed arbitrators findings shall be final and finding on the parties.

H.554 Labor Relations; regulate certain activities; fix penalties.

H.604 Labor Relations; create board and define powers and duties.

1960

H.33 Labor Relations; create board and define powers and duties.

(Appendix E Cont.)

H.391 Public employees; permit employees covered by Hutchinson Act to form, join or assist labor organizations and union activities not prohibited by law. Same as S.1065, S. J., 1, p. 972.

H.474 Labor mediation; create Michigan mediation service, describe powers, duties, functions and responsibilities of the service. Repeals Act 176, P.A. 1939.

H.515 Public employees; mediation of labor disputes, mandatory on part of governmental units.

S.1042 Public employees; labor disputes, required board to make recommendations concerning disputes which shall be made public.

1961

H.372 Labor relations; provide for compulsory arbitration of labor disputes, including disuptes involving public employees. H. J., 2, p. 1906.

H.415 Public employees; permit employees covered by Hutchinson Act to form, join or assist labor organization and union activities not prohibited by law. H. J., 2, p. 1912.

H.417 Labor mediation; public employees provide that board make its finding public, that the appointed arbitrators' findings shall be final on all parties. H. J., 2, p. 1912.

H.439 Public employment; permit organization and collective bargaining. J. J., 2, p. 1915.

S.1299 Public employees; permit formation of unions; require attorney general to proceed against violations. S. J., 2, p. 1299.

S.1314 State labor relations board; established powers and duties of. S. J., 2, p. 1511.

1962

H.113 Labor disputes; require compulsory arbitration including public employees. Passed in House. H. J., 2, p. 2251. Same as S.1307.

H.274 Public employees; permit union activity. Labor mediation; public employees; findings to be public and binding. Same as 1169. Same as S.1425.

H.284 Arbitration agreements; delete requirement that such agreements must be separate from main contracts. Amends section 5001, Act 236, P.A. 1961. Passed. H.457 same.

(Appendix E Cont.)

1963

H.448 Public employees; permit union activity. H. J., 2, p. 2039. Same as S.1104.

H.449 Labor mediation; public employees; findings to be public and binding. p. 2039. Same as S.1103.

H.226 Labor disputes; public employees findings of the board to be binding upon the parties. p. 2004.

H.391 Labor disputes; require compulsory arbitration for public employees; permit public elections to decide disputes if arbitration order not appealed. p. 2031.

H.689 Labor disputes; require compulsory arbitration including public employees. p. 2069. Same as S.1139.

H.585 Labor Relations; create board and define powers and duties. p. 2057. Same as 1178.

1964

H.405 Labor disputes; require compulsory arbitration for public employees; permit public elections to decide disputes of arbitration order not appealed. H. J., 2, p. 2338.

H.375 Public employees; mediation of grievances; right to organize and designate representatives; election procedures. p. 2334. Same as H.451, p. 2346.

H.857 Public employees; permit organization and collective bargaining, p. 2401.

H.270 Labor disputes; public service, coverage (Bonine-Tripp), p. 2318.

H.374 Public utility, hospital employees and teachers; disputes involving union representation election procedures, p. 2334.

H.311 Labor mediation; public employees; findings to be public and binding. p. 2324. Same as S.1181.

H.312 Public employees; permit union activity, p. 2324. Same as S.1130.

H.389 Hutchinson Act; repeal, p. 2334.

H.861 Labor disputes; public employees; finding of board to be binding on parties, p. 2401.

(Appendix E Cont.)

S.1039 Labor disputes; require compulsory arbitration including public employees, p. 1648.

S.111 Public utility and hospital employees and teachers; disputes involving union representation; election procedures. Passed in Senate.

S.1496 Labor Relations; create board; prescribe powers and duties, p. 1729.

APPENDIX F

MAJOR LEGISLATIVE ACTION ON 1965 LABOR BILLS[1]

H.B. 2869: A bill to provide for compulsory arbitration of disputes in the Public service; to provide for the selection of members or arbitration panels; to prescribe the procedures and authority thereof; and to provide for the enforcement and review of awards thereof.

April 14 entered House and referred to labor committee
May 13 reported favorably out of committee with amendments
May 28 passed House 56-38 as amended
June 1 referred to Senate labor committee
June 11 reported without recommendation; bill laid on table
June 22 motion to take from the table failed 19-16 (20 votes needed)

H.B.2953: Amendments to the Hutchinson Act

April 14 entered House and referred to labor committee
May 26 reported favorably out of committee with amendments
May 27 passed House 68-32 as amended; Grim amendments to create a professional negotiation Commission failed 44-53 referred to Senate labor committee
June 10 reported favorably with amendments
June 16 passed Senate as amended 34-1, returned to House
June 21 approved by House with Senate amendments, given immediate effect, 90-6.

H.B.2954: Amendments to the Labor Mediation Act

April 14 entered House and referred to labor committee
May 14 reported favorably with amendments
May 27 passed House 69-28 as amended; referred to Senate labor committee
June 11 reported favorably with amendments
June 21 passed Senate as amended 35-2 returned to House
June 25 passed House with Senate amendments, given immediate effect, 93-0

Legislative Schedule

April 21 Final day for introduction of bills except money bills
May 21 Final day for committees to report bills in House of origin
May 28 Final day for passage of all bills in House of origin
June 11 Final day for committees to report bills originating other House
June 22 Final day for passage of bills originating in other House

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1. Sources: Michigan, House Journal, 1965, Vols. I, II, III; Michigan, Senate Journal, 1965, Vols. I, II, III.

APPENDIX G

HOUSE BILL NO. 2869[1]

April 14, 1965, Introduced by Reps. Holmes, Mrs. Elliott, Snyder, Goemaere, Michalski, Faxon, Hood, Stopczynski, McNeely, Ryan and Kehres and referred to the Committee on Labor.

A bill to provide for compulsory arbitration of disputes in the public service; to provide for the selection of members of arbitration panels; to prescribe the procedures and authority thereof; and to provide for the enforcement and review of awards thereof.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1. It is hereby declared as the public policy of this state that in the public service, where the right of public employees to strike is by law prohibited, it is requisite to high morale and efficient operation of government to afford an alternate, effective and binding procedure for the resolution of disputes, and to that end

1171'65

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1. Text as originally introduced.

(Appendix G Cont.)

H.2869

the provisions of this act, providing for compulsory arbitration, shall be liberally construed.

Sec. 2. Whenever in the course of mediation of a public employees dispute, the dispute shall have been submitted to fact-finding and a report with recommendations has not been issued within 60 days from the submission of the dispute to fact-finding, or within such further additional periods to which the parties may agree, or if issued within the 60-day period, shall not have been agreed to by the parties within 30 days following, or within such further additional periods to which the parties may agree, either the public employer or the public employees may initiate binding arbitration procedures in the manner provided in this act.

Sec. 3. Within 10 days thereafter, the public employer shall choose a member of its governing body as a delegate and the public employees' designated or selected exclusive collective bargaining representative, or if none, their previously designated representative in the prior mediation and fact-finding procedures shall choose 1 of its number as a delegate to discuss, consider and recommend the settlement of the question or questions at issue.

Sec. 4. The 2 delegates shall enter upon a discussion to reach a recommended settlement of the matters in dispute. In considering the matters the 2 delegates may hold hearings

(Appendix G Cont)

H.2869

if they deem the same to be helpful or advisable, and consider testimony, affidavits and documents which may be submitted to them at their invitation and in an effort to reach a recommended settlement on all points of controversy. The interested parties shall be required to submit all documents and information within their knowledge and control. If the delegates reach a recommended settlement on all points at issue, they shall reduce it to writing, file it with the parties and it shall be binding upon the parties. During the discussions, each delegate who is a public officer or employee shall continue on the payroll of the public employer at his usual rate of pay. Each delegate shall have the right to have legal counsel or a representative of his group present at all times.

Sec. 5. Upon the failure of the 2 delegates to reach a recommended settlement on all questions at issue within 20 days of the date when they were appointed, or within such further additional periods to which they may agree, within 5 days thereafter, or within such further additional periods to which they may agree, the delegates shall designate an impartial, competent and reputable person to act as an arbitrator and with them to constitute an arbitration panel to further consider and order a settlement of all matters. Upon their failure to agree upon and appoint the arbitrator within

(Appendix G Cont.)

H.2869

the time, or mutually extended time, either of them may request the state mediation director to appoint the arbitrator, and the state mediation director shall promptly appoint an impartial, competent and reputable citizen of this state as arbitrator.

Sec. 6. Upon the appointment of the arbitrator, he shall proceed to act as chairman of the panel of arbitration, promptly call a hearing, and give reasonable notice of the time and place of the hearing. The chairman shall conduct the hearing and shall take testimony. Any interested person may appear and be heard both in person and by counsel or by other representative chosen by him appearing at the hearing. Any oral or documentary evidence and other data deemed relevant by the arbitration panel may be received in evidence. A transcript of the proceedings shall be taken, and the arbitration panel shall supply the necessary stenographic service. One-half of the expense of the proceedings, including a fee of $100.00 per day to the chairman for the time actually spent as a member of the arbitration panel, shall be borne by each of the parties to the dispute. The delegates shall continue on the payroll of the public employer at their usual rate of pay. The hearing conducted by the arbitration panel may be adjourned from time to time, but, unless otherwise agreed by the parties, shall be concluded within 30 days of

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the time of its commencement. Its majority actions and rulings shall constitute the actions and ruling of the arbitration panel.

Sec. 7. The arbitration panel may administer oaths, require the attendance of witnesses, and the production of such books, papers, contracts, agreements and documents as may be deemed by it material to a just determination of the issues in dispute, and for such purpose may issue subpoenas. If any person refuses to obey a subpoena, or refuses to be sworn or to testify, or if any witness, party or attorney is guilty of any contempt while in attendance at any hearing, the arbitration panel may, or the attorney general if requested shall, invoke the aid of any circuit court within the jurisdiction in which the hearing is being held, which court shall issue an appropriate order. Any failure to obey the order may be punished by the court as contempt.

Sec. 8. The arbitration panel, within 20 days after the conclusion of the hearings, or such further additional periods to which the parties may agree, shall make written findings of fact and promulgate a written opinion and order upon the issues presented to it and upon the record made before it, and shall mail or otherwise deliver a true copy thereof to the governing body of the public employer and to the attorney or other designated representatives of the employees of the public employer. The findings, opinions and order shall be just and reasonable

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and based upon the factors prescribed in sections 9 and 10.

Sec. 9. When a valid agreement is in effect defining the rights, duties and liabilities of the parties with respect to any matter in dispute, the arbitration panel shall determine the proper interpretation and application of the agreement provisions which are involved.

Sec. 10. Where there is no agreement between the parties, or where there is an agreement but the parties have begun negotiations or discussions looking to a new agreement or amendment of the existing agreement, and wage rates or other conditions of employment under the proposed new or amended agreement are in dispute, the arbitration panel shall base its findings, opinions and order upon the following factors, as applicable:

(a) The lawful authority of the public employer.

(b) Stipulations of the parties, if any.

(c) The interests and welfare of the public, including considerations of cost.

(d) Comparison of the wages, hours and conditions of employment of the employees involved in the arbitration proceeding with the wages, hours and conditions of employment or other employees doing the same, similar or comparable skills and expenditure of energy

(i) In public employment, in comparable local, state

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and proximate geographical areas,

(ii) In private employment, in comparable local, state and proximate geographical areas,

(iii) In other comparable georgraphical areas or levels of government, nationally.

(e) The average consumer prices for goods and services, commonly known as the cost of living.

(f) The overall compensation presently received by the employees, having regard not only to direct wage compensation, but also to other compensation, including, but not limited to, vacations, holidays and other excused time, insurance and pensions, medical and hospitalization benefits, the continuity and stability of employment enjoyed by the employees, and all other benefits received.

(g) In discharge or discipline cases, the existence of just cause therefor, and the reasonableness of the penalty imposed.

(h) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment through voluntary collective bargaining, mediation, fact-finding, arbitration or otherwise between the parties, or in the public services or in private employment.

Sec. 11. A majority decision of the arbitration panel,

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if supported by competent, material and substantial evidence on the whole record, shall be final and binding upon the parties after 30 days, and may be enforced, at the instance of either party or of the arbitration panel in the circuit court for the county in which the dispute arose or in which a majority of the affected public employees reside. Increases in rates of compensation authorized by the arbitration panel may be effective only at the start of the fiscal year next commencing after the date of the arbitration award. At any time the parties, by stipultation, may amend or modify an award of arbitration.

Sec. 12. Orders of the arbitration panel shall be reviewable by the circuit court for the county in which the dispute arose or in which a majority of the affected public employees reside, but only for reasons that the arbitration panel was without or exceeded its jurisdiction; the order is unsupported by competent, material and substantial evidence on the whole record; or the order was procured by fraud, collusion or other similar and unlawful means.

Sec. 13. This act shall not apply to classified state civil service employees.

Sec. 14. During the pendency of proceedings before the arbitration panel, existing wages, hours and other conditions of employment shall not be changed by action of either party

APPENDIX H

HOUSE BILL NO. 2953[1]

April 14, 1965, Introduced by Reps. Walton, White, Hood, Bradley, McNeely, Stopczynski, Mrs. McCollough, Crim, Thorne, Michalski, Faxon, Ryan, George F. Montgomery, Snyder, Edwards, Mrs. Ferguson, Mrs. Young and Constantini and referred to the Committee of Labor.

