

THROUGH TEACHERS' COLLECTIVE BARGAINING
WITH GUN AND CAMERA

David Selden
Assistant to the President
American Federation of Teachers

A Review of "Collective Negotiations for Teachers" (Rand McNally)
Myron Lieberman and Michael H. Moskow

One of the interesting things about Lieberman and Moskow's Collective Negotiations for Teachers is its subtitle: "An Approach to School Administration." Teachers, and even the general public, tend to view "collective negotiations" as an approach to teachers' rights. But L & M nicely present the process as a new way to keep the schools running on time.

As a matter of fact, the title itself is an attempt to avoid the conflict between those in the NEA who wish to substitute the antiseptic term "professional negotiations" and those teachers, mostly in the AFT, who want to stick with that dirty-union-oriented term, "collective bargaining." The authors take the view that a rose by any other name would smell as sweet. But could you sell roses if they were called skunk cabbage? Hence, "collective Negotiations."

Even before Collective Negotiations has had its first revised edition it has become the standard reference in the field. Almost every superintendent faced with demands by teachers for collective bargaining or its NEA substitute, has a copy on his desk, and who knows how many copies are being sold to students enrolled in classes

File Copy

In the thousands of Education schools across the country. Lieberman and Moskow can look forward to a comfortable old age of royalty collecting. Not that either of these vigorous individuals would think of doing such a thing. Even now they are off on a new venture to provide, to subscribers, latest up-to-the-month information on teacher negotiations.

One should not be so facetious in discussing such a landmark volume as this, of course. Collective Negotiations is essentially a text, containing just about everything there was to know about the subject at the time it was written. Even now, two years later, most of the material is accurate and up-to-date. Furthermore, the authors' analyses of the various considerations which are taken into account by the two sides of the bargaining - er, negotiating - table are sound and temperately stated. This is a big, good solid piece of work; it is worth perusing by everyone interested in the subject, and especially by some school people who, up to this point, have shown a profound indifference.

When teacher collective bargaining was thrust into the consciousness of the public and school people by the one-day strike of New York City teachers November 7, 1960, the idea was new and strange. The schools, purveyors of middle-class mores and attitudes, were completely and shockingly innocent of any knowledge of the subject. Collective bargaining was something that unions favored. Unions were for blue collar production workers. Hence, most high school social studies curriculums ignored the subject or at best gave it a brief

mention in a sketchy historical account of American business-labor struggles. Even these cursory references, incidentally, usually were relegated to those closing chapters of the textbook which are reached in those glorious end-of-the-year June days when neither students nor teachers can be really serious about formal learning.

Even social studies teachers knew little or nothing about collective bargaining. How could an English teacher or a kindergarten teacher be expected to be well-informed on such an esoteric topic? Add to this ignorance the middle class biases of school people and the gentle climate of paternalism in which they work and one begins to get an appreciation of the revolution which is now running through the public schools. One also comes to understand why Collective Negotiations is a "necessary" book.

At least a third of Lieberman and Moskow's work is an elementary exposition of the principles of collective bargaining which should be a part of every high school curriculum. They carefully spell out the basic concepts which have become a part of good labor-management relations practice as it has developed over the past half century. After giving a brief review of the status of the labor movement, and pointing out some of the classic problems in labor relations, the authors get down to cases with an informative discussion of "recognition".

"Recognition" is the acknowledgement by an employer that an organization has the right to speak for a certain group of employees. Before the Labor Management Relations Act (Wagner Act; Taft-Hartley Act;

National Labor Relations Act) "recognition" was the most frequent issue in labor disputes. Few employers were willing to take a union's word that it really spoke for the workers involved, and very often it was necessary for the union to prove its claim by means of a strike. Nowadays, strikes for recognition are infrequent because the National Labor Relations Board conducts elections to determine the representative status of a union.

The LMRA does not apply to teachers, and only a handful of states have laws setting up employer-employee relations machinery for public employees. As a consequence, at least half of the recent teacher strikes have been for recognition.

"Recognition is the indispensable feature of any meaningful form of collective negotiations." This is the lead sentence in L & M's discussion of the subject. Although the authors present various alternatives, such as recognition of a teacher council and a joint committee, it is clear that they favor recognition of a single organization - an association or a union. They also favor an election - rather than presentation of a membership list - as the method for deciding the question of which organization is to be recognized, but the election concept does not appear until Chapter VII -- three chapters removed from the discussion of recognition.

