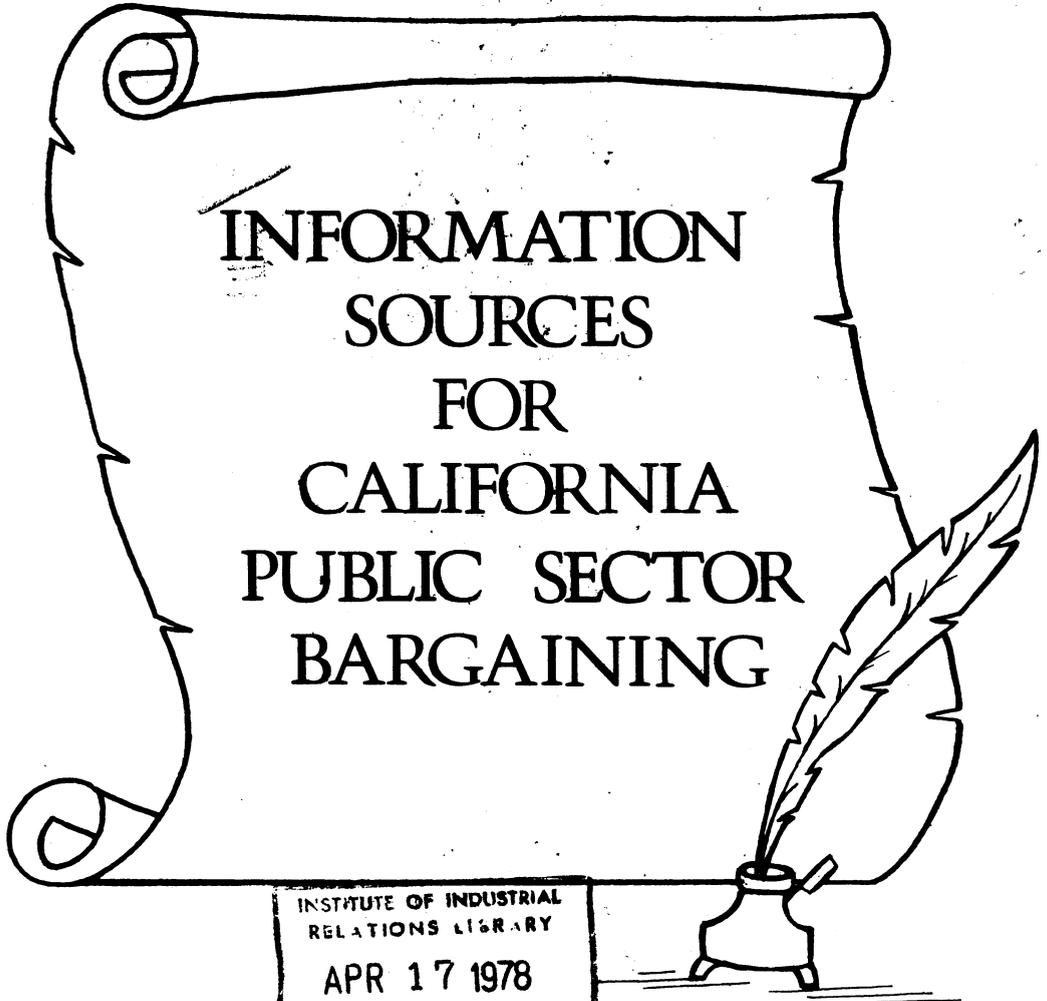


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INFORMATION SOURCES
FOR
CALIFORNIA PUBLIC SECTOR COLLECTIVE BARGAINING,

(A Policy & Practice Publication)

by

MARLENE SHAUGHNESSY

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FOREWORD

The Institute of Industrial Relations at UCLA is pleased to add *Information Sources for California Public Sector Bargaining* to our "Policy and Practice" series of publications. In this series we provide information and analysis of subjects of interest to the industrial relations practitioner.

The current publication was completed under the terms of a contract between the State of California and the University of California, Los Angeles. With funds provided by the Federal Government, the State asked the Institutes at UCLA and Berkeley to aid in the training of public sector management and employees in the practice of labor relations.

The practice of good labor relations requires current and adequate information. It is our hope that this present volume, a guide to sources of information for public sector labor relations, will assist the practitioner and thereby contribute to the skills with which labor relations are conducted in California.

January, 1978

Frederic Meyers
Director

PREFACE

The era of public sector collective bargaining in the United States is often dated from 1962, when President John F. Kennedy issued Executive Order 10988, establishing the basic framework for collective bargaining in the executive branch of the federal government.

In California, public employee-employer labor relations officially began in 1961 with the passage of the George Brown Act, permitting state employees to join employee organizations and meet and confer with the employer. In 1965 the California Legislature enacted the Winton Act, governing labor relations in the public schools. In 1968 the Legislature substantially revised the George Brown Act with the adoption of the Meyers-Milias-Brown Act (MMBA). The MMBA separated the Government Code provisions covering state employees from those dealing with employees of the state's political subdivisions, such as cities and districts. In 1971 the Legislature separated these provisions into two distinct statutes, formalizing the differing treatment of state employees and other public employees. State employees were covered by the George Brown Act, Government Code 3500-3510. Employees of local government agencies were covered by the Meyers-Milias-Brown Act.

In September 1975, Governor Edmund G. Brown Jr. signed Senate Bill 160, the Educational Employment Relations Act (EERA), dealing with employees of local public school districts, county departments of education, and community college districts. The Educational Employment Relations Board (EERB) was established to administer the Act. The EERA, popularly known as the Rodda Act, became entirely effective on July 1, 1976, repealing the Winton Act.

The State Employer-Employee Relations Act (SEERA), signed by Governor Brown on September 30, 1977 grants new employee relations rights to almost all state civil service employees. The statute provides that the Educational Employment Relations Board become, effective January 1, 1978, the Public Employment Relations Board (PERB) and administer both the Rodda Act and SEERA. The remainder of the Act is effective on July 1, 1978.

The growth of public employee collective bargaining has been accompanied by an increased need for information. However, there are a number of factors which make locating this information difficult for the negotiator or researcher. First, information on public sector labor relations is very scattered; only a few publications regularly devote a significant amount of space to the topic. Second, while there is a large range of potential sources of information, the negotiator or researcher must spend time to survey a broad array of materials--from substantial publications of universities and national news services to occasional releases from union locals. Third, public sector labor relations is a multidisciplinary area. Relevant literature, therefore, appears in journals of economics, law, education, sociology, and public administration, making it difficult to control bibliographical information on the subject.

The purpose of this publication is to guide the practitioner or researcher to the potential *sources of information* on public sector collective bargaining, with an emphasis on the situation in California. A chapter is included on basic national, state, and local sources and there is a selected annotated bibliography on California public sector labor relations, as well as a glossary of terms with reference to the California experience. Hopefully, this guide will facilitate the collection and communication of specialized information in the area of public employer-employee labor relations.

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CHAPTER I

INFORMATION SOURCES FOR CALIFORNIA PUBLIC SECTOR LABOR RELATIONS

I. FEDERAL REFERENCES

A. Bureau of Labor Statistics

The major sources for nation-wide statistics on the employment, earnings, and labor relations in the public sector are the U.S. Department of Labor, Bureau of Labor Statistics' (BLS) and the U.S. Department of Commerce, Bureau of the Census.

The BLS *Municipal Government Wage Surveys* provide information on occupational earnings, work practices and benefits for employees of municipal governments. The series began in eight cities in 1970 and was later expanded to cover 27 cities with populations of 500,000 or more. The surveys cover about 50 job titles in six occupational classifications: office clerical; data processing; maintenance, custodial, trades, and labor; public safety and correction; sanitation; and professional, administrative and technical occupations. In addition to wage data, information is provided on city pay plans and their administration; scheduled workweeks; premium pay for overtime; paid holidays and vacations; selected pay differentials; unionization; and health, insurance and pension benefits. Benefit provisions are described, but not costed, so it is possible to compare provisions among cities but not total employment costs. The surveys are issued by the BLS regional offices as they are completed. The most current surveys for California are Los Angeles-Long Beach (March 1976), San Diego (March 1976), and San Francisco (March 1976).

Salary Trends. The BLS issues annual reports on salary trends and current salary scales for teachers, refuse collectors, and police and firefighters in cities with populations of at least 100,000. Data are given for all cities and are broken down by city size and region. Information on individual cities and on benefits is not included. The reports are significant as one of the few sources of data on wage movements and levels in the public sector. They are published according to availability of the data and appear in the BLS journal, *Current Wage Developments*.

Strikes. The BLS publishes annual reports on strike activity in the public sector. These reports include data on the duration of public employee strikes, locations, and types of government services and unions involved. They also compare strike activity for the current and preceding years.

Contract Analyses. The Bureau regularly prepares studies of selected provisions of public sector collective bargaining agreements, based on information from its file of current contracts. The most recent of these studies include: *Characteristics of Agreements in State and Local Governments*, BLS Bulletin 1861 (1975); *Collective Bargaining Agreements for Police and Firefighters*, BLS Bulletin 1885 (1976); and *Collective Bargaining Agreements for State and County Government Employees*, BLS Bulletin 1920 (1976). They include information on the frequency and composition of collective bargaining provisions in the areas of: administration of the contract; personnel policies; wage provisions and allowances; hours and overtime; paid and unpaid leave; working conditions; and grievance and impasse procedures. The study of police and firefighters' contracts also examines provisions that are unique to public safety employment. *Grievance and Arbitration Procedures in State and Local Agreements*, BLS Bulletin 1833 (1975), another in the BLS series on collective bargaining in the public sector, examines negotiated grievance procedures from the Bureau's contract file.

State Government Employee Compensation, 1972, BLS Bulletin 1899 (1976), presents information on total employment compensation for approximately 1.7 million employees of state agencies with at least ten employees, excluding higher education. It is based on data from the 1972 Census of Governments. The text of the report analyzes the level and structure of State government employee compensation; describes the use of paid leave and work hours; examines State government policies and practices affecting selected compensation elements; and compares the State government compensation structure with that in the Federal government and the private non-farm sector of the economy. The statistical tables present data for the United States as a whole, for nine economic regions and for each of the fifty states. Data for hospitals and highway agencies are presented separately because of the large number of employees in these functions. Data include straight-time and premium pay for hours worked; pay for leave; State government expenditures for employee retirement plans; insurance and health benefit plans and unemployment benefits. The report is similar to the total labor cost survey done biennially by the BLS for the private sector.

The *Employment Cost Index* (ECI), a new quarterly service of the BLS, currently reports percent changes in straight-time average hourly earnings for the private non-farm economy. However, the scope of the index will be expanded to total compensation, covering employee benefits as well as wages and salaries and will be presented in the form of index numbers. The ECI is scheduled to include the public sector in 1978.

The BLS biennial *Directory of National Unions and Employee Associations* includes data on membership and characteristics of professional and State employee associations. An association must have

either engaged in collective bargaining and claimed membership in more than one state or, if it has members in only one state, represented employees in two or more cities within the State to qualify for inclusion in the Directory.

B. Labor-Management Services Administration

The Labor-Management Services Administration (LMRS) of the Department of Labor publishes a series of directories of public sector organizations. *A Directory of Public Employment Relations Boards and Agencies* lists the agencies responsible for the administration of State and local collective bargaining as well as their address, duties, and members' names. *A Directory of Public Management Organizations* lists national organizations which have a substantial and continuing interest in public sector labor relations. From data provided by the organization, the Directory includes information on their origins, structure, purpose, membership, services, and publications. *A Directory of Public Employee Organizations* contains information on the location, purpose, organizational structure, membership and publications of organizations that, either in whole or in part, organize or represent State and/or local employees. It is not intended to be a comprehensive list, but includes the largest public employee organizations in terms of membership and regional representation, as determined by the LMRS. All of the directories are updated periodically.

Summary of Public Sector Labor Relations Policies, published annually, provides information on the laws, court decisions and attorneys general opinions regulating public sector collective bargaining at the Federal, State and local levels. It lists the employees covered by the legislation; the address of the administrative agency; criteria

for unit determination; type of recognition; scope of bargaining; employee and management rights; type of union security; treatment of supervisors; impasse procedures; and criteria for arbitrators and fact-finders.

The LMRS has also issued two reports on dispute settlement in the public sector: *Understanding Grievance Arbitration in the Public Sector* (1974) and *Understanding Fact-Finding and Arbitration in the Public Sector* (1974). They discussed such matters as the advantages and disadvantages of arbitration and fact-finding; selection of the neutral; preparation of the case; conduct of the hearing; conduct and role of the neutral; preparation of the report or award; and the aftermath of the case.

Calendar of Events, issued quarterly by the LMRS, lists conferences, conventions, and symposia of interest to parties involved in public sector labor relations as well as occasional bibliographies and articles.

C. Bureau of the Census

The *Census of Governments*, conducted every five years, includes three reports on employment, payrolls and labor relations in the public sector. *Employment of Major Local Governments* provides statistics on employment and payrolls of individual major local governments. Data are presented for all county governments and municipalities and for selected townships, school districts and special districts. *Compendium of Public Employment* provides data on government employment and payrolls by function and by type of government. Data are also presented by level of government and type of local government for State and local government full-time employees covered by retirement systems,

health, hospital or disability insurance and life insurance. The 1977 Census of Governments will provide data on costs to public employers of providing these benefits. *Management-Labor Relations in State and Local Government* includes National and State-by-State statistics on the number of full-time State and local employees who belong to employee organizations; type of labor relations policy practiced by State and local governments; number of work stoppages by level of government and type of local government.

