

LABOR-MANAGEMENT RELATIONS IN THE PUBLIC SECTOR



All wars are follies, very expensive and very mischievous ones. In my opinion, there never was a good war or a bad peace. When will mankind be convinced and agree to settle their difficulties by arbitration? -- Benjamin Franklin

T. Zane Reeves, PhD
Fall 2019
PUBLIC ADMINISTRATION 527
School of Public Administration

COURSE OVERVIEW

This course is designed to accomplish three interrelated objectives: First, to familiarize students with the essential principles and practices of labor management relations in the public (governmental) sector. Secondly, attention is given to the nature of dispute resolution between unions and governmental employers. Thirdly, students will be exposed the peculiarities of work life in a unionized organization and how they can function effectively within that environment to change an adversarial organization culture to improve the quality of work life for all employees.

Labor management relations encompasses broad and dynamic relationships among three groups of employees:

Employees in bargaining units as well as their *union* representatives;

Employers and their organizational *managers* and *supervisors*;

Public Policy makers and *government regulatory agencies*

Employment relationships among employees, unions, employers and citizens are fluid and ever changing. Nonetheless, this course focuses on policies and procedures for improving employment relationships, as well as understanding the political and legal frameworks in which they occur. The focus of this course is on the process of labor-management relations by which employee rights and employer responsibilities are protected. Students will be presented with techniques to apply so that employment relations between unions and the employer is enhanced.

REQUIRED READINGS

T. Zane Reeves, *Cases in Public Human Resource Management*, [CPHRM] (2nd ed.) Cengage Publishers, 2006. (available in UNM Bookstore, Amazon.com, or Barnes and Noble)

T. Zane Reeves, *Labor-Management Relations in the Public Sector*, [LMRPS] 2019. Book package may be purchased from Outcomes, Inc., located at 1503 University Blvd., NE (behind the red Blood Bank Bldg) or call (505) 243-2551 to arrange shipping (\$45) or pick up in person (\$40).

AGENDA

August 24: Course Overview and Syllabus

Concepts and Terminology
Course expectations

Read: Reeves, LMRPS, “Collective Bargaining Terms,” pp. 1-6

August 31: Historical legacy of Industrial Relations

Discuss “Salt of the Earth” film

Read: Reeves, LMRPS, Ch. 1, 7-93

Watch *Salt of the Earth* on You Tube

<https://www.youtube.com/watch?v=ixSCmBxytbQ>

Prepare: Reeves, LMRPS, Answer questions #1 & 2 on p. 93

September 7: Unionization: Public and private sector unionization

Stages of Public Sector Unionization

Unionization: Why Do They Join?

Professionals and Unions

Case Study: Why Do Nurses Unionize?

Read: Reeves, CPHRM Ch. 8, “Dissing the Border Patrol”

Reeves, LMRPS, Ch. 2, 97-130

Prepare: Reeves, CPHRM, Answer question #3 on p. 49

Reeves, LMRPS, Answer questions #1 & #2 on p. 130

September 14: Bargaining Units and their Unions

Setting the structure of collective bargaining

Principles in unit determination

“Appropriate bargaining units” & “community of interest”

“Unions of their own choosing”

Mixed units with supervisors

A faculty bargaining unit at UNM

Read: Reeves, CPHRM Ch. 1 “Deer Valley...”

Reeves, LMRPS, Ch. 3, pp. 131-159

Prepare: Reeves, CPHRM, Answer question #2 on p.8

Reeves, LMRPS, Answer questions #1 & #2 on p.159

September 21: Union as Exclusive Representative

“Duty of fair representation”

Agency shop and fair share

Right to work

Read: Reeves, LMRPS, Ch. 4, pp. 160-177
 Reeves, CPHRM Ch. 3 “Some Counselors Are More Equal than Others” pp. 15-19

Prepare: Reeves, LMRPS, Answer question #1 on p. 177
 Reeves, CPHRM, Answer question # 1 & #3 on p. 19

September 28: Politics & ethics in labor-management relations

Political appointees and classified service
 Hearing officers and Personnel Boards
 Limits of political interfering

Read: Reeves, LMRPS, Ch. 5, pp. 179-205
 Reeves, CPHRM, Ch. 17, “Political Shootout...”

Prepare: Reeves, LMRPS, Answer question #1 & #2 on p. 205
 Reeves, CPHRM, Answer question #1 on p. 96

October 5: Employees accused of wrongdoing

Disciplinary approaches
 Tests of Just Cause (Daugherty/Dougherty)
 Tests of Just Cause (Douglas)
 Luke AFB case study

Read: Reeves, CPHRM, Ch. 22, “Cattery Row”
 Reeves, LMRPS, Ch.6, pp. 207-235

Prepare: Reeves, CPHRM, Answer question #2 on pp. 118-119
 Reeves, LMRPS, Answer questions #1 and #2 on p. 235

October 12: Grievance dispute resolution

Resolving complaints;
 Preventing disciplinary grievances
 Grievance structure and procedures
 Lock-step grievance appeals & steps
 Grievance outcomes and post-hearing results

Read: Reeves, CPHRM, Ch. 15, “Sergeant Preston...”
 Reeves, LMRPS, Ch. 7 “Grievance dispute...,” pp. 237-266

Prepare: Reeves, CPHRM, Answer question #1 on p. 85
 Reeves, LMRPS, Answer questions #1 & #2 on p. 266

