

# Deals, Strikes and the Mess in the Middle

## Demystifying Union Negotiations



University of Massachusetts

Amherst • Boston • Dartmouth • Lowell • Medical • Law

# Agenda

- **Five Characteristics of a Union**
- **Historical Events in Massachusetts Labor History**
- **Development of Union Rights**
- **Public vs Private Unions – Key differences**
- **Types of Labor Relations Disputes**
- **Massachusetts Teachers Strikes**
- **UMass Labor Profile**

# Five Characteristics of a Union

1. A union has the democratic consent of its members and the ability to elect its own leadership.
2. A union has the right to represent its members in negotiations with their employer over one or more of the following:
  - Wages
  - Benefits
  - Working condition
3. A union has the right to have the outcome of their negotiation reduced to writing in the form of a contract.
4. A union can exercise these rights without fear of coercion or reprisal.
5. These rights are enforceable under law.
  - The **National Labor Relational Board** enforces these laws for private employees.
  - The **MA Department of Labor Relations** enforce these laws for MA public employees.

# Historical Events in MA Labor History

Two events that impacted public opinion about private vs. public unionization



# The Bread and Roses Strike – Lawrence 1912

- Aka the Lawrence Textile Workers Strike lasted two months.
- Workforce was largely comprised by women who were recent immigrants.
- Massachusetts passed a law reducing the hours of work for women from 56 hours to 54 hours per week.
- In response, Mill owners reduced employees' hours and cut their hourly pay.
- Ultimately, the mill owners increase pay by 5% and made other concessions.
- The strike received broad public support.



# POLICE VOTE TO STRIKE TONIGHT WALKOUT AT 5:45 P.M. ROLL CALL

Ballots Cast at Enthusiastic Meetings Following Commissioner's Verdict of Guilty in Cases of 19 Officers Tried on Charges of Violating Rules by Joining Union—Governor, Mayor and Committee in Conference Over Crisis—Curtis Says He Is Ready—Strenuous Efforts Being Made to Avert Walkout—Hope to Succeed Today

## PRO-GERMANS FIGHT TREATY

Every Element of Class in Nation Against It, Says Wilson—Would Cause Life for It if Needed

## ROTH MAKES 26TH BOMER AND RECORD

Major Breaks World Record's Record of 26 Hours 20 Mins

## MIGHTY TRIBUTE TO GENERAL PERSHING

Edwards' Wilkes Gives Potent Message—First of Series of Addresses—Secretary of War Presents Commemorative Salute in Both Cities

## All Officers Found Guilty Are Suspended by Orders of Commissioner

Sentences to Be Imposed Upon Patrolmen Suspended in General Order

# The Police Strike – Boston 1919

- Police sought recognition of their union and improvement of working conditions.
- Rioting took place throughout the City, which included 9 civilian deaths.
- Governor Coolidge directed the Massachusetts State Guard to take control of the City of Boston.
- All police officers were fired.
- 1,500 new police officers were hired at a higher wage.
- No former police officers were rehired.
- The strike raised serious public concern about police unionization.



# Development of Union Rights

- 1935 – The National Labor Relations Act (NLRA) is passed (private sector employees).
- 1958 – MA public employees can join unions and present proposals.
- 1962 – The NLRA is expanded to cover certain parts of the Federal Government Workforce.
- 1964 – MA public employee can bargain over working condition but not wages or benefits.
- 1973 - MA municipal employees can bargain over wages, benefits and working conditions.
- 1973 – Binding arbitration is established for police and fire unions.
- 1980 – MA Proposition 2 ½ (Property Tax Cap) repealed binding arbitration for police and fire.
- 2000 – National Labor Relations Board rule that graduate students performing work for their college or union meet the definition of “employee”.
- 2018 – Supreme Court rules that public employees cannot be forced to pay union dues.

# Public vs Private Unions – Four Key Differences

Category	Private	Public
End of Contract	Expires	Evergreen
Strike	Allowed	Prohibited
Lockout	Allowed	Non-existent
Unionized Managers	Prohibited	Allowed

# Types of Labor Relations Disputes

## Contract Negotiations

- A dispute about the terms of a new or successor contract.
- Subject to mediation, fact finding and non-binding arbitration (police and fire).
- Wage increase, hours of work, course load/classroom hours.