The Bureau of the Census also issues four recurrent annual publications based on a survey of government employment and payrolls. *Public Employment* presents State-by-State data for all types of local government, State governments and the Federal government. *City Employment* presents data for individual cities with a population of at least 50,000. *County Government Employment* reports data on individual counties with a population of at least 100,000. *Local Government Employment in Selected Metropolitan Areas and Large Counties* includes information on all major local governments in the 74 largest SMSAs and 68 additional large counties.

A joint publication of the Bureau of the Census and the BLS, *Labor-Management Relations in State and Local Governments*, reports data on the extent of public employee organization, government labor relations policies, and the number of agreements, bargaining units and work stoppages. Published annually, the data for the report is gathered primarily by a mail canvas of all State governments, all local governments with at least 50 full-time employees in the 1972 Census of Governments, and a random sample of smaller local governments.

D. U.S. Civil Service Commission

The U.S. Civil Service Commission, Bureau of Intergovernmental Personnel Programs, publishes an annual *State Salary Survey* based on data from the individual states. It covers over 100 job titles in 31 occupational categories and includes a general description of each job title and the minimum and maximum salaries for each job title in every State and for the U.S. as a whole. Data do not cover benefits. The survey was begun in 1973.

II. GENERAL REFERENCES

A. Reporting Services, Newsletters and Journals

Government Employee Relations Report (GERR), published weekly by the Bureau of National Affairs (BNA), is the most comprehensive source on labor relations developments at all levels of government. It also contains summaries or complete texts of court and administrative decisions, arbitration awards, contracts and legislation; statistical reports; and summaries or complete texts of significant speeches, conference proceedings and journal articles. The GERR *Reference File* includes material of more permanent interest such as the basic rules, regulations and administrative decisions and official documents pertaining to collective bargaining for Federal, postal, State and local employees; articles on issues and techniques in the public sector; data on employment and earnings, unionization, collective bargaining agreements and strikes; texts of selected contracts; a contract clause finder; and a glossary of terms. The Reference File is updated as needed. Both sections of GERR are indexed and are important sources for current information as well as for research material.

Labor Relations Reporter (LRR), also published weekly by the BNA, is a comprehensive information source in the labor field. It covers both the private and public sectors and includes sections on court and administrative decisions; state laws, fair employment practices; wages and hours; labor arbitration; and news and background information. All cases on a point of labor law can be located through the classification number system of the LRR.

Public Personnel Administration-Labor Management Relations, published biweekly by Prentice Hall, includes developments in public sector collective bargaining; practitioner-oriented articles on current labor-management problems and practices in the public sector; information on the preparation for collective bargaining and the bargaining process; the full texts of contract clauses on a wide range of subjects; an explanation of the grievance procedure and arbitration, including analyses of arbitration awards classified according to subject; and the full text of State and local public sector collective bargaining laws.

Public Safety Labor Reporter, a monthly publication of the International Association of Chiefs of Police, covers police and fire personnel. It contains articles on labor relations in the protective services; developments in relevant legislation; summaries of recently negotiated contracts; reports of fact-finding decisions and arbitration awards; and trends in employment practices. A separate reference volume contains court decisions and Federal, State and local collective bargaining legislation; complete texts of selected contracts, fact-finding decisions and arbitration awards; departmental rules and procedures; and personnel forms and comparative labor data.

Labor Arbitration in Government, published by the American Arbitration Association (AAA), is a monthly summary of arbitration awards and fact-finding recommendations involving employees of Federal, State and local agencies. It includes subject, location, and arbitrator indexes and full texts of the awards can be ordered from the AAA.

LMRS Newsletter is a monthly publication of the Labor Management Relations Service of the U.S. Conference of Mayors. It includes a feature article on a topic of current interest in public sector labor relations as well as news of developments in the field, announcements of conferences and an annotated list of useful readings. The service also issues a pamphlet series, entitled "Strengthening Local Government Through Better Labor Relations," which covers a variety of topics and is intended for practitioners involved in municipal labor relations. The LMRS also publishes a *Clause Reference Manual* which includes provisions from State, county, city and school district contracts. The service sponsors and publishes a biennial survey of fringe benefits of municipal employees as part of its series of special reports.

A number of industrial relations and law journals are also important sources for information on public sector collective bargaining. They include *Industrial and Labor Relations Review* published quarterly by Cornell University, *Industrial Relations* published three times a year by the Institute of Industrial Relations, University of California at Berkeley, *Industrial Relations Law Journal* published quarterly by the Law School at the University of California at Berkeley; *Employee Relations Law Journal* published quarterly by Executive Enterprises Publications Company; *Journal of Collective*

mcConnell — *Negotiations in the Public Sector* published quarterly by Baywood Publishing Company; *Labor Law Journal* published monthly by the U.S. Department of Labor, Bureau of Labor Statistics; *Arbitration Journal* published quarterly by the American Arbitration Association; *Negotiations Journal* published bimonthly by Robert F. Strauss and Associates

Several union publications regularly report developments in public sector labor relations. These include the *AFL-CIO News* published weekly by the American Federation of Labor and Congress of Industrial Organization; *Service Employee* published monthly by the Service Employees' International Union (AFL-CIO); and *The Public Employee* published monthly by the American Federation of State, County and Municipal Employees (AFL-CIO)

B. Organizational Sources

The *Public Employee Relations Library*, published by the International Personnel Management Association, is a series of reports on labor-management relations in the public sector. Recent issues have dealt with contract administration, final offer arbitration and labor relations in the protective services. The Association's bimonthly journal *Public Personnel Management*, regularly includes articles on labor relations. The Association also conducts a semi-annual survey of the minimum and maximum salary ranges for the 62 most common job classes in selected jurisdictions in the U.S. and Canada. U.S. jurisdictions include Federal and States, Counties and Municipalities by four regions.

The Municipal Yearbook, published by the International City Management Association (ICMA), is intended to provide local government officials with information on urban management. It includes reports and statistics on labor relations, personnel administration, salaries, fringe benefits and unionization. *The County Yearbook*, published jointly by the ICMA and the National Association of Counties, reports similar information for counties. Most of the data for the Yearbooks were obtained from questionnaires sent to local officials by the Associations. The ICMA also publishes the monthly series *Urban Data Service Reports*. Recent issues have dealt with personnel practices in municipal police services; city employment and payrolls; manpower, compensation and expenditures for municipal police, fire, and refuse collection and disposal departments; salaries of county and municipal officials in positions with significant administrative and professional responsibility.

The Fraternal Order of Police publishes an annual survey of salaries and working conditions in police departments in selected cities in the United States. It includes salary information for all ranks of law enforcement officers as well as data on benefits and pensions.

Fringe Benefits in State Government Employment, based on surveys sent to all state personnel directors, contains data on annual leave policies; holidays; sick leave; military and civic duty leave; health and life insurance plans; workmen's compensation and disability insurance plans; retirement plans, and overtime and compensatory time off policies. It is issued irregularly by the Council of State Governments, with the latest edition published in April 1975. The Council's quarterly journal, *State Government*, often includes articles on developments and trends in public sector labor relations.

The Industrial Relations Center at the University of Hawaii publishes guides to state and local public sector collective bargaining statutes. The series covers the following topics: impasse resolution procedures; the public employer and the duty to bargain; unit determination; strike rights and prohibitions; employee organization and representation rights; status of managerial, confidential and supervisory employees; grievance adjustment procedures; and terms and definitions. The reports are updated as needed.

The Midwest Center for Public Sector Labor Relations publishes *Midwest Monitor*, a bimonthly topical newsletter reporting developments and current literature in the public sector. Recent issues have dealt with collective bargaining in the protective services; affirmative action in the public sector; and the role of first-line supervisors in labor relations. The Center also publishes a series of practitioners guides. While the Center's publications emphasize developments in the six midwestern states under its jurisdiction, they are also of interest to labor relations specialists in other states.

III. EDUCATION REFERENCES

The National Center for Education Statistics at the U.S. Department of Health, Education and Welfare publishes *Statistics of Public Elementary and Secondary Day Schools*. Issued annually, it includes information on the number of pupils, staff sizes, revenues, expenditures and average salaries for the total instructional staff and for classroom teachers. Data are based on questionnaires to State Departments of Education and are broken out by individual states and by the twenty largest cities in the U.S., including Los Angeles, San Francisco and San Diego.

The *National Survey of Salaries and Wages in Public Schools* is published annually by the Educational Research Service, Incorporated. The sample for the survey is randomly selected from all public school systems enrolling 300 or more pupils. The survey focuses on 22 professional and 10 support positions selected to represent the full scope of public school employment, including the positions of superintendent; central-office administrators; principals; classroom teachers; teacher aides; secretaries; and custodians and bus drivers. Salary data are presented and analyzed according to the following classifications: by four enrollment groupings of the school systems; by four per pupil expenditure levels of the school systems; by eight geographic regions; by tabular listings of specific wage and salary data arranged alphabetically by state.

The American Federation of Teachers (AFT) annual *Survey of Teachers' Salaries* covers some 885 school districts and includes information on the number of pupils; number of teachers; minimum and maximum salaries for teachers with graduate credits and advanced degrees; and the number of steps required to reach the maximum salary. Statistical appendices include starting salaries for college graduates; comparative average annual salaries of professional occupations; cost-of-living information; family budget information; and a comparison between AFT and NEA salaries.

Among the nonstatistical sources of information on collective bargaining in education is *Arbitration in the Schools*, published monthly by the American Arbitration Association (AAA). It contains summaries of arbitration awards and fact-finding recommendations and is indexed by arbitrator, subject and location. The full texts of awards can be ordered from the AAA.

Journals and newspapers which regularly carry news of collective bargaining in education are *Journal of Law and Education* published quarterly by Jefferson Law Book Company, *American School Boards Journal* published ten times a year by the National School Boards Association; *NEA Reporter* published monthly by the National Education Association; *American Teacher* published ten times a year by the American Federation of Teachers; and *The School Administrator* published monthly by the American Association of School Administrators.

IV. CALIFORNIA REFERENCES

A. General Sources

In addition to the numerous federal sources described above, wage data for California public employees are also available from the *Governmental Salary Survey* conducted annually by the State Personnel Board (SPB). It reports wage and salary information for bench mark jobs representative of public employment in the state and includes selected cities, counties, school districts, special districts, and the Federal Government. The *Bay Area Salary Survey* is conducted under the direction of a committee composed of the State Personnel Board and other public agencies in the San Francisco Bay Area. It contains wage and salary information on bench mark jobs representative of public and private employment in the counties of Alameda, Contra Costa, Marin, San Francisco, San Mateo and Santa Clara.

The California Employment Development Department provides annual statistics on the number of civilian government employees by jurisdiction in the entire state and in a number of metropolitan areas throughout the state.

The most comprehensive source of information on the California public sector is *California Public Employee Relations* (CPER) published quarterly by the Institute of Industrial Relations at the University of California, Berkeley. It includes in-depth articles; a practitioner's forum; recent developments in the California public sector; a log of neutrals' actions; and complete texts of selected documents and decisions. *CPER Bulletin* is published between issues of the CPER journal to keep readers informed of current developments in the field.

The Institutes of Industrial Relations at Berkeley and Los Angeles each have published training manuals on California public sector labor relations. Among the topics covered in the Berkeley Institute's series are: the legal framework for California public sector collective bargaining; duty to bargain and good faith bargaining; Cal/OSHA and collective bargaining in the public sector; and concepts and problems involving productivity bargaining.

The series of training manuals published by the Los Angeles Institute includes the following topics: equal employment opportunity and affirmative action in labor-management relations; collective bargaining and civil service in public employment; a framework for building the management team; scope of bargaining in public sector labor relations; grievance handling; grievance arbitration techniques and strategies; contract administration; impasse resolution in interest disputes; employee discipline; effective supervision; and the implications of the Rodda Act on California public education. Many of these titles have been annotated in Chapter III - A Selected Bibliography of California Public Sector Labor Relations 1965-1977, beginning on page 77.

The Los Angeles Institute of Industrial Relations has also recently initiated a series of practitioner-oriented policy and practice publications, three of which have been annotated in this volume: *Collective Bargaining in California Public Education*

-the Rodda Act; The Prevailing Wage Concept in Public Sector Bargaining; Understanding Unions in the Public Sector.

A full listing of these two series--the training manuals and the policy and practice publications --is provided on the front and back inside covers of this publication.

California Journal, published monthly by the California Center for Research and Education in Government, regularly carries articles on legislation, court decisions and developments in public sector labor relations.

Several employee organizations and union newspapers also report California public sector news. Among these are the *Service Union Reporter* published monthly by the California State Council of Service Employees, AFL-CIO; *AFSCME/California* published monthly by the American Federation of State County and Municipal Employees, AFL-CIO; *State Employee* published monthly by the California State Employees Association; *California AFL-CIO News* published weekly by the California Labor Federation AFL-CIO. A number of local unions in the state also publish their own newspapers.

In the summer of 1977 the California Department of Industrial Relations, Division of Labor Statistics and Research, began to collect, code and analyze memoranda of agreements and contracts from California's public sector. The Department intends to issue periodic reports based on information from this contract file.

B. Education Sources

Statistics on California's teachers and school districts can be found in a number of sources.

