Preface

The present volume is in actuality the fifth edition of a publication which began in 1962 following the issuance of Executive Orders 10987 and 10988 by President John F. Kennedy. The product was titled then a "Manual for Employee-Management Cooperation in the Federal Service." As the concept of collective bargaining grew in the federal sector and exploded on the state and local levels, new materials were incorporated and the volume expanded. The present volume retains the basic materials of the 1968 six-part edition.

Revisions in the volume reflect new directions which required restructuring the materials, so that the volume now contains eleven instead of six chapters. The chapter on Negotiated Agreements has been completely reviewed and updated. Greater emphasis has been given to state and local rather than federal agreements. The response of the research departments of all of the major unions and associations when we requested copies of current representative agreements was most helpful here. The length of many negotiated agreements made it impossible to include the full text of many. We have tried to provide a sufficient number of contracts to give a realistic view of the scope and context of the subjects negotiated.

The chapter on State and Local Legislation now combines the notes and citations with the full text of the statutes. To make the wealth of material in this 110-page chapter more readily accessible, we have added a Legal Provision Finder fashioned after the Contract Clause Finder which users of the fourth edition found a great convenience. The adequacy and inclusiveness of the statutory material as well as the Attorney General Opinions and major court decisions were checked with attorney generals of all fifty states. The response was most cordial, and the chapter on State and Local Legislation has been improved thereby. None of the comments in this chapter, however, are to be attributed to the state attorney generals unless they are specifically quoted.

A new chapter on Terminology has been added. We have found that in teaching courses in labor-management relations in the public service (and we have taught some fifteen during the last two years), we have had to spend a good deal of time explaining the language of the subject. This chapter permits easy access to the more frequently used concepts.

A new chapter on Dispute Prevention and Settlement has been added and structured for class and discussion use. This area has attracted a great deal of interest and demanded special attention.

The materials in the volume have been brought up to date, using January 1969 as the cut-off date. In various situations, however, we have been able to include important developments and documents closer to the printing deadline (for example, the 1969 legislative changes in the New York Taylor Law, South Dakota, Montana, etc.).

On October 29, 1969 President Richard M. Nixon signed Executive Order 11491. Revision of the original Order 10988 was expected in 1968 after the Johnson Review Committee had completed its work. President Lyndon B. Johnson did not issue a revised order before he left the office of President.

A special Study Committee of top officers of the Nixon administration, parallel to the Review Committee, consisting of the Secretary of Labor, the Secretary of Defense, the Director of the Bureau of the Budget, and the Chairman of the Civil Service Commission, met to decide on the form and content of the new Executive Order.

The Study Committee report was completed in August 1969 and transmitted to the President on September 10, 1969. The Executive Order was signed October 29, 1969. The report and Executive Order have been included as Sections A and B of Chapter 11.

PREFACE

Throughout the first chapter, our notes are designated by numbers; in the remainder of the volume, our notes are designated by asterisks to differentiate them from the numbered footnotes which appeared in the original sources.

Many suggestions came from those who had occasion to use the previous publications. As in the previous editions, we are indebted to many people. Almost all of those mentioned in the fourth edition have been of help in the present edition.

A number of knowledgeable people, including the directors of many of the industrial relations centers, responded to our request for comments on a series of questions about suggested changes in the previous edition. Many excellent ideas were suggested, but some were not within the scope of the present project. We would like to thank all who responded to our inquiry. We are especially indebted to George W. Taylor, Allan Weisenfeld, Charles Rehmus, Benjamin Aaron, W. V. Gill, James A. Craft, Otto Pragan, Julius Rezler, Anthony V. Sinicropi, James L. Stern, and Father Jerome L. Toner. We are also appreciative of the assistance of Joyce Matsumoto Najita and Dennis T. Ogawa of the Industrial Relations Center of the University of Hawaii.

As in the previous editions, we wish to extend our thanks to the Bureau of National Affairs (BNA), and more specifically, to John D. Stewart, Edward H. Donnel, Jr., and Donald F. Farwell, for their continued interest in this project and for permission to use materials from *Government Employee Relations Report (GERR)* and other BNA publications.

HAROLD S. ROBERTS

Honolulu, Hawaii
December 1969

PREFACE FROM 4TH EDITION

When President John F. Kennedy issued Executive Orders 10987 and 10988 on Employee-Management Cooperation in the Federal Service on January 17, 1962, he set in motion through its broad application a series of repercussions which were almost equivalent to those set in motion when Congress passed the Wagner Act and President Roosevelt signed it into law in 1935. President Kennedy's Executive Order affected the rights and obligations of two and one-half million federal employees. The Wagner Act covered employees in the private sector engaged in interstate commerce.

The wide range of problems and difficulties in implementing the Wagner Act by private employers and employees in the years following 1935 are not fundamentally different from those which had to be met by employees, their organizations and management (government agencies), in giving substance and meaning to the provisions set out in Executive Order 10988 which sought to extend certain basic rights to federal employees and to encourage employee-management cooperation in the Federal Service.

Five years have passed since the Executive Order was issued. The impact was felt by the independent offices of the federal government, including the Army, Navy, Air Force, and other major departments. The very character of the order and its implications for government employees had deep and immediate repercussions on the state and local level. This was to be expected since some of the labor organizations active in unionization of federal employees were also active in seeking membership on the state and local level. In addition, many unions realized that the number of employees eligible for membership in unions on the state and local level was at least three times as large as the number available in the Federal Service. The approximate employment in the Federal Service in 1965 was 2½ million, whereas the number of government employees on the state and local level was in the neighborhood of 7½ million. The projected estimates of government employment for 1975 places total government employment at around 15 million of which the Federal Service will probably be around 3 million. This would put the ratio of state and local government employees to Federal employees at 4 to 1.

It is estimated that approximately one-half of the government employees on the state and local level were employees engaged in educational activities. The very significant militancy of unions in the educational field and the increasing restlessness among teachers throughout the country indicate their desire to achieve some of the economic and other benefits which have been achieved by employees in the private sector during the last thirty years. Union organization has been instrumental in obtaining better wages, hours, and working conditions. Many of the school boards are unable to obtain adequate financing for local

PREFACE

education. Pressure from teacher organizations will require reassessment of community programs and increased tax dollars for educational needs.

A review of developments during the past few years make it abundantly clear that the area of employee-management relations in public employment needs as much attention as was given the private sector in the decades following the passage of the Wagner Act in 1935.

The growing ferment in the public service is partly suggested by the following: the organization and militancy of teachers' unions (in Philadelphia, Detroit, and New York); the drive of professional organizations directing their attention toward union issues; the increased activity of the nurses association and technical engineers; the open organization of employees among uniformed police and firefighters, especially in metropolitan centers; the reexamination of previous state statutes, such as New York State's Condon-Wadlin law; the reformulation of policy, such as in New York City; the proposals by some federal labor organizations for the establishment of a little National Labor Relations Board to handle the bargaining unit questions; the suggestions by some groups urging the establishment of an agency to administer alleged violations under the Code of Fair Labor Practices provisions of the Executive Order; the increased volume of negotiated agreements between employees and various managements, which illustrate a real desire to come to grips with some of the major issues being faced by employees and management; the flow of state legislation in an attempt to develop uniform policies for state and municipal employees, particularly as they relate to the right of employees to organize for collective bargaining and to provide adequate grievance machinery for the resolution of disputes under the terms of contracts and occasionally procedures to handle impasses.

Most of the laws make it quite clear that the previous policy limiting the right of government employees to strike is still intact. Efforts are being made under the terms of some of the state laws to provide machinery to prevent disputes or procedures for their settlement. Blue ribbon boards were established in four states—Connecticut, New York, Illinois, and Michigan.

The present volume is an outgrowth of a publication originally prepared by the author in February 1964 and revised in August 1964 and in January 1967 entitled, "A Manual for Employee-Management Cooperation in the Federal Service." The publication was devoted primarily to developments on the federal level. The present volume enlarges the scope to include state and local developments as well.

The author is indebted to Louis S. Wallerstein, Chief of the U.S. Department of Labor's Federal Employee-Management Relations Division, and W. Vernon Gill, Assistant to the Chairman of the Civil Service Commission and Director of its Office of Labor-Management Relations, for their cooperative responses to requests for materials and information on the operation of Executive Order 10988.

He is also appreciative of the growing interest of the University of Hawaii in the field of industrial relations and in providing a fertile climate for free academic inquiry and expression in the best tradition of American universities. In their leadership role at the University Gregg M. Sinclair, Paul S. Bachman, Willard Wilson, Lawrence H. Snyder, and Thomas H. Hamilton provided encouragement in many ways.

He would also like to extend his thanks to Joyce Matsumoto Najita, Eva Lee Goo, and Helene Shimaoka of the Industrial Relations Center of the University of Hawaii.

John D. Stewart, Edward H. Donnel, Jr., and Donald F. Farwell have assisted by their continued interest and have made possible the integration of materials from the *Government Employee Relations Report (GERR)* published by the Bureau of National Affairs. They have also made a number of useful suggestions.

Margery Prescott Roberts as always backstopped by keeping "life with father" on an even keel so that the deadlines could be met.

All errors of omission or commission are the responsibility of the author.

HAROLD S. ROBERTS

October 1967