



bulletin

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HAROLD NEWMAN'S CLOUDY CRYSTAL BALL

"SOPHIE CHATTEL-MONKHEIM was a Socialist by conviction and a Chattel-Monkheim by marriage. The particular member of that wealthy family whom she had married was rich, even as his relatives counted riches. Sophie had very advanced and decided views as to the distribution of money: it was a pleasing and fortunate circumstance that she also had the money. When she inveighed eloquently against the evils of capitalism at drawing-room meetings and Fabian conferences, she was conscious of a comfortable feeling that the system, with all its inequalities and iniquities, would probably last her time. It is one of the consolations of middle aged reformers that the good they inculcate must live after them if it is to live at all."

The Byzantine Omelette

Saki (H. H. Munroe) 1870-1916

Last year three Southern California medical educators, Dr. Donald H. Naftulin, John E. Ware, Jr. and Frank A. Donnelly, devised a hoax for an experiment. They hired a professional actor, dressed him up with a fictitious "curriculum vitae", and presented him to lecture three groups of psychiatrists, psychologists and social workers. The actor's subject was announced as "Mathematical Game Theory as Applied to Physical Education". He was billed as "Dr. Myron L. Fox of the Albert Einstein University".

"Dr. Fox" lectured 55 educators, employing academic jargon and double-talk, citing one irrelevant, conflicting and meaningless statement after another. In his question and answer period he was even more contradictory and meaningless.

When his lecture was finished, a satisfaction questionnaire was distributed to the audience, whose members were asked to respond anonymously to "Dr. Fox's" talk.

Herewith are some of their comments: "Excellent presentation, enjoyed listening. Has warm manner, good flow, seems enthusiastic, lively examples...extremely articulate...too intellectual".

Not one of the educators realized that their authoritative lecturer was a phony. Virtually all were convinced that they had learned something.

What this means, say the three educators who originated the experiment, is that student satisfaction with learning may represent little more than the illusion of having learned. Now, this "experiment" was widely reported in the media and many of our readers have already had an opportunity to chuckle over it. It has its amusing aspect but we feel that it demonstrates a rather tragic situation.

In this column several years ago¹ we had the temerity to state that there is a paucity of useful research in the field of labor relations. Staves were broken across the naked pate and a few angry panelists charged (incorrectly) that we were opposed to research. We simply felt then and still believe that much of the research in our field is trivial and pointless. We are not suggesting that like that "Dr. Myron L. Fox", it is a hoax. But at the time we wrote that column we were irritated and we remain sorely annoyed by articles and papers which attempt to translate everything from arbitration to labor history into econometric measurements that are as useful as food stamps to a Rockefeller. Economists, for example, though social scientists they are deemed, seem determined to write only for each other - and in language so studded with logarithm, root, power and reciprocal that their dismal "science" cannot have to do with human concerns.

Mediators, arbitrators and fact finders always are affected by the economic policy determinations and, of course, the social and labor legislation promulgated by the state and federal governments. This is true whether the impartial is working in the private or public sectors although there is usually greater impact in the public sector. The announcement has been made by Congressional leaders that they and President Carter have agreed to a major expansion in government work programs for the unemployed.

¹ PERB Bulletin For Mediators/Fact Finders, Vol. 5, No. 6, June 1974.

Regardless of whatever other measures are taken by the new administration to improve the economy, this one action will impact markedly on our work. An examination of recent experience with Federal intervention in creating public service jobs under the Ford administration, a program which was modest in scope and financing compared to the plans now being blueprinted, is worthwhile.

Several members of the PERB conciliation staff were invited last year to a statewide meeting of representatives of a large public employee union. At one point during the proceedings, there was an address on the Comprehensive Employment and Training Act (CETA) program by a representative of the U. S. Labor Department. He was accompanied by a representative of the New York State Labor Department who supplemented the Federal official's remarks. When they had concluded, a question and answer period was to take place. It never did. The two gentlemen on the platform were subjected to a fire-storm of denunciation and at one point to a threat of physical assault. We feared for their safety. The bitterness that characterized the union delegates' response to CETA can be traced, we believe, to two aspects of the program. The first is that it was launched at a time when because of severe fiscal problems, local governments and the State itself, were laying off "permanent" employees. The second is that despite the fact that CETA regulations stipulate that no job can be filled in other than entry-level position until personnel and collective bargaining procedures have been complied with, and that the jobs in each category cannot infringe upon the promotional opportunities of regular employees, many of the union representatives charged that CETA hires had been given jobs that jumped in grade and, therefore, wages over civil service employees. We do not know whether there is substance to these charges. We do know that unions throughout the country are uneasy about the impact of individuals placed on public service jobs through government work programs.

At the Winter Meeting of the Industrial Relations Research Association which took place in December of 1975 in Dallas, David R. Zimmerman² presented a paper on the "Impact of Public Service Employment on Public Sector Labor Relations". Two other speakers, Daniel L. Persons of District Council 37, AFSCME³ in New York City and Jean J. Couturier of Northwestern University⁴ responded to Zimmerman's paper.

After thoughtful delineation of the problems raised by CETA programs and similar public service employment programs by the Federal government, Zimmerman stated..."there is also a need for continued efforts toward the development of effective and timely dispute settlement machinery within the structure of a given program". We at PERB have faced the question of whether employees on Federally funded programs or those employed in local or state programs but paid out of Federal funds were covered by the Taylor Law. In the *Matter of Amityville Public Schools* (5 PERB 3043-1972) and the *Village of Wayland* (9 PERB 3084-1976), the Board held they were.