The State Department of Education puts out several annual publications of interest to negotiators. *California Public Schools Selected Statistics* includes data on the number of schools, pupils

and teachers and the expenditures of the state's public school and community college systems. *Salaries of Certificated Employees in California Public Schools* reports on salaries of full-time teachers and selected supervisors and personnel in other classifications, based on data submitted by the school districts and offices of the county superintendents. The report is designed so that data can be compared from year to year and salary trends can be determined over a period of time. Individual districts are not identified in the report. *Salaries of Superintendents and Certain Other Administrative Officers in the Public Schools of California* presents data for elementary, high school and unified districts by position and level, salary and size of district. The report is intended to provide an overall indication of salary trends in administrative positions, and does not identify individual districts. *California Teachers Salaries and Salary Schedules* includes complete salary schedules and the placement of teachers on the schedule for each district, including community colleges, that provided data. The following information is given for each district: fiscal average daily attendance; highest initial placement step for experienced teachers entering the district; number of scheduled teaching days for the school year; number of extra assigned days; class requirements called for in the district salary schedule; schedule and placement of teachers on the salary schedule; number of teachers and their average salaries; bonuses paid teachers where they are not a part of the regular salary schedule. The school districts are listed in alphabetical order according to type of district and average daily attendance level. An alphabetical index of the districts facilitates use of the report. Two final documents of interest are *District Paid Insurance Programs in California School Districts* compiled by the Department of Education and *Annual Report, Financial Transactions Concerning School Districts of California* published by the State Controller and available through the Department of Education.

The California Agency for Research in Education (CARE) is composed of representatives from the California School Boards Association and the California Teachers Association. Its annual publication *Salary Data for Selected School Site Personnel, Summer School, Adult Education and Extended Day* gives salary information for the following school site personnel: principals; vice-principals, counselors; high school department heads; building librarians; school nurses; psychologists; special reading teachers; and educationally handicapped. Classes of personnel included for community college districts are: deans; assistant deans; division chairmen; department heads; librarians; nurses; and counselors. It also includes information about summer school salaries and pay rates for adult education and extended day programs. Other titles in the CARE Document Series are: *Class Size in California School Districts*; *Paraprofessionals in California School Districts*; *Staffing Patterns of California Elementary and Secondary Schools*.

The Chancellor's Office of the California Community Colleges publishes two annual statistical reports. *Faculty Salary Schedules - California Community Colleges* describes the minimum degree standards for each salary class. *Administrative Salary Schedules - California Community Colleges* provides data by position title for each college within a district and the number of men and women in each title.

Annually, in accordance with Senate Concurrent Resolution 51 (1965 General Legislative Session), the University of California and the California State University and Colleges submit data on faculty salaries and fringe benefits for the forthcoming year to the California Postsecondary Education Commission. The Commission audits the data and prepares its final report and recommendations in April of each year for transmission to the Department of Finance, the Legislative Analyst, and

appropriate legislative committees. The report, *Faculty Salaries, Fringe Benefits and Total Compensation at the University of California and the California State University and Colleges* includes data for the two California systems and for a group of comparison institutions.

Collective bargaining in California education is governed by the Educational Employment Relations Act (SB 160), which was signed by Governor Edmund Brown, Jr. on September 22, 1975. The primary source of information on collective bargaining in education in California is the decisions of the Educational Employment Relations Board (EERB) and of the Board's hearing officers. They are available on a subscription basis from the Board's Sacramento office. *EERB Bulletin*, published monthly, is available from the same office. The EERB also provides copies of Board decisions, final hearing officer decisions, Board orders, resolutions, the *Bulletin* and its annual report to law libraries and state depository libraries throughout the state.

Public Employment Relations Reporter (PERR) is a monthly reporting service published by California Research, a Sacramento based research and consulting firm. PERR deals almost exclusively with developments under SB 160 and consists of a monthly newsletter, special bulletins and an information service. It includes summaries of EERB and relevant court decisions; news of negotiations and contract settlements; and legislative developments.

The Public Employee Reporter for California (PERC) is a bimonthly reporting and reference service published by the The Legal Intelligencer. It includes the complete text of SB 160; EERB regulations and forms; full text with headnotes of significant EERB and court decisions; a classified index; a cumulative digest with topical index numbers; and a twice-monthly newsletter.

A number of periodicals also report news on collective bargaining in California education. *California Reporter on Employee Relations* is published monthly by the California School Boards Association. It reports on activities and decisions of the EERB and on collective bargaining developments statewide and nationally. It also includes interviews with practitioners in the state. *California School Boards*, the official monthly journal of the Association, regularly includes articles on collective bargaining techniques and procedures, and current trends. *California School Law Digest* is issued monthly by the School Law Digest Corporation. It includes reports of state and federal court decisions affecting California's public schools and summaries of EERB decisions and relevant California Attorney General's opinions. Occasional supplements discuss developments in school law. There is a quarterly subject index and table of cases. The School Employers Association has the Center for Management Negotiation Strategies publish the *Negotiator's Update* on a monthly basis for the Association's member districts. The periodical reports district news, surveys, legislation and EERB actions, awards and opinions along with other information of interest to school districts.

Publications of employee organizations in the state include: *California Teacher* issued seven times a year by the California Federation of Teachers, AFL-CIO; *CTA/NEA Action* published semi-monthly from September through June by the California Teachers Association; *California School Employee* published monthly by the California School Employees Association; *The California Academic Review* published monthly by the California State Conference of the American Association of University Professors; *California Professor* pub-

lished ten times a year by the University division of the CTA; *Campus Voice* published monthly by the California State Employees Association for employees of the University of California and the California State Universities and Colleges; and *Tie-Line* published quarterly by the AFSCME Conference of University of California Employees.

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CHAPTER II

A GLOSSARY OF TERMS USED IN PUBLIC SECTOR LABOR RELATIONS

ABILITY TO PAY

The situation that arises during negotiations, when the employer claims he cannot endure the cost of the wage increase requested by the union. In many cases, the union may have the authority to demand proof of the employer's ability or inability to pay. It is also a common criteria, considered by fact-finders and arbitrators in making their awards.

Section 3548.2 of the Rodda Act provides that fact-finders consider the "financial ability of the public school employee-employer" among their criteria in arriving at their findings and recommendations.

AGENCY SHOP

An organizational security provision in a collective bargaining agreement which requires that all employees in the bargaining unit who do not join the employee organization pay a fixed amount, usually the equivalent of union dues, as a condition of employment.

In 1976 the appellate court ruled that the agency shop is unlawful in California local government under the Meyers-Milias-Brown Act. *City of Hayward, et al v. United Public Employees, Local 390, Service Employees International Union, CIO*, 54 C.A. 3d 761. The California Supreme Court upheld the lower court's decision.

The Rodda Act allows agency shop agreements to be negotiated by public school employees.

See also: Organizational Security Union
 Security

Union Security Clauses

AGREEMENT, COLLECTIVE BARGAINING

See Collective Bargaining Agreement

ARBITRABILITY

The extent to which an employer is obligated to arbitrate a particular grievance or dispute. Procedural arbitrability involves determining if specified steps have been carried out prior to the initiation of the arbitration. Substantive arbitrability concerns the scope of the arbitration clause. Questions of arbitrability are usually determined either by an arbitrator or a court.

In *Firefighters Union, Local 1186, IAFF, AFL-CIO, v. City of Vallejo*, the California Supreme Court ruled that the city was required by its charter to submit certain issues to arbitration, rejecting the city's contention that they were not arbitrable (12 C 3d 608, 1974).

ARBITRATION

A method of settling disputes through recourse to an impartial third party who holds a formal hearing, takes testimony, and issues a decision which is usually final and binding. Grievance arbitration, also known as rights arbitration, involves disputes arising over the interpretation and application of the existing contract. Interest arbitra-

tion is used in settling disputes over the negotiation of the provisions of a new contract. Arbitration is voluntary when both parties, of their own volition, agree to submit a disputed issue to arbitration and compulsory if required by law. If arbitration is advisory, the arbitrator's award is not binding on the parties.

The Rodda Act permits final binding arbitration of disputes involving the interpretation, application or violation of the agreement, if the parties so agree. Section 3548.5 and 3548.6.

ARBITRATION, ADVISORY

See Arbitration

ARBITRATION, COMPULSORY

See Arbitration

ARBITRATION, FINAL OFFER

The process whereby the arbitrator must select either the employer's or employee's final offer on issues in dispute. The procedure may be varied by permitting a single revision of the parties' last offer, by permitting the arbitrator to make his selection on an issue-by-issue basis rather than by total package, or by providing fact-finding as a preliminary step before the arbitration.

ARBITRATION, GRIEVANCE

The arbitration of disputes that arise during the term of a written agreement and involve the interpretation and application of that agreement. It is also known as rights arbitration.

Neither the Brown Act, the State Employer-Employee Relations Act, nor the Meyers-Miliias-Brown Act make any reference to grievance arbitration.

The Rodda Act allows for the inclusion of final and binding arbitration of grievances in a negotiated agreement. Section 3548.5. If the agreement does not include such a procedure, both parties may agree to submit their dispute involving the interpretation, application or violation of the agreement to final and binding arbitration pursuant to the rules of the board. Section 3548.6. The Act also provides for access to the courts by either party to force compliance of an arbitration clause.

ARBITRATION, INTEREST

Arbitration of disputes that arise over the negotiations of a new collective agreement or the modification of the terms of an existing agreement. It is to be distinguished from grievance arbitration which involves the interpretation or application of the existing agreement.

The California Supreme Court has ruled that interest arbitration is legal in charter cities (*Firefighters Union Local 1186, IAFF, AFL-CIO, v. City of Vallejo*, 12 C 3d 608, 1974) but that it is not permitted in general law cities (*Bagley v. City of Manhattan Beach*, 18 C. 3d 22, 1976).

See also: Arbitration, Grievance

ARBITRATION, VOLUNTARY

See Arbitration

ARBITRATOR

An impartial third party to whom disputing parties submit their differences for decision. An ad hoc arbitrator is one selected by the parties on a case-by-case or temporary basis. The selection procedure is generally written into the collective agreement and provides that if the parties are unable to agree on a mutually acceptable arbitrator, they will refer the selection to a specified individual or agency. A permanent arbitrator is one whose name is written into the collective agreement. He automatically becomes the arbitrator in all grievance cases reaching the arbitration step for the life of the agreement or until the parties relieve him of his responsibilities.

ARBITRATOR, AD HOC

See Arbitrator

ARBITRATOR, PERMANENT

See Arbitrator

AUTHORIZATION CARD

A statement signed by an employee designating an employee organization to act as his representative in collective negotiations. An employee's signature on an authorization card does not necessarily mean that he is a member of the organization.

BARGAINING UNIT

A group of employees recognized by the employer or designated by an administrative agency as constituting an appropriate unit for the purposes of collective bargaining.

The Brown Act makes no reference to bargaining units except that professional employees have the right to separate representation from non-professionals and that the state may designate that peace officers and managerial and confidential employees be placed in separate units. Sections 3533, 3534 and 3535.

The Meyers-Milias-Brown Act contains no criteria for what constitutes an appropriate unit. It does provide that professional employees have the right to a separate unit, managerial and confidential employees may have a separate unit, and peace officers must have a separate unit. Sections 3507.3, 3507.5 and 3508. It further provides that in the absence of local procedures for resolving disputes on the appropriateness of a unit, "upon the request of any of the parties, the dispute shall be submitted to the Department of Conciliation of the Department of Industrial Relations for mediation or for recommendation for the resolving of the dispute." Section 3507.1.

Under the Rodda Act, when the appropriateness of a unit is raised, the PERB decides the issue on the basis of the community of interest between and among the employees and their established practice including, among other things, the extent to which the employees belong to the same organization and the effect of the size of the unit on the efficient operation of the school district. The Act also provides that: 1) a unit that includes classroom teachers shall not be appropriate unless it includes all classroom teachers employed by the public school employer, except management, supervisory, and confidential employees; 2) a negotiating unit of supervisory employees shall not be appropriate unless it includes all supervisory employees employed by the district and shall not be represented by the same employee organization as employees whom the supervisory employees supervise; 3) classified and certificated employees shall not be in the same unit. Section 3545.

The State Employer-Employee Relations Act provides that in determining an appropriate unit the PERB should consider the following criteria: 1) the internal and occupational community of interest among employees; 2) the effect that the projected unit will have on the meet and confer relationships; 3) the effect of the efficient operations of the employer; 4) the number of employees and classifications in a proposed unit and its effect on the operations of the employer, on the objectives of providing the employees the right to effective representation, and on the meet and confer relationship; 5) the impact of the meet and confer relationship. Section 3521 (b) (1-5). Skilled craft employees have the right to occupationally-based units, notwithstanding the general criteria. Section 3521 (b) (6). It is presumed that professional and nonprofessional employees should not be in the same unit. Section 3521 (c). The Act also provides that law enforcement employees "shall not be denied the right to be in a unit composed solely of such employees." Section 3521.7. Supervisors can join their own employee organizations but are not entitled to exclusive representation. Sections 3522.3 and 3522.4.

See also: Clarification of Unit

BROWN ACT

The California law (Government Code Section 3525 through 3536) which governs labor relations for any person employed by the state, except persons elected by popular vote or appointed to office by the governor, state civil service employees, and managerial and confidential employees. It requires representatives of the state to meet and confer with representatives of employee organizations upon request. The Act was originally passed in 1961, with substantial revisions in 1968, 1971, and 1977.

CALIFORNIA STATE CONCILIATION SERVICE

A division within the Department of Industrial Relations which provides mediators to parties at impasse under the Rodda and Meyers-Milias-Brown Acts.

