



Governor's Committee on

**PUBLIC
EMPLOYEE
RELATIONS**

Interim Report

STATE OF NEW YORK JUNE 17, 1968

Governor's Committee on

**PUBLIC
EMPLOYEE
RELATIONS**

Interim Report

STATE OF NEW YORK JUNE 17, 1968

June 17, 1968

The Honorable Nelson A. Rockefeller
Governor of the State of New York
Albany, New York

DEAR GOVERNOR ROCKEFELLER:

This Committee on Public Employee Relations, re-established by you on February 19, 1968, to examine the experience under the Public Employees' Fair Employment Act (the Taylor Act), has the honor to submit its interim report.

Since the Act became effective on September 1, 1967, there has been but a limited experience for us to examine. Without at all minimizing the seriousness of several strikes which have occurred, there is considerable evidence to support a conclusion that, in its initial stages, the Law is working well.

The limited experience to date does not, in our judgment, provide an adequate basis for now recommending changes in the Act. The experience has been sufficient, however, to point up the questions and issues to which intensive study and discussion should be directed with a view to finding a solid basis for possibly making constructive changes in the Act. Those questions and issues which seem most important to us are identified and discussed in this interim report.

We gratefully acknowledge the cooperation extended to us by representatives of the agencies responsible for effectuating the Act. Particularly do we express our appreciation for the competent and conscientious assistance of our counsels, Messrs. Sol N. Corbin and Richard N. Winfield.

Respectfully yours,

GEORGE W. TAYLOR
Chairman

E. Wight Bakke
David L. Cole
John T. Dunlop
Frederick H. Harbison

Contents

	<i>Page</i>
I. INTRODUCTION	6
II. PRIMARY AREAS OF INQUIRY	13
III. DETERRENTS AND PENALTIES	20
IV. BASIC PREMISES UNDERLYING THE TAYLOR LAW	25
APPENDIX A	29
APPENDIX B	33

Introduction

Governor Rockefeller re-established this Committee on Public Employee Relations on February 19, 1968. He requested it to examine the Public Employees' Fair Employment Act (the Taylor Law) in the light of experience under the Act.¹ Since the Law became effective on September 1, 1967, this present examination deals with but a limited experience.

Not unexpectedly, problems of application have arisen and questions of basic policy have been raised. Considerable evidence is at hand, however, to support a conclusion that, in its initial stages, the Law is working well.² The Taylor Law procedures both for resolving representation status disputes and those for settling impasses have been successfully utilized throughout the state. There has been extensive organizational activity among large numbers of public employees but there have been no work stoppages over the issue of recognition. Literally hundreds of first-time recognitions and negotiations between governments and employee organizations have been peacefully concluded. Of the 900,000 public employees in New York, about two-thirds or 600,000 are now represented by employee organizations in collective negotiations with public employers. A growing number of employee organizations both in New York City and elsewhere in the State have signed — as a condition for receiving recognition or certification — affirmations that they do not assert the right to strike against the government.

There was one particular experience, however, that made this early examination of the Law imperative — the strike in Feb-

¹ The Committee was initially established by Governor Rockefeller on January 15, 1966. Its recommendations, embodied in a report dated March 31, 1966, provided the basis for the so-called Taylor Law enacted on April 21, 1967 to be effective on September 1, 1967. The Taylor Law, Chapter 392 of the Laws of 1967, added a new Article 14 to the Civil Service Law and amended Section 751 of the Judiciary Law.

² A summary of the activities of the State Public Employment Relations Board, responsible for administering the Law, from September 1, 1967, to March 1, 1968, is set forth in Appendix A of this report. This summary provides the basis for the conclusion.

ruary 1968 of the sanitation workers of New York City.³ As is well known, this stoppage created a public health crisis. If this strike had not occurred, it is virtually certain that there would have been no call for this early examination.

The sanitation strike is illustrative of a serious problem which is inherent in the present structure of the New York City procedures. Problems comparable to those of the sanitation strike could occur as respects other services and with the same consequences. There exists, moreover, the possibility of another sanitation crisis in the near future. The current arbitrated agreement between New York City and the Uniformed Sanitationmen's Association (Local 831) expires on September 30, 1968. Preventive steps are very much in order to insure, if possible, that this next and imminent negotiation will not be a dire repetition of the last one.⁴

In considering the problem here presented, there should be no misunderstanding about the fact that now, as in February 1968, the impasse procedures of the Taylor Law are not generally applicable in New York City. On the contrary, the procedures of New York City's Office of Collective Bargaining ("OCB")⁵ are generally applicable to union-government negotiating in New York City. There is some confusion concerning which municipal agencies and departments are covered by OCB. This is treated more fully in Appendix B.

Separate treatment for New York City was specified by Section 212 of the Taylor Law as a result of legislative deliberation preceding passage of the Law. There is a difference of opin-

³ A strike of teachers in New York City schools occurred in September 1967, but the procedures of the Taylor Law could not have been utilized in the negotiations preceding this stoppage — and were not — because the State Law did not become effective until September 1, 1967.

⁴ There are other impending negotiations in New York City which seriously involve the public right to uninterrupted services. However, because the recent sanitation crisis had such a terrible impact upon the public — and resulted in the re-establishment of this Committee — this particular situation comes to the fore in this examination.

⁵ The New York City Collective Bargaining Law (Local Law 53—1967) is derived from the report of the Tri-Partite Committee on Labor Relations dated March 31, 1966. It was passed by the City Council, signed into law by Mayor Lindsay on July 14, 1967, and became effective on September 1, 1967. It added a new chapter 54 to the New York City Charter and a new Chapter 54 to the City's Administrative Code. Executive Order No. 52, dated September 29, 1967, further implemented the OCB law.

ion as to whether or not the New York City impasse procedures are "substantially equivalent" to those specified in the Taylor Law.⁶

Among several important differences⁷ are the variations in the final step, under OCB procedures, conclusively to settle the dispute and thus serve as a substitute for the strike. Nonetheless, the penalties prescribed by the Taylor Law for engaging in a strike are applicable in New York City. There are, in reality, two laws — one applies to New York City while the other applies to the rest of New York State.

In any event, under New York City law, the Uniformed Sanitationmen's Association (Local 831) is subject to the jurisdiction of the OCB. Nevertheless, the strike occurred. The reasons, and the implications, call for a searching analysis if the public interest and the general welfare are to be served.