A bill to amend the title and sections 1, 3, 6 and 7 of Act No. 336 of the Public Acts of 1947, entitled

"An act to prohibit strikes by certain public employees; to provide certain disciplinary action with respect thereto; to provide for the mediation of grievances; and to prescribe penalties for the violation of the provisions of this act,"

being sections 423.201, 423.203, 423.206 and 423.207 of the Compiled Laws of 1948; and to add 8 new sections to stand as sections 9 to 16; and to repeal certain acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Section 1. The title and sections 1, 3, 6 and 7 of Act No. 336 of the Public Acts of 1947, being sections 423.201, 423.203, 423.206 and 423.207 of the Compiled Laws

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1. Text as originally introduced.

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of 1948, are hereby amended and 8 new sections are added to stand as sections 9 to 16, the amended title and amended and added sections to read as follows:

TITLE

An act to prohibit strikes by certain public employees; to provide REVIEW FROM disciplinary action with respect thereto; to provide for the mediation of grievances AND THE HOLDING OF ELECTIONS; TO DECLARE AND PROTECT THE RIGHTS AND PRIVILEGES OF PUBLIC EMPLOYEES; and to prescribe MEANS OF ENFORCEMENT AND penalties for the violation of the provisions of this act.

Sec. 1. As used in this act the word "strike" shall mean the CONCERTED failure to report for duty, the wilful absence from one's position, the stoppage of work, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment, for the purpose of inducing, influencing or coercing a change in the conditions, or compensation, or the rights, privileges or obligations of employment.

Nothing contained in this act shall be construed to limit, impair or affect the right of any public employee to the expression or communication of a view, grievance, complaint or opinion on any matter related to the conditions or compensation of public employment or their betterment, so long as the same is not designed to and does not interfere with

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the full, faithful and proper performance of the duties of employment.

Sec. 3. No person exercising any authority, supervision or direction over any public employee shall have the power to authorize, approve or consent to a strike by public employees, and such person shall not authorize, approve or consent to such strike, nor shall any such person discharge or cause any public employee to be discharged or separated from his or her employment because of participation in the submission of a grievance in accordance with the provisions of section 7.

Sec. 6. Notwithstanding the provisions of any other law, any person holding such a position who, by concerted action with others, and without the lawful approval of his superior, wilfully absents himself from his position, or abstains in whole or in part from the full, faithful and proper performance of his duties FOR THE PURPOSE OF INDUCING, INFLUENCING OR COERCING A CHANGE IN THE CONDITIONS OR COM_ PENSATION, OR THE RIGHTS, PRIVILEGES OR OBLIGATIONS OF EMPLOYMENT shall be deemed to be on strike. BUT THE person, upon request, shall be entitled to A DETERMINATION AS TO WHETHER he did violate the provisions of this act. THE request SHALL be filed in writing,

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with the officer or body having power to remove OR DISCIPLINE such employee, within 10 days after regular compensation of such employee has ceased OR OTHER DISCIPLINE HAS BEEN IMPOSED. In the event of such request THE officer or body shall within 10 days commence a proceeding for the determination of whether the provision of this act have been violated by THE public employee, in accordance with the law and regulations appropriate to a proceeding to remove THE public employee. THE proceedings shall be undertaken without unnecessary delay. The decision of THE proceeding shall be made within 10 days.

IF the employee involved is held to have violated this law and his employment terminated OR OTHER DISCIPLINE IMPOSED, he shall have the right of review by way of petition to the labor mediation board, as provided for in section 7 of this act TO THE CIRCUIT COURT HAVING JURISDICTION OF THE PARTIES, AND IN THE EVENT OF STATE EMPLOYEES TO THE INGHAM CIRCUIT COURT, WITHIN 30 DAYS FROM SUCH DECISION, FOR DETERMINATION WHETHER SUCH DECISION IS SUPPORTED BY COMPETENT, MATERIAL AND SUBSTANTIAL EVIDENCE ON THE WHOLE RECORD.

Sec. 7. UPON THE REQUEST OF THE COLLECTIVE BARGAINING REPRESENTATIVE DEFINED IN SECTION 11, OR IF NO REPRESENTATIVE HAS BEEN DESIGNATED OR SELECTED, upon the request of a

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majority of any given group of public employees evidenced by a petition signed by said majority and delivered to the labor mediation board, or upon request of any public EMPLOYER of such employees, it shall be the duty of the labor mediation board to forthwith mediate the grievances set forth in said petition or notice, and for the purposes of mediating such grievances, the labor mediation board shall exercise the powers and authority conferred upon said board by sections 10 and 11 of Act No. 176 of the Public Acts of 1939.

Sec. 9. IT SHALL BE LAWFUL FOR PUBLIC EMPLOYEES TO ORGANIZE TOGETHER OR TO FORM, JOIN OR ASSIST IN LABOR ORGANIZATIONS, TO ENGAGE IN LAWFUL CONCERTED ACTIVITIES FOR THE PURPOSE OF COLLECTIVE NEGOTIATION OR BARGAINING OR OTHER MUTUAL AID AND PROTECTION, OR TO NEGOTIATE OR BARGAIN COLLECTIVELY WITH THEIR PUBLIC EMPLOYERS THROUGH REPRESENTATIVES OF THEIR OWN FREE CHOICE.

Sec. 10. IT SHALL BE UNLAWFUL FOR A PUBLIC EMPLOYER OR AN OFFICER OR AGENT OF A PUBLIC EMPLOYER (A) TO INTERFERE WITH, RESTRAIN OR COERCE PUBLIC EMPLOYEES IN THE EXERCISE OF THEIR RIGHTS GUARANTEED IN SECTION 9; (B) TO INITIATE, CREATE, DOMINATE, CONTRIBUTE TO OR INTERFERE WITH THE FORMATION OR ADMINISTRATION OF ANY LABOR ORGANIZATION: (C) TO DISCRIMINATE IN REGARD TO HIRE, TERMS OR OTHER CONDITIONS OF

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EMPLOYMENT IN ORDER TO ENCOURAGE OR DISCOURAGE MEMBERSHIP IN A LABOR ORGANIZATION; (D) TO ENCOURAGE MEMBERSHIP IN, OR INITIATE, CREATE, DOMINATE OR CONTRIBUTE TO ANY LABOR ORGANIZATION, PROVIDED THAT A PUBLIC EMPLOYER SHALL NOT BE PROHIBITED FROM PERMITTING EMPLOYEES TO CONFER WITH IT DURING WORKING HOURS WITHOUT LOSS OF TIME OR PAY; (E) TO DISCRIMINATE AGAINST A PUBLIC EMPLOYEE BECAUSE HE HAS GIVEN TESTIMONY OR INSTITUTED PROCEEDINGS UNDER THIS ACT; OR (F) TO REFUSE TO BARGAIN COLLECTIVELY WITH THE REPRESENTATIVES OF ITS PUBLIC EMPLOYEES, SUBJECT TO THE PROVISIONS OF SECTION 11.

Sec. 11. REPRESENTATIVES DESIGNATED OR SELECTED FOR PURPOSES OF COLLECTIVE BARGAINING BY THE MAJORITY OF THE PUBLIC EMPLOYEES IN A UNIT APPROPRIATE FOR SUCH PURPOSES, OF BY THE MAJORITY OF THE PUBLIC EMPLOYEE VOTING IN AN ELECTION CONDUCTED PURSUANT TO THIS ACT, SHALL BE THE EXCLUSIVE REPRESENTATIVES OF ALL THE PUBLIC EMPLOYEES IN SUCH UNIT FOR THE PURPOSES OF COLLECTIVE BARGAINING IN RESPECT TO RATES OF PAY, WAGES, HOURS OF EMPLOYMENT OR OTHER CONDITIONS OF EMPLOYMENT, AND SHALL BE SO RECOGNIZED BY THE PUBLIC EMPLOYER. ANY INDIVIDUAL EMPLOYEE AT ANY TIME MAY PRESENT GRIEVANCES TO HIS EMPLOYER AND HAVE THE GRIEVANCES ADJUSTED, WITHOUT INTERVENTION OF THE BARGAINING REPRESENTATIVE, IF THE ADJUSTMENT IS NOT IN-

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CONSISTENT WITH THE TERMS OF A COLLECTIVE BARGAINING CONTRACT OR AGREEMENT THEN IN EFFECT, PROVIDED THAT THE BARGAINING REPRESENTATIVE HAS BEEN GIVEN OPPORTUNITY TO BE PRESENT AT SUCH ADJUSTMENT.

Sec. 12. WHENEVER A QUESTION ARISES BETWEEN A PUBLIC EMPLOYER AND ITS EMPLOYEES OR A LABOR ORGANIZATION AS TO WHETHER THE LABOR ORGANIZATION REPRESENTS SUCH EMPLOYEES, A PETITION MAY BE FILED, IN ACCORDANCE WITH SUCH RULES AND REGULATIONS AS MAY BE PRESCRIBED BY THE BOARD

(A) BY A PUBLIC EMPLOYEE OR GROUP OR PUBLIC EMPLOYEES, OR AN INDIVIDUAL OR LABOR ORGANIZATION ACTING IN THEIR BEHALF, ALLEGING THAT 30% OR MORE OF THE PUBLIC EMPLOYEES WITHIN A UNIT CLAIMED TO BE APPROPRIATE FOR SUCH PURPOSE WISH TO BE REPRESENTED FOR COLLECTIVE BARGAINING AND THAT THEIR PUBLIC EMPLOYER DECLINES TO RECOGNIZE THEIR REPRESENTATIVE AS THE REPRESENTATIVE DEFINED IN SECTION 11, OR ASSERT THAT THE INDIVIDUAL OR LABOR ORGANIZATION, WHICH HAS BEEN CERTIFIED OR IS BEING CURRENTLY RECOGNIZED BY THEIR PUBLIC EMPLOYER AS THE BARGAINING REPRESENTATIVE, IS NO LONGER A REPRESENTATIVE AS DEFINED IN SECTION 11; OR

(B) BY A PUBLIC EMPLOYER OR HIS REPRESENTATIVE ALLEGING THAT 1 OR MORE INDIVIDUALS OR LABOR ORGANIZATIONS HAVE PRESENTED TO HIM A CLAIM TO BE RECOGNIZED AS THE REPRESENTATIVE DEFINED IN SECTION 11.

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THE BOARD SHALL INVESTIGATE THE PETITION AND, IF IT HAS REASONABLE CAUSE TO BELIEVE THAT A QUESTION OF REPRESENTATION EXISTS, SHALL PROVIDE AN APPROPRIATE HEARING AFTER DUE NOTICE. IF THE BOARD FINDS UPON THE RECORD OF THE HEARING THAT SUCH A QUESTION OF REPRESENTATION EXISTS, IT SHALL DIRECT AN ELECTION BY SECRET BALLOT AND SHALL CERTIFY THE RESULTS THEREOF. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT THE WAIVING OF HEARINGS BY STIPULATION FOR THE PURPOSE OF A CONSENT ELECTION IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE BOARD.

SEC. 13. THE BOARD SHALL DECIDE IN EACH CASE, IN ORDER TO INSURE PUBLIC EMPLOYEES THE FULL BENEFIT OF THEIR RIGHT TO SELF-ORGANIZATION, TO COLLECTIVE BARGAINING AND OTHERWISE TO EFFECTUATE THE POLICIES OF THIS ACT, THE UNIT APPROPRIATE FOR THE PURPOSES OF COLLECTIVE BARGAINING AS PROVIDED IN SECTION 9E OF ACT NO. 176 OF THE PUBLIC ACTS OF 1939.

SEC. 14. AN ELECTION SHALL NOT BE DIRECTED IN ANY BARGAINING UNIT OR ANY SUBDIVISION WITHIN WHICH, IN THE PRECEDING 12-MONTH PERIOD, A VALID ELECTION HAS BEEN HELD. THE BOARD SHALL DETERMINE WHO IS ELIGIBLE TO VOTE IN THE ELECTION AND SHALL ESTABLISH RULES GOVERNING THE ELECTION. IN AN ELECTION INVOLVING MORE THAN 2 CHOICES, WHERE NONE OF THE CHOICES ON THE BALLOT RECEIVES A MAJORITY VOTE, A

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RUNOFF ELECTION SHALL BE CONDUCTED BETWEEN THE 2 CHOICES RECEIVING THE 2 LARGEST NUMBERS OF VALID VOTES CAST IN THE ELECTION

SEC. 15. A PUBLIC EMPLOYER SHALL BARGAIN COLLECTIVELY WITH THE REPRESENTATIVES OF ITS EMPLOYEES AS DEFINED IN SECTION 11 AND IS AUTHORIZED TO MAKE AND ENTER INTO COLLECTIVE BARGAINING AGREEMENTS WITH SUCH REPRESENTATIVES. FOR THE PURPOSES OF THIS SECTION, TO BARGAIN COLLECTIVELY IS THE PERFORMANCE OF THE MUTUAL OBLIGATION OF THE EMPLOYER AND THE REPRESENTATIVE OF THE EMPLOYEES TO MEET AT REASONABLE TIMES AND CONFER IN GOOD FAITH WITH RESPECT TO WAGES, HOURS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT, OR THE NEGOTIATION OF AN AGREEMENT, OR ANY QUESTION ARISING THEREUNDER, AND THE EXECUTION OF A WRITTEN CONTRACT, ORDINANCE OR RESOLUTION INCORPORATING ANY AGREEMENT REACHED IF REQUESTED BY EITHER PARTY, BUT SUCH OBLIGATION DOES NOT COMPEL EITHER PARTY TO AGREE TO A PROPOSAL OR REQUIRE THE MAKING OF A CONCESSION.

SEC. 16. VIOLATIONS OF THE PROVISIONS OF THIS ACT SHALL BE DEEMED TO BE UNFAIR LABOR PRACTICES AND IN ADDITION TO SUCH REMEDIES AND RELIEF AS MAY OTHERWISE BE PROVIDED BY LAW OR BY THIS ACT, MAY BE REMEDIED BY THE LABOR MEDIATION BOARD IN THE MANNER. PROVIDED IN SECTION 23 OF ACT NO. 176 OF THE PUBLIC ACTS OF 1939.