While our colleagues in the PERB Representation section have had to wrestle with some of the questions arising out of Federally funded programs, we in Conciliation have had minimal involvement. This will change. Mr. Persons, whose union cannot be charged with either lack of social conscience with regard to unemployed persons or with disregard of minority group concerns (Council 37 has a very large membership among blacks and Hispanics), nevertheless was moved to state in his response to the Zimmerman paper, "The scope and purpose of PSE...had a direct impact on public sector labor relations because it purported to widen employment opportunities for the victims of recession by targeting the public sector where employment opportunities were perceptively drying up. Given this state of affairs, it is small wonder that public sector labor relations came under tension as it dealt with this issue".⁵ And Persons went on to describe how in "tough negotiations" with the prime sponsor and the DOL regional office, only 3,500 regular civil servants were enrolled in the program out of a total eligible population of 20,000. Persons deplored a situation which he stated "pits minority worker against minority worker for the very few employment opportunities that now exist". He promised, "We will, at the bargaining table, review the program's purpose, which is to secure career advancement and training, and we will police PSE's administration to ensure that PSE transitional employment will enable individuals so employed to move into regular public or private employment."⁶ Persons knows, as an official of a public employee union in New York City, that such a goal is unattainable unless the AFL-CIO's objective of insuring that "federally financed public service jobs must be additional jobs and that state and

² Proceedings of the Twenty-Eighth Annual Winter Meeting, Industrial Relations Research Association Series, pp. 171-178.

³ Ibid, pp. 179-183.

⁴ Ibid, pp. 184-189.

⁵ Ibid, pp. 179-183.

⁶ Ibid, pp. 179-183.

local governments must not be permitted to fire permanent employees in order to hire temporary public service job seekers. Workers hired under the Public Service Employment program local should be accorded the same general conditions of employment as regular state and local government employees."⁷ Shall we recite the melancholy roll in our own State alone, New York City, Yonkers, Newburgh, Buffalo, etc.? Is this an attainable goal?

The final speaker on the subject Jean Couturier, is probably the most informed person in the country on the impact of collective bargaining on civil service systems. (Jean used to be Executive Secretary of the National Civil Service League.) I have known Jean Couturier for almost twenty years and I submit that he is not easily intimidated. Faced with the problems outlined by Zimmerman and Persons, Couturier offered two "basic points for debate". One is that public employment throughout history has provided for upward mobility for those historically locked out of society. Second, that the issues confronting public sector bargaining in the face of public service programs which are federally subsidized are not essentially different from those involving government subsidization of private sector activities.

The first of Couturier's propositions is for us a bit easier to accept than the second. We have lots of examples in ethnically diverse New York City. The teaching profession changed after generations from predominantly Wasp to Irish to Jewish; the police and transit personnel from almost exclusively Irish to currently large numbers of blacks and Hispanics. To his second proposition, Couturier argues, "...if we think of federally supported job programs in the context of Daniel Bell's 'post-industrial society' we will recognize that the federal government is merely buying services from state and local governments. This is appropriate in a service society. It is inevitable in a society that is increasingly shifting its resources from the private to the public sectors. Thus, the problems of seniority, "leap-frogging", layoffs, phony job titles, and union security are not significantly different from those same problems when the government buys airplanes from Boeing, tractors from General Motors, services from General Learning, or war chemicals from General Aniline. Rather, it is buying services from general governments."⁸

We find the second Couturier proposition unpersuasive. Nevertheless, it is an interesting theory. Public service programs are obviously not all that will be done by the Federal and State governments to improve the state of the economy, but they are certain to present new challenges to the labor neutral. We are used to working in pressured or even emotionally charged situations but the fear likely to surface as PSE programs impact on public employees and their governments may reach the emotional level of a Fenian rally at the grave of the O'Donovan Rossa.

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UNEMPLOYMENT INSURANCE COVERAGE. A federal law mandates unemployment insurance coverage as of January 1, 1978 for employees of state and local governments. The coverage under Special Unemployment Assistance has been extended until the new program starts. Professional school employees are not eligible between terms if they have a reasonable expectation of returning to work. The eligibility of nonprofessional employees for intra-term benefits will be determined by State legislative action. The public employers will not have to pay the Federal Unemployment Insurance Tax but will have to contribute to the Unemployment Insurance Fund either as an experienced rated employer or paying the actual costs of payments to ex-employees.

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RECENT SETTLEMENTS

Agreement Between

Summary of Provisions

Chenango County
and
New York State Nurses
Association
1977
(Covers about 10 Nurses)

<u>Salaries:</u> Increased 5% but no increment during life of 1977 agreement.			
	<u>Title</u>	<u>1976</u>	<u>1977</u>
	Registered Nurse-Start	\$ 9,129	\$ 9,585
	Top(6th Yr.)	10,156	10,664
	Public Health Nurse-Start	10,156	10,664
	Top (6th Yr.)	11,734	12,321

Holidays: Increased from 11 to 12 by adding 2 floating ones and dropping Lincoln's Birthday.

Sick Leave: Maximum accumulation raised from 132 to 144 days.

⁷ Ibid, pp. 179-183.

⁸ Ibid, pp. 184-189.