CARD CHECK

The procedure whereby signed employee authorization cards are checked against a list of employees in a prospective bargaining unit to determine if the organization has majority status.

CERTIFICATED SERVICE

All employees required by law to possess credentials issued by the State Department of Education and the positions which are limited to those who possess such credentials.

CERTIFICATION

The formal determination by an administrative agency that an employee organization is the majority choice and hence the exclusive bargaining representative of all employees in a particular bargaining unit. The determination usually follows a secret ballot election of employees in the bargaining unit.

See also: Authorization Card

 Decertification

CHALLENGED BALLOT

A vote questioned by one of the parties to a representation election. Challenged ballots are kept sealed and are opened and counted only if their number is sufficient to affect the outcome of the election.

Challenges are dealt with under the PERB's representation rules.

CHECKOFF

The procedure under which the employer deducts from the pay of employees who are members of the employee organization in the bargaining unit membership dues and assessments and turns the money over to the organization.

Under the Rodda Act and the State Employer-Employee Relations Act, all employee organizations have the right to have membership dues deducted, until an employee organization is recognized as the exclusive representative for employees in an appropriate unit. Then deductions can only be made for the exclusive representative. Rodda - Section 3543.1 (d). SEERA - Section 3515.6.

CLARIFICATION OF UNIT

The process by which the composition of an existing bargaining unit may be altered after it has been certified.

The Rodda Act does not include provisions for unit clarification, but Section 3541.3 (e) of the Act gives the PERB the authority "to establish by regulation appropriate procedures for review of proposals to change unit determinations."

Accordingly, the Board's rules and regulations provide for the filing of a petition for change in unit determination, also known as a unit clarification or UC petition.

The EERB adopted a resolution whereby changes in unit determinations would be entertained under two circumstances: 1) where both parties jointly file the petition; or 2) where there has been a change in the circumstances which existed at the time of the initial unit determination. EERB Resolution 6 (July 6, 1976).

The petition may be filed with the regional office by the employee organization, employer or both jointly and must include the information listed in Section 33260. The employer is required to post a copy of the notice for a minimum of five workdays. There is no specific regulation allowing a hearing on UC petitions but presumably the Board would, after an investigation, order a hearing similar to a representation hearing.

CLASSIFIED SERVICE

Every position not defined by the Education Code as a position requiring certification qualifications and not specifically exempted from the classified service, according to the provisions of Section 13581 or 13712 shall be classified as required by those sections and shall be part of the classified service. (Education Code Section 13581 establishes the classified service in districts not incorporating the merit system. Section 13712 establishes the classified service in those districts incorporating the merit system.)

CLOSED SHOP

See Union Security Clauses

COALITION (COORDINATED) BARGAINING

A form of negotiations in which the employer deals with a number of employee organizations, or the joint or cooperative efforts by a group of employee organizations to negotiate contracts with the employer. In coalition bargaining the employee organizations usually sit together at the bargaining table to negotiate one agreement or a set of identical agreements. In coordinated bargaining, the organizations often negotiate simultaneously at different locations attempting to refrain from settlement until they all are ready to settle on substantially the same terms.

COLLECTIVE BARGAINING (COLLECTIVE NEGOTIATIONS)

A method of bilateral decision making in which representatives of the employees and employer determine the conditions of employment of all workers in a bargaining unit through direct negotiations. The bargaining normally results in a written contract which is mutually binding and sets both wages, grievance procedures and other conditions of employment to be observed for a stipulated time.

See also: Consultation

Meet and Confer

COLLECTIVE BARGAINING AGREEMENT

A written agreement or contract arrived at as the result of negotiations between an employer and an employee organization. It usually contains provisions on conditions of employment and the procedures to be used in settling disputes during the term of the contract.

The Rodda Act provides for "the execution, if requested by either party, of a written document incorporating any agreements reached, which document shall, when accepted by the exclusive representative and the public school employer, become binding upon both parties . . . The agreement may be for a period of not to exceed three years." Section 3540.1 (h)

See also: Memorandum of Understanding

COMMUNITY OF INTEREST

A factor to be considered in determining whether employees should be grouped together as an appropriate bargaining unit.

The Rodda Act does not define community of interest but does provide that the PERB will determine the appropriateness of a unit "on the basis of the community of interest between and among the employees and their established practice including, among other things, the extent to which such employees belong to the same employee organization, and the effect of the size of the unit on the efficient operation of the school district." Section 3545 (a).

The State Employer-Employee Relations Act requires that, in determining an appropriate unit, the PERB shall take into consideration "the internal and occupational community of interest among the employees, including, but not limited to, the extent to which they perform functionally related services or work toward established common goals; the history of employee representation in state government and in similar employment; the extent to which the employees have common skills, working conditions, job duties, or similar additional or training requirements; and the extent to which the employees have common supervision." Section 3521 (b) (1).

CONFIDENTIAL EMPLOYEE

An employee whose access to personnel files or to knowledge of the employer's labor relations activities makes him inappropriate for membership in an employee organization.

Under the Brown Act (Section 3534) and the Meyers-Miliias-Brown Act (Section 3507.5) a public agency "may adopt reasonable rules and regulations providing for designation of the management and confidential employees of the public agency and restricting such employees from representing any employee organization, which represents other employees of the public agency, on matters within the scope of representation." However, employees have the right to be members of and hold office in an employee organization.

The Rodda Act provides that any person serving in a management or confidential position shall not be represented by an exclusive employee organization. However, a person in such a position has the right to represent himself individually or to be represented by an employee organization whose membership is composed entirely of employees holding the same position. Such an organization cannot meet and negotiate with the employer. Section 3543.4.

Confidential Employees are excluded from the State Employer-Employee Relations Act. Section 3513 (c).

CONSENT ELECTION

An election to determine by majority vote of the employees in an undisputed appropriate unit which, if any, employee organization will be the exclusive employee representative. The procedure is undertaken prior to representation hearings by mutual agreement of the parties.

CONSULTATION

The process through which the employer consults with the employee organization on particular issues before taking action on them. The obligation of consultation is more extensive than notification which may simply involve providing the organization with information, but is less extensive than the obligation to negotiate, which requires complete bargaining resulting either in agreement by the organization or an impasse before the action can be taken by the employer.

In 1976, the appellate court found no basis for distinguishing between the term "consultation in good faith" as used in Section 3507 of the Meyers-Milias-Brown Act and the "meet and confer in good faith" process defined in Section 3505 of the Act. *International Association of Fire Fighters Union Local 1974, AFL-CIO, v. City of Pleasanton, et al*, 56 Cal. App. 3d. 959.

Under the Rodda Act the exclusive representative of certificated personnel has the right to consult on the definition of educational objectives, the determination of the content of courses and curriculum, and the selection of textbooks to the extent such matters are within the discretion of the public school employer under the law. The Act also gives the employer the right to consult with any employees or employee organization on any matter outside the scope of representation. Section 3543.2.

See also: Meet and Confer

CONSUMER PRICE INDEX

Statistics issued monthly by the U.S Bureau of Labor Statistics which measures the average change in prices of goods and services purchased by

moderate-income families and describes shifts in the purchasing power of the consumer's dollar. The Index is used in collective bargaining agreements with escalator clauses which specify wage adjustments based on changes in the CPI.

For California, CPI statistics are issued for the state as a whole and for Los Angeles-Long Beach, San Francisco-Oakland, and San Diego.

CONTRACT

See Collective Bargaining Agreement

CONTRACT BAR RULE

The policy providing that the existence of a written agreement with an incumbent employee organization bars a representation challenge by a competing employee organization.

Under the Rodda Act a request for recognition by an intervening organization must be filed less than 120 days, but more than 90 days, prior to the expiration of the existing agreement. Section 3544.1 (c).

COSTING OUT

The process of determining the total cost of a contract proposal for wage increases, improvements in fringe benefits, and related "roll up" costs such as the increase in workers' compensation premium based on total payroll.

COST-OF-LIVING ADJUSTMENT

See Escalator Clause

COST-OF-LIVING INDEX

See Consumer Price Index

DECERTIFICATION

The withdrawal by an administrative agency of an employee organization's official designation as exclusive representative. It is usually the result of employee dissatisfaction, and is preceded by a decertification election.

The Rodda Act provides that a decertification petition filed by another employee organization "must be supported by current dues deduction authorizations or other evidence, such as notarized membership lists, cards, or petitions from at least 30% of the employees in the negotiating unit indicating support for another organization or lack of support for the incumbent exclusive representative." Section 3544.5 (d).

DILLS BILL

See State Employer-Employee Relations Act

DISPUTE SETTLEMENT

See Impasse

EDUCATIONAL EMPLOYMENT RELATIONS ACT

See Rodda Act

EDUCATIONAL EMPLOYMENT RELATIONS BOARD (EERB)

Formerly, the three-member board appointed by the governor to administer the Rodda Act.

The State Employer-Employee Relations Act changed the name of the EERB to the Public Employment Relations Board (PERB) effective January 1, 1978, and expanded its functions with regard to state employees.

EMPLOYEE ORGANIZATION

The Brown Act defines employee organization as "any organization which includes employees of the state and which has as one of its primary purposes representing its members in employer-employee relations." Section 3526 (a).

The Meyers-Milias-Brown Act defines employee organization as "any organization which includes employees of a public agency and which has as one of its primary purposes representing such employees in their relations with that public agency." Section 3501 (a).

The Rodda Act defines employee organization as "any organization which includes employees of a public school employer and which has as one of its primary purposes representing such employees in their relations with that public school employer. Employee organization shall also include any person such an organization authorizes to act on its behalf." Section 3540.1 (d).

The State Employer-Employee Relations Act defines employee organization as "any organization which includes employees of the state and which has as one of its primary purposes representing such employees in their relations with the state." Section 3513 (a).

EMPLOYEE, PUBLIC

Under Section 3526 (c) of the Brown Act, public employee "means any person employed by the state, excepting those persons elected by popular vote or appointed to office by the governor, and excepting state civil service or exempt employees defined in Section 3515 (c)."

Under Section 3501 of the Meyers-Miliias-Brown Act, public employee "means any person employed by any public agency including employees of the fire departments and fire services of counties, cities, cities and counties, districts, and other political subdivisions of the state excepting those persons elected by popular vote or appointed to office by the governor of this state."

Under Section 3540.1 (j) of the Rodda Act, public school employee "means any person employed by any public school employer except persons elected by popular vote, persons appointed by the governor of this state, management employees and confidential employees."

Under the State Employer-Employee Relations Act, state employee "means any civil service employee of the state, and the teaching staff of schools under the jurisdiction of the Department of Education or the Superintendent of Public Instruction, except managerial employees, confidential employees, those state employees regularly working outside of the state, and employees of the California Maritime Academy." Section 3513 (c).

EMPLOYEE RIGHTS

Collective bargaining rights, usually listed in the enabling legislation, which are given to employees.

Under the Brown Act (Section 3527) and the Meyers-Miliias-Brown Act (Section 3502), employees have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations. Employees also have the right to refuse to join or participate in the activities of employee organizations and have the right to represent themselves individually in their employment relations with their employer.

Employee rights under the Rodda Act are the same as under the other two statutes, "except that once the employees in an appropriate unit have selected an exclusive representative and it has been recognized pursuant to Section 3544.1 or certified pursuant to Section 3544.7, no employee in that unit may meet and negotiate with the public school employer." Section 3543.

The Rodda Act also provides that the employee may present grievances to the employer, and have such grievances adjusted, without the intervention of the exclusive representative, as long as the adjustment is reached prior to arbitration and is not inconsistent with the terms of the agreement in effect. Also, the public employer shall not agree to a resolution of the grievance until the exclusive representative has received a copy of the grievance and the proposed resolution and has been given the opportunity to file a response. Section 3543.

The State Employer-Employee Relations Act provides that employee organizations have the right to represent their members in their employment relations until an exclusive representative is recognized. Then the exclusive representative is the only organization that may represent employees in an appropriate unit in their employment relations

with the state. The Act also provides that "nothing in this section shall prohibit any employee from appearing in his own behalf in his employment relations with the state." Section 3515.5.

EMPLOYER COST INDEX

A service of the Bureau of Labor Statistics which reports changes in the total compensation of employees, including benefits as well as wages and salaries.

EMPLOYER, PUBLIC

Under the Brown Act, the employer, the State of California, is defined as "such state agencies, boards, commission, administrative officers, or other representatives, as may be designated by law." Section 3526 (b).

Under the Meyers-Miliias-Brown Act the employer is called "public agency" and is defined as "every governmental subdivision, every district, every public and quasi-public corporation, every public agency and public service corporation and every town, city, county, city and county and municipal corporation, whether incorporated or not and whether chartered or not." Section 3501 (c).

Under the Rodda Act "public school employer or employer means the governing board of a school district, a school district, a county board of education, or a county superintendent of schools. Section 3540.1 (k).

ESCALATOR CLAUSE

A provision found in many collective bargaining agreements which is designed to keep the purchasing power of the workers reasonably stable during the term of the agreement in the face of price fluctuations. It provides for periodic wage adjustments to reflect changes in the Consumer Price Index or other measures of living costs. Downward as well as upward adjustments are permitted, though there is usually a stated floor below which wages may not be reduced.

See also: Consumer Price Index

ESCAPE CLAUSE

See Union Security Clauses

EXCLUSIVE REPRESENTATIVE

The employee organization certified to represent a majority of the employees in an appropriate bargaining unit and designated as the collective bargaining agent for all employees in the unit, both members and nonmembers.

The Brown Act does not provide for exclusive recognition.