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Section 2. Sections 4, 5 and 8 of Act No. 336 of the Public Acts of 1947, being sections 423.204, 423.205 and 423.208 of the Compiled Laws of 1948, are repealed.

APPENDIX I

HOUSE BILL NO. 2954[1]

April 14, 1965, Introduced by Reps. Goemaere, Kehres, Ryan, McNeely, Constantini, Hood, Mrs. Young, Mrs. Elliott, George Montgomery, Edwards and Mrs. Ferguson and referred to the Committee on Labor.

A bill to amend the title and sections 13, 13a, 13g, 16, 22 and 23 of Act No. 176 of the Public Acts of 1939, entitled as amended

"An act to create a board for the mediation of labor disputes, and to prescribe its powers and duties; to provide for the mediation and arbitration of labor disputes, and the holding of elections thereon; to provide methods for settlement of hospital or public utility labor disputes, including the use of special fact finding commissions, to regulate the conduct of parties to labor disputes and to require the parties to follow certain procedures; to regulate and limit the right to strike and picket; to protect the rights and privileges of employees, including the right to organize and engage in lawful concerted activities; to protect the rights and privileges of employers; to make certain acts unlawful; and to prescribe penalties for violations of the provisions of this act,"

as amended and added by Act No. 230 of the Public Acts of 1559'65

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1. Text as originally introduced.

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1949, being sections 423.13, 423.13a, 423.13g, 423.16, 423.22 and 423.23 of the Compiled Laws of 1948; and to add 5 new sections to stand as sections 26, 27, 28, 29 and 30.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Section 1. The title and sections 13, 13a, 13g, 16, 22 and 23 of Act No. 176 of the Public Acts of 1939, as amended and added by Act No. 230 of the Public Acts of 1949, being sections 423.13, 423.13a, 423.13g, 423.16, 423.22 and 423.23 of the Compiled Laws of 1948, are hereby amended and 5 new sections are added to stand as section 26, 27, 28, 29 and 30, the amended title and amended and added sections to read as follows:

TITLE

An act to create a board for the mediation of labor disputes, and to prescribe its powers and duties; to provide for the mediation and arbitration of labor disputes, and the holding of elections thereon; to provide methods for settlement of hospital or public utility labor disputes, including the use of special fact finding commissions, to regulate the conduct of parties to labor disputes and to require the parties to follow certain procedures; to regulate and limit the right to strike and picket; to protect the rights and privileges of employees, including the right to organize and engage in lawful concerted activities; to pro-

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tect the rights and privileges of employers; to make certain acts unlawful; and to prescribe MEANS OF ENFORCEMENT AND penalties for violations of the provisions of this act.

Sec. 13. The provisions of sections 13a to 13g, shall be applicable only to public utility employers, public utility employees, hospital employers and hospital employees and to labor organizations representing such employees. LABOR DISPUTES INVOLVING THE DESIGNATION OR SELECTION OF COLLECTIVE BARGAINING REPRESENTATIVES FOR SUCH EMPLOYEES SHALL NOT BE CERTIFIED BY THE BOARD TO THE GOVERNOR, AS PROVIDED IN SECTION 13A, BUT SUCH DISPUTES SHALL BE DETERMINED IN ACCORDANCE WITH SECTIONS 26 TO 30.

Sec. 13a. (1). In case of any labor dispute involving hospital or public utility employees, EXCEPT LABOR DISPUTES CONCERNING THE DESIGNATION OR SELECTION OF COLLECTIVE BARGAINING REPRESENTATIVES, the following procedure shall be followed.

(2). Disputes for which a settlement procedure is provided in a collective agreement between a hospital or public utility employer and a labor organization shall be handled in accordance with such prodedure, or if such procedure does not terminate in voluntary arbitration or does not result in settlement, then in accordance with the procedure provided in

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subsection (3).

(3). Disputes concerning wages, hours, or other terms or conditions of employment, or concerning the interpretation or application of a collective agreement, which are not settled pursuant to the procedure, if any, provided for such settlement in a collective agreement or in a separate agreement between a hospital or public utility employer and a labor organization, shall be handled and settled in accordance with the following procedure:

(a). The board shall intervene and investigate such dispute to determine whether theparties have engaged in collective bargaining as herein defined. The parties to a hospital or public utility dispute shall be obligated under this act to bargain collectively at all times. The parties shall be under a further obligation to participate actively and in good faith in the mediation of such dispute by the board.

(b). The board shall also, if at any time it concludes that the parties may not be able to settle their disputes by bargaining, mediation and conciliation, urge upon the parties that they submit the same to arbitration pursuant to section 9d. If, within 30 days following the notice to the board, the dispute has not been resolved, or sumbitted to voluntary arbitration, the board forthwith shall certify

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such dispute to the governor.

(c). The governor shall cause the dispute to be submitted to a special commission as provided in section 13b

Sec. 13g. It shall be unlawful for a hospital or public utility employer to engage in or continue a lockout, or for a labor organization to engage in or continue a strike or other work stoppage, slowdown, or other attempt to interrupt a hospital or public utility service, before the proceedings provided in sections 13a to 13e have been completed.or where the same is applicable, before completion of the procedure contained in section 9c. At the request of the governor, the attorney general shall, on behalf of the people, petition any circuit court having jurisdiction for appropriate injunctive relief with respect to any such unlawful conduct. An employer or labor organization which engages in conduct in violation of such injunction shall, upon conviction thereof, be deemed guilty of contempt of court and be punished by a fine of not more than $10,000.00 for each day during which such violation occurs or continues, and any officer or agent of such employer or labor organization who instigates, aids, or abets such violation shall be subject to a fine of not more than $1,000.00 or by imprisonment for not more than 6 months, or by both such fine and such imprison-

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ment: Provided, that SUBJECT TO PUNISHMENT THEREFOR. Nothing in this act shall be construed to require an individual employee to continue rendering labor or service without his consent or to make illegal the quitting of his employment, and no court shall have power to issue any process to compel any such employee to continue to render such labor or to remain at his place of employment without his consent.

Sec. 16. It shall be unlawful for an employer or any officer or agent of an employer (1) to interfere with, restrain, or coerce employees in the exercise of their right to self-organization; (2) to initiate, create, dominate, contribute to, or interfere with the formation or administration of, any labor organization; (3) to discriminate in regard to hire, terms or other conditions of employment in order to encourage or discourage membership in any labor organization; (4) or encourage membership in, or initiate, create, dominate, or contribute to a company union; or (5) to discriminate against any employee because he has given testimony or instituted a proceeding under this act. Violation of this section shall be a misdemeanor and punishable as such.

Sec. 22. (a) It shall be unlawful for an employer to engage in a lockout or for a labor organization to engage in or instigate a strike (1) without first having served notice

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as required in section 9 of this act, or (2) which has not been authorized by a vote of employees as required by section 9a of this act, or (3) while mediation is pending or proceeding with respect to the issues involved under section 9a of this act, or (4) while mediation or an election is pending under section 9c of this act, or (5) while any of the procedures specified in sections 13a to 13e, inclusive, are pending or proceeding with respect to the issues involved. Any employer or labor organization which commits such unlawful act, shall upon conviction thereof, be punished by a fine of not more than $1,000.00 for each such violation, and for this purpose each day during which such unlawful act occurs or continues shall be deemed to constitute a separate offense.

(b). It shall be unlawful for any individual to instigate a lockout or strike which is unlawful under this section. Any individual who commits such unlawful act, shall, upon conviction thereof, be guilty of a misdemeanor and punishable as such.

(c). The board, the attorney general, or any prosecuting attorney, on behalf of the people, or any individual or person, may pursue any appropriate legal or equitable remedy or other relief in any circuit court having jurisdiction with respect to any act or conduct in violation of any of the provisions of this act. The existence of a criminal penalty

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with respect to any such act or conduct shall not be deemed to preclude appropriate equitable relief.

Sec. 23. Rulings or orders promulgated by the board shall be reviewable only by the supreme court and on petition for writ of certiorari or such other process as may be appropriate, EXCEPT AS PROVIDED IN THIS SECTION.

(A) VIOLATIONS OF THE PROVISIONS OF THIS ACT, EXCEPT SECTIONS 9F, 15 AND 17, SHALL BE DEEMED TO BE UNFAIR LABOR PRACTICES AND, IN ADDITION TO SUCH REMEDIES AND RELIEF AS MAY OTHERWISE BE PROVIDED BY LAW OR BY THIS ACT, SHALL BE REMEDIED BY THE BOARD IN THE MANNER PROVIDED IN THIS SECTION.

(B) WHENEVER IT IS CHARGED THAT ANY PERSON HAS ENGAGED IN OR IS ENGAGING IN ANY SUCH UNFAIR LABOR PRACTICE, THE BOARD, OR ANY AGENT DESIGNATED BY THE BOARD FOR SUCH PURPOSES, MAY ISSUE AND CAUSE TO BE SERVED UPON THE PERSON A COMPLAINT STATING THE CHARGES IN THAT RESPECT, AND CONTAINING A NOTICE OF HEARING BEFORE THE BOARD OR A MEMBER THEREOF, OR BEFORE A DESIGNATED AGENT, AT A PLACE THEREIN FIXED, NOT LESS THAN 5 DAYS AFTER THE SERVING OF THE COMPLAINT. NO COMPLAINT SHALL ISSUE BASED UPON ANY UNFAIR LABOR PRACTICE OCCURRING MORE THAN 6 MONTHS PRIOR TO THE FILING OF THE CHARGE WITH THE BOARD AND THE SERVICE OF A COPY THEREOF UPON THE PERSON AGAINST WHOM THE CHARGE IS MADE, UNLESS THE PERSON AGGRIEVED THEREBY WAS PREVENTED FROM FILING THE CHARGE BY REASON OF

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SERVICE IN THE ARMED FORCES, IN WHICH EVENT THE 6 MONTH PERIOD SHALL BE COMPUTED FROM THE DAY OF HIS DISCHARGE. ANY COMPLAINT MAY BE AMENDED BY THE MEMBER OR AGENT CONDUCTING THE HEARING OR THE BOARD, AT ANY TIME PRIOR TO THE ISSUANCE OF AN ORDER BASED THEREON. THE PERSON UPON WHOM THE COMPLAINT IS SERVED MAY FILE AN ANSWER TO THE ORIGINAL OR AMENDED COMPLAINT AND TO APPEAR IN PERSON OR OTHERWISE AND GIVE TESTIMONY AT THE PLACE AND TIME FIXED IN THE COMPLAINT. IN THE DISCRETION OF THE MEMBER OR AGENT CONDUCTING THE HEARING OR THE BOARD, ANY OTHER PERSON MAY BE ALLOWED TO INTERVENE IN THE PROCEEDING AND TO PRESENT TESTIMONY. ANY PROCEEDING SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 5 OF ACT NO. 197 OF THE PUBLIC ACTS OF 1952, AS AMENDED, BEING SECTION 24.105 OF THE COMPILED LAWS OF 1948.

(C) THE TESTIMONY TAKEN BY THE MEMBER, AGENT OR THE BOARD SHALL BE REDUCED TO WRITING AND FILED WITH THE BOARD. THEREAFTER THE BOARD UPON NOTICE MAY TAKE FURTHER TESTIMONY OR HEAR ARGUMENT. IF UPON THE PREPONDERANCE OF THE TESTIMONY TAKEN THE BOARD IS OF THE OPINION THAT ANY PERSON NAMED IN THE COMPLAINT HAS ENGAGED IN OR IS ENGAGING IN THE UNFAIR LABOR PRACTICE, THEN IT SHALL STATE ITS FINDINGS OF FACT AND SHALL ISSUE AND CAUSE TO BE SERVED ON THE PERSON AN ORDER REQUIRING HIM TO CEASE AND DESIST FROM THE UNFAIR LABOR PRACTICE, AND TO TAKE SUCH AFFIRMATIVE ACTION INCLUDING REINSTATEMENT

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OF EMPLOYEES WITH OR WITHOUT BACK PAY, AS WILL EFFECTUATE THE POLICIES OF THIS ACT. THE ORDER MAY FURTHER REQUIRE THE PERSON TO MAKE REPORTS FROM TIME TO TIME SHOWING THE EXTENT TO WHICH HE HAS COMPLIED WITH THE ORDER. IF UPON THE PREPONDERANCE OF THE TESTIMONY TAKEN THE BOARD IS NOT OF THE OPINION THAT THE PERSON NAMED IN THE COMPLAINT HAS ENGAGED IN OR IS ENGAGING IN THE UNFAIR LABOR PRACTICE, THEN THE BOARD SHALL STATE ITS FINDINGS OF FACT AND SHALL ISSUE AN ORDER DISMISSING THE COMPLAINT. NO ORDER OF THE BOARD SHALL REQUIRE THE REINSTATEMENT OF ANY INDIVIDUAL AS AN EMPLOYEE WHO HAS BEEN SUSPENDED OR DISCHARGED, OR THE PAYMENT TO HIM OF ANY BACK PAY, IF THE INDIVIDUAL WAS SUSPENDED OR DISCHARGED FOR CAUSE. IF THE EVIDENCE IS PRESENTED BEFORE A MEMBER OF THE BOARD, OR BEFORE EXAMINERS THEREOF, THE MEMBER, OR EXAMINERS SHALL ISSUE AND CAUSE TO BE SERVED ON THE PARTIES TO THE PROCEEDING A PROPOSED REPORT, TOGETHER WITH A RECOMMENDED ORDER, WHICH SHALL BE FILED WITH THE BOARD, AND IF NO EXCEPTIONS ARE FILED WITHIN 20 DAYS AFTER SERVICE THEREOF UPON THE PARTIES, OR WITHIN SUCH FURTHER PERIOD AS THE BOARD MAY AUTHORIZE, THE RECOMMENDED ORDER SHALL BECOME THE ORDER OF THE BOARD AND BECOME EFFECTIVE AS PRESCRIBED IN THE ORDER.