One of the major issues in the unfolding story of teacher collective bargaining is the problem of membership lists versus secret ballot elections as a method for determining the representative

status of an organization. The NEA piously avers that the question should be left to state or local option, but state legislation favored by NEA affiliates invariably calls for selection of the bargaining agent on the basis of membership. Quite obviously the associations take this position because a majority of the teachers of the nation belong to the NEA or a state association or both. Hence, if recognition is based on membership, rather than a vote, the associations will do all right.

However, teachers do not always want to be represented by the organization to which they belong. In election after election, AFT locals have polled double, triple, and even quintuple their memberships in secret ballot elections, while associations more often than not come up with fewer votes than they have members.

The issue of membership versus elections goes far beyond the organizational jockeying involved. The right to vote is the beginning of democracy. We would not think of choosing a President of the United States on the basis of how many members each party had enrolled. Teachers should insist that the same rule apply to their choice of bargaining agent.

Collective Negotiations does an excellent job of exploring NEA-AFT differences on elections versus lists and a number of other issues. The most interesting parts of the book, however, are the philosophical discussions around two questions: (1) the scope of negotiations, and (2) "impasse procedures". The resolution of these two problems very likely will determine the shape of American

education for a long time to come. It is in connection with these two issues that the book's subtitle, "An Approach to School Administration," comes into question.

Both the AFT and the NEA have given a great deal of thought to the impasse resolution problem. Both accept the home truth that teachers must have some means of exerting power in such a situation. Typically, however, the NEA has plumped for the administered approach. The whole sanctions edifice, with its gradations of punitive actions against school districts, is dependent upon NEA administrative approval. As a consequence, some associations have gone to the strike instead of sanctions when the chips were down in negotiations. The AFT has not refined its work stoppage mechanism. Control of the situation is left in the hands of the local organization. It is the local which decides whether or not to call a work stoppage and when. The national and state AFT organizations are expected to lend support.

Myron Lieberman, of course, did the pioneer work in the study of teacher work stoppages ten years ago. His discovery that teacher work stoppages are rarely unsuccessful made an important contribution toward increased teacher militancy. Dr. Lieberman's is more restrained in this current volume. But after going through various possible ways to forestall a teacher work stoppage, he holds firm to his belief that meaningful negotiations can take place only if somewhere at the end of the process there exists the possibility that the teachers may stop working until an agreement is concluded.

Is collective bargaining a revolutionary concept in education, or is it simply a personnel management device? If one takes the position that the scope of teacher negotiations should be limited to teacher benefits, excluding educational policy, and that impasses should be resolved administratively, rather than in an open test of strength, the book's subtitle is well-chosen. If one holds the opposite view, the subtitle should be, "The Coming Educational Revolution."

Lieberman and Moskow can hardly be blamed for advancing the view that there is nothing to get excited about. If they were to take the opposite point of view they would endanger their standing as researchers and interpreters. A textbook cannot be a polemical tract. But still the question remains.

It is significant that the demand for collective bargaining for teachers originated in the AFT - outside the Educational Establishment. From its start the movement has had a strong reformist slant. AFT leaders at all levels have been quite frank in stating their intention to change the status quo in education, even though individual leaders may disagree as to the specifics. National and state association leaders, on the other hand, have been forced to defend the establishment. Even their new-found militancy is limited to the demand for improved salaries, fringe benefits, and working conditions, strictly interpreted.

Can teachers live up to the promise of their revolution? Or will they settle for more money and less work. This is the real

question of the hour. In the answer lies the answer to the question of whether or not teaching can become a true profession. If teachers are unable to muster the resources from their own ranks to produce newer and sounder approaches to the persistent educational problems of our time, and if they are unable to muster the strength to put these new ideas into effect, the opportunity will have been lost. All of society, as well as the teachers, will be the loser.

We live in a time of change, but if "the more things change the more they remain the same," the great promise of the teacher bargaining movement will have been absorbed into the bureaucratic sponge of our administered society. Lieberman and Moskow can hardly be blamed for not taking this point of view. Not every educational philosopher can be a John Dewey. Let us be grateful that they have cut away so much cant and nonsense. But let us also, as we read, be aware of what our real mission as teachers can be.

* * *

DS:DB
OPEIU28
afi-cio