The Meyers-Miliias-Brown Act does not provide for exclusive representation except if an employer adopts rules and regulations establishing a procedure among the employees to determine one.

The Rodda Act provides for exclusive representation in Section 3543.1 (a) which states that once an employee organization is recognized or certified as the exclusive representative of an appro-

priate unit "only that employee organization may represent that unit in their employment relations with the public school employer." Section 3543.3 provides that the public school employer shall meet and negotiate only with "representatives of employee organizations selected as exclusive representatives of appropriate units upon request with regard to matters within the scope of representation."

Section 3515.5 of the State Employer-Employee Relations Act provides for exclusive representation, but employees may also appear on their own behalf in employment relations with the state.

FACT-FINDING

A method of impasse resolution that involves the investigation of a labor dispute by a neutral individual, panel or board. The fact-finder collects data, holds hearings and makes recommendations for settlement. The recommendations are usually advisory, but in some cases they may become binding on the parties.

Under the Rodda Act, if the mediator cannot resolve the dispute within 15 days after his appointment, and declares that fact-finding is appropriate, either party may request that the dispute be submitted to a fact-finding panel. If the impasse goes to fact-finding, each party selects one member of the panel and the Board appoints the chairperson, who may be the same person who served as mediator unless the parties object. The panel holds hearings within ten days after its appointment and may request information from governmental and educational agencies. Within 30 days, or longer if agreed to by the parties, the panel must submit its findings and recommendations to the parties, based upon seven criteria listed in Section 3548.2 of the Act. The panel's findings and recommendations are not binding and must be submitted privately.

to the parties before they are made public. The employer must make them public within 10 days after their receipt. The PERB pays the costs and expenses of the panel chairperson, and the other mutually incurred costs are divided equally between the parties who also pay for the services of their respective panel members. The mediator appointed prior to fact-finding may continue mediation after fact-finding on the basis of the findings and recommendations of the panel. Section 3548.1 through 3548.4.

"FAVORED NATIONS" CLAUSE

A provision in a collective bargaining agreement that gives one party to the contract, either the employer or employee organization, the opportunity to share in the terms of a more favorable contract if either party negotiates a more favorable contract with another employer or organization.

GOOD FAITH BARGAINING

The requirement that an employer and employee organization meet at reasonable times to confer in good faith with respect to wages, hours and other terms and conditions of employment. Neither party is required to make a concession or agree to a proposal.

Under the Rodda Act "the duty to meet and negotiate in good faith requires the parties to begin negotiations prior to the adoption of the final budget for the ensuing year sufficiently in advance of such adoption date so that there is adequate time for agreement to be reached or for the resolution of an impasse. Section 3543.7.

Under Section 3517 of the State Employer-Employee Relations Act "meet and confer in good faith means that the Governor or such representatives as the Governor may designate, and such representatives of recognized employee organizations, shall have the mutual obligation personally to meet and confer promptly upon request by either party and continue for a reasonable period of time in order to exchange freely information, opinions, and proposals, and to endeavor to reach agreement or matters within the scope of representation prior to the adoption by the state of its final budget for the ensuing year. The process should include adequate time for the resolution of impasses."

GRIEVANCE

A statement of dissatisfaction, usually by an employee or employee organization, but sometimes by the employer, concerning the application or interpretation of an existing agreement or traditional work practices. The method of dealing with an individual grievance is usually spelled out in the contract and provides for discussion at progressively higher levels, with arbitration often being the last step.

See also: Arbitration, Grievance

GRIEVANCE ARBITRATION

See Arbitration, Grievance

GRIEVANCE COMMITTEE

A group of employee and/or management representatives that reviews grievances after they have come up from the lower steps of the grievance machinery. In some contracts a special joint grievance committee may be set up as a review committee to determine if the grievance can be resolved before being submitted to arbitration.

GRIEVANCE PROCEDURE

See Grievance

Arbitration, Grievance

HEARING OFFICER

An agent of the PERB appointed to conduct a representation or unfair practice hearing under the Board's rules and regulations. The powers and duties of the hearing officer are enumerated in the Board's representation regulations.

IMPASSE

A situation in collective bargaining which occurs when the employer and the employee organization, both bargaining in good faith, fail to reach agreement. Impasses are usually resolved by the intervention of a third-party neutral such as a mediator, fact-finder or arbitrator.

The Brown Act contains no impasse resolution procedures.

The Meyers-Miliias-Brown Act provides only that the parties may agree upon the appointment of a mediator if they fail to reach an agreement. Section 3505.2.

The Rodda Act defines impasse as the point in meeting and negotiating at which the differences in positions between the parties "are so substantial or prolonged that future meetings would be futile." Section 3540.1 (f). Impasse procedure under the Rodda Act, providing for mediation and fact-finding, are set forth in Sections 3548 through 3548.4.

The State Employer-Employee Relations Act provides for the appointment of a mediator if the parties fail to reach agreement "after a reasonable period of time." Section 3518.

INCENTIVE WAGE PLAN

A system of compensation in which employees' earnings are directly related to their productivity. For example, in 1973 the City of Orange, California negotiated an incentive program with its police department which tied wage increases to the reduction of certain types of crimes.

INCREMENT

One of a series of wage levels in a range between the minimum and maximum salary specified for a job classification. Increment increases are common in the public sector and are usually based on years of service.

INJUNCTION

A court order restraining individuals or groups from committing acts which the court determines may do irreparable harm. There are two types of injunctions: temporary restraining order, issued for a limited period of time and prior to a complete hearing; and permanent injunctions, issued after a full hearing and enforced until the conditions which gave rise to their issuance are changed. Injunctions are frequently issued during illegal public sector strikes when, in the court's opinion, the strike is endangering public health, safety or welfare.

INTEREST ARBITRATION

See Arbitration, Interest

INTERVENTION

Under Section 3544.1 (b) of the Rodda Act intervention occurs when "another employee organization either files with the public school employer a challenge to the appropriateness of the unit or submits a competing claim of representation within 15 workdays of the posting of notice of the written request." Under current rules, the notice of intervention must contain the same information as the original request for recognition and include a statement that at least 30 percent of the employees in the unit claimed to be appropriate have indicated their desire to be represented by the intervening employee organizations. If the intervening organization has the required support, the public school employer is to notify the Board which will conduct a representation election.

An organization may also intervene by filing a request to appear on the ballot following the filing of a petition for a representation election by employees pursuant to Section 3544.3 of the Act.

LAST BEST OFFER

See Arbitration, Final Offer

LOCK OUT

A temporary suspension of work or denial of employment by an employer during a labor dispute. The distinction between a strike and a lockout depends on which party initiates the work stoppage.

MAINTENANCE OF MEMBERSHIP

See Union Security Clauses

Organizational Security

MANAGEMENT EMPLOYEES

Management employees are defined in the Rodda Act as "any employee in a position having significant responsibility for formulating district policies or administering district programs." Management positions are designated by the public school employer, subject to review by the PERB. Section 3540.1 (g). Management employees are not included in the coverage of the Rodda Act (Section 340.1 (j)) and may not be represented by an exclusive representative (Section 3543.4).

Management employees are not defined in the Brown or Meyers-Miliias-Brown Acts. Section 3534 of the Brown Act and Section 3507.5 of the MMB Act provide that a public agency "may adopt reasonable rules and regulations providing for designation of the management and confidential employees of the public agency and restricting such employees from representing any employee organization which represents other employees of the public agency, on matters within the scope of representation." The employees have the right to hold office and be members of an employee organization.

The State Employer-Employee Relations Act excludes managerial employees, who are defined as "any employee having significant responsibilities for formulating or administering agency or departmental policies and programs or administering an agency or department." Section 3513 (e).

MANAGEMENT PREROGATIVES

Rights that employers believe are exclusively their own and therefore not subject to collective negotiations. These rights often expressly reserve to employers, in statutes and agreements of memoranda of understanding, the right to determine the services to be performed to maintain efficiency and order, and to hire and direct the work force.

See also: Management Rights Clause

MANAGEMENT RIGHTS CLAUSE

A provision in a collective agreement which expressly reserves certain rights and responsibilities to management and specifies that the exercise of these rights and responsibilities shall not be the subject of negotiations, grievances, or arbitrations. A management rights clause can take the form of a broad, general statement of prerogatives or it can be an enumerated statement which defines the general statement by listing a variety of retained rights. In the public sector, management rights clauses often restate the scope of bargaining as permitted by law.

See also: Scope of Bargaining

MED-ARB

An impasse procedure which combines the mediation and arbitration functions. The neutral mediates as many issues as possible and arbitrates the remaining unresolved issues. When parties agree to med-arb, they have to agree in advance that all decisions, whether reached by mediation or arbitration, become part of the mediator-arbitrator's award and are final and binding. None of the decisions go back to the parties for acceptance or rejection.

MEDIATION

A process in which a neutral third party assists parties in a bargaining dispute to come to a voluntary agreement. The mediator may suggest to the parties various proposals and methods for the resolution of disputes, but he has no formal power to force a settlement.

Mediation is permissible under the Meyers-Miliast-Brown Act, which provides that if the parties fail to reach an agreement within a reasonable of time they "may agree upon the appointment of a mediator mutually agreeable to the parties." Section 3505.2. However, the appellate court has ruled that when both parties have met and conferred, the refusal of either party to submit to mediation does not violate the MMB Act. (*Alameda County Employees' Association v. County of Alameda*, 30 Cal. App. 3d 518 1973.)

Under Section 3548 of the Rodda Act, either party may ask the EERB to appoint a mediator, whose fees and expenses are paid by the Board. The parties may also agree upon their own mediation procedure, in which case the costs are shared equally. Mediation is the first step when impasse has been reached. Under Section 3548.1, if the mediator cannot resolve the controversy within 15 days after his appointment, and declares that fact-finding is appropriate, either party may request that their differences be submitted to a fact-finding panel. The mediator may serve as chairman of the panel, if both parties so consent. Under Section 3548.4, the mediator appointed prior to fact-finding may continue mediation efforts after the fact-finding state on the basis of the recommendations of the fact-finding panel.

The State Employer-Employee Act provides for the appointment of a mediator if the parties fail to reach agreement "after a reasonable period of time." Section 3518. Mediation is defined as efforts by an impartial third party to assist in reconciling a dispute regarding wages, hours and other terms and conditions of employment between representatives of the public agency and the recognized employee organization . . . through interpretation, suggestion and advice. Section 3513 (d).

MEET AND CONFER

A process of determining wages, hours and conditions of employment through periodic discussions between representatives of the employer and employee organization. Any written agreement is in the form of a nonbinding memorandum of understanding.

Section 3550 of the Brown Act requires representatives of the state to meet with representatives of employee organizations upon request to "consider as fully as such representatives deem reasonable such presentations as are made by the employee organization on behalf of its members prior to arriving at a determination of policy or course of action."

Under the Meyers-Miliias-Brown Act "meet and confer in good faith" means that a public agency and representatives of recognized employee organizations "shall have the mutual obligation personally to meet and confer promptly upon request by either party and continue for a reasonable period of time in order to exchange freely information, opinions and proposals and to endeavor to reach agreement on matters within the scope of representation" Section 3505.

In 1976 the appellate court found no basis for distinguishing between the term "consultation in good faith" as used in Section 3507 of the MMB Act and the "meet and confer in good faith" process under Section 3505 of the Act. *International Association of Fire Fighters Union Local 1974, AFL-CIO v. City of Pleasanton, et al*, 56 Cal. App. 3d 959.

Under the State Employer-Employee Relations Act "meet and confer in good faith means that the Governor or such representatives as the Governor may designate, and representatives of recognized employee organizations, shall have the mutual obligation personally to meet and confer promptly upon request by either party and continue for a reasonable period of time in order to exchange freely information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation prior to the adoption by the state of its final budget for the ensuing year. The process should include adequate time for the resolution of impasses." Section 3517.

See also: Collective Bargaining

 Consultation

MEMORANDUM OF UNDERSTANDING

A written agreement between a public agency and a public employee organization setting forth agreed to terms and conditions of employment.

Section 3505.1 of the Meyers-Miliias-Brown Act provides that after agreement is reached by the parties "they shall jointly prepare a written memorandum of such understanding which shall not be binding, and present it to the governing body or its statutory representative for determination."

Section 3517.5 of the State Employer-Employee Relation Act provides that if the parties reach agreement "they shall jointly prepare a written memorandum of such understanding which shall be presented, when appropriate, to the Legislature for determination." Section 3517.6 of the Act lists several California code sections which may be superseded by memoranda of understanding and states that provisions of memoranda which require the expenditure of funds are not effective unless they are approved by the Legislature in the annual Budget Act.

In 1975, the California Supreme Court ruled that "once the governmental body votes to accept the memorandum, it becomes a binding agreement." *Glendale City Employees' Association, Inc., et al, v. City of Glendale, et al*, 15 C 3d 328.

MEYERS-MILIAS-BROWN ACT (MMB)

The California Act (Government Code Section 3500 through 3510) governing employee relations for all local government employees except employees of school districts, certain transit districts, and employees elected by popular vote or appointed by the governor. The Act provides that the public employer must meet and confer in good faith with representatives of recognized employee organizations. The parties have the mutual obligation to endeavor to reach agreement on matters within the scope of representation. Section 3505. The MMB Act was adopted in 1968 when the legislature substantially revised the George Brown Act by separating the provisions pertaining to state employees from those dealing with local government employees. The MMB Act became effective on January 1, 1969.