(D) UNTIL THE RECORD IN A CASE HAS BEEN FILED IN A COURT, THE BOARD AT ANY TIME, UPON RESONABLE NOTICE AND IN SUCH MANNER AS IT DEEMS PROPER, MAY MODIFY OR SET ASIDE, IN

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WHOLE OR IN PART, ANY FINDING OR ORDER MADE OR ISSUED BY IT.

(E) THE BOARD MAY PETITION ANY CIRCUIT COURT HAVING JURISDICTION EITHER OVER THE PLACE WHERE THE UNFAIR LABOR PRACTICE OCCURRED OR OVER THE PLACE WHERE THE PERSON UPON WHOM THE COMPLAINT IS SERVED RESIDES OR TRANSACTS BUSINESS, FOR THE ENFORCEMENT OF THE ORDER AND FOR APPROPRIATE TEMPORARY RELIEF OR RESTRAINING ORDER, AND SHALL FILE IN THE COURT THE RECORD IN THE PROCEEDINGS. UPON THE FILING OF THE PETITION, THE COURT SHALL CAUSE NOTICE THEREOF TO BE SERVED UPON THE PERSON, AND THEREUPON SHALL HAVE JURISDICTION OF THE PROCEEDING AND SHALL GRANT SUCH TEMPORARY OR PERMANENT RELIEF OR RESTRAINING ORDER AS IT DEEMS JUST AND PROPER, ENFORCING, MODIFYING, ENFORCING AS SO MODIFIED, OR SETTING ASIDE IN WHOLE OR IN PART THE ORDER OF THE BOARD. NO OBJECTION THAT HAS NOT BEEN URGED BEFORE THE BOARD, ITS MEMBER OR AGENT, SHALL BE CONSIDERED BY THE COURT, UNLESS THE FAILURE OR NEGLECT TO URGE THE OBJECTION IS EXCUSED BECAUSE OF EXTRAORDINARY CIRCUMSTANCES. THE FINDINGS OF THE BOARD WITH RESPECT TO QUESTIONS OF FACT IF SUPPORTED BY COMPETENT, MATERIAL AND SUBSTANTIAL EVIDENCE ON THE RECORD CONSIDERED AS A WHOLE SHALL BE CONCLUSIVE. IF EITHER PARTY APPLIES TO THE COURT FOR LEAVE TO PRESENT ADDITIONAL EVIDENCE AND SHOWS TO THE SATISFACTION OF THE COURT THAT THE ADDITIONAL EVIDENCE IS MATERIAL AND THAT THERE WERE REASONABLE GROUNDS FOR THE FAILURE TO PRE-

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SENT IT IN THE HEARING BEFORE THE BOARD, ITS MEMBER OR AGENT, THE COURT MAY ORDER THE ADDITIONAL EVIDENCE TO BE TAKEN BEFORE THE BOARD, ITS MEMBER OR AGENT, AND TO BE MADE A PART OF THE RECORD. THE BOARD MAY MODIFY ITS FINDINGS AS TO THE FACTS, OR MAKE NEW FINDINGS, BY REASON OF ADDITIONAL EVIDENCE SO TAKEN AND FILED, AND IT SHALL FILE THE MODIFYING OR NEW FINDINGS, WHICH FINDINGS WITH RESPECT TO QUESTIONS OR FACT IF SUPPORTED BY COMPETENT, MATERIAL AND SUBSTANTIAL EVIDENCE ON THE RECORD CONSIDERED AS A WHOLE SHALL BE CONCLUSIVE, AND SHALL FILE ITS RECOMMENDATIONS, IF ANY, FOR THE MODIFICATION OR SETTING ASIDE OF ITS ORIGINAL ORDER. UPON THE FILING OF THE RECORD WITH IT THE JURISDICTION OF THE COURT SHALL BE EXCLUSIVE AND ITS JUDGMENT AND DECREE SHALL BE FINAL, EXCEPT THAT THE SAME SHALL BE SUBJECT TO REVIEW BY THE COURT OF APPEALS AND THE SUPREME COURT IN ACCORDANCE WITH THE GENERAL COURT RULES.

(F) ANY PERSON AGGRIEVED BY A FINAL ORDER OF THE BOARD GRANTING OR DENYING IN WHOLE OR IN PART THE RELIEF SOUGHT MAY OBTAIN A REVIEW OF SUCH ORDER IN ANY CIRCUIT COURT IN THE CIRCUIT WHERE THE UNFAIR LABOR PRACTICE IN QUESTION WAS ALLEGED TO HAVE OCCURRED OR WHERE THE PERSON UPON WHOM THE COMPLAINT WAS SERVED RESIDES OR TRANSACTS BUSINESS, BY FILING IN THE COURT A COMPLAINT PRAYING THAT THE ORDER OF THE BOARD BE MODIFIED OR SET ASIDE, WITH COPY OF THE COMPLAINT FILED

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ON THE BOARD, AND THEREUPON THE AGGRIEVED PARTY SHALL FILE IN THE COURT THE RECORD IN THE PROCEEDING, CERTIFIED BY THE BOARD. UPON THE FILING OF THE COMPLAINT, THE COURT SHALL PROCEED IN THE SAME MANNER AS IN THE CASE OF AN APPLICATION BY THE BOARD UNDER SUBSECTION (E), AND SHALL GRANT TO THE BOARD SUCH TEMPORARY FELIEF OR RESTRAINING ORDER AS IT DEEMS JUST AND PROPER, ENFORCING, MODIFYING, ENFORCING AS SO MODIFIED, OR SETTING ASIDE IN WHOLE OR IN PART THE ORDER OF THE BOARD. THE FINDINGS OF THE BOARD WITH RESPECT TO QUESTIONS OF FACT IF SUPPORTED BY COMPETENT, MATERIAL AND SUBSTANTIAL EVIDENCE ON THE RECORD CONSIDERED AS A WHOLE SHALL BE CONCLUSIVE.

(G) THE COMMENCEMENT OF PROCEEDINGS UNDER SUBSECTIONS (E) OR (F) SHALL NOT, UNLESS SPECIFICALLY ORDERED BY THE COURT, OPERATE AS A STAY OF THE BOARD'S ORDER.

(H) COMPLAINTS FILED UNDER THIS ACT SHALL BE HEARD EXPEDITIOUSLY BY THE COURT.

(I) THE BOARD SHALL HAVE POWER, UPON ISSUANCE OF A COMPLAINT AS PROVIDED IN SUBSECTION (B) CHARGING THAT ANY PERSON HAS ENGAGED IN OR IS ENGAGING IN AN UNFAIR LABOR PRACTICE, TO PETITION ANY CIRCUIT COURT WITHIN ANY CIRCUIT WHERE THE UNFAIR LABOR PRACTICE IN QUESTION IS ALLEGED TO HAVE OCCURRED OR WHERE SUCH PERSON RESIDES OR TRANSACTS BUSINESS, FOR APPROPRIATE TEMPORARY RELIEF OR RESTRAINING ORDER, IN ACCORDANCE WITH THE GENERAL COURT RULES, AND THE COURT SHALL

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HAVE JURISDICTION TO GRANT TO THE BOARD SUCH TEMPORARY RELIEF OR RESTRAINING ORDER AS IT DEEMS JUST AND PROPER.

(J) FOR THE PURPOSE OF ALL HEARINGS AND INVESTIGATIONS, WHICH, IN THE OPINION OF THE BOARD, ARE NECESSARY AND PROPER FOR THE EXERCISE OF THE POWERS VESTED IN IT UNDER THIS SECTION, THE PROVISIONS OF SECTION 11 SHALL BE APPLICABLE, EXCEPT THAT SUBPOENAS MAY ISSUE AS PROVIDED IN SECTION 11 WITHOUT REGARD TO WHETHER MEDIATION SHALL HAVE BEEN UNDERTAKEN.

(K) THE LABOR RELATIONS AND MEDIATION FUNCTIONS OF THIS ACT SHALL BE SEPARATELY ADMINISTERED BY THE BOARD.

SEC. 26. REPRESENTATIVES DESIGNATED OR SELECTED FOR THE PURPOSES OF COLLECTIVE BARGAINING BY THE MAJORITY OF THE EMPLOYEES IN A UNIT APPROPRIATE FOR SUCH PURPOSES, OR BY THE MAJORITY OF THE EMPLOYEES VOTING IN AN ELECTION CONDUCTED PURSUANT TO THIS ACT, SHALL BE THE EXCLUSIVE REPRESENTATIVES OF ALL THE EMPLOYEES IN SUCH UNIT FOR THE PURPOSES OF COLLECTIVE BARGAINING IN RESPECT TO RATES OF PAY, WAGES, HOURS OF EMPLOYMENT OR OTHER CONDITIONS OF EMPLOYMENT, AND SHALL BE SO RECOGNIZED BY THE EMPLOYER; BUT ANY INDIVIDUAL EMPLOYEE AT ANY TIME MAY PRESENT GRIEVANCES TO HIS EMPLOYER AND HAVE THE GRIEVANCES ADJUSTED, WITHOUT INTERVENTION OF THE BARGAINING REPRESENTATIVE, IF THE ADJUSTMENT IS NOT INCONSISTENT WITH THE TERMS OF A COLLECTIVE BARGAINING CONTRACT OR AGREE-

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MENT THEN IN EFFECT, IF THE BARGAINING REPRESENTATIVE HAS BEEN GIVEN OPPORTUNITY TO BE PRESENT AT SUCH ADJUSTMENT.

SEC. 27. WHENEVER A QUESTION ARISES BETWEEN AN EMPLOYER AND ITS EMPLOYEES OR A LABOR ORGANIZATION AS TO WHETHER THE LABOR ORGANIZATION REPRESENTS SUCH EMPLOYEES, A PETITION MAY BE FILED, IN ACCORDANCE WITH SUCH RULES AND REGULATIONS AS MAY BE PRESCRIBED BY THE BOARD:

(A) BY AN EMPLOYEE OR GROUP OF EMPLOYEES, OR AN INDIVIDUL OR LABOR ORGANIZATION ACTING IN THEIR BEHALF, ALLEGING THAT 30% OR MORE OF THE EMPLOYEES WITHIN A UNIT CLAIMED TO BE APPROPRIATE FOR SUCH PURPOSE WISH TO BE REPRESENTED FOR COLLECTIVE BARGAINING AND THAT THEIR EMPLOYER DECLINES TO RECOGNIZE THEIR REPRESENTATIVE AS THE REPRESENTATIVE DEFINED IN SECTION 26, OR ASSERT THAT THE INDIVIDUAL OR LABOR ORGANIZATION, WHICH HAS BEEN CERTIFIED OR IS BEING CURRENTLY RECOGNIZED BY THEIR EMPLOYER AS THE BARGAINING REPRESENTATIVE, IS NO LONGER A REPRESENTATIVE AS DEFINED IN SECTION 26; OR

(B) BY AN EMPLOYER OR HIS REPRESENTATIVE ALLEGING THAT 1 OR MORE INDIVIDUALS OR LABOR ORGANIZATIONS HAVE PRESENTED TO HIM A CLAIM TO BE RECOGNIZED AS THE REPRESENTATIVE DEFINED IN SECTION 26.

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THE BOARD SHALL INVESTIGATE THE PETITION AND, IF IT HAS REASONABLE CAUSE TO BELIEVE THAT A QUESTION OF REPRESENTATION EXISTS, SHALL PROVIDE AN APPROPRIATE HEARING AFTER DUE NOTICE. IF THE BOARD FINDS UPON THE RECORD OF THE HEARING THAT A QUESTION OR REPRESENTATION EXISTS, IT SHALL DIRECT AN ELECTION BY SECRET BALLOT AND SHALL CERTIFY THE RESULTS THEREOF. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT THE WAIVING OR HEARINGS BY STIPULATION FOR THE PURPOSE OF A CONSENT ELECTION IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE BOARD.

SEC. 28. THE BOARD SHALL DECIDE IN EACH CASE, IN ORDER TO INSURE EMPLOYEES THE FULL BENEFIT OF THEIR RIGHT TO SELF-ORGANIZATION, TO COLLECTIVE BARGAINING AND OTHERWISE TO EFFECTUATE THE POLICIES OF THIS ACT, THE UNIT APPROPRIATE FOR THE PURPOSES OF COLLECTIVE BARGAINING AS PROVIDED IN SECTION 9E.

SEC. 29. AN ELECTION SHALL NOT BE DIRECTED IN ANY BARGAINING UNIT OR ANY SUBDIVISION WITHIN WHICH, IN THE PRECEDING 12-MONTH PERIOD, A VALID ELECTION HAS BEEN HELD. THE BOARD SHALL DETERMINE WHO IS ELIGIBLE TO VOTE IN THE ELECTION AND SHALL ESTABLISH RULES GOVERNING THE ELECTION. A RERUN ELECTION MAY BE CONDUCTED IN THE EVENT OF CONDUCT IMPROPERLY AFFECTING A PRIOR ELECTION. IN AN ELECTION INVOLVING MORE THAN 2 CHOICES, WHERE NONE OF THE CHOICES ON THE BALLOT

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RECEIVES A MAJORITY VOTE, A RUNOFF ELECTION SHALL BE CONDUCTED BETWEEN THE 2 CHOICES RECEIVING THE 2 LARGEST NUMBERS OF VALID VOTES CAST IN THE ELECTION.