October 19: Understanding the CBA

Importance of clear and unambiguous language
 Why ambiguous language occurs
 Interpreting vague language

Read: Reeves, CPHRM, Ch. 11, “Holiday Time...”
 Reeves, LMRPS, Ch. 8, pp. 267-287

Prepare: Reeves, CPHRM, Ch. 3, Answer question #2 on p. 67
 Reeves, LMRPS, Answer questions #1 & #2, p. 287

October 26: Just Cause in Oakland

Off-duty conduct of employees
 A corrupt organizational culture
 Treatment of civilian female and ethnic minorities
Read: Reeves, CPHRM, Ch. 28, “Billy Goat or Old Goat?”
 Reeves, LMRPS, Ch. 9, pp. 288-321
Prepare: Reeves, CPHRM, Answer question #3 on p. 156
 Reeves, LMRPS, Answer questions #1 & #2, p. 321

November 2: Damages and remedies in Oakland

Back pay in unjust discharge
 Interest in back pay disputes
 Obligation to mitigate damages
 Attorney fees in unjust discharge
Read: Reeves, CPHRM, Ch. 18 “Smoky Bear is an Underfill”
 Reeves, Ch. 10, pp. 322-353
Prepare: Reeves, CPHRM, Answer question #3 on p. 102
 Reeves, LMRPS, Answer questions #1 & #2 on p. 353

November 9: No class

November 16: Collective bargaining

Preparing for bargaining
 Negotiating process
 Team dynamics
 Proposals and counter proposals
Read: Reeves, CPHRM, Ch. 9, “Handling the Hanford Patrol”
 Reeves, Ch. 11, pp. 354-376
 Watch Waldenville Negotiations, pts 1-5, on You Tube
Prepare: Reeves, CPHRM, Answer question #3 on p. 55
 Reeves, LMRPS, Answer questions #1 & #2 on p. 376

November 23: Hearing advocacy

Advocating for labor or management
 Case presentation
 Opening and closing arguments
 Direct and cross examination
Read: Reeves, CPHRM, Ch. 10, “Taking Firefighters’ Heat”
 Reeves, LMRPS, Read Ch. 12, pp. 377-402
Prepare: Reeves, CPHRM, Answer question #1 or #2 on 59 (TBA)
 Reeves, LMRPS, Answer question #1 or #2 on p. 402 (TBA)

November 23: Selecting the right arbitrator

Predicting Arbitrator outcomes
Read: Reeves, LMRPS, Ch. 13, pp. 403-427
 View: “Waldenville Jogger” film on You Tube
Prepare: Reeves, Answer questions #1 & #2 on p. 427

November 30: Thanksgiving holiday

December 7: Impasse Resolution:

Non-Sanctioned Job Actions
Employee Work Stoppages
General Strikes and Political Pressure
Efficacy of Strikes

Read: Reeves, LMRPS, Ch. 14, 428-450

Prepare: Reeves, Answer questions #1 & #2 on p. 450

GRADE DETERMINATION

Students will have the option to earning one of the following grades:

- A+ Truly outstanding performance on all self-assessment exercises and through insightful participation in classroom discussion. No more than 3 absences/tardies.
A Excellent contribution on all self-assessment exercises and solid participation in classroom discussion. No more than 3 absences/tardies.
A- Excellent contribution on most self-assessment exercises and consistent participation in classroom discussion. No more than 3 absences/tardies.
B+ Excellent contribution on a majority of self-assessment exercises and through consistent participation in classroom discussion. No more than 4 absences/tardies.
B Solid contribution on a majority of self-assessment exercises and through consistent participation in classroom discussion. No more than 5 absences/tardies.
B- Solid contribution on at least half of self-assessment exercises and through participation in classroom discussion. No more than 6 absences/tardies.
C Unacceptable level of performance on most self-assessment exercises and inconsistent participation in classroom discussion. More than 7 absences/tardies.

For purposes of grading, the following factors will be weighed in the final grade:

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|--------------------------------|-----|
| Discussion question answers | 50% |
| Individual class participation | 30% |
| Small group participation | 20% |

Answers to Discussion Questions are due on the dates indicated and must be sent directly to me at www.tzane@unm.edu by 9 am on the relevant class date. Answers must be lucid, cogent and thoughtful. Do not answer in outline or bullet formats. These are essay answers and *must* be supported by independently researched, non-assigned references. Readings, relevant examples from your own experience as well as definitions of all terminology and concepts should be explained.

All references included in your answers must be listed as *complete citations in a References* section at the end of your answers, according to the following examples:

Citations in answer:

- (a) (US, Transportation Security Administration, 2003)
- (b) (*Wall Street Journal*, 2012)
- (c) “Weiner stated...” (Weiner, 2011: n.p.)

References:

- (a) US, Transportation Security Administration (2003) “TSA’s Loy Determines Collective Bargaining Conflicts with National Security Needs,” (January 9) Washington, DC. <http://www.tsa.gov/public/display>
- (b) *Wall Street Journal*. 2012. “Wisconsin unions see ranks drop ahead of recall vote,” May 30.
- (c) Weiner, Rachel. 2011. “Issue 2 falls, Ohio collective bargaining law repealed,” *The Washington Post*, November 8, https://www.washingtonpost.com/blogs/the-fix/post/issue-2falls-ohio-collective-bargaining-law-repealed2011/11/08/gIQAyZ0U3M_blog.html (accessed on January 16, 2016).

Appointments must be scheduled in advance to meet after class on Saturday morning