Our greatest concern is that the possibility of recurring strikes — involving not only the sanitationmen but other municipal unions as well — appears to inhere in the OCB procedures. The reasons are related to the manner of carrying out the assumptions upon which the New York City Law was predicated. One of these assumptions is that the procedures which are to serve as a substitute for the strike should be developed by agreement between the City Administration and the various employee organizations with which it deals.

The consensus agreement which provided the basis for the New York City Collective Bargaining Law was acquiesced in by a significant number of unions, but a significant number did not acquiesce. There was, in reality, but a partial consensus. Those employee organizations which did not acquiesce are unaffiliated

⁶ It is emphasized that under Section 209 of the Taylor Law, local governmental bodies are encouraged to agree, with representatives of their employees, upon their own impasse procedures. The need for flexibility in impasse procedures is thus recognized. Finality is assured in such instances since PERB is authorized to intervene where such procedures are absent or fail; PERB's procedures require the submission of fact-finders' recommendations to the local legislative body as the ultimate solution to an impasse. In the usual case, this is accomplished before the budget submission date of the local government. Alternatively, where a local government other than New York City attempts to secure an exemption from PERB jurisdiction under Section 212, the local arrangements will not be certified by PERB unless they are substantially equivalent to the state law in that they provide, among other things, a final step to serve as a substitute for the strike. This question is treated more fully in topic (1) in Part II.

⁷ These differences are set forth in Part II of this Report.

with the Municipal Labor Committee which is responsible for nominating labor representatives to the tri-partite Board of Collective Bargaining.⁸ Presently, 76 organizations representing municipal employees are affiliated with the MLC, and 31 such organizations are unaffiliated. Among the latter are organizations representing sanitationmen, firemen, and welfare workers. On the experience to date, strikes or the threat of strikes by these non-consensus unions are likely to create the most intolerable infringement upon vital public interests.

The idea of creating OCB as a consensual arrangement between the City and all the various unions could have marked advantages. But what is the status of OCB if some of the most powerful unions are either not party to the arrangement or reject the consensus outright? What if such unions assert the right to strike, even though this is illegal under the Taylor Law, on the ground that they are not party to the New York City consensus. Moreover, the assertion, on this ground by a union of the right to engage in an illegal strike can become a critical factor in establishing the terms of agreement even though an agreement is consummated, in cliff-hanger fashion without a strike, if the threat results in preferred treatment for a particular group of employees.

The Sanitationmen's Association was one of those unions which had refused to be a part of the Municipal Labor Committee. During 1967 negotiations for a new agreement, this Union rejected the mediation and fact-finding processes which, beginning on September 1, 1967, were a part of the OCB procedures. It was not until January 29, 1968, seven months beyond the expiration date of the previous contract, that ad hoc mediators were appointed by the City Administration. Their recommendations were acceptable to those who conducted negotiations on behalf of the City Administration and of the union. However, the recommendations were rejected by the union membership. This rejection, apparently unforeseen by the union leadership, was the culminating event in a series of difficulties. The strike occurred. A fact-finding panel was then appointed jointly by the City and the State Administrations. When the City rejected the recommendations of this panel, the dispute continued. The dispute was ultimately settled by binding arbitration agreed to by both the City and the employee organization. By then the penalties of the Taylor Law had been

⁸ A summary of OCB's activities from January 1968 through April 1968, together with a discussion of its structure and responsibilities, is set forth in Appendix B.

imposed. The prospect of these penalties under the State Law obviously did not prevent the strike.

We focus at the outset of this interim report upon the 1968 sanitation workers strike because of its impact upon the public and because of a deep concern about what will happen as respects imminent negotiations in New York City with unions, including the Uniformed Sanitationmen's Association, which are not a part of the union consensus upon which the OCB is predicated. Extension of this consensus is being vigorously sought by OCB, we are informed, through discussions with the unions not now affiliated with the Municipal Labor Committee. Success in these endeavours would doubtless go far in achieving the basic objective of finding equity for governmental employees and, at the same time, of protecting the public from work stoppages. Perhaps the OCB could also consider what steps could be taken or recommended with respect to those unions which do not acquiesce in the OCB procedures.

New York City can scarcely be excluded from the examination of the Taylor Law upon which we are engaged. Differences in impasse procedures between the City and the State laws must obviously be taken into account. It would be naive, however, to suggest that stoppages such as the sanitation strike would assuredly be avoided simply by following one set of impasse procedures instead of another. No procedural substitutes for the strike will be effective if, contrary to common law and specific legislation, a relatively few unions insist upon striking or threatening to strike.

Certain unions in New York City, we have been told, have such a great power as to lead them to believe they can reject the principle that the demands of employees for fair treatment have to be accommodated to the essential equities of the public which they serve. Some of them will strike, it is said, no matter what substitutes for the strike are available or whatever penalties for strike may follow. Is this really the case? If so, to what extent does this result in a critical defect in the consensual assumptions upon which the OCB is predicated? More importantly, what recourse does the public then have to protect its vital interests? These are among a number of important questions that emerge from our preliminary examination.

A forthright facing up to the difficult problems of public employee relations is gravely obstructed, we believe, by those "observers" who expound the view that agreements between governmental agencies and their employees cannot be "satisfactorily"

consummated unless the threat of an illegal work stoppage is ever-present. The emphasis is upon the satisfaction of employee demands regardless of public dissatisfaction with this entire approach. These "observers" fail to understand the fact — or choose to ignore it — that negotiations in the public sector are, in critical respects, different from those in the private sector. In the private sector, the employer, under pressure to keep costs down to avoid serious competitive consequences in the market, takes an adversary position vis-a-vis the union. The public employer, however, has no such competitive factors to restrain him and indeed, may encounter adverse political consequences by a too-strenuous opposition to the union with which he bargains.

In the private sector, labor negotiations are constrained by consumer choice and the competitive market. The right to strike in the private sector is concomitant with the employer's right to lock out employees or, indeed, to go out of business altogether. These and other important factors are not present in the public sector where there is no consumer choice and no competitive market. Government can neither lock out its employees; nor can it go out of business.

Equitable treatment among the various classes of government employees cannot be provided if those unions with the power to bring the public to its knees through a strike exert this power to secure preferred treatment for their particular members. Moreover, such use of union force in the allocation of public monies will inevitably deprive the public of those new and improved services which, in this day and age, the public demands of government and indeed, which must be provided in order to insure the stability of our society.

For these reasons, the right to strike has never been accorded to public employees anywhere in the United States.¹¹ The basic task is to develop substitutes for the strike as a means of conserving broad public interests and, at the same time, to provide equitable treatment for all public employees. This was, and is, the objective of the Taylor Law and there should be no lack of resolve in moving toward that objective. The means for doing so have been initiated by the Taylor Law but they should be subject to constant scrutiny and development over the years to come.

¹¹ This subject of the inapplicability of strikes in public employment is discussed in greater detail in the 1966 Report of this Committee at pages 14-19 and 41-47.

The purpose of this interim report is limited. It is to suggest the specific areas of inquiry and to raise those particular questions which, after careful study, should be dealt with in a succeeding report.

In the following Part II of this interim report, we indicate the "Primary Areas of Inquiry" which, in our judgment, should be carefully examined as the basis for considering possible changes or improvements in the Taylor Law. Some of these areas relate to some of the basic assumptions upon which the Taylor Law is based; others relate to problems of application of the statute. One of these primary areas, the question of penalties, is dealt with in Part III.

In the fourth and concluding section, we restate the fundamental premises upon which both our recommendations and the Taylor Law are predicated.

II

Primary Areas of Inquiry

A review of the experience to date under the Taylor Law, and the operations thus far of the PERB and the OCB, suggest a number of issues for further review. Developments in these problem areas are likely to affect decisively the future of collective negotiations among public employees in New York State. Some of these issues are largely administrative in character; others constitute more general questions of public policy. Among the more significant areas of inquiry are the following:

(1) Impasse Procedures — The Final Step

The 1966 Report of this Committee proposed that impasse procedures provide for finality i.e. a step at which the terms and conditions of employment are finally established by means other than a strike. That Report did not recommend, as a general rule, an advance commitment to final arbitration; rather, in the absence of agreement between the parties on an impasse procedure, it envisaged a recommendation by PERB or a board established by that agency, which either side was free to reject. Such a rejection, however, was not to result in a work stoppage, but in a form of "show-cause" hearing before the appropriate legislative body (with the ultimate power to appropriate and raise public moneys) to determine finally the terms and conditions of employment. Such a hearing would not be a trial of the issues *de novo*, but rather an occasion to determine whether there was any compelling reason to modify the recommendations of the fact-finding body.

The legislative body, representing all the people and with the power to tax, would be responsible for the imposition of a final solution. In the ordinary case, the presumption was that this solution would be that recommended by the fact-finding board, the same presumption that should be accorded a negotiated agreement. But the legislative body, representing all the people, was to be

free, in exceptional cases, to decide on a lower package, weighing more heavily other public needs for tax dollars, or it was to be free to heed a strong case from employees and their organizations for a larger settlement, at the same time providing the funds. This procedure anticipated that the finally adopted legislative solution would, in effect, constitute concurrence by the legislative and the executive branches, in the same way that other legislation is enacted. The relationship between the legislative and executive is complex and varies substantially among jurisdictions.

There are some who argue that a legislative body in conjunction with the executive cannot, or should not, serve as a final step in the impasse procedure. Some contend that the recommendations of the fact-finding body should be treated as a binding arbitration award. Others would propose to leave the final decision to the judiciary or to specialized courts. Our 1966 Report sought to place the responsibility upon each collective relationship in public employment to make every effort to develop impasse procedures adapted to the circumstances of each case. There are some who express disapproval of any advanced specification of finality, leaving the possibility of an illegal stoppage to induce settlement. We continue to reject this latter view.

The Taylor Law, as enacted by the Legislature, did not specify the legislative body as an instrument of finality in the way we had recommended, although it did provide for transmittal to the legislative body of reports and recommendations.⁹ The absence of the more specific "show-cause" step which we had recommended weakened, to a degree, the procedures which we had proposed. However, the required transmittal of fact-finders reports to the legislative body prior to the enactment of a budget by that body provides an opportunity for legislative consideration of employee claims in a particular case in the budget-making process. The PERB in the approval of some 16 local government plans (so-called Mini-Perbs) has required, properly in our view, a step with finality in the impasse procedures.

There is a question whether the OCB procedures provide for finality.¹⁰ There is a statutory presumption that OCB procedures are "substantially equivalent," to borrow a phrase from the statute, to the procedures established by the Taylor Law. Whether they are

⁹ Section 209.3(e) of the Taylor Law.

¹⁰ Section 1173-7.0 (c) (3) of the New York City Collective Bargaining Law.

substantially equivalent has not been determined by declaratory judgment, as provided by the Law, or by any other means.

The continued exploration of ways of concluding these disputes, where parties do not themselves fully agree on such a procedural step, including the roles of the legislative and executive bodies, is central to the future of collective negotiations in public employment.

(2) The timing of negotiations and budget making

The 1966 Report of this Committee enunciated as a primary principle of collective negotiations in the public sector that the agreement should be consummated prior to the budget submission date of the government unit. Once a budget has been enacted, negotiations are made more difficult and added compensation claims require a drastic reordering of public priorities.

In New York City the principle of timing negotiations prior to budget submission dates has not been applied; indeed, the Taylor Law specifically freed New York City from this requirement. A number of agreements already existed with quite different expiration dates; a large backlog of agreements awaited negotiations; and the volume of agreements is said to be too large to permit completion of negotiations prior to the budget date. Instead, the City budget contains provision for a total estimated sum for all increases that are expected in the year ahead with allocations unspecified. The division of this amount, or the process of securing additional funds within the total budget, may be expected to complicate negotiations. Each employee organization understandably tries to make sure that it will secure the largest possible share, which can have a marked effect on the City's capacity to provide new and improved public services.

We recognize that the relationships between negotiations and budget making are highly complex. Negotiations within a fixed budget involve such serious problems of readjustment and transfer of public funds to meet a crisis in negotiations that administrative arrangements need to be fully explored to find ways of settling terms of negotiations before budgets and tax rates are finally determined. The timing of the negotiation and the budget making processes deserve more intensive analysis. The experience in other states in this respect might well be helpful.

(3) Section 212 of the Taylor Law

This provision of the statute was not contemplated by our 1966 Report. It provides that the OCB procedures should be

operative in New York City without a finding by the PERB, as was required in the case of every other local governmental unit in the State, that the New York City procedures are "substantially equivalent" to those established by the statute. The penalties for violation of the no-strike provisions of the Taylor Law apply to New York City, but the principles of finality and the relation of negotiations to budget submission dates, as noted in Points (1) and (2) above, are different.¹¹ Under the Taylor Law, but not under the OCB law, the recommendations of the fact-finding board are submitted to the legislative body prior to the government's budget submission date. The fact that impartial recommendations are considered and acted upon while the budget is being created has an important relationship to the finality provisions of the Taylor Law procedures.

In these circumstances there are several alternatives which deserve study. One possibility is that New York City be eliminated entirely from the scope of the Taylor Law and left to establish penalties of its own, just as it shaped its own impasse procedures. Another possibility is for New York City to review, and perhaps change, its own impasse procedures. For example, consideration could be given to having those employee organizations which do not recognize OCB to be called upon to develop with the City their own specialized procedures. The relation of New York City procedures to those established by the Taylor Law requires careful review.

(4) The quality of public employment settlements

The public interest in public employee collective negotiations is not confined to the avoidance of a strike. The qualitative terms of some settlements is of no less concern than in the private sector. Some settlements may be excessive, or may set precedents in benefits or management procedures which influence other jurisdictions in vital ways. Some recent local pension settlements, for instance, have already raised questions of their larger consequences for all public employees in New York State and for the public as well.

Negotiations in the public sector in the future may need to be related to broad economic standards. Just as there have developed

¹¹ Moreover, as noted in Appendix B, the OCB procedures fail to cover about one-third of the municipal employees. Of the two-thirds covered, many are members of unions which do not consider themselves bound by the OCB arrangements.

problems in the private sector of relating private settlements to broad national economic policies and guideposts, so there may well develop issues of accommodating public negotiations to economic constraints and economic policies of government. As collective negotiations spread, this type of question is likely to become more insistent.

(5) Unfair management and labor practices

Our 1966 Report did not provide for an explicit listing of unfair practices, by public management or employee organizations, or a special procedure to litigate charges of this nature, or a specific series of remedies for such practices. It was our view that the most urgent need in 1966 was for procedures respecting representation establishing the collective relationship and impasse issues, and these questions should be the first preoccupation of a new PERB. Our 1966 Report did envisage, however, that PERB could take into account clear instances of unfair practices by public management or employee organizations in the course of handling representation and impasse issues.

Our 1966 Report did not consider, as well, the range of questions related to the public regulation of the internal affairs of public employee organizations. The Labor-Management Reporting and Disclosure Act of 1959 does not apply to public employee organizations. Except for matters relating to fiduciary obligations of officers of these organizations, there are no regulations applicable respecting union elections, trusteeship, or other features of internal union government. It is appropriate to review this range of questions and to ascertain whether the record to date suggests the need for expanding the role of PERB, or other agencies, into these areas.

(6) Communications, staff and specialized skills in labor-management relations

Our 1966 Report strongly emphasized the necessity for public employers to develop the staff and skills requisite to dealing with public employee organizations. We urged the building of effective organizations and staffs within government and employee organizations for joint consultation, negotiations and the administration of agreements. We stressed the necessity for improved communications. We called attention to the importance of the systematic collection and dissemination of information relating to salaries, bene-

fits, practices and other data essential to a constructive joint relationship.

While it is understandable that other problems should appear more pressing at the outset of a relationship, it appears that insufficient attention has been given in many jurisdictions to the development of communications and to expertise in labor-management relations. Despite the educational work of PERB, the requisite adaptations in public agencies to treat with formal employee organizations often have not been made.

It is important to know in more detail what public managements and employee organizations have done to equip themselves to deal more constructively with each other and with their common problems. It is also significant to learn what have been the consequences of the introduction of collective negotiations on the quality and efficiency of public service. The dissemination of experience and best practice procedures can make a distinctive contribution to constructive relationships. We would also be interested to see what further educational programs can be developed in various agencies, alone or in cooperation with employee organizations, to improve communications and develop a skilled staff on both sides of new relationships.

(7) Civil service regulations and collective negotiations

The effects of new collective negotiations on the traditional civil service regulations raise a wide range of questions on which additional information would be most helpful. On what types of regulations have there been most conflict? What regulations have presented the least difficulties? How have these complex interactions been handled in various agencies and communities? Have the negotiations developed over the content of these regulations, or have they developed largely outside the body of regulations? What procedures have been utilized to resolve conflicts between negotiated rules and civil service regulations?

One feature of the relations between collective negotiations and traditional civil service regulations and legislation deserves particular attention. It is possible for labor organizations to seek the maximum benefits available through negotiations and then to seek further benefits through changes in civil service regulations or other legislation in the locality or at the state level. This procedure — whether related to state or local employees — is likely to be detrimental to constructive negotiations. It is not always easy, however, to draw the boundary between negotiations and the rights

of members to petition a legislative body for benefits nor to enforce a division between the two. These issues deserve continuing attention.

(8) Negotiating units and the scope of bargaining

As our 1966 Report recognized, the related issues of negotiating units and the scope of problems considered in negotiations are among the most essential and difficult questions in public employment. The experience in the private sector is not automatically transferable to public employment. The PERB and OCB have been considering these questions intensively ever since they were established. It would be useful to have a detailed study of the experience to date and a systematic listing of the major issues in this field that appear to lie ahead. Such a study would be useful in deciding whether more detailed guide-posts or standards should be recommended.

(9) School districts and special procedures

One of the major unit questions concerns educational institutions. There are some who advocate special rules defining units and other special procedures for employees of school systems and educational institutions as in other states. There are others who regard the general procedures for public employees as adequate to these employees and agencies or districts, leaving to PERB and other administrative agencies the questions of any adaptations in general procedures. This Committee regards the educational areas as one appropriate for further study, particularly since there has been such a rapid expansion in collective negotiations in this sector of public employment. A study should seek to identify the major questions, the contending and diverse viewpoints and the experience to date in New York and other states.

(10) Deterrents and Penalties

In view of the recent events in New York City in the teachers and sanitation workers cases, a review of the penalty provisions of the Taylor Law should be included in this list of areas of concern. The next section of this interim report considers this area in more detail.

III

Deterrents and Penalties

This Committee reiterates the central theme of its 1966 Report. Our purpose, as reflected in the Taylor Law, is to provide procedures to assure public employees of fair treatment by means other than the resort to the strike. From the outset, nevertheless, and without waiting to see how the Law's new approach worked in practice, there has been criticism by some against the reaffirmed no-strike principle in government service and against the penalties prescribed for violations.

The fact is that, under the Taylor Law, public employees were not deprived of any of their rights. Indeed, their rights were extended. Employees were guaranteed the right to organize, to have their chosen representatives recognized, to engage in collective negotiations with their employer, to have and use effective grievance procedures, and to provide an array of tested types of procedures for the equitable resolution of their differences over wages and working conditions. Legally, in the State of New York, most of these were new or substantially enlarged rights.

The Committee did not conceive its object to be the promulgation of punitive legislation. As a matter of fact, the Committee recommended repeal of the Condon-Wadlin Law precisely because that was a statute punitive rather than constructive in nature.

In our 1966 Report, this Committee presented its thesis clearly and in perspective. We believe it is entirely sound to hold that public employees are as much entitled to fair and equitable treatment as are those employed in private industry. However the means of assuring them thereof in the two sectors need not, in fact should not, be identical; the tradition, law, economics and countervailing interests in the public sector are fundamentally different. The strike is a form of economic coercion which is not appropriate in the public sector — it directs pressure in an improper manner against the wrong people.

Not only do we see the strike as unnecessary in this area, but we consider its use as distinctly harmful to the community and

detrimental to the cause of sound relationships. By its very nature it must inflict hardship on innocent bystanders, including to a great extent fellow employees, rather than on what would be regarded in private industry as the "recalcitrant employer." Such strikes or strike threats in the public sector also could promote the creation of an unfavorable image of the labor movement as a whole and tend to set in motion a critical reaction which could lead to retaliation through restrictive legislation. We are concerned that nothing be done to impair representational rights in the private sector.

Thoughtful labor leadership has expressed this concern and has counselled the search for methods other than the strike for resolving differences in public employment. One of these suggestions is that organizations active in this field cultivate the practice of composing their conflicts through voluntary but binding arbitration.

One criticism of the Taylor Law has been that genuine collective bargaining requires the force of the illegal strike threat. Such critics insist that without it, government will in the last resort engage in unilateral determination of wages and working conditions. Realistically, however, the contrary is more apt to be the fact. A well-organized strike by a strong union in an important public service gives the overwhelming advantage to the employees, so much so in fact that it can result, in practical terms, to unilateral determination by the union rather than government. In face of the safeguards set up in the Taylor Law for the employees, it seems indisputable that the interest of the public as a whole deserves at least the kind of protection reserved in the law as the ultimate method of concluding the most obstinate dispute.

It is safe to say that however carefully the law may undertake to see that public employees are treated fairly and equitably, there will be those who, through impatience or in a desire to achieve more than is fair and equitable, will thoughtlessly advocate and support the use of the strike weapon. Aside from the harm this will inflict on the public and on the labor movement itself, it will promote lawlessness and disrespect for the law and the courts, which can lead to serious consequences. The fact of the matter is that Federal laws prohibiting strikes by public employees have been observed far more scrupulously, and court injunctions against strikes have been given a far higher level of respect and compliance.

It is primarily because we believe that interruption of services will not assure equity for all public employees and the public that

we recommended in our 1966 Report that penalties be stipulated. Our hope was that they would serve as additional deterrents to those leaders who believe they are justified in using muscle they uniquely possess, rather than persuasion and orderliness, in advancing the cause of those they represent. The strongest deterrent should, of course, be the realization that justice can be obtained through the techniques set up in the legislation, without use of the public-punishing strike.

We hasten to clear up any misconception that we blame all strikes and strike threats on the leadership of employee organizations. We know very well that frequently the pressure is generated by vociferous segments of the membership, who sense the power of the strike weapon when it stops a government service. For responsible leadership which faces such a problem, the likelihood of legal sanctions can serve as strong support for the position we advocate.

This Committee referred in its 1966 Report to three legal deterrents which it thought would suffice. The first was the court injunction, which has been the traditional means utilized. We simply thought that its invocation should be more certain in cases of strikes by public employees.

We also thought, and recommended, that full discretion in the enforcement of its decrees restraining illegal strikes should be returned to the court. We are of the opinion that the court would be in the best position to determine the appropriate steps to compel compliance with its orders. In the Taylor Law, however, there is a stipulated maximum fine against a defiant labor organization of the lesser of \$10,000 per day or one week's dues. To one union this may be very severe; to another it may be brushed off. Indeed, one union advocating the use of the strike publicly announced that it could purchase immunity from violation of the court's injunction for a price of 25 cents per member per day.

We would prefer to leave the appropriate penalties to the court's discretion. Respect for law and the courts should not be sold off at bargain rates. We proposed that there be no limit placed on the criminal contempt fines which the court might impose on a non-complying labor organization in order to assure compliance. We have no special comment to make about the permissible punishment that may be inflicted by the courts on individuals who refuse to comply, for if the shield is taken away from the labor organizations, we believe the likelihood is that there will be less non-compliance. In any event, we did not suggest any change in the level of punishment that has been customarily im-

posed by the courts on individuals found to be in criminal contempt. The penalty of imprisonment for individual criminal contempt did not originate in the Taylor Law nor was it discussed in our 1966 Report.

Moreover, the second deterrent, we pointed out, should be of sufficient concert to the public employees who assume the leadership of promoting and prolonging such strikes. This deterrent is the possible invocation of Section 75 of the Civil Service Law, under which employees guilty of misconduct are subject to a variety of possible penalties rising in severity to dismissal from service.

The short period since the Taylor Law has been in effect has been insufficient to demonstrate the effectiveness of this second deterrent. There have been two strikes in New York City. While fines were imposed on the labor organizations, we are not aware of any action under Section 75 of the Civil Service Law. We are aware, however, of the absence of such strikes elsewhere in the State except for minor and shortlived incidents.

The third deterrent recommended by our Committee was new to New York State, although quite familiar in the federal government. It was that a labor organization found guilty of instigating a strike be subject to the loss of its representation rights together with the privileges thereof, including the checkoff of membership dues. We recommended that the decision to impose this penalty be made by the Public Employment Relations Board, giving the Board the discretion to determine whether the public employer or its representatives had engaged in such acts of extreme provocation as to relieve the employee organization of some of the blame or responsibility for the strike action. Such acts of extreme provocation could take the form of coercion or other interferences with the freedom of choice or of the employee organization's ability to function and should properly have a bearing on the level of the penalty to be imposed. Under some circumstances extreme provocation by a public employer preceding a strike could diminish the employee organization's liability and result in nominal penalties. This criterion is also relevant in assessing punishment by the court for criminal contempt by an employee organization.