MULTI-EMPLOYER BARGAINING

Collective bargaining between one or more employee organizations and a group of employers, usually represented by an employer association which results in a master agreement. In the public sector multi-employer bargaining may involve a coalition of school boards negotiating jointly with an employee organization.

NEUTRAL

Any disinterested third party such as a mediator, fact-finder, or arbitrator, who intervenes into negotiation disputes to facilitate settlement.

OPEN SHOP

An agency or establishment where union membership is neither a condition of employment nor of continued employment and the employees are free to join or not join a union.

ORGANIZATIONAL SECURITY

Section 3540 (i) of the Rodda Act defines organizational security as either: 1) an arrangement pursuant to which a public school employee may decide whether or not to join an employee organization, but which requires him, as a condition of continued employment, if he does join, to maintain his membership in good standing for the duration of the written agreement. However, no such agreement shall deprive the employee of the right to terminate his obligation to the employee organization within a period of 30 days following the expiration of a written agreement; or 2) an arrangement that requires an employee, as a condition of continued employment, either to join the

recognized or certified employee organization, or to pay the organization a service fee in an amount not to exceed the standard initiation fee, periodic dues, and general assessments of such organization for the duration of the agreement, or a period of three years from the effective date of such agreement, whichever comes first."

Section 3546 (a) of the Rodda Act provides that an organizational security arrangement must be agreed upon by both parties to the agreement. It also provides that the employer may require that the provision be severed from the rest of the proposed agreement and be voted upon separately by all members in the negotiating unit. The organizational security provision becomes effective only if a majority of the members of the negotiating unit who vote approve the provision. Such a vote will neither ratify nor defeat the remaining provisions of the proposed agreement.

Section 3546 (b) provides that an organizational security arrangement may be rescinded by a majority vote of the employees in the negotiating unit covered by the arrangement in accordance with the rules and regulations of the PERB.

The State Employer-Employee Relations Act allows the parties to negotiate a maintenance-of-membership provision whereby voluntary members of recognized employee organizations are required to remain members "for a period as agreed to by the parties pursuant to a memorandum of understanding, commencing with the effective date of the memorandum of understanding." Sections 3513 (h) and 3515.

See also: Union Security Clauses

PARITY

A standard relationship between the wage schedules of two or more categories of employees. In the public sector it is commonly used to describe the relationship maintained between salaries of police and firefighters. Where parity exists a contract settlement for one group within the relationship will set the pattern for settlement with the other groups.

PATTERN BARGAINING

The practice whereby the key terms in a settlement in one bargaining unit are closely followed by other employers and employee organizations in the same geographic area or in the same product or service market.

PERMANENT ARBITRATOR

See Arbitrator

PREFERENTIAL HIRING

See Union Security Clauses

PREVAILING RATE

The common or predominant rate paid to a group of workers, generally with reference to a specific occupation in an industry or in a specific labor market area. Because there are many variations in the use of the concept, the U.S. Department of Labor suggests that when the term is used, it should make "specific mention of the area, occupation, industry rate, and type of quantitative measure involved to have definite meaning."

PREVAILING WAGES

The actual wage rates for particular classes of work in a given geographical area; also used as a basis for minimum rates which are established for work on public construction.

PROFESSIONAL EMPLOYEE

As defined by Section 3533 of the Brown Act and 3507.3 of the Meyers-Miliias-Brown Act, professional employees means "employees engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction including, but not limited to, attorneys, physicians, registered nurses, engineers, architects, teachers, and the various types of physical, chemical, and biological scientists." Professional employees have the right to separate representation from non-professionals under both the Brown and MMB Acts.

Professional employees are defined in great detail in Section 3521.5 of the State Employer-Employee Relations Act. Section 3521 (c) of the Act states that "there shall be a presumption that professional employees and nonprofessional employees should not be included in the same unit. However the presumption shall be rebuttable, depending upon what the evidence pertinent to the criteria set forth in subdivision (b) establishes.

PROOF OF MAJORITY SUPPORT

Under the Rodda Act, an employee organization's request for recognition as the exclusive representative must include proof through current dues deduction authorizations, notarized membership lists, petitions or other evidence that the organization has the support of the majority of the employees in the proposed unit. Section 3544.

The public school employer shall grant the request for recognition filed pursuant to Section 3544 unless one of a series of specific conditions, as set forth in Section 3544.1 of the Act, applies.

PUBLIC AGENCY

See Employer, Public

PUBLIC EMPLOYMENT RELATIONS BOARD (PERB)

The three-member board appointed by the governor to administer the Rodda Act and the State Employer-Employee Relations Act. It became operational on January 1, 1978.

PUBLIC NOTICE

Article 8 (Section 3547) of the Rodda Act, which is intended to give the public an opportunity to express its views on the issues in negotiations, provides that: 1) all initial proposals within the scope of representation must be presented at a public meeting of the employer and be made part of the public records; 2) negotiations must be delayed for a reasonable time until the public has had an opportunity to express its views on the proposals at a meeting of the public school employer; 3) after the public has expressed its views, the employer is required to adopt its initial proposals at a public meeting; 4) any new subjects of negotiations must be made public within 24 hours. If the employer votes on a subject, each member's vote must also be made public within 24 hours; 5) the Board may adopt regulations for the purpose of implementing this section. The Board did adopt public notice regulations in June 1977.

A public notice provision similar to that in the Rodda Act is included in Section 3523 of the State Employer-Employee Relations Act.

RECOGNITION

The formal acceptance by a public employer of an employee organization as the majority representative of employees in an appropriate unit. Recognition is a major step in the establishment of a collective bargaining relationship and usually follows an election in which the majority of employees have selected an organization to represent them. Under certain conditions, employers may voluntarily recognize an organization without an election or official certification.

The Brown Act contains no provisions for the recognition of employee organizations.

The Meyers-Miliias-Brown Act provides that "no public agency shall unreasonably withhold recognition of employee organizations." Section 3507. The same section also provides that the public agency may adopt rules and regulations for the exclusive recognition of an employee organization on the basis of a vote of the employers in the agency or in the appropriate unit.

The Rodda Act provides for the recognition of employee organizations that have been selected as exclusive representatives by employees in an appropriate unit, pursuant to Article 5 of the Act (commencing with Section 3544).

The State Employer-Employee Relations Act provides that "the state shall grant exclusive recognition to employee organizations formally recognized pursuant to rules established by the board for employees of the state or an appropriate unit thereof, subject to the right of an employee to represent himself." Section 3520.5.

See also: Voluntary Recognition

REOPENING CLAUSE

A provision in a collective bargaining agreement stating the time or circumstances under which certain parts of the agreement, usually wages, can be renegotiated before the expiration of the agreement. A reopening clause may provide for renegotiations either at the end of a time period, such as one year, or when the Consumer Price Index increases by a certain amount.

REPRESENTATION ELECTION

An election conducted by an employment relations board to allow employees within an appropriate unit to express their choice among organizations showing a legitimate evidence of interest in being the exclusive representative for that unit. The ballot also includes the option of no representation.

Under the Rodda Act "if, by January 1 of any school year, no employee organization has made a claim of majority support in a unit pursuant to Section 3544, a majority of employees of an appropriate unit may submit to a public school employer a petition signed by at least a majority of the employees in the appropriate unit requesting a representation election. An employee may sign such a petition though not a member of any employee organization." Section 3544.3.

Section 3544.7 of the Rodda Act provides for representation elections. The PERB's representation rules and regulations deal with the petition for a representation election and provide the procedure for the conduct of the election.

The State Employer-Employee Relations Act provides that "the board (PERB) shall establish reasonable procedures for petitions and for holding elections." Section 3520.5 (b). An election cannot be directed by the board unless one or more of the employee organizations involved in the proceeding is seeking or agrees to an election. Section 3521 (a).

REPRESENTATION PROCEDURE

A procedure for the purpose of determining the majority representative of employees, if any, in an appropriate negotiating unit, or a question or controversy concerning the representation of employees for the purpose of collective negotiations.

The representation procedure for school employees is contained in Article 5 (Sections 3544 et. seq.) of the Rodda Act. The PERB has also established detailed representation rules and regulations which have been incorporated into the California Administrative Code.

The State Employer-Employee Relations Act gives PERB the responsibility for determining appropriate units and establishing procedures for representation elections. Section 3520.5.

RIGHTS ARBITRATION

See Arbitration, Grievance

RODDA ACT (SB 160)

The popular name for the California Educational Employment Relations Act (Sections 3540 through 3549.3 of the Government Code) which governs employer-employee relations in the public school systems of the state. It

was signed by Governor Edmund G. Brown, Jr. on September 22, 1975 and became fully effective on July 1, 1976.

The purpose of the Act is to improve personnel management and labor relations in the schools by providing "a uniform basis for recognizing the right of public school employees to join organizations of their own choice, to be represented by such organizations in their professional and employment relationships with public school employees, to select one employee organization as the exclusive representative of the employees in an appropriate unit, and to afford certificated employees a voice in the formulation of educational policy." Section 3540. The Educational Employment Relations Board (EERB) was created to administer the Rodda Act. Section 3541.

The State Employer-Employee Relations Act changed the name of the EERB to the Public Employment Relations Board (PERB) and expanded its functions with regard to state employees.

RULE BOOK SLOWDOWN

A job action used particularly by public sector employees, which assumes that if employees comply exactly to the law and to safety and administrative rules, operations will become inefficient.

RUN-OFF ELECTION

A second representation election conducted when no party wins a majority of the valid votes cast in the first election. The run-off is between the two contenders receiving the most votes in the first election. The PERB's representation rules and regulations provide for run-off elections conducted by the regional director.

SCOPE OF BARGAINING

The actual subject matter which employers and employee organizations bring within the area of the collective bargaining agreement or memorandum of understanding.

The Brown Act states that "the scope of representation shall include all matters relating to employment conditions and employer-employee relations, including, but not limited to, wages, hours and other items and conditions of employment." Section 3529.

The Meyers-Miliias-Brown Act defines the scope of representation as "all matters relating to employment conditions and employer-employee relations, including, but not limited to, wages, hours, and other terms and conditions of employment, except, however, that the scope of representation shall not include consideration of the merits, necessity, or organization of any service or activity provided by law or executive order." Section 3504.

Under the Rodda Act the scope of representation is "limited to matters relating to wages, hours of employment, and other terms and conditions of employment" defined as health and welfare benefits, leave and transfer policies, safety conditions of employment, class size, procedures used for employee evaluation, organizational security, and procedures for processing grievances. Also, "the exclusive representative of certificated personnel has the right to consult on the definition of educational objectives, the determination of the content of courses and curriculum, and the selection of textbooks to the extent such matters are within the discretion of the public school employer under the law. All matters not specifically enumerated are reserved to the public school employer and may not be a subject of meeting and

negotiating, providing that nothing herein may be construed to limit the right of the public school employer to consult with any employees or employee organizations on any matter outside the scope of representation." Section 3543.2.

The scope of bargaining under the State Employer-Employee Relations Act is "limited to wages, hours and other terms and conditions of employment, except however, that the scope of representation shall not include consideration of the merits, necessity, or organization of any service or activity provided by law or executive order." Section 3516.

SHOWING OF INTEREST

The extent of support among employees in a proposed bargaining unit which the employee organization must demonstrate in justifying its claim for status as the bargaining representative before elections or collective negotiations are held. The most common requirement is signed authorization cards by thirty percent of the employees in the proposed unit.

See also: Intervention

Proof of Majority Support

STATE EMPLOYER-EMPLOYEE RELATIONS ACT (SEERA)

The California law (Government Code Sections 3512 through 3524) passed in 1977 which governs employee relations for almost all state civil service employees. It provides for unit determination, exclusive representation, unfair labor practice regulations, and organizational security and requires the state to "meet and confer in good faith" with the exclusive representatives. The Act changed the name of the former Education Employment Relations Board to

the Public Employment Relations Board, and charged the PERB to administer both the Rodda Act and the SEERA. The Act takes effect July 1, 1978, except with regard to the PERB salary and organizational changes which takes effect on January 1, 1978.

STRIKE

A temporary work stoppage by a group of employees to express a grievance, enforce a demand for changes in the condition of employment, obtain recognition, or resolve a dispute with management.

The four major statutes governing public sector labor relations in California are silent on the right to strike but they all state that Section 923 of the Labor Code, which states in part that employees may engage in "concerted protection," is not applicable to public employees.

SUPERVISOR

Under the Rodda Act and the State Employer-Employee Relations Act a supervisory employee is defined as "any employee, regardless of job description, having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to and direct them, or to adjust their grievances, or effectively recommend such action, if, in connection with the foregoing functions, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment." Section 3540.1 (m). Under the Rodda Act supervisory employees may have a negotiating unit, but it is an appropriate unit only if it includes all supervisors employed by the district, and it may not be represented by the same employee organization whose members the supervisors have the authority to supervise. Section 3545 (b) (1).

The State Employer-Employee Relations Act states that "except as provided by Sections 3522.1 to 3522.9, supervisory employees shall not have the rights or be covered by any provision or definition established by this chapter." Section 3522. However, the Act allows supervisors to belong to employee organizations of their own choosing, and the organizations may represent supervisors in their relations with the employer. Sections 3522.3 and 3522.4.

UNFAIR LABOR PRACTICE (PROHIBITED PRACTICE)

Action by either an employer or employee organization which violates certain provisions of national, state or local labor relations acts.

The Brown Act (Section 3531) and the Meyers-Miliash-Brown Act (Section 3506) provide that neither the public employer nor the employee organization shall "interfere with, intimidate, restrain, coerce or discriminate against public employees" because of the exercise of their right to organize.

