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DEMOCRACY IN EDUCATION • EDUCATION FOR DEMOCRACY

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NORMAL COLLECTIVE BARGAINING PROCEDURES

VS

SPECIAL PROCEDURES FOR TEACHERS

A statement by Charles Cogen, President,
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Representatives of the non-union educational associations are increasingly insistent that teachers not be included under regular collective bargaining laws, and that special procedures be established, usually within the state department of education. While the AFT has no convention resolution on this subject, AFT leaders are universally opposed to this "singling out" proposal. There is nothing about collective bargaining for teachers which would justify separating teachers from the rights, protections, and responsibilities which apply to other groups of public employees.

Any good collective bargaining law would include (1) a method for determining the bargaining agent by secret ballot in cases where two or more organizations are contesting, (2) a prohibition against unfair labor practices, (3) a good faith bargaining requirement for both sides once a bargaining agent has been certified, (4) an orderly method for attempting to resolve disputes arising from the bargaining, and (5) an agency to administer the law. It would not include compulsory arbitration, as distinguished from mediation or fact-finding, as a means for settling the substantive issues involved in bargaining.

Laws following the above pattern have been passed in Wisconsin, Michigan, and Massachusetts. The Connecticut law, while applying only to teachers, also follows the pattern. These laws have operated in an equitable and satisfactory way for both the associations and the AFT. On the other hand, the association-sponsored laws in California, Oregon, and Washington, which single out teachers for special treatment, have resulted in governmental confusion and turmoil.

In Minnesota in 1965, teachers were excluded from a good law for public employees at the request of the MEA, which then attempted to substitute its own bill. The MEA bill was vetoed. Now teachers have nothing and several groups are considering strike action. In Missouri, teachers were also excluded from a good public employee collective bargaining law, with a resultant loss of rights which has prompted Kansas City teachers to consider strike action.

A study of the special legislation favored by the associations reveals that these bills are tailored to further entrench the associations, rather than bring about any advance in teachers' rights or any improvement in employer-employee relations in the educational field. Most of the bills base representation on membership lists, rather than secret ballot elections, so that the board of education

and the superintendent can know where each teacher stands. Association membership rolls are swollen by "members" who join because of "pressure from the top", thus giving a false picture of the teachers' real representation desires. On the other hand, when these teachers get a secret ballot in their hands, they vote their true convictions. In Yonkers, New York, and in many another district, elections have gone against the associations in spite of their majority membership lists.

Another feature of association-sponsored bills is their insistence that the law be administered by the state department of education. The state associations are powerful lobbies, often working closely with the state school board associations. The state superintendent of public instruction usually regards this combination with great respect, if not affection. Furthermore, the state superintendent, more often than not, is an ex-local superintendent and a member of the state education association and the NEA. In event of any dispute arising from negotiations, he can usually be counted upon to see things from the association's and the employer's point of view. He is in a highly prejudicial position in any dispute in which an association is involved with another organization, or in which teachers are involved with the school administration or the school board.

On the other hand, State mediation or labor boards have achieved a high degree of respect for their impartiality and skill in resolving disputes. Most of the personnel of such bodies have great experience involving almost every conceivable employment situation. Labor relations is their only profession. It is their duty to serve the public, not a special interest. The public interest will be much better served by allowing these expert bodies to administer public employee bargaining laws, including those for teachers, and the teachers can be assured of competent and fair treatment. Where no such board exists, one should be established, as was the Wisconsin Employment Relations Board when that state's public employee bargaining law was adopted.

Since teachers are professionals, expected to use their skill and judgment in the performance of their duties, there are times when the professional judgment of the teachers will be in conflict with the judgment of the school administration or the board of education. Experience has shown, however, that even in these conflicts there is seldom a "right" or "wrong" answer. They are resolvable by negotiation between the parties, rather than the imposition of the opinion of some Olympian pedagogical authority. In event expert back-up opinion should be required, however, both sides can be relied upon to produce their expert witnesses.

We are firmly of the opinion that teachers should have all the employee rights and privileges extended to any other group of public employees. The best way to achieve this objective is to insist on uniform treatment with other groups, rather than special arrangements for teachers only.

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