This last recommendation was followed in the Taylor Law only in part. An employee organization which calls a strike may have its check-off right suspended by PERB for a period not to exceed 18 months. In local governments exempted from the impasse procedures applicable generally under the Law, and particularly in New York City, the court — rather than PERB — may in addition to a fine as punishment for contempt suspend the check-off

privilege of the employee organization for a period of up to 18 months. Other features of the organization's representation rights are left unimpaired in the Law.

It was the Committee's purpose to make it perfectly clear that a strike or serious strike threat by public employees would set into immediate motion definite preventive processes and procedures of the law. At the same time it was deemed prudent to leave uncertain the full extent or scope of the consequences that might follow as to the labor organization and the individuals responsible for such strike action. The limitations set forth in the Taylor Law restrict the effectiveness of the approach we contemplated and recommended.

In concluding this discussion of penalties and deterrents, we freely acknowledge that many questions remain. We see five such questions, and there may be others. Should the Legislature now reconsider our recommendations that the court's discretion be unrestricted in dealing with non-complying unions? Is it sufficient to direct pressure primarily against the individuals responsible for instigating or prolonging such strikes? Would more severe penalties against employees under the Civil Service Law better effectuate the purposes of the Taylor Law? Should means be set up to insure that the Civil Service procedures will be definitely invoked as has been done with respect to procedures directed against the labor organizations? Is it better on balance to let a longer test period elapse before greater emphasis is placed on penalties rather than on more positive and constructive measures for the assurance of equitable treatment to public employees?

Our recommendations with respect to penalties have been predicated on the belief that with appropriate assurances to the employees, the insistence on introducing reliance on the strike in the field of public employment will abate, and the penalties will become academic. Contrary to the impression some people have created, it is not the purpose of collective bargaining to have strikes.

We would much rather concentrate on the underlying philosophy. We seek understanding between public employees and the government and its various agencies and have no desire to see employees driven into line through punishment. Such understanding can lead to constructive cooperation in the field of public employment, instead of the hostility of which there have been too many signs already.

IV

Basic Premises Underlying the Taylor Law

An examination of the areas and questions previously discussed should be undertaken, the Committee believes, in terms of the premises underlying its 1966 Report. We believe it is now useful briefly to restate these premises.

A major test of democratic government is its ability to resolve a conflict of interest between some of the people and all of the people. The probability that organized public employees and the public will face serious and persistent conflicts of interests over the terms of employment will be increased or decreased by the quality of employment relationships between them. Now, as in its 1966 Report, this Committee would focus major attention on the need for the development of sound public employment relationships by the parties directly involved. The quality of collective negotiations in the public sector, as well as collective bargaining in the private sector, is basically the assumption of self-government responsibilities both by the representatives of the employees and of the employing agencies. They have to be aware of each other's functions and problems. They must be able and willing to accommodate to the needs of each other. This is the essence of the democratic way of life. Such attitudes cannot be legislated. Legislation can assist the process of accommodation. But, a breakdown of arrangements — such as occurs in an illegal strike — cannot be said to be only a failure of the law but, perhaps even more importantly, as a failure of "the parties" to meet their responsibilities. The recommendations of this Committee in 1966, most of which were adopted by the New York Legislature, will doubtless require modification as experience develops a better understanding of the problems involved. The following premises which determined the choice of the specific arrangements recommended are, however, not so variable over time.

- (1) *There are basic differences between private employment and public employment; many of the policies and practices of the private sector are inapplicable in the public sector.*

Among the distinctive characteristics of the public sector are the absence of competitive pressures of the market-place to restrain the demands of labor and the concessions of the employer; the absence of consumer choice in accepting or rejecting services; the absence of economic sanctions available to the employer; the omnipresent and primary goal of serving the public interest; and the complex structures and operations of government necessitated by the separation of powers.

The model of "collective bargaining" developed in the private sector contemplating the use or the threat of strike and lockout is inappropriate in the public sector.

To distinguish employee-management relations in the public sector from the private sector, this Committee uses the term "collective *negotiation*," rather than the term "collective *bargaining*." Both terms connote (1) effective participation in the process by employees and, if they so desire, through representatives of their own choosing, and (2) jointly determined and mutually acceptable terms and conditions of employment. Differences in connotation between "collective bargaining" and "collective negotiations" do not refer to a difference in the right of the parties, employee organizations and employing agencies, to participate in furthering their own interests. Rather, the difference in terms is to make clear the distinctive characteristics and objectives in public operations as compared to private operations. The difference in terms does emphasize the necessity in public sector for giving a high priority to accommodating the employee demands with an adequate protection of the public interest.¹²

- (2) *It is essential to achieve a just balance between the public's right to uninterrupted public service and the right to fair treatment by those who provide those services.*

The obligation resting on government officials and on public employees is to achieve a balance among (1) the equities to which the employees are entitled, (2) the power necessary for the government effectively to discharge its responsibilities in a democratic society and (3) the public's need for continuous and adequate public services. Each need must be considered in relation to the others. A failure to consider and satisfy one interest reduces the possibility of satisfying the interests involved in the others.

¹² These differences are discussed in the introduction to this Report and at pages 10 to 19, 33 to 35, and 41 to 43 in the 1966 Report.

(3) *Such a just balance cannot be achieved if a strike by public employees is used as a technique for settling disputes.*

The strike is not an appropriate way to resolve a dispute between public employees and the officials of government. The strike is not only inappropriate; it can be intolerable.

(4) *It is practically and equitably impossible to permit some public employees to have the right to strike and to deny it to others, according to a supposed distinction based on the essentiality or non-essentiality of the services.*

The essentiality of such services may vary with the seasons or with circumstances or from time to time for a variety of reasons. Moreover, recent experience dictates that the time is overdue to reestablish respect for both the law and the public interest.¹³

(5) *Since a strike cannot be tolerated, effective substitutes must be developed for bringing disputes to a final settlement.*

An obligation to develop workable and just substitutes, to avoid strikes in the public services, and finally to settle disputes when they do arise, rests jointly upon public employees and public employers.

(6) *Collective negotiations must involve the effective participation of public employees in determining the conditions of their employment if the substitutes are to be effective.*

Unilateral determination of working conditions by either party is unjust both to the employees and to the public.

The appeal to the doctrine of sovereignty is an inadequate justification for employer unilateralism. The appeal that "might makes right," when a union is powerful enough to force acquiescence to its terms by threatening to or actually denying the public the services it must have, is an inadequate justification for union unilateralism.

Joint and effective participation by public employees and by public employers, with due responsiveness to the public interest is required.

(7) *Certain measures are required to safeguard the equities of public employees in the process of collective negotiations.*

These include:

(1) A guarantee by law of the employees' right to representatives of their own choosing to participate in joint

¹³ Pages 18 and 19 of the 1966 Report deal with this subject.

determination of the terms and conditions of their employment and in the interpretation and administration of the resulting agreements.

(2) The development by the parties of a willingness and an ability to use ways other than the strike for resolving their differences.

(3) Effective procedures for achieving finality in the resolution of differences when an impasse occurs.

(4) A Public Employment Relations Board authorized to facilitate the several aspects of the process and to help enforce the rights guaranteed.

(8) *The unique nature of government operations dictates that negotiations be concluded in advance of the time that the budget is submitted to the legislative body.*

(9) *The public interest requires that the impasse procedures include as a last step one that will lead to a final resolution of the dispute:*

(a) *The submission of an impasse to an impartial fact-finding board obligated to make public recommendations consistent with a fair balancing of the interests of the parties and of the public.*

(b) *The transmission of these recommendations, if not accepted by the parties, to the appropriate legislative body for action making them binding on the parties. Such action should be taken, unless, after due consideration, including a hearing to which the parties are summoned to show cause why that step should not be taken, the recommendations are deemed to be patently unjust and arbitrary, all interests, including those of the public, considered.*

(10) *Adaptation of the foregoing principles to permit flexibility to accommodate local conditions should be encouraged.*

(11) *Penalties for violations of the statute prohibiting strikes are necessary for three reasons: (i) to induce compliance with the law, (ii) to avoid preferential treatment, and (iii) to cause all parties to seek fair settlements through responsible means compatible with the public interest.*

APPENDIX A

Experience under the Taylor Law and Activities of The State Public Employment Relations Board

General Experience

The underlying premise of the Taylor Law is to provide a substitute for the strike by extending and protecting the right of organization to all public employees wishing to engage in collective negotiations with their public employers. To this end the Law establishes machinery to facilitate the recognition and certification of employee organizations; and it specifies orderly procedures for reaching agreement in the event of impasses in negotiations. It is already clear that the Taylor Law has provided great impetus to the organization of public employees and to the establishment of formal collective relations throughout the State of New York.

For example, recognition has been extended to professional employees in 527 out of a total 817 school districts in the State, mostly since the passage of the Law. Public employee organizations have achieved recognition for all or a portion of employees in 22 out of 57 counties in the State. And recognition has been granted to employee organizations in at least 650 local governments outside New York City. In New York City, the Office of Collective Bargaining, which has been in operation only a few months, has been processing an increasing number of representation proceedings, arbitrations, and mediations. In all, there are about 900,000 state and local public employees in New York State. Of this total, over 260,000 have received recognition through their organizations since passage of the Taylor Law less than a year ago.

About 340,000 public employees had received some form of recognition prior to its enactment.

Of even greater significance is the marked change in the attitude of governments and their administrators regarding organized collective relations with public employees. It is clear that local governments and school boards are becoming less inclined to obstruct organization of their employees and more willing to sit down

at the conference table and work with them. Scores of school boards and municipal governments have attended seminars and courses, organized by the New York State School of Industrial and Labor Relations and other institutions, dealing with the problem and techniques of collective negotiations in the public sector.

Thus, in no small part because of the Taylor Law, collective negotiations between government and public employees are becoming "standard practice." Already, over two-thirds of the public employees in the State are represented by public employee organizations, and their numbers are increasing almost every week.

Despite this impressive increase in activity, however, the institution of collective negotiations in the public sector is new both in New York State and throughout the nation. Public employees are just beginning to recognize the benefits as well as the boundaries of negotiating through their organizations. Government administrators, often with considerable difficulty, are attempting to adjust to essentially new techniques of employee relations. The new PERB and the OCB in New York City are heavily taxed with requests for elections, mediation, fact-finders, and general information concerning negotiation procedures. Public employers and employees are learning new relationships, and experience is being acquired. At the same time, it is well to remember that 260,000 public employees, who have just recently become represented by their organizations, are engaged now in only the first round of collective negotiations under the Taylor Law.

State Public Employment Relations Board

This Board, created under Section 205 of The Taylor Law, has been active since the period immediately before the September 1, 1967 effective date of the law. Its activities for the first six months may be summarized under the categories of its assistance in resolving (a) representation status disputes and (b) impasses, and (c) in reviewing local procedures.

a. Representation Matters

There have been remarkably few disputes over representation questions. Most representation questions have been resolved either under local procedures without outside assistance or by agreement between the parties. There have been very few reported instances of disputes involving the failure or refusal of the parties to negotiate.

Contrary to the common experience where the right of representation and negotiation is granted to a large number of employ-

ees for the first time,* there have been no strikes over a public employer's refusal to negotiate. Similarly, there have been no jurisdictional strikes.

PERB has processed numerous representation status disputes in both state and local governments primarily concerning unit determinations, rivalry between competing employee organizations or both. Recently, PERB's representation docket contained 234 cases, of which 52 involved the state government or state public authorities, 70 involved school districts, and 115 concerned local governments and local public authorities.

Perhaps the most significant representation matter now pending before PERB concerns the question of unit determination and employee choice of organization among state employees. Since the matter is now under adjudication by PERB, the Committee will not comment on its merits.

It is sufficient to say that collective negotiations have proceeded successfully at the state level.

b. Impasses

In its first six months of activity, PERB handled and successfully disposed of 29 requests for mediation or fact-finding under its auspices.** It is currently providing mediators or fact-finders in well over 50 local government disputes at this time, most of which involve school districts and professional personnel.

The above figures refer, of course, only to instances where either party actively sought assistance from the state agency. They do not refer to the hundreds of cases in which public employers and employee organizations reached settlements after collective negotiations using their own agreed-upon procedures or those adopted by the local government. Outside of New York City, PERB reports that there have been the following brief unanticipated strikes since September 1: a one-and-one-half day strike of nursing home service workers in Schenectady; three one-day walk-

* In contrast to the New York experience, nearly one-third of the total public school teachers' stoppages in 1966 involved representation issues. Recent strikes by teachers in Pittsburgh and sanitation workers in Memphis involved the question of recognition.