Unfair labor practices of public school employers and employee organizations are listed in Sections 3543.5 and 3543.6 of the Rodda Act. Section 3541.5 of the Act grants the PERB authority over unfair practice charges, including the power to issue a cease and desist order and order affirmative action.

Unfair labor practices under the State Employer-Employee Relations Act are similar to those in the Rodda Act and are contained in Sections 3519 and 3520.

UNION SECURITY CLAUSES

Provisions in a collective bargaining agreement designed to secure the status of the employee organization against employers, nonunion employees,

and/or raids by competing organizations. Examples of union security clauses are: 1) closed shop, an agreement between union and employer that the employer may hire only union members and retain union members in the shop. The closed shop was prohibited by the Taft-Hartley Act in 1947; 2) union shop, an agreement that the employer may hire anyone he wants, but all workers must join the union within a specified period of time after being hired and retain membership as a condition of continuing employment. A modified union shop may exempt certain classes of employees from joining the union, such as employees who are not union members at the time the provision was negotiated; 3) preferential hiring, an agreement under which the employer agrees to give hiring preference to union members, but retains the right to hire non-members for unfilled vacancies; 4) maintenance of membership, an agreement providing that no worker must join the union as a condition of employment, but all workers who voluntarily join must maintain their membership for the duration of the agreement as a condition of continued employment. Most maintenance-of-membership provisions include an escape clause setting aside an interval, either annually or at the expiration of the agreement, when members may withdraw from the union without penalty; 5) agency shop, an agreement which requires employees who are not union members to pay a fixed amount, usually the equivalent of union dues, to the union treasury to help defray the union's expenses as the bargaining agent.

See also: Agency Shop

 Organizational Security

UNION SHOP

See Union Security Clauses

UNIT DETERMINATION

See Bargaining Unit

Clarification of Unit

VOLUNTARY RECOGNITION

Under the Rodda Act, the voluntary granting of recognition by the school district to the requestion employee organization when no proper intervention has been filed and the district is satisfied that a sufficient proof of majority support has been made.

WINTON ACT

The California law (Education Code, former Sections 13080-13090) which governed labor relations of public school districts, county department of education and community college districts from 1965 to 1976. It required a public school employer to meet and confer with representatives of the certificated and classified employee organizations regarding various aspects of the institutional program. Agreements reached under the meet and confer process were not necessarily binding, and could be modified unilaterally by the employer. The Winton Act was repealed by the Rodda Act, which was passed in 1975, and became effective on July 1, 1976.

ZIPPER CLAUSE

A provision in a collective bargaining agreement that specifically states that the written agreement is the complete agreement of the parties and that anything not contained therein is not agreed to unless it is put in writing and signed by both parties subsequent to the date of the agreement.

COMPREHENSIVE REFERENCE WORKS

The following comprehensive reference works on labor relations terms and definitions may be consulted for further information:

Anderson, Howard. *Primer of Labor Relations: A Guide to Employer-Employee Conduct*. Washington, D.C., Bureau of National Affairs, Inc., 1975. 20th Ed.

Doherty, Robert and Gerald A. Di Marchi. *Industrial and Labor Relations Terms*. Cornell University, New York State School of Industrial and Labor Relations, 1974. ILR Bulletin No.44.

Midwest Center for Public Sector Labor Relations. *Terms in Public Sector Labor Relations: A Practitioner's Guide*. Bloomington, Indiana, Indiana University School of Public and Environmental Affairs, n.d.

Roberts, Harold S. *Roberts' Dictionary of Industrial Relations*. Washington, D.C., Bureau of National Affairs, Inc. 1971. Rev. Ed.

CHAPTER III

A SELECTED BIBLIOGRAPHY OF CALIFORNIA PUBLIC SECTOR LABOR RELATIONS SOURCES 1965-1977

This Selected Bibliography contains annotated references for California public sector labor relations.

The annotations are arranged alphabetically. Each entry is preceded by a number, the entry numbers running sequentially.

A Subject Index follows the Bibliography on pp. 138-140. The numbers in this Index appearing after each topic refer to the *entry numbers* preceding the items in the Bibliography.

A SELECTED BIBLIOGRAPHY OF
CALIFORNIA PUBLIC SECTOR LAB OR RELATIONS SOURCES

1. Alleyne, Reginald H. "The Administering Agency in California Public Employee Relations: Purposes and Structure." *California Public Employee Relations*, No. 14 (August 1972), 2-10.

This article is concerned with the relationship between successful labor-management relations in government employment and the structure of the agencies administering the legislation, with an emphasis on California and Los Angeles County. Labor relations agencies are examined structurally in terms of: 1) how agency members are selected; 2) the types of orders issued by the agency; 3) the manner in which an agency decision is judicially reviewed.

2. Alleyne, Reginald H. "Intrajurisdictional Wage Comparability in Los Angeles." *California Public Employee Relations*, No. 9 (June 1971), 16-25.

In metropolitan Los Angeles, the City, County, School District and Housing Authority are all obligated by law to pay the prevailing wage and all four participate jointly in an annual wage survey to determine the prevailing wage. Yet there are substantial wage variances among comparable job classifications in the four jurisdictions. This report describes how the joint survey is conducted, how the survey data are translated into wage-salary schedules, the factors other than the survey results

which influence the final determination of wages, and the author's conclusions and recommendations for achieving closer wage-salary comparability among the jurisdictions.

3. Alpert, Leonard. "Patterns of Unit Determination in California." *Public Personnel Review*, April, 1972.

Unit determination standards and procedures in California counties, under the Meyers-Milias-Brown Act, are examined and compared.

4. Amundson, Norman E. *CAL/OSHA and Collective Bargaining in the Public Sector*. Berkeley, University of California, Institute of Industrial Relations, 1976.

One of the Berkeley Institute's series of training modules, this volume includes information on the rights and responsibilities of public employers and public employees under CAL/OSHA; employee organizations and OSHA; health and safety clauses in California private and public sector agreements; and sources of information on OSHA.

5. Amundson, Norman. "Negotiated Grievance Procedures in California Public Employment." *California Public Employee Labor Relations*, No. 6 (August 1970), 1-18.

This article explains the differences between negotiated grievance procedures and traditional civil service appeals systems and provides examples of how some local California jurisdictions have reconciled these differences. The role and objectives of public employee organizations in negotiating a grievance procedure are also examined.

6. Amundson, Norman E. *The Relevant Legal Frameworks for California Public Sector Collective Bargaining*. Berkeley, University of California, Institute of Industrial Relations, 1976.

One of the Berkeley Institute's series of training modules, this volume includes the texts and analyses of the Meyers-Milias-Brown, Rodda, Brown, and Transit District Acts.

7. Andelson, Steven J. "NLRB Procedures and Practices with Reference to the Rodda Act." *California Public Employee Relations*, No. 30 (September 1976), 2-9.

NLRB procedures concerning unfair labor practices and representation cases are explained, with reference to the Rodda Act. The author concludes that it would be a mistake for anyone involved in public sector labor relations to ignore the private sector experience in these two areas.

8. Arnold, Michael J. "Two Views on the Question of Compulsory Arbitration for Police, Firefighters: The Case Against Compulsory Interest Arbitration." *California Public Employee Relations*, No. 33 (June 1977), 32-38.

The author maintains that compulsory arbitration inflates salaries and benefits, removes public policy decisions from duly elected local officials, retards collective bargaining, and fails to eliminate strikes.

9. Aussieker, Bill. *Bargaining on the Law*, Berkeley, University of California, Institute of Business and Economic Research, 1977.

In 1975 the California Legislature failed for the third time to enact a comprehensive public employee collective bargaining law. This report examines the situational factors involved in this failure and the structural factors that may block the passage of legislation in future years.

10. Aussieker, Bill. "Bargaining Without Unions in California." *Industrial Relations*, Vol. 13 (February 1974), 40-49.

Three different types of negotiating councils in the California Community College system are identified and examined and salaries and working conditions in the system are compared with unionized faculty elsewhere. The author concludes that the community colleges would probably be the least affected segment of education in the event of the passage of a permissive public sector bargaining statute in the state.

11. Aussieker, Bill. "Implementing the Rodda Act in the California Community Colleges." *California Public Employee Relations*, No. 31 (December 1976), 13-22.

The major issues involved in implementing the Rodda Act in the California Community Colleges are identified as: 1) the effects of the patterns of representation that developed under the Winton Act; 2) the placement of part-time employees in appropriate units; 3) the designation of supervisory and managerial employees. The author predicts that

Community College districts and their employees will adjust to the Rodda Act with a minimum of conflict, providing that their state funding is maintained and there is no increase in the state-wide administration of the districts.

12. Blackburn, Jack. *The Rodda Act--One Year Later*. Los Angeles, University of California, Institute of Industrial Relations, 1977.

One of the UCLA Institute's series of training manuals, this volume contains the history and development of the Rodda Act, the impact of the Act on collective bargaining in education, the value of labor relations precedents from other jurisdictions; a guide to EERB hearings, the texts of early EERB decisions and of the Rodda Act, a glossary of relevant terms and an EERB organization chart.

13. Blackburn, Jack and Gloria Busman. *Understanding Unions in the Public Sector*. Los Angeles, University of California, Institute of Industrial Relations, 1977.

This volume in the UCLA Institute's Policy & Practice Series takes note of the fact that the public sector is the fastest growing area of unionization in the 1970's. Discussed are union structure and union history; factors leading to employee organization; where are employee organizations and unions today? how are union goals determined and achieved; California public employees and their organizations. The volume also contains a glossary of collective bargaining terms, a chronology of historical developments; and a five-year study of California public employee strikes.

14. Bowen, David and others. "The California Experience." In *Unionization of Municipal Employees*, Proceedings of the American Academy of Political Science, Vol. 30 (December 1970), 107-123.

This article reviews California's public sector employee relations legislation, and bargaining activities in the state's cities, counties and schools since the late 1960s. The authors conclude that California's failure to adopt comprehensive legislation has resulted in diversity and confusion, but also a good deal of flexibility to meet local needs.

15. Bowen, David J. "New Collective Negotiations Act for California Public Schools." *California Public Employee Relations*, No. 27 (December 1975), 13-18.

The major provisions of the Rodda Act are explained, including the administering agency, representation and unit determination, scope of representation and binding agreements, unfair practices, dispute settlement, grievance procedures, and organizational security.

16. Bowen, David J. and M. W. Aussieker. "Teacher Negotiations in a Changing Environment." *California Public Employee Relations*, No. 11 (November 1971), 2-16.

The Winton Act is explained and experiences to date are compared with expectations of the Act at its time of passage. The authors estimate that one-third of all California public school teachers are employed in districts "where implementation of the Winton Act has proven to be unsatisfactory by almost any reasonable standard." (p. 9). Possible explanations are presented for the disparity between the intent of the Act and the realities of teacher-administrator-school board relations in California. There is a final section on collective bargaining in public education in New York under the State's Taylor Law.

17. Brittain, Jack W. "At the Table: The Implementation of Collective Negotiations Under the Rodda Act." *California Public Employee Relations*, No. 33 (June 1977), 9-15.

The article presents data on representation results, contracts and strikes during the first year of activity under the Rodda Act.

18. "California Assembly Advisory Council's Recommendations on Impasse Resolution Procedures and Public Employee Strikes." *San Diego Law Review*, Vol. 11 (February 1974), 473-491.

This comment examines the Council's recommendations for dispute settlement procedures and a limited right to strike and discusses the effect that the proposed legislation, if enacted, would have on California public sector bargaining.

19. California Association of School Administrators. *The Winton Act Process of Meeting and Conferring*, Joint Committee Report Burlingame, April 1971.

Suggestions for joint district activities include: 1) support of legislation depriving striking personnel of their jobs; 2) development of "battle plans" for districts and schools in which a strike is imminent; 3) encouragement of districts to exchange lists of substitute teachers as replacements for striking teachers; 4) development of regional clearinghouses and a statewide structure "including all members of the management team."

20. California. Commission on Postsecondary Education. *The Impact of Collective Bargaining on Postsecondary Education*. Sacramento, 1975.

This paper examines the impact of collective bargaining in terms of cost, campus governance, faculty affairs, student interests and issues of academic policy.

21. California. Educational Employment Relations Board. *Annual Report of the Educational Employment Relations Board to the Legislature: 1976 A Year of Transition*. Sacramento, 1977.

The first annual report of the EERB, submitted to the legislature February 15, 1977, provides a brief history of the Rodda Act, describes the selection of the staff, and explains the Board's functions in administering the Rodda Act. An appendix includes a statistical summary of Rodda Act activity, flow-charts of the representation and unfair practice processes, an election log, and a glossary of relevant collective bargaining terms.

22. California. Legislative Analyst. *Collective Bargaining in California Public Jurisdictions, Alternatives and Considerations for Implementation*. Sacramento, California, Legislative Analyst, 1975.

In anticipation of the passage of comprehensive public sector collective bargaining legislation in California this report: 1) presents an overview of current trends toward collective bargaining in the California public sector, recent activities by the legislature and existing public employment relations laws in the state; 2) examines alternative methods for adjusting the compensation of state employees;

3) recommends provisions which should be contained in comprehensive legislation; 4) estimates the annual costs involved in administering the legislation.

23. California. Legislature. Assembly Advisory Council on Public Employee Relations. *Report and Proposed Statute of the California Assembly Advisory Council on Public Employee Relations*. Sacramento, March 15, 1973.