SEC. 30. AN EMPLOYER SHALL BARGAIN COLLECTIVELY WITH THE REPRESENTATIVES OF ITS EMPLOYEES AS DEFINED IN SECTION 26 AND IS AUTHORIZED TO MAKE AND ENTER INTO COLLECTIVE BARGAINING AGREEMENTS WITH SUCH REPRESENTATIVES. FOR THE PURPOSES OF THIS SECTION, TO BARGAIN COLLECTIVELY IS THE PERFORMANCE OF THE MUTUAL OBLIGATION OF THE EMPLOYER AND THE REPRESENTATIVE OF THE EMPLOYEES TO MEET AT REASONABLE TIMES AND CONFER IN GOOD FAITH WITH RESPECT TO WAGES, HOURS AND OTHER TERMS AND CONDITIONS OR EMPLOYMENT, OR THE NEGOTIATION OF AN AGREEMENT, OR ANY QUESTION ARISING UNDER AN AGREEMENT, AND THE EXECUTION OF A WRITTEN CONTRACT INCORPORATING ANY AGREEMENT REACHED IF REQUESTED BY EITHER PARTY, BUT SUCH OBLIGATION DOES NOT COMPEL EITHER PARTY TO AGREE TO A PROPOSAL OR REQUIRE THE MAKING OF A CONCESSION.

APPENDIX J

LETTER: HOWLETT TO LEVIN

LABOR MEDIATION BOARD
(OFFICIAL LMB STATIONERY)
June 9, 1965

COPIED FROM
A PHOTOCOPY
HELD by the MEA

Hon. Sander Levin
State Senate
The Capital
Lansing, Michigan

Re: House Bill No. 2945

Dear Senator Levin:

This letter supplements our conversation of Monday, June 7, 1965.

Some teacher groups in Michigan have sought to secure an amendment to the Michigan Labor Mediation Act or a new statute which would recognize the professional status of teachers, and remove from the Labor Mediation Board the jurisdiction of disputes involving teachers. As the Board members previously advised you, we took no position on this legislation. The bill which passed the House of Representatives did not provide for separate jurisdiction for teachers, either within the Labor Mediation Board or by means of separate agency.

You suggested the possibility of amendment to Section 10 of the Labor Mediation Act to carry out this desire of the teacher groups. Specifically, your suggestion is that the last sentence of Section 10 be amended to read as follows:

> "In carrying out any of its work under this act, the Board may designate 1 of its members or an officer of the Board to act in its behalf and may delegate to such designee 1 or more of its duties hereunder, <u>including, by way of illustration and not limitation, the mediation of specialized categories of disputes, or grievances</u>, and for such prupose, such designed shall have all of the powers hereby conferred upon the Board in connection with the discharge of the duty or duties so delegated." (The proposed new material is underlined.)

(Appendix J Cont.)

I have conferred with my colleague, Leo Walsh, Phil Weiss is on vacation in the east. I was unable to contact him today and decided that this letter should go out right away. I am certain, however, that he concurs with Leo Walsh and me for we have discussed this matter generally. Phil Weiss and I are in agreement that if Section 10 of the Mediation Act is amended by Board will establish within our staff a mediator or mediators (depending on the number required) who will be designated to handle matters pertaining to teachers. These men will receive special training for this work. If necessary, additional staff members will be sought through the civil service procedures of the state of Michigan.

Sincerely yours,

Robert G. Howlett
Chairman

RGH/gg

APPENDIX K

ANALYSIS OF HOUSE BILLS NOs. 2954 (SENATE BILL 619) TO AMEND THE MEDIATION ACT AND 2953 (SENATE BILL 621) TO AMEND THE HUTCHINSON ACT, by MEMBERS OF LABOR MEDIATION BOARD[1]

We have not prepared an analysis of House Bill No. 2923 because, after discussion with members of the Senate and the House Labor Committees last week, it appears that this bill will probably not be reported out of committee. We believe there is merit in a statute which would establish a State Labor Relations Board with powers in the intrastate commerce similar to those vested in the National Labor Relations Board in the interstate area.

If an "omnibus" bill should be enacted, it should include all provisions of the National Labor Relations Act, as amended, (herein referred to as NLRA), in order that the State Labor Mediation Board may seek to secure cession of jurisdiction from the National Labor Relations Board as authorized in Section 10a of NLRA.

If it appears that enactment of House Bill No. 2923 is a possibility, we will make detailed comments on that bill. Perhaps one general comment should be made. We doubt the necessity of separating the labor relations and mediation functions into separate agencies. We believe that Michigan could, like Wisconsin operate with a single agency, the labor relations and

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1. LABOR MEDIATION BOARD Official Stationery. Undated.

(Appendix K Cont.)

mediations functions to be separated into two divisions subject to the general jurisdiction of the Board.

HOUSE BILL 2954

This bill proposes to amend the Michigan Labor Mediation Act in the following respects:

1. Empowers the Labor Mediation Board to conduct representation elections in the context of a representation question rather than as a strike vote.
2. Treats hospitals and public utilities for representation purposes in the same manner as other employers.
3. Provides for decertification elections.
4. Eliminates the criminal penalties.
5. Authorizes the Board to order employers to cease and desist from unfair practices.[1]

SECTIONS 1 through 12

This bill does not amend these sections.

Comment: We suggest that the statute require that the Board be bi-partisan. It is a more effective agency with both political parties represented. The Amendment to the first sentence of Section 3 would accomplish this. Insert after "forever" the following: "not more than two of whom shall be members of the same political party." We also suggest that an increase in the

Footnote 1 - The bill goes beyond Senate Bill No. 1111, which was introduced in the 72nd Legislature (Regular Session, 1964).

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compensation of the members of the Board, fixed by Section 5, is warranted. This will be the subject of a letter to the Hon. Samuel Levin, Chairman of the Senate Labor Committee, and the Hon. James Bradley, Chairman of the House Labor Committee.

SECTION 9f

This section prohibits certain types of picketing. The last sentence, which refers to criminal penalties, should be deleted. We prefer that the activities listed in Section 9f not be considered as unfair labor practices with enforcement vested in the Board but that they remain subject to enforcement by the Circuit Court.

SECTIONS 13 and 13a

Remove representation disputes from the Governor's Special Commission procedure established by Sections 13a to 13g.

The present statute treats disputes in hospitals and public utilities differently than disputes in other enterprises.[2]

Footnote 2 - The Board's power in public utilities disputes was almost completely eliminated in 1955 when the United States District Court for Western Michigan held that jurisdiction over utilities which affect interstate commerce is exclusively within the scope of the National Labor Relations Board. Grand Rapids City Coach Lines, Inc. v. Howlett, 137 F. Supp. 667. The procedure for utilities is the same as for private hospitals; hence we refer in the text only to hospitals.

(Appendix K Cont.)

If a dispute does not result in settlement, the Board is directed to intervene and investigate the dispute to determine whether the parties have engaged in collective bargaining as required by the statute. If the Board concludes that a hospital and its employees may not be able to settle their dispute by mediation and bargaining, and the parties refuse to arbitrate, the Board is directed to certify the dispute to the Governor. The Governor then appoints a special commission which holds hearings on the dispute and issues written findings and non-binding recommendations.

The statute does not distinguish between representation questions and issues involving wages, hours and other conditions of employment. When a union claims to represent hospital employees and the hospital employer refuses to recognize the union, the Board has no choice but to refer the case to the Governor for appointment of a special commission. These commissions have cost the State of Michigan an average of over $1,000 each. And each commission has, in every instance (except one which involved an unusual situation) recommended that an election be held to determine whether the employees wished to be represented by a union. Attached hereto is a list, and cost, of the special commissions appointed by the Governors during the past six years.

This lengthly procedure has not only cost the taxpayers a substantial amount of money, but has served no useful purpose; because the only recommendations which the commissions can make in representation disputes is that a secret vote be held to determine whether the employees wish to be represented by a union.

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In addition, and of perhaps greater importance, employees have been delayed in their right to decide whether they wish to have a union represent them in collective bargaining with their employer, a right vested in them by Section 8. If justice delayed is justice denied, the special commission procedure (1) breaches the purpose of the law; and (2) this delay, both at hospitals and in other intrastate business, can only result in increased friction and a deterioration in the relationship between employer and employees.

The policy of the statute enunciated in Section 1 can best be served by having the representation issue for hospital employees, as well as for those in other enterprises, be decided as quickly as administratively possible.

The special commission procedure for disputes involving conditions of employment will remain in the statute.

SECTION 13b

We suggest the per diem fee of $50.00 for members of the Governor's Special Commissions be increased to $100.00. The arbitrator's minimum fee is $100.00 and most charge an excess of that amount. The $50.00 per day per diem was established by the Legislature in 1949, and has not been changed since. While members of the Governor's Special Commissions accept appointments primarily as a public service, they should receive recompense equal, or nearly equal, to amounts received by them in private employment. With the elimination of Governor's Special

(Appendix K Cont.)

Commissions for representation disputes there will be fewer commissions appointed.

SECTION 13g

The language providing that violation of an injunction issued by a court in a hospital or public utilities disputes shall be punished by fine or imprisonment, has been eliminated. We favor the amendment. The statute should not provide criminal penalties. Neither unfair labor practices nor violation of an injunction is a crime. The NLRA does not contain criminal penalties.

The section provides that both walkouts and strikes shall be illegal before the proceedings in Section 13a to 13e have been completed or where applicable, completion of the procedure contained in Section 9c. Section 9c pertains to jurisdictional disputes, and with an election under Section 9e to determine the jurisdictional issue. This raises a question as to whether a jurisdictional dispute is covered by the Governor's Special Commission procedure. The text would seem to authorize a strike after the election under 9c even though no Governor's Commission had been appointed. If hospitals are to be treated for representational purposes as other employers, there would seem to be no reason for reference to the Section 9c. Thus a period could be placed after "completed" and the words "or where the same is applicable, before the completion of the procedure contained in Section 9." could be stricken.

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SECTION 14

Section 14 authorizes the closed, as distinguished from the union, shop.

There may be merit in following the federal pattern. This would prohibit the closed shop, and authorize the union shop with membership in industry generally required on the basis of dues payment after 30 days, and in the contruction industry after 7 days.

SECTION 15

This section was apparently placed in the statute primarily to outlaw sit-down strikes.

The last sentence, which refers to criminal penalties, should be deleted. We prefer that the activities listed in Section 15 not be considered as unfair labor practices with enforcement vested in the board, but that they remain subject to enforcement by the Circuit Courts.

SECTION 16

This section defines employer unfair labor practices which, with some variation in wording, are the unfair labor practices specified in Section 8(a) of NLRA. The last sentence of the section providing that violation shall be a misdemeanor should be deleted. The principal difference between the Labor Mediation Act and NLRA is that violations of Section 16 are punishable as misdemeanors or through the equity powers of the

(Appendix K Cont.)

Circuit Courts, whereas under the NLRA the National Labor Relations Board issues cease and desist orders, with enforcement vested in the Courts of Appeals under the power to punish.

If the Board is to have cease and desist powers as provided in Section 23, we believe it preferable that the unfair labor practices specified in Section 8(b) of NLRA be included and that the language be changed to conform with the NLRA.

SECTION 17

This section establishes employee unfair labor practices and antedated the unfair labor practices of Section 8.

As stated in our discussion of Section 16, we believe there is merit in using thelanguage of the NLRA. The last sentence, which provides for criminal penalties, should be eliminated.

SECTION 22

The criminal penalties are removed from subsections (a) and (b). The last sentence of Section 22 (c) which refers to criminal penalties should also be deleted.

SECTION 23 (A)

This is a new provision which specified that violations of the Act, except sections 9f, (listed as 9F), 15, and 17 shall be deemed to be unfair labor practices which may be remedied by the Board. We have suggested under Section 16 and 17 that these sections be revised to follow the language of the NLRA

(Appendix K Cont.)

if the Board have power to remedy unfair labor practices of both employers and unions.

The subsection as written removes from the Board's jurisdiction the practices specified in sections 9f (picketing), 15 (sit-down strikes) and 17 (unfair organizing practices). As stated above we prefer that the practices specified in 9f and 15 not be subject to Labor Mediation Board jurisdiction. Consequently, the reference to Section 17 should be deleted, exceptions being limited to sections 9f and 15.

SECTION 23 (B)

This section generally follows Section 10(b) of NRLA. Page 9, line 23 the word "him" should be "such person." Page 10, line 2. The bill omits two provisions found in NRLA. One makes both employer and labor organization responsible for discrimination. The second provides that labor relations regulations shall be applicable whether or not a labor organization affected is affiliated with national or international labor organization. The first proviso has merit and should be included. The second seems unnecessary. Page 10, line 4. The word "he" should read "such person".

SECTION 23(E) and (F)

Decision should be made as to whether appeal should be to a Circuit Court as provided in the bill, or to the Court of Appeals, consistent with the Federal practice. Page 11, line 11.

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The words "and of the question determined therein" after the word "ceeding" are omitted. The phrase is included in NLRA. The omission may not be important. Page 11, line 19: Page 12, line 8; Page 13, line 10: NLRA refers to "substantial evidence". The bill refers to "competent, material and substantial evidence." Evidently the drafter seeks to give the Circuit Courts power to determine whether the evidence submitted to the Board is competent and material, as well as substantial. We foresee difficulties of review if Circuit Courts have the power to determine both competency and materiality as well as the substantial nature of evidence. It seems doubtful that members of the Labor Mediation Board are less qualified, particularly in the labor relations area, to determine compentency and materiality, than the circuit judges.

SECTION 23(G)

Page 13, line 12. The word "subsections" should be singular (subsection) as the reference is to "(e) or (f), rather than (d) and (f)."

SECTION 23(I)

Page 14, following line 2. Section 10(k) and 10(1) of the NLRA are omitted. Section 10(k) and 10(1) and probably 10(m) are necessary in the event the bill is amended to include unfair labor practices as defined in NLRA.