** The most notable instance of the appointment of a fact-finding board by PERB involved the Triborough Bridge and Tunnel Authority and Local 1396, Council 37, American Federation of State, County and Municipal Employees, AFL-CIO. This panel made its report and recommendations to the parties and to the public on January 9. Its recommendations, while not binding on the parties, were accepted by both the Authority and the Union. In this instance, the statutory impasse procedures of the Taylor Law proved to be successful.

outs of State mental hospital employees in the New York City area; a one-day strike of key-punch operators in the State Department of Taxation and Finance; and strikes of school teachers in Huntington and Lakeland.

It is apparent that experience using the impasse machinery of new law has been relatively limited. This is due, in part, to the fact that outside of New York City the major effort on the part of employee organizations has been to get recognized or certified.

c. Local Procedures

Under Section 212 of the law, localities are permitted to establish and submit to PERB procedures for resolving representation status disputes and for settling impasses. If PERB finds that these procedures and their continuing implementation are substantially equivalent to those of the State, the localities' procedures will be permitted to take effect. PERB's approval of the creation of a local version of PERB effectively divests the State agency of jurisdiction in that locality. Withal, PERB has the right to determine if a locality's implementation is equivalent to that of the State's procedures. The jurisdiction of PERB is thus subject to resumption if there has been a failure to implement local procedures properly. Generally speaking, Section 212 as it affects localities other than New York City is not inconsistent with the Committee's 1966 recommendations.

The procedures of about 16 local governments employing about 26,000 persons have been found by PERB to be substantially equivalent to those of the State and have been permitted to go into effect. Applications for review by approximately 27 other localities employing about 46,000 persons are now pending. Some localities are reconsidering the desirability of seeking the exemption from PERB under Section 212 because they lack the expertise and finances to operate their own local impartial public employment relations agencies.

At this time, the Committee believes that it would be both presumptuous and unwise to render any final report proposing specific amendments to the Law. The Taylor Law has given impetus to a powerful movement; indeed, this is its major contribution. It is too early, and the experience not sufficient in depth, to propose changes in the Law to cope effectively with problems which have developed. We have, however, identified and described in Section 2 some thorny problem areas where solutions are not in hand and where further thoughtful and objective inquiry is urgently needed.

APPENDIX B

Organization and Activities of the New York City Office of Collective Bargaining

The City's procedures are administered by the Office of Collective Bargaining and the Board of Collective Bargaining. The procedures and the tri-partite structure of OCB had been agreed to between the City Administration and some of the major employee organizations with which it deals. Many of these organizations, together with a number of less powerful employee organizations representing City employees, have formed the Municipal Labor Committee.

The tri-partite Board of Collective Bargaining consists of two representatives of the City Administration, two labor representatives nominated by MLC, and three impartial members. The latter must be elected by the unanimous vote of the City Administration and labor representatives. The City Administration and the MLC jointly pay the compensation and expenses of the impartial members.

The MLC, which is open to all certified public employee organizations representing City employees, presently has 76 members. Among the 31 employee organizations representing City employees which have failed to join or have withdrawn from MLC are the Uniformed Firemen's Association (Local 94), Uniformed Sanitationmen (Local 831), and the Social Service Employees Union. Although these organizations are not members of MLC, their employees are subject to OCB procedures. The fact that some but not all organizations are bound by the consensual arrangements on which OCB was founded raises some doubts as to OCB's efficacy in dealing with the organizations which have ignored it.

OCB does not now have jurisdiction over 25 non-mayoral agencies, the heads of which have not yet elected to come under OCB's procedures. Steps are now being taken by the City Administration, the MLC and OCB to persuade these agencies to come under OCB's jurisdiction. Among the employees excluded from the application of OCB are cultural employees (including library

and museum personnel), employees of the offices of the Comptroller, City Council, City Clerk, District Attorneys and Borough Presidents. The approximately 55,000 employees of the New York City Board of Education are also excluded.

In New York City, about 200,000 employees are therefore under OCB and about 100,000 are legally outside of its jurisdiction. A large number of the 200,000 covered employees are members of employee organizations which have failed to join the MLC and are outside of the consensual arrangement on which OCB was founded.

a. Representation Matters

Since commencing operations in January 1968, OCB and its procedures have successfully averted any stoppages relating to representation questions. The OCB Board of Certification received 98 cases from the Labor Department which previously had jurisdiction over City representation matters. Since OCB's inception it has received an additional 25 cases, closed 20 cases (including 3 certifications) and had a total of 103 representation cases pending as of April 1, 1968.

One of OCB's major tasks has been to establish a pattern of collective negotiation units which will contribute to an orderly collective negotiation process. Presently there are approximately 900 bargaining certifications of employee organizations within the City, hundreds of which are units established on the basis of job titles alone. The task of restructuring negotiating units in the City will be a difficult and time-consuming one. Another problem stems from the fact that OCB is required by practice to certify an appropriate employee organization in each instance since the practice of extending voluntary recognitions to employee organizations has fallen into disfavor.

b. Impasses

OCB has procedures for the resolution of impasses which in some instances parallel, but in other instances may not conform to procedures under the Taylor Law. Using these procedures it is now processing 14 arbitrations, 10 mediations and 7 fact-finding proceedings. Nine proceedings are in various stages of progress, involving hearings and research to determine the arbitrability of disputes. One proceeding is pending which alleges refusal of the City to bargain in good faith. Forty-nine bargaining notices have been filed by certified unions, seeking to begin negotiations on renewals of collective negotiation agreements which expire during 1968.

One strike — that of sanitationmen — has occurred within OCB's ambit of authority.

Approximately one hundred negotiations concerning New York City employees presently are now following the orderly processes of collective negotiations. One of these, which affected over 100,000 employees and encompassed some 62 issues, including major modifications of the retirement system, was settled after prolonged negotiations. At various times during the 18 mediation sessions in those negotiations, the Chairman, Deputy Chairman and one Public Member of the OCB assisted the parties and were credited by them with having helped to avoid a serious confrontation.

The dispute between the Uniformed Firemen's Association and the City of New York over the terms of a new agreement has been settled by a final and binding determination made by an impartial member of the Board of Collective Bargaining. Mediators appointed by OCB have successfully assisted in the negotiation of contracts between the City Administration and photographers represented by the Newspaper Guild, Public Health Assistants represented by District Council 37, AFSCME, and the Detective Endowment Association. Each of these settlements were achieved with resort to the third-party procedures of OCB and averted strikes.