On June 22, 1972, the California Assembly adopted House Resolution 51, authorizing the establishment of the Advisory Council to: 1) review and evaluate legislation and trends in public sector labor relations in California and in other states; 2) hold public hearings; and 3) report to the Assembly "on specific proposals for establishing an appropriate framework with which disputes can be settled between public jurisdictions and their employees." The Council's final report includes chapters on the nature and scope of a proposed new law, the functions of the Public Employment Relations Board, bargaining and representation rights, bargaining unit determination, the scope of bargaining, the resolution of interest disputes, and organizational security.

24. California. Legislature. Assembly Committee on Public Employment and Retirement. *Meyers-Miliias-Brown Act*. Transcript of Proceedings, San Diego, October 9, 1969.

This hearing covered unit determination for local employees under the Meyers-Miliias-Brown Act and for state employees not covered by the MMB Act.

25. California. Legislature. Assembly Committee on State Personnel and Veterans Affairs. *Employer-Employee Relations in the Public Service; Report.* 1968.

In 1967 the Committee met in Los Angeles and San Francisco to hear suggestions from management and employee representatives for improving employer-employee relations in the California public service. This report summarizes those meetings and recommends continued study and review of the subject before the enactment of any legislation.

26. California. Legislature. Assembly Committee on State Personnel and Veterans Affairs. *Employer-Employee Relations in the Public Service.* [Transcript of Hearing] Los Angeles, October 23-24, 1967.

These hearings include testimony from employee organizations and public agencies on the problems in public employer-employee relations in California.

27. California. Legislature. Assembly Public Employees and Retirement Committee. *Binding Arbitration,* Transcript of Proceedings, San Francisco, November 9, 1976.

This hearing covered AB 3591, a comprehensive bargaining bill which included compulsory binding arbitration as a method for resolving disputes. It includes the text of the decision of the Legislative Counsel on the constitutionality of collective bargaining and binding arbitration for public employees.

28. California. Legislature. Assembly Public Employees and Retirement Committee. *Collective Bargaining - A.B. 3759*; Transcript of Proceedings, Los Angeles, September 30, 1976.

This hearing covered developments in California public sector labor relations and the positions of labor and management on AB 3759, a comprehensive collective bargaining bill which did not pass. Similar hearings were held in San Diego on October 22, 1976 and in San Francisco on November 8, 1976.

29. California. Legislature. Assembly Public Employees and Retirement Committee. *Collective Bargaining*; Transcript of Proceedings, San Diego, October 22, 1976.

This hearing presented the views of labor, management and neutrals on developments in the California public sector and on AB 3759, a comprehensive bargaining bill which did not pass. Similar hearings were held in Los Angeles on September 30, 1976 and San Francisco on November 8, 1976.

30. California. Legislature. Assembly Public Employees and Retirement Committee. *Collective Bargaining*; Transcript of Proceedings, San Francisco, November 8, 1976. 207 pp.

The third of a series, this hearing includes testimony on collective bargaining for public employees and on AB 3759, a comprehensive bargaining bill which did not pass. Similar hearings were held in Los Angeles on September 30, 1976 and San Diego on October 22, 1976.

31. California. Legislature. Senate Committee on Education. *Senate Bill 160, Scope of Representation*; [Transcript of] Joint Interim Hearing, Sacramento, December 9, 1976. Joint hearing with Senate Committee on Industrial Relations.

This hearing covered the scope of negotiations for classified school employees under SB 160.

32. California. Legislature. Senate Committee on Governmental Organization. *Transcript of Proceedings*, Interim Hearing [before] Subcommittee on Local Public Employment Practices, Sacramento, September 30, 1976.

The Subcommittee met to hear testimony relating to public employer-employee relations, including strikes, binding arbitration, the establishment of a public employment relations board, and various methods of dispute resolution. A majority of those testifying favored revisions of the Meyers-Milias-Brown Act.

33. California. Legislature. Senate Select Committee on Local Public Safety Employment Practices. *To Meet and Confer, A Study of Public Employee Labor Relations*. June 1972.

In October 1971 the Senate Rules Committee adopted Resolution No. 544, creating the Senate Select Committee on Local Public Safety Employment Practices. The Committee was authorized to study the employment of safety personnel in local government, including the effectiveness of the Meyers-Milias-Brown Act. This report of the Committee's activities includes information on the growth of

public sector labor relations legislature; California's public sector laws with an emphasis on the MMB Act; a survey of legislation in other states; and types of impasse resolution procedures. The report concludes with the Committee's recommendation that the MMB Act be replaced by a comprehensive public sector collective bargaining law.

34. "California Nurses Win on Professional and Money Issues," *American Journal of Nursing*, Vol. 74 (August 1974), 1387-1389.

The terms of the agreement ending the San Francisco nurses' strike of June 1974 are discussed.

35. "California's Alternative to Collective Bargaining for Teachers: The Winton Act, 1965-74, and Proposals for Change." *Pacific Law Journal*, Vol. 5 (July 1974), 698-722.

This comment reviews the operation of the Winton Act since its enactment, as interpreted in the courts and implemented in the school districts. The success of the Act is assessed by comparing California's experience with that of other states and proposals for change by the California's Legislature and by school employer and employee organizations are discussed. The author concludes that a separate statute should continue to govern labor relations in California public schools, but it should provide for exclusive representation, mediation, fact finding and arbitration of grievances, and a state regulatory agency to administer the law.

36. California School Boards Association. SB 160 - *The Rodda Bill*. (Sacramento, California, October 1975), 49 pp.

This comprehensive analysis of the California Education Employment Relation Act is intended for use by school employers.

37. California State Colleges. Office of the Chancellor. *Report on Study of Public Employee Organizations*. February 1969.

In 1968, House Resolution No. 530 requested that the Trustees of the California State Colleges, the State Personnel Board and the Regents of the University of California study the changes in the Government Code as a result of the passage of the Meyers-Miliias-Brown Act, including procedures for implementing these changes with respect to employees in their respective jurisdictions. This report of the State Colleges concluded that it would not be advisable to extend the MMB Act to State College employees.

38. California. State Personnel Board. *Report in Response to House Resolution 530: A Proposed Approach for Formalizing Employer-Employee Relations in the State Civil Service*. January 1969.

On July 30, 1968 the State Assembly adopted House Resolution 530, requesting the State Personnel Board, the Trustees of the California State Colleges, and the Regents of the University of California to study the changes made by Senate Bill 1228 (Meyers-Miliias-Brown Act) and report "their findings with recommendations thereon, including procedures for implementing these changes

with respect to State employees subject to their jurisdiction." This report of the SPB includes a proposed collective bargaining statute for State civil service employees, an analysis of possible problems under the statute, and proposed solutions to such problems.

39. California Taxpayers' Association. *Industrial Collective Bargaining--Does It Fit Public Employees?* Sacramento, California. California Taxpayers' Association, March 1975.

The major provisions of two California Public sector labor relations bills--SB 2133 (1974) and SB 275 (1975) are compared and the impact of SB 275 in several key areas, is discussed. The report also briefly examines public sector labor relations and public-private salary data nation-wide and in California.

40. California Teachers Association. "Implementation of the Winton Act in California School Districts: 1969-1970." *CTA Research Bulletin*, No. 250 (September 1970).

Based on a survey of school districts, this statistical report includes data on the composition and operation of negotiating councils, the number of written agreements, procedures for the resolution of disagreements and impasses, grievance procedures, and the major items negotiated. The findings of a similar survey, conducted by the CTA in 1968, are reported in *CTA Research Bulletin*, No. 224 (August 1968).

41. Cartabruno, Leah. "Anatomy of a Failure: How the Plug was Pulled on Comprehensive Collective Bargaining Legislation - 1974." *AOR Reporter*, 1 (December 1975), 1-9.

In 1975 the California Legislature was expected to approve a comprehensive public sector collective bargaining bill. This article reports the histories of several of the bills and speculates on why they were not passed.

42. Cartabruno, Leah. "Yet Another Bargaining Board with Massive Financial Problems." *California Journal*, Vol. 4 (April 1976), 123-124.

The Educational Employment Relations Board (EERB) is discussed in terms of its composition, functions and potential problems.

43. Cebulski, Bonnie G. "The Agency Shop: California Perspectives on a Landmark Decision." *California Public Employee Relations*, No. 34 (September 1977), 2-8.

The United States Supreme Court decision of *Aboud v. Detroit Board of Education*, 97 S. Ct. 1782 (1977), upheld the constitutionality of the agency shop in the public sector. This article examines the decision and its potential impact on California public sector labor relations. The author concludes that the desirability of the agency shop will continue to be an issue for debate in California in both the legislative and negotiating arenas.

44. Cebulski, Bonnie G. "An Analysis of 22 Illegal Strikes and California Law." *California Public Employee Relations*, No. 18 (August 1973), 2-17.

Twenty-two strikes which occurred between January 1969 and mid-July 1972 in the San Francisco Bay and Sacramento areas are examined in detail. The author discusses the decision of the employer to seek legal sanctions against a strike, the court's treatment of the issue through temporary restraining orders and injunctions, and the effect of sanctions on a strike. She concludes that California law declaring public sector strikes illegal may have deferred some strikes and that the injunction may have a sobering effect on others, and therefore the law is not entirely without effect. But the 22 strikes indicate that the law does not realize its purpose of preventing strikes in the public sector.

45. Cebulski, Bonnie G. "CSEA's Academic Pay Case." *California Public Employee Relations*, No. 9 (June 1971), 26-27.

This article discusses the issues involved and the current status of the California State Employees Association's suit for restoration of the 5 percent pay increase for University and State College academic employees which was cut from the 1970-71 state budget.

46. Cebulski, Bonnie G. "Fair Comparison or Pay Restraint?-- California Challenges COLC." *California Public Employee Relations*, No. 19 (December 1973), 11-18.

In August, 1973, the Cost of Living Council rolled back pay raises for approximately 170,000 California state and university employees. The

state and the employees contended that the order interfered with the state policy of establishing pay by comparison with wages in private and public employment. This article reports on the administrative and legal events following the Council's order and its effect on the prevailing wage system.

47. Cebulski, Bonnie G. and Clara Stern. "A Five-Year Study of California Public Employee Strikes." *California Public Employee Relations*, No. 25 (June 1975), 2-5.

This article and accompanying table provide data from CPER records on the 115 public employee strikes in California from 1970-74, including their causes, legal sanctions and punitive action involved, and strike settlements and impasse resolution.

48. Cebulski, Bonnie G. "A 1975-1976 Tabulation of Strike in California's Public Sector." *California Public Employee Relations*, No. 33 (June 1977), 2-8.

In 1975 California experienced 44 strikes in the public sector. In 1976 the incidence of strikes decreased to 20. This article analyzes these strikes as to their causes, characteristics, legal sanctions and punitive actions involved and impasse procedures utilized.

49. Cebulski, Bonnie G. "The San Francisco Craft Employees Strike: A 'Fair Comparison' Pay Dispute." *California Public Employee Relations*, No. 29 (June 1976), 11-18.

From March 31 to May 8, 1976, San Francisco's craft employees were on strike over the repeal of a charter provision requiring the city to pay its craft employees the same wages as those paid to their private sector counterparts in San Francisco. This article explains the causes of the strike, presents a chronology of events during the strike, and summarizes the litigation that arose in its aftermath.

50. Cebulski, Bonnie G. "Some Recent Trends in Local Government Agreements." *California Public Employee Relations*, No. 26 (September 1975), 52-56.

Ninety-four agreements from 42 different California jurisdictions were examined as to wages, duration, insurance benefits, holidays, vacations, sick leave, union rights, management rights, grievance procedures, hours and overtime, and education incentives.

51. "Civil Service and Collective Bargaining in Los Angeles County Government." *California Public Employee Relations*, No. 20 (March 1974), 2-21.

In December 1972, the Board of Supervisors asked the Los Angeles County Citizens Economy and Efficiency Commission to study the duplication and conflict between civil service and collective bargaining and to make recommendations. The recommendations of the Commission, issued in December 1973, are included in this CPER compilation along with: 1) a memorandum to the Board of Supervisors from the County Chief Administrative Officer and Director of Personnel on their reaction to the recommendations; 2) the views of Harry Gluck, Chief, Representative Services, Local 660, SEIU, AFL-CIO.

52. "Collective Bargaining and the California Public Teacher." *Stanford Law Review*, Vol. 21 (January 1969) 340-382.

This note describes the rise of teacher discontent in the 1960s, examines the Winton Act and its interpretation in the courts; considers alternative legislation in the areas of representation, collective bargaining, the right to strike and impasse procedures; and recommends modifications in the Winton Act.

53. *Collective Bargaining in California Public Education, SB 160 - The Rodda Act*. Policy and Practice Papers presented at a conference held in Los Angeles, December 5-6, 1975. Los Angeles, University of California, Institute of Industrial Relations, 1976.

The papers in this compilation cover the legislative history of the Act, a national overview of collective bargaining in education, the impact of the Act on public education in California, the impact of the Act from the viewpoint of employees, employers, and the public and an analysis of the Act. A text of the Act is also included.

54. Collins, Alice. "*Bagley v. City of Manhattan Beach: What it Means and What it Will Mean*." *California Public Employee Relations*, No. 31 (December 1976), 2-12.

The *Bagley* decision, by the California Supreme Court, held that a general law city may not delegate its wage-setting authority to an arbitrator. This article discusses the majority and dissenting opinions in the case, and includes comments by the author and several practitioners in California public

sector labor relations. The author concludes that the decision has caused confusion regarding the delegation of legislative authority and the interpