

ROBERT D. HELSBY

Bob Helsby was not an obvious choice to be the first Chairman of the yet-to-be-organized Public Employment Relations Board in early 1967. Confronted with active opposition to the new statute by union leaders and uncertain support of local government officials, Governor Rockefeller's choice was something of a surprise. While Bob held a doctorate from the Cornell School of Industrial and Labor Relations, his degree was in industrial education. At the time of his appointment, he was dean of continuing education at SUNY, but he had previously been Deputy Industrial Commissioner in the State Labor Department. In short, he was not a familiar figure in the labor relations community.

Indeed, Bob often reminded us that he turned down the job initially, but was unable to resist the personal requests and assurances of the Governor. But what Bob may not have known about labor relations, he more than made up for by his personal qualities of leadership, integrity, generosity, dedication, enthusiasm and energy. These were demonstrated at the very beginning when Gov. Rockefeller announced his decision that there should be three negotiating units for state employees: 1) professional employees of the State University, 2) members of the State Police, and 3) a general unit made up of all the other state employees, excluding employees determined to be management. He also recognized CSEA as the representative of the employees in the general unit.

This is how the Governor wanted the Taylor Law to apply to him as employer. He undoubtedly fully expected his appointee to get the message. More than any other matter to come before PERB, how state employees would be represented was the crucial test of PERB's capacity to be a credible neutral and act independently.

More than a dozen organizations filed petitions with PERB challenging the Governor's recognition of CSEA. The petitioners claimed more than 30 different appropriate units. The hearings began in December 1967 and continued for seven months. Jerome Lefkowitz, then Deputy Chairman, presided as hearing officer. The petitioners sought to establish the appropriateness of the units they claimed on the basis of long-established private-sector principles. The State and CSEA sought to avoid fragmentation by stressing the common interest of all employees working under a comprehensive civil service system.

In November 1968, the three-member board, chaired by Robert Helsby, rejected the State's insistence on one general unit, as well as the petitioners' multiple units. They held that the statute allowed the Board "to devise a unit that it deems to be most appropriate although such a unit is not sought by any of the parties." The Board concluded that it was "most appropriate" to divide the Governor's general unit into five separate units. CSEA appealed, but not the State. PERB'S decision was sustained. Mail ballot elections were held in all five units (80,000 employees voted) and the winners were duly certified.

PERB had demonstrated genuine independence of the Governor. If it had failed to do so, its capacity to perform its duties might have been gravely impaired. A good deal of the credit for this success belongs to Robert Helsby.

One personal experience will be mentioned. It is well known that no other public employer matched the City of Albany in its intransigent opposition to the Taylor Law and the right of public employees to organize. It was not until 1970 that the firefighters became the first Albany employees to gain PERB certification. That determination, as well as another finding that the City had engaged in discriminatory and coercive conduct against individual firefighters, were appealed to the courts. After one oral argument in Court, the writer was interviewed by a reporter and stated that Mayor Corning was "on strike against the Taylor Law". My quip and the Mayor's characteristic response were published next morning: "I agree. This is the first time I have ever agreed with PERB on anything."

I was pleased, but Bob was not. In a quiet conversation in his office, he told me that it was his policy to avoid all public confrontation. PERB and its employees must expect the kind of attack that the Mayor engaged in. Labor officials could also be abusive. PERB had a mission to see that the Taylor Law succeeded. Bob would keep us focused on that goal.

All of us who worked with Bob Helsby shared his belief in the importance and value of the services rendered by PERB. The statute that created our agency recognized the existence of ongoing conflict and sought to provide new mechanisms for resolving that conflict. It established collective bargaining as a new form of government decision-making regarding the terms and conditions of employment of public employees. Fifty years of existence proves that the process works. Yet no such system can be sustained if the overriding public concern is to "get government off our backs." So now, as always, it remains a work in progress.

Martin L. Barr