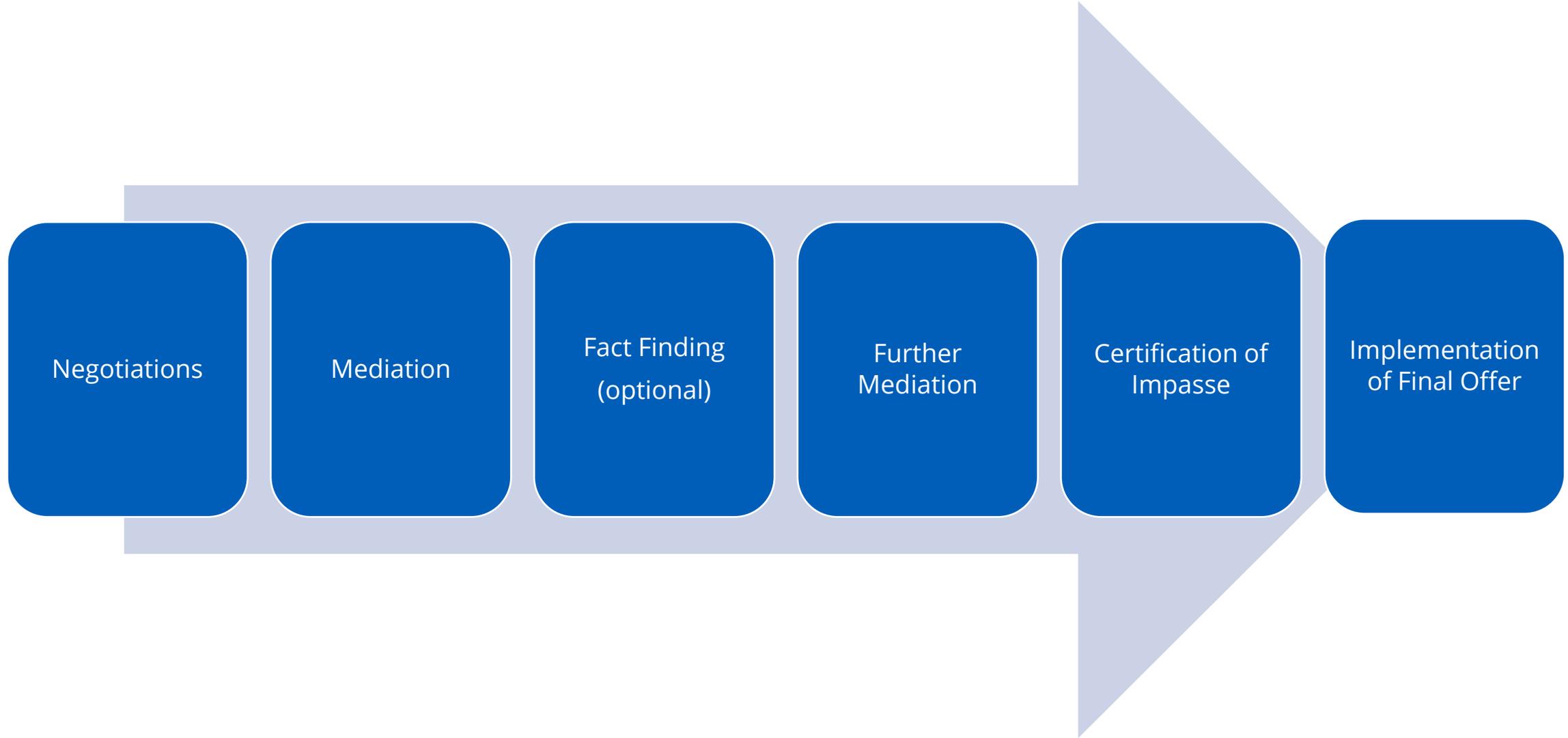
## Grievance Process

- A dispute of the interpretation or administration of an existing contract.
- Subject to multiple internal steps and then arbitration.
- OT distribution, on-call pay, termination without just cause.

## Unfair Labor Practice

- An alleged violation of M.G.L. Chapter 150E.
- Under the jurisdiction of the Massachusetts Department of Labor Relations.
- Bad faith bargaining, direct dealing, transfer of bargaining unit work.

# Contract Dispute Resolution Process



# Contract Dispute Resolution Process

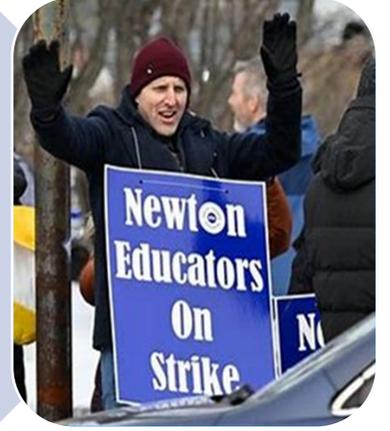
Negotiations



Court-imposed fines for violation the law



More court-imposed fines



# Newton Teachers Strike

**Boston Globe Editorial Board 1/31/24**

“It is not appropriate to hold the education and wellbeing of those students hostage to a dispute between adults any longer.”

“There’s a mediation procedure in Massachusetts law for public sector unions and municipal employers to resolve their differences. The teachers in Newton should use it, instead of leaving students in lurch.”

**MA Teachers Associate 1/29/24**

“Those educators took a risk. They engaged in civil disobedience to instigate change for their students and themselves.”

“Nobody wants schools to shut down. But we have seen over and over that a short-term disruption yields long-term benefits for students and educators.”

# Discussion and Questions



# UMass Labor Profile



# UMass Labor Profile

- Approximately 65% of the UMass workforce is unionized.
- The unionized workforce is represented by forty-one distinct union contracts.
  - Most unions are affiliated with an international, national or statewide union, in which case they are referred to as a “local”.
    - For example, Dartmouth Local 1895 – American Federation of Teachers
  - A small number of UMass unions are unaffiliated.
- Eighty three percent of unionized employees are represented by one of three parent unions.

# Massachusetts Teachers Union



- The MTA represents approximately 6,700 UMass employees, making it the largest parent UMass union.
- Locals include:
  - Amherst, Boston and Lowell Faculty
  - Amherst and Boston Professional and Classified Staff
  - Boston Department Heads and Coaches
  - Lowell grant and contract funded employees

# United Auto Workers

- The UAW represents approximately 4,700 UMass employees, making it the second largest parent UMass union.
- Almost all members are part-time employees.
- Locals include:
  - Amherst Graduate Students
  - Amherst Resident Assistants
  - Boston Graduate Students
  - Lowell Adjunct Faculty
  - Lowell Graduate Students



# American Federation of State County and Municipal Employees



- AFSCME represents approximately 1,900 UMass employees, making it the third largest parent UMass union.
- AFSCME represents building and trades, ground maintenance and cafeteria workers.
- Locals include:
  - Amherst (2)
  - Chan
  - Dartmouth

# Questions