SECTION 23(K)

This section provides that the labor relations and

(Appendix K Cont.)

mediation functions of the Act shall be separately administered by the Board.

We are in accord with the principle but suggest it be a separate section rather than part of section 23.

SECTION 24

This section, which provides for criminal penalties, should be deleted.

SECTION 25

The proviso in this section establishes a method of mediation and fact finding which may be adopted by public employers. It has never been used.

We recommend that all the language after the word "public" be deleted, and that a period replace the colon.

SECTION 26

This paragraph is patterned on Section 9(a) of NLRA. The section adds two phrases "or by the majority of the employees voting in an election conducted pursuant to this Act" and "and shall be so recognized by the employer". There is also one elimination - the provision that a "group of employees" shall have the right to present grievances to an employer.

We suggest that the section be revised to follow the language of the NLRA. There seems to be no purpose in the changes.

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COST OF SPECIAL COMMISSIONS FOR HOSPITALS

Year	Hospital	Amount	Total
July 1, 1959, to June 30, 1960			
August, 1959	Oakwood Hospital, Dearborn	$1,247.48	
January, 1960	Grand Rapids Osteopathic Hospital, Grand Rapids	573.48	
March, 1960	Mount Carmel Hospital, Detroit	966.70	$2,787.66
	* * * * * * * * * * * *		
July 1, 1960, to June 30, 1961			
October, 1960	Flint Osteopathic Hospital, Flint	854.00	
November, 1960	Port Huron General Hospital, Port Huron	1,311.93	
December, 1960	Edith Thomas Haynes Hospital and Linda L. Convalescent Home, Detroit	936.74	
June, 1961	Pine Rest Christian Association Hospital, Grand Rapids	1,296.28	
June, 1961	Mt. Carmel Hospital, Detroit	1,128.55	5,527.50
	* * * * * * * * * * * *		
July 1, 1961, to June 30, 1962			
July, 1961	Mt. Lebanon Hospital, Detroit	1,224.65	
September, 1961	Sidney Sumby Hospital, Detroit	710.35	
November, 1961	Woman's Hospital, Detroit	616.59	
March and April, 1962	Sparrow Hospital, Lansing	2,591.01	5,142.60
	* * * * * * * * * * * *		
July 1, 1962, to June 30, 1963			
August, 1962	Mt. Carmel Hospital, Detroit	809.00	
November, 1962	Bloomfield Hospital and Hospital and Sanatorium Guild	356.26	
January, 1963	St. Joseph Hospital, Flint	1,471.30	
February, 1963	St. Mary's Hospital, Livonia	1,053.17	
May, 1963	Children's Hospital, Detroit	2,685.43	6,375.16
	Carried Forward		$19,832.92

(Appendix K Cont.)

Cost of Special Commissions for Hospitals

Year	Hospital	Amount	Total
Brought Forward			$19,832.92
July, 1961 to May, 1965			
September, 1963	Woman's Hospital, Detroit	904.73	
October, 1963	Flint Osteopathic Hospital, Flint	315.12	
October and November, 1963	Detroit Osteopathic Hospital, Detroit	1,064.55	
October and November, 1963	Henry Ford (Local 79) Hospital, Detroit	1,512.75	
November, 1963	Grace Hospital, Detroit	1,416.05	
February, 1964	Henry Ford (Local 299) Hospital, Detroit	458.75	
October, 1964	Pontiac Osteopathic Hospital, Pontiac	1,524.85	
December, 1964	Saratoga Hospital and St. John's Hospital	700.00	
December, 1964	Park Community Hospital	955.25	
March, 1965	Maybury-Grand Hospital	1,322.25	
May, 1965	Grace Hospital	960.00	11,134.30
	Total		$30,967.22

SUMMARY

1959 - 1960	$ 2,787.66	
1960 - 1961	5,527.50	
1961 - 1962	5,142.60	
1962 - 1963	6,375.16	
1963 - 1964	5,671.95	
1964 - 1965	5,462.35	(to May 1964)
Total	$30,967.22	

APPENDIX L

RESOLUTIONS OF THE MEA BOARD OF DIRECTORS

I. MEA PROCEDURE FOR NEGOTIATION

Adopted by Board of Directors, March 28, 1963.

1. Structure - each district should have a Professional Negotiation Committee

2. Responsibility of Local Association - negotiate with the board on working conditions, contracts, salaries, and dismissals. Make every effort to settle all problems. If fail - use this procedure:

3. The committee submits in writing to the Board a request for a meeting.

4. Within some time limit, the parties agree on time and place.

5. Party requesting the meeting will submit written proposals and provide all important information.

6. Parties agree.

7. Parties disagree - a mediation board should be established - one member selected by the board, one by the association, the third by these two.

8. Mediation Board procedures - have 14 days to settle. If no agreement is reached, the board prepares written recommendations and the parties vote on these.

9. Referral to state level - to joint MEA-MASB committee.

10. Sanctions against local association - if it does not accept recommendations of joint committee, the MEA may:

    a. withdraw services to the local association
    b. inform local Board of Education that it may withdraw from any further negotiation with local association for the balance of the school year
    c. offer Placement Bureau and other services to Board to help fill any vacancies that arise from this situation

11. Sanctions against Board of Education - if Board refuses joint recommendations or refuses to negotiate in any step:

    a. MEA may notify Board that issues and facts of the case will be publicized locally and state wide
    b. Advise MEA members of the situation
    c. Notify all Placement Bureaus and request non-placement in schools

(Appendix L Cont.)

d. Notify Michigan Committee of North Central Association
e. Notify Secretary School Accrediting Agency
f. Notify MASP
g. Request investigation by NEA

12. Records of activities and recommendations - filed with Executive Secretaries, MASB and MEA.

II. MEA PRINCIPLES FOR PROFESSIONAL NEGOTIATION

Adopted by Board of Directors, February 1, 1964.

1. Members of the teaching profession must have the legal right to negotiate on salaries and conditions of employment.

2. Boards of Education and representatives of the teaching profession shall negotiate in good faith.

3. The right to voluntary agreement between local associations and boards of education shall be preserved.

4. The right of appeal shall be provided where impasses are reached.

5. Procedures shall be provided to select negotiating representatives.

6. Where negotiations break down at an appeal level, fact-finding shall be provided.

7. Negotiations and fact-finding shall remain on an advisory level.

8. Provision should be included which shall deny the right to strike.

(Appendix L Cont.)

III. BOARD OF DIRECTORS RESOLUTION
Adopted by Board at meeting March 4-5, 1966.

The Board of Directors of the Michigan Education Association adopted a resolution which:

1. Opposed the issuance of individual teachers' contracts until group negotiations have been completed.

2. Provided for the imposition of local and state sanctions, with a request for national sanctions, against any school district not completing negotiations before the start of school next fall, upon the request of the local association and upon approval of the MEA Board.

3. Supported any local MEA affiliate which, in the absence of a master contract agreement, chooses to withhold teacher services.

APPENDIX M

TEACHER ORGANIZATION ACTIVISTS' QUESTIONNAIRE

1. Age: 21-30____ 31-40____ 41-50____ Over 50____

2. Sex: Male____ Female____

3. Marital Status: Married____ Single____ Widowed or diverced____

4. Number of children: One____ Two____ Three____ Four____ Five or more____ (where applicable)

5. Educational achievement: Bachelor's____ Master's____ M.A.+30____ Doctorate___

6. What portion of your college (undergraduate) expenses did you earn yourself?
   Nil____ 0-10%____ 10-25%____ 25-50%____ 70-75%____ 75-100%____

7. Are you a veteran of the armed forces: Yes____ No.____

8. Number of years of teaching experience: Nil____ 1-5____ 6-10____ 11-15____ 16-20____ 20-30____ Over 30____

9. Number of years of administrative (above level of classroom teacher) experience:
   Nil____ 1-5____ 6-10____ 11-15____ 16-20____ 20-30____ Over 30____

10. Your teaching field: Elementary____ Secondary____ College____
    Area of specialization _____

11. Are you currently teaching (in addition to your organization duties):
    (Please disregard summer employment.) Yes____ No____

12. Were you born in the United States: Yes____ No.____

13. Were your parents born in the U.S.: Yes____ No____ One parent only____

14. In how large a town or city were you raised: Under 500____ 500-1,000____ 1,000-5,000____ 5,000-10,000____ 10,000-50,000____ 50,000-250,000____ Over 250,000____

15. How would you classify your wage-earning parent: White-collar____ Blue-collar____ Professional____

16. Please indicate with (M) and (F) both parents' educational achievement:
    Less than 8 years____ Completed 8 years____ Completed high school____
    Attended college____ Graduated college____ Post-graduate degrees____

17. How many children did your parents have, including yourself:
    One____ Two____ Three____ Four____ Five or more____

18. How many of these (see #17), including yourself, attended college:
    One____ Two____ Three____ Four____ Five or more____

19. Church affiliation: Catholic____ Protestant____ Other____

20. Approximately how many professional organizations do you belong to:
    One____ Two____ Three____ Four____ Five or more____

(Appendix M Cont.)

21. Approximately how many social organizations do you belong to:
One_____ Two_____ Three_____ Four_____ Five or more_____

22. Please list your three favorite hobbies: A_____

B_____

C_____

23. Please list your three favorite sports: A_____

B_____

C_____

24. Approximately how many professional books do you have in your personal library:

_____

25. Approximately how many professional magazines and/or journals do you subscribe to:

_____

26. Please write a very brief statement telling how you became interested in becoming involved in your present organization:

Again, a sincere "thank you" for your help.

APPENDIX N

HOBBIES

	MEA		MFT		TOTAL	
	No.	%	No.	%	No.	%
Collecting	35	10.9	0		35	58.3
Woodcarving	1	2.2	0		1	1.6
Philately	1	2.2	0		1	1.6
Dramatics	1	2.2	0		1	1.6
Home Workshop	4	8.7	1	7.1	5	8.3
Photography	1	2.2	1	7.1	2	3.3
Tropical Fish	1	2.2	0		1	1.6
Debating	1	2.2	0		1	1.6
Yard Work	4	8.7	0		4	6.6
Listening to others	1	2.2	0		1	1.6
Music	9	19.0	1	7.1	10	16.6
Writing	1	2.2	1	7.1	2	3.3
Ceramics	1	2.2	0		1	1.6
Lapidary	1	2.2	0		1	1.6
Cooking	1	2.2	0		1	1.6
Work	2	4.3	1	7.1	3	5.0
Negotiations	1	2.2	0		1	1.6
Camping	4	8.7	1	7.1	5	8.3
No Time	1	2.2	0		1	1.6
Remodeling	1	2.2	0		1	1.6
Pony Training	1	2.2	0		1	1.6
Art - Painting	2	4.3	2	14.2	4	6.6
Money	1	2.2	0		1	1.6
Farming	1	2.2	0		1	1.6
Reading	14	30.4	7	50.0	21	35.0

(Appendix N Cont.)

	MEA		MFT		Total	
	No.	%	No.	%	No.	%
Knitting	1	2.2	0		1	1.6
Bridge	3	6.5	0		3	5.0
Jazz Records	1	2.2	0		1	1.6
Travel	5	10.9	2	14.2	7	11.6
Cards	1	2.2	1	7.1	2	3.3
Stock Market	1	2.2	0		1	1.6
Educational Affairs	2	4.3	0		2	3.3
Sewing	2	4.3	0		2	3.3
Theater	1	2.2	0		1	1.6
Politics	1	2.2	1	7.1	2	3.3
Watch Horse-Racing	1	2.2	0		1	1.6
Barbershop Quartet	1	2.2	0		1	1.6
Model Building	2	4.3	1	7.1	3	5.0
Pottery	1	2.2	0		1	1.6
Sculpture	1	2.2	0		1	1.6
Shooting	1	2.2	0		1	1.6
Nature Study	1	2.2	0		1	1.6
Tape Recording	1	2.2	0		1	1.6
Walking	0		1	7.1	1	1.6
Family	0		1	7.1	1	1.6
Television	0		1	7.1	1	1.6

APPENDIX O

FAVORITE SPORTS

	MEA		MFT		Total	
	No.	%	No.	%	No.	%
Football	25	54.3	6	42.8	31	51.7
Hockey	9	19.6	0		9	15.0
Basketball	13	28.4	4	28.6	17	28.3
Baseball	15	32.6	5	35.7	20	33.3
Golf	17	37.0	3	21.4	20	33.3
Bowling	13	28.4	4	28.6	17	28.3
Swimming	8	17.4	2	14.2	10	16.6
Softball	6	13.0	1	7.1	7	11.6
Riding Horseback	1	2.2	0		1	1.6
Soccer	1	2.2	0		1	1.6
Sailing	1	2.2	1	7.1	2	3.3
Boating	2	4.3	0		2	3.3
Dancing	1	2.2	0		1	1.6
Hunting	10	21.7	0		10	16.6
Archery	1	2.2	0		1	1.6
Volleyball	3	6.5	0		3	5.0
Skiing	3	6.5	0		3	5.0
Tennis	2	4.3	1	7.1	3	5.0
Horseshoes	1	2.2	0		1	1.6
Fishing	7	15.2	1	7.1	8	13.3
Bicycling	1	2.2	0		1	1.6
Table Tennis	3	6.5	0		3	5.0
Skating	1	2.2	0		1	1.6
All Sports	5	10.9	1	7.1	6	10.0
Fly Model Airplanes	1	2.2	0		1	1.6

(Appendix O Cont.)

	MEA		MFT		Total	
	No.	%	No.	%	No.	%
Boxing	0		1	7.1	1	1.6
Ice Boating	0		1	7.1	1	1.6

APPENDIX P

TEACHER STATEMENTS SUGGESTING REASONS WHY THEY BECAME INTERESTED IN ACTIVE LEADERSHIP IN TEACHER ORGANIZATIONS

The respondents replied to the questionnaire request as follows:

"For years, membership in the MEA was more or less expected. Later, after Blue Cross dropped the group in this school system, the MEA insurance became the main reason, other than the fact that it was considered the 'professional' organization. When the new law allowing teachers to negotiate for a master contract went through, several of the MEA members, including the president, and several important committee chairmen started pushing for the local teachers' club to drop the affiliation with the MEA and go with the MFT instead. It was agreed to meet with representatives of both groups to hear what each had to offer. I volunteered to arrange for the MEA speaker, the second to be heard. When the dissident MEA members passed out MFT membership forms and related material at the first meeting and didn't even bother to attend the second meeting, my temper began to boil. When the letter of resignation from these members came out the morning after the second meeting, I hit the roof. It was probably one of the quickest conversions from an also-ran MEA member into an active one. By appointment of the new MEA president (the former vice president) I became vice president and chairman of the negotiating committee. After winning the election to determine which group was to represent the teachers in negotiating, we spent the rest of the spring and summer working out the new master agreement with the board of education. I was elected president of the local MEA chapter for the past year and am also still serving as chairman of the negotiating committee."

"Dignity, self-respect and justice. To achieve them, the school system needed a program and the program merited my support."

"Saw that it was doing the job of correcting the teachers' image and financial status so I took the lead."

"Cousin in teaching belonged. Teachers at first assignment who were involved."

"Served as a building representative for one year. Also a member of negotiating team. No one wanted to be president so I took it for one year. Today, with collective bargaining, each office of any organization (teachers) is a full time job. However, it has been a wonderful experience and this past year was just the beginning for teacher advancement."

"There was a job that had to be done and no one was doing it the way I thought it should be cone. So I started doing it on a local level then got interested in a wider area."

(Appendix P Cont.)

"Our organization lacked a movement forward just before the new law went into effect. I couln't sit back and do nothing and let it sink. My involvement took more time than I was really willing to give, but I gave it anywas. An understanding family made it all possible. At the present time I am not actively involved. Teachers as professionals today cannot afford to let 'John' or 'Mary' do it. Everyone has to help. I will become 'active' again as the need presents itself."

"Every teachers has an obligation."

"Being one of the older teachers and good at organization I was the reason for conflict over MEA or AFT was the lack of leadership.

The small town of ..... would not accept the word 'Union' so I went to work and promoted MEA."

"The organization was at a standstill and everyone had the 'let John do it' attitude. I became involved and got a lot of 'Johns' doing things."

"Started out bound for school administration became active in organization work. Saw great opportunities for advancement became very disenchanted with school administration and administrators in general became dedicated to teachers and their problems."

"I felt an urgent need to cooperatively initiate a change in existing educational policies so that the traditional lag in education could be brought into focus with the current needs of all educators."

"I started by helping out on salary committee work. The more involved I got, the greater I saw what the needs were. I ended up by becoming president of the local MEA and head of the negotiating team."

"I feel there are changes taking place in education and the direction it is taking. I cannot complain with constructive criticism unless I am willing to work in the realm of my professional beliefs. Naturally this means working through the channels of an organization.

"I believe that education and the children in particular are being hurt in the attitudes taken by those persons having the controlling power to make change and opportunities available to the mass. We are not meeting the needs. Educators and the 'right' people do not care. I feel there are answers, but I find myself fighting within myself about how involved I should become."

"I have been interested for some time in collective bargaining and especially for teachers."

(Appendix P. Cont.)

"I guess I am that kind of person. When you belong to an organization you have obligations to it."

"About my third year of teaching I became aware that I must quit teaching or change the job into a profession.

"I then could not afford to stay in teaching both from the standpoint of salary and what I had to work with, overcrowded classes, insufficient materials, etc.

"I then began active work in my professional organization, which is the vehicle I use to change conditions. The job is about one-fourth done!"

"Interest was lagging and no one was willing to do the work involved in making the organization work effectively, so I decided to try."

"I could not stand being in the Federation (which I was for a year). Their philosophy concerning administration is bad."

"There was a job that needed doing and I inquired as to how it might get done. I found out quickly that the best way to get something done was to do it myself. I've been doing so ever since and in the field of education it is clear that we're never going to run out of jobs that need to be done."

"I have always felt an obligation to the profession____ to do whatever I could to enhance it."

"I felt it was my duty to serve when asked and have tried to raise our professional standards."

"When there is a job to be done, let's get out and do it. First I was elected building representative, then vice President (automatic) president, then region delegate, region treasurer. Knowing what goes on outside and beyond your own little community helps to know what should be done at your own local."

"There was and is a need to improve the provession for a better society, as well as the immediate needs of children and teachers. I felt a duty to do whatever I could to help, especially since so few others seemed concerned about the problems."

"While attending college I felt that if a person is going to be in a profession that he should be willing to put forth some effort in order to see that the organization keeps going. Therefore, I became active while I was attending college.

"At the end of my first year of teaching, the present organization which I'm now involved with, needed a publicity person so when I was asked, I accepted."

(Appendix P Cont.)

"I became interested in MEA during college. Upon leaving I was very active in ..... county for four years. Upon entering my present system I found the teachers to be a very close knit unit interested in the advancement of the teaching profession. I became very active at the outset of my present employment. PA 379 gave us (teachers) a chance to be on an equal level with administration and the board of education _____ GOOD about time. I have been president for theee years and negotiating team for two. I will continue."

"I enjoyed the leadership possibilities that involvement in this organization presented. I support the causes of this organization and others like it throughout the state."

"After working in an advisory capacity with my superintendent, I became convinced that the betterment of the position of the teacher would have to come from the teachers themselves. The administration is too concerned with maintaining the "status quo" in education. Therefore, only a strong, grass-roots movement of the teachers will result in the improvement of the teaching profession."

"Through a mutual friend."

"Self-preservation! Our unit was slowly sinking in the sunset, facing our first S.L.M. election. I could no longer sit back and watch the AFT take over."

"After working in industry for several years and assisting in industrial organization it was only natural to become involved in teacher organization. I would need to write a book to explain the many fallacies and traditions that have become unbearable in teaching under the recent and present administration policies."

"I was interested in raising teaching standards and improving teacher salaries."

"I wanted to do my part in making education a decent occupation for men."

"Just being a part of it__accepting small jobs first and then more responsibility."

"Salary and lack of adequate teaching conditions."

"I became interested in the ..... because the ..... was doing nothing in our system to improve the quality of education or the benefits of the teachers.

"No one was willing to challenge the board of education and the superintendent. The ..... was controlled almost completely by older teachers who were members of two income families, and in many cases did not have a Bachelor's degree

"The year the ..... came into power, a large number of young teachers came into the system. They gave me much support."

(Appendix P Cont.)

"I was elected president of our employee organization."

"I have been active in my organization since 1950. First as a delegate then chairman of ethics committee."

"Began working on Teps committee and decided I would like to offer my help in achieving the goals of the organization."

"Was elected by membership. 'Friends' persuaded me to get involved when I would voice opinions contrary to what was happening in the organization."

"More or less because, in everything I participate in, I am sooner or later chosen the leader."

"Concern for improvements in monetary and non-monetary conditions of employment. Also concerned that teacher image was becoming more blue-collared instead of the other direction."

"I was not pleased with what the teachers were doing and how they were doing it. I felt I could contribute with logic and creative ideas which others did not possess or exhibit. I have great organizational abilities and thought that I should use them to better my position and that of other teachers."

"I belonged to the organization since college. I was on several committees through the years as a matter of professional responsibility. At the time of PA 379 I was salary committee chairman and chief negotiator. I then progressed through vice president and president and kept my job as chief negotiator."

"It was a rare opportunity to actually contribute something positive."

"I detested female teachers who were so happy to work for next to nothing. I was forced to tend bar for nine years. I believe the only hope of the teaching profession is through organization."

"After several of us failed in getting approval for several curricular changes and supplies, I became active as a building representative and later as salary chairman."

"I had been active in my organization holding offices and attending conferences. Being a member of the negotiating team came as a result of that plus being a long-time faculty member in the same school. Probably it was also a result of the process of elimination. Not too many are willing to serve from our small faculty and I never did know how to say 'no' firmly."

"Concern with working conditions and desire for rabble-rousing."

(Appendix P Cont.)

"I became interested in the teachers' union as soon as I heard it existed, in the early thirties which were my early years as a teacher in the ..... schools."

"I have a major in political science and have always had a great interest in organizational work, politics, and people. The ineffectiveness of my local professional organization prompted me to run for an office after serving on several committees."

"First, I was elected to the negotiations team a year ago. Last year I was elected president of our organization and became very involved as my interest grew. I was re-elected to the presidency for the next year and I accepted because anything I can do to help my profession become more professional means that the children of my community cannot help but profit from it."

"I have been a member of the united profession since beginning teaching. I like to think because I feel a moral responsibility to my profession and prior to accepting my present position had always been willing to serve in any capacity asked."

"The first year of teaching, more experienced teachers impressed upon first year teachers the responsibility of taking an active role in our teacher organization. In three years I was the organization's representative. In four years I was finance chairman. In six president and chairman of the negotiation team.

"As an individual I was dissatisfied with what was happening and felt I should try to make a contribution."

"A combination of interest and circumstance. Building level activity which eventually led to union activity at the local leadership level. Exposure to activities created more interest etc. etc. As simple as that no great design or plan on my part."

"I saw the need for greater unity among teachers insofar to raise our wages. The caliber of teachers that have been coming into our profession is a disgrace. With greater professional unity, I am hopeful we will be able to be appealing to the future generation."

"I have always been interested in organization activities since becoming an educator. My interest is primarily motivated by political interest. I would like very much to run for some public office."

APPENDIX Q

GREA BRIEF*

ARGUMENT

(1.) The Michigan Public Employment Relations Act guarantees the right of public employees, including supervisors, to join labor organizations....

(a) The Michigan Statute: Supervisors are within the terms of "public employees" as defined in the Act. Section 2 of the Act[1] defines a "public employee" as any:

> person holding a position by appointment or employment . . . in the public school service . . .[2]

Since a supervisor is a "public employee", it must follow that supervisors are entitled to all of the rights established by Section 9 of the Act. Packard Motor Car Company v. NLRB, 350 U.S. 485 (1946). Section 9 of the Act states that:

> It shall be lawful for public employees to organize together or to form, join or assist in labor organizations, to engage in lawful concerted activities for the purpose of collective negotiation of bargaining or other mutual aid and protection, or to negotiate or bargain collectively with their public employers through representatives of their own free choice.

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(1) Act 335 of the Public Acts of 1947, as amended by Act 379, Public Acts of 1965, (Section 17, 455 (2), M. S. A.).

(2) This section of the Act defines those persons who shall not strike, but it is clear that the definition is to be used throughout the Act. Following the above quote, the section state - "hereinafter referred to as public employees". See generally, Garden City School v. Labor Board, 385 Michigan 258, 262 (1959)

* Source: Edited Abstract of, Brief of Grand Rapids Education Association, State of Michigan, Labor Mediation Board, Case Number C65L-37. (Undated)

(Appendix Q Cont.)

The foregoing sections establish that a supervisor, as a public employee, may become a member of a labor organization since all public employees are given the right to join together for the purposes specified in the Act. California Packing Co., 59 NLRB 941); Tennessee Copper, 9 NLRB 117 (1938); Climax Engineering Co., 66 NLRB 1360 (1946); Ward Baking Company, 8 NLRB 558 (1938)(3), The supervisors, we submit, have more than a privilege of joining an employee labor organization - but rather an affirmative right. Ibid. Mere membership in the labor organization by supervisors cannot, therefore, amount to domination, interference, support or contribution of that labor organization by the employer(4). The right of a supervisor to become a member of the rank and file organization would be meaningless if it could be held that the granting of the right would automatically constitute employer domination. It is inconceivable that the Michigan Legislature intended such a result.

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(3) When the NLRA was amended in 1947 to exclude supervisors from the definition of "employees", Congress continued to recognize the advisability of allowing supervisors to join a labor organization and specifically granted this right in Section 14 (a) of the NLRA (Labor-Management-Relations Act, 61 Stat. 136, 29 U.S.C.§§ 152, 164 (1947). The purpose of the amendment was not to prohibit domination of the union by the employer, but to prevent domination of the supervisors by the rank and file of the union to which the supervisor belonged. H. Rep. No. 245, 80th Cong., 1st Sess. 14 (1947); 93 Cong. Rec. 3553 (1947)

(4) See Southshore Packing Corp., 73 NLRB 1116, 1134 (1947) where the NLRB decided that there can be no inference of employer domination or interference drawn from the fact that supervisors were members of the union because the supervisors, as employees, were entitled to join the union of their choice.

(Appendix Q Cont.)

(b) If it is held that supervisors may not be included in the bargaining unit, it does not follow that they must be excluded from the employee labor organization. It is important to note that we are not claiming that a supervisor should be included in the bargaining unit - - we are only stating that the supervisor has a right to belong to the labor organization designated to represent the unit. C. F., Climax Engineering Co., 66 NLRB 1359 (1946). We are not addressing ourselves to the question of whether or not supervisors should be in the unit - - we are only stating that they have a right to be in the labor organization irrespective of the make-up of the bargaining unit. This position obviously assumes that there are certain purposes for belonging to a labor organization other than the right to bargain collectively. This concept, we submit, is recognized by the Act itself.

Section 9 illustrates that the Act recognizes rights other than the rights to collective negotiation. Public employees are allowed to organize together or to form, join or assist in labor organizations for the purpose of either:

1) Engaging in lawful concerted actities for

   a. the purpose of collective negotiation or bargaining; or

2) To negotiate or bargain collectively with their public employers through representatives of their own free choice.

Thus, supervisors and other employees are granted the right to organize or to form, join, or assist in a labor organization in order

(Appendix Q Cont.)

to engage in lawful concerted activities for mutual aid and protection other than for collective bargaining...(5).

The purpose of the state and federal labor legislation in regard to domination and support is to protect the employees' bargaining rights from impairment by the employer through control of the bargaining representative. (e.g., NLRB v. Griswold Mfg. Co., 106 F2d 713 (3rd Cir. 1939).) If a labor organization permits supervisors to be active participants in the labor organization and the supervisors do not participate in the negotiation process, no claim can be asserted that the inclusion of supervisors with other employees violates even the spirit of the law...

As stated by the NLRB in Climax Engineering Co., 66 NLRB, 1359, 1360 (1946):

> Section 7 of the Act protects the right of supervisory employees as well as of rank and file employees to become and ramain members of and to bargain collectively with their employer through any labor organization of their own free choice. Because, under given circumstances, organizational activity

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(5) See Climax Engineering Co., 66 NLRB, 1359 where it was stated at p. 1360 that: "Meyer & Engstrom maintained their membership in the union after becoming supervisory employees because of their desire to enjoy certain legitimate union benefits and to qualify for work in other plants should the occasion arise. This they had a right to do." and further at 1361-62 "The supervisors here became and remained members of the union, not necessarily to secure collective bargaining rights, but rather to retain benefits built up as rank and file workers or to protect their opportunity to secure work should they, at some future date, return to the rank and file.

(Appendix Q Cont.)

> by supervisors may unduly influence the rank and file by reason of the supervisor's economic power over subordinates, we are often required to balance the needs and interest of supervisory employees in self-organization and collective bargaining against the needs of the rank and file for unfettered freedom in their self-organizational endeavors, and to arrive at an accommodation between them. But that problem is not present where supervisors do no more than join a labor organization or authorize it to represent them for collective bargaining purposes. But we do not believe that normally rank and file employees could justifiably conclude from the mere fact that a supervisor is a member of a labor organization, that his allegiance to the organization might effect his judgment concerning subordinates who favor or oppose that organization. (Emphasis added)

Also see Administrative Decision of General Counsel, 1960, CCH NLRB Paragraph 9281, Case #SR-860.

The fact that mere membership of a supervisor in a local does not violate the spirit of the law has received even more general recognition when the union covers more than a single establishment, possesses economic strength, and is affiliated with an independent state and local organization. e.g., NLRB v. Griswold. supra, Carpenter Steel Co., 76 NLRB 670 (1948)...

(c) Wisconsin has ruled that the inclusion of supervisors in the union does not constitute an unfair labor practice.

The Wisconsin Employment Relation Board in West Milwaukee-West Allis Federation of Teachers v. Joint City School District #1, Wisconsin Employment Relation Board, No. 6544 (1963), was faced with exactly the same issue as is posed by this case. The Complaining Party charged domination of a local labor organization (and its state's parent organization) because of the inclusion of supervisors in the respective

(Appendix Q Cont.)

organizations. The Superintendent of Schools, along with other supervisors, was a member of the local Association. In deciding that neither the state nor the local organization was employer dominated, the Board stated:

> There is nothing in Section 111, 70 (similar to the Michigan Act) which provides that mere membership of supervisors in a labor organization contaminates that organization for purposes under the statute. The fact that supervisory personnel are members of, or may hold office in, any labor organization subject to the provisions of Section 111, 70 may raise a suspicion but does not in itself establish domination or interference with the organization by the municipal employer employing such supervisory personnel...

(d) Interpretation of Public Employment Relations Act in light of NLRA and Michigan Labor Mediation Act:

The Michigan Legislature, in enacting the Public Employment Relations Act, had both the NLRA and the Michigan Labor Mediation Act to use as guides. Both these Acts specifically exclude supervisors from the definition of "employees". The ultimate exclusion of supervisors from the definition of employees in the NLRA took place in 1947, the NLRA was similar to the present Michigan Act in that supervisors were included within the definition of public employees.

Since the present NLRA and the Michigan Labor Mediation Act exclude supervisors from the definition of employees, the legislature, in the enactment of the Public Employment Relations Act, must have meant to allow supervisors the same rights as granted to all other "public employees." Had the legislature intended to exclude supervisors from the provisions of the Act, it would have been a simple matter to follow the guidelines established by the NLRA and the Labor Mediation Act. The exclusionary

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language was there to be adopted, but it was not followed. The obvious import of this action is that the legislature intended to grant supervisory employees the right to join employee organizations. See West-Allis Federation of Teachers v. Joint City School District #1, supra.

(2.) The Rights of Supervisors to Join Employee Organizations Has Been Established by Past History and Custom:

(a) The NLRB's recognition of differences in certain industries:

It has long been a practice in certain industries for the supervisory and rank and file employees to be in the same unit for bargaining purposes. (See Union Membership and Collective Bargaining by Foremen, U.S. Department of Labor, Bureau of Labor Statistics Bulletin #745, (1943).) The NLRB has repeatedly approved such action. Jones and Laughlin Steel Corporation, 66 NLRB 400-401 386 (1946). For practices in the printing industry, see Mastercraft Corp., 60 NLRB 56, 58 (1945): Service Printers, Inc., 54 NLRB 1082 (1944): A.S. Abell Company, 54 NLRB 62, (1944): R. R. Donnelley and Sons Company, 60 NLRB, 635 (1945). For practices in the maritime industry, see Ohio Barge Line, Inc., 59 NLRB, 154, 156 (1944): Also see Constitution of American Federation of Technical Engineers.

The unionization of foremen with the rank and file has developed in a satisfactory fashion. As stated by the NLRB in Jones and Laughlin Steel Corporation, 65 NLRB 286, 400-401 (1946):

> The unionization of foremen, particularly by affiliates of rank and file unions, raise a number of difficult problems in the field of labor relations. These problems are not, however, infallible, this is attested by the experience of several industries where collective

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> bargaining for foremen by the same union that represents rank and file employees has existed for many years, in Great Britian as well as in the Unites States. There is no reason to believe that similar satisfacotory solutions cannot be reached in other industries.

At note 27 of the Jones and Laughlin decision cited above, a quotation from "How Collective Bargaining Works", New York, 20th Century Fund, (edited by Harry A. Miller) (1942, pages 67, 68, 147, describes the successful collective bargaining process in the printing industry where both supervisors and the rank anf file are allowed in the same bargaining unit.

One reason why the industries described above have been allowed to combine supervisors and the rank and file in the same collective bargaining unit is because this had been the historical practice of the respective industries prior to the adoption of the Act. A similar historical precedent exists in the teaching profession. It is important to note that for purposes of resolving the present posture of this case, a determination need only be made that certain supervisors can be members of, and participate in, the general activities of the labor organization. We are not seeking, at this juncture, to establish another profession or trade which would fall into the category of the printing or maritime industries. We are using the logic of the printing and maritime industry cases merely to strengthen our assertion that supervisors must be assertion that supervisors must be allowed to join local labor organizations. The statue itself, and the cases herein cited, demonstrate clearly that supervisors are endowed with such a right. We need not reach...nor do we here allege, that the right extends to inclusion within the bargaining unit.

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(b) The history of public employment demonstrates that supervisors may belong to employee labor organizations:

In the federal service, supervisory employees are specifically guaranteed the right to join any employee organization. Section 1(a) of Executive Order 10988, dated January 17, 1962, outlines the program for employee-management relations in the federal service. The section provides, in part, that:

> Employees of the federal government shall have and shall be protected in the exercise of, the right, freely and without fear of penalty or reprisal, to form, join and assist any labor organization or to refrain from such activity.
> (Exec. order No. 10988, 27 Fed. Red. 551 (1962))

An analysis of the Executive Order prepared by the United States Civil Service Commission offers the following comment on this section:

> Question:
> Should an agency prohibit supervisors and other management officials from joining an employee organization which includes rank and file employees?
>
> Answer: No. Section 1(a) makes it clear that all employees shall have a right to join an employee organization without any restraint whatsoever by management.
> (LRX at 4437)

The right of supervisory public employees to such membership on the state and local levels has not been seriously questioned. Thus, the American Federation of State, County and Municipal Employees, AFL-CIO, one of the nation's largest public employee organizations, permits supervisors to join the local which includes the men whom they supervise.

The fact that labor relations in public employment as opposed to private employment, must be treated differently is clearly articulated in the report of the President's Task Force on Employee Management

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Relations in the Federal Service, upon which the aforementioned Executive Order was based. The report stated:

> Despite the obvious similarities in many aspects between the conditions of public and private employment, the task force feels that the equally obvious dissimilarities are such that it would be neither desirable nor possible to fashion a federal system of employee management relations directly upon the System that has grown up in the private economy, nor is it necessary.
>
> (President's Task Force on Employee-Management Relations in the Federal Service, A Policy for Employee-Management Cooperation in the Federal Service, at 7(1961).)

President Franklin D. Roosevelt made essentially the same point a quarter of a century earlier, when he wrote:

> All government employees should realize that the process of collective bargaining is usually understood, cannot be transplanted into the public service.
>
> (Letter from Franklin D. Roosevelt to Luther C. Stewart, President, National Federation of Federal Employees, August 16, 1937.)

Similarly, a special committee of the American Bar Association appointed to study employment relations in the public service noted that:

> Whatever practicable, the privileges accorded to employees in private industry should be extended to public employees, modified to meet the unique needs of the public service . . .
>
> (Emphasis Added) (ABA, 2nd Report of the Committee on Labor Relations of Government Employees, at 1 (1955).)

The foregoing authorities all seem to recognize the facts...that rigid labor principles gleaned from the industrial pattern do not readily dovetail with the unique problems of public employment; that

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the divisive separation of supervisors from employee organizations is not applicable to public employment, and that the foregoing axioms have been long recognized at every level of public employment.

(c) A pattern of allowing supervisors to belong to employee organizations has been established in the teaching profession:

Both the NEA-MEA and the AFT-MFT have included supervisors within their organizations. The record in this case proves the availability of membership in the NEA-MEA. The recent LMB decision in School District of the City of East Detroit, Number R651-49, likewise indicates that supervisors may join local units of the AFT-MFT.

Although we do not here claim that supervisors must be included in the appropriate bargaining unit, there is evidence that this has been done and is being done throughout the teaching profession. Mr. Michael Maskow stated in December of 1964 in an article entitled "Collective Bargaining for Public School Teachers", 15 Labor Law Journal, 787, 791 (1964) that:

> In some cases bargaining units have been limited to classroom teachers, but other groups such as guidance counsellors, nurses, attendance teachers, department heads, and principals have been combined with the teachers in many different combinations. At times even the superintendent of schools and assistant superintendent have been included in a unit. Thus the principle established by the National Labor Relations Board of excluding supervisors from bargaining units has not been followed.

The case of West Milwaukee-West Allis Federation of Teachers v. Joint City School District #1, supra, is further evidence of this

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this trend in the teaching profession. At p. 21 of the decision, the following language is noted:

> It is true that various individuals employed as supervisory personnel by various school districts throughout the State of Wisconsin, who are not named as parties herein, hold prominent and important offices in Respondent WEA. We recognize that many organizations, which represent municipal employees on matters of wages, bonus and working conditions with their municipal employers existed long before the enactment of Section 111, 70. Prior thereto such organizations not only represented rank and file employees, but also employees who occupied administrative and supervisory positions...

It may well come to pass, under the dictates of the statute, that determinations will continue to be made, as in East Detroit, supra, that supervisors must be excluded from the unit. Such a recognition does not, however, command exclusion from the employee organization. If the long history of vertical organizations is to be recognized, and if mutual confidence is to continue as the integrative force in public education, supervisors must be allowed, at a minimum, to join together with their teaching colleagues in the organization of their choice.

APPENDIX R

BARGAINING UNIT QUESTIONNAIRE

School District of:

INCLUSIONS IN THE BARGAINING UNIT	Bargaining unit affiliate (MEA, MFT, AFSCME etc.)			Approximate number of employees in the bargaining unit: (specify)			BARGAINING UNIT DETERMINED THROUGH PROCESS OF: (CHECK ONE) Voluntary Recognition by Board of Education			Consent Election			Mich. Labor Mediation Board-Ordered Election			DID PROCESS OF DETERMINATION INVOLVE: (CHECK) Trial Examination?			Mich. Labor Mediation Board Hearing?			Rival Employee Organization?		
	65	66	67	65	66	67	65	66	67	65	66	67	65	66	67	65	66	67	65	66	67	65	66	67
1. Certified Teaching Personnel only.																								
2. All Certified personnel (teachers, librarians, etc.)																								
3. All Professional personnel (psychologists, nurses, teachers, etc.)																								
4. Professional personnel and secretarial/clerical personnel.																								
5. Professional personnel including supervisory personnel.																								
6. Secretarial/clerical personnel only.																								
7. All non-professional personnel (secretaries, janitors, etc.)																								
8. Bus Drivers Only.																								
9. Janitor/Maintenance personnel only.																								
10. Cafeteria personnel only.																								
11. Other: (please specify) _____ _____																								

(Bargaining Unit Questionnaire Continued on next page)

Above is a list of possible types of bargaining units* which may be found within school systems. After selecting the type(s) found within your school district, fill out the information in the applicable rows. Each category is mutually exclusive, but the types of employees may be found in more than one category; in this case select the most inclusive category comprising the bargaining unit. For instance, if bus drivers, janitors, secretarial/clerical, and cafeteria personnel are included in one bargaining unit in your school district, you would complete row #7 and leave rows 8,9,and 10 blank. Each informational column is divided into three year-periods. Please fill in all three periods to insure that any possible changes within the bargaining groups may be perceived. *For our purposes, a "bargaining unit" may be defined as all those employees within a group who bargain collectively and who have a separate collective employment agreement with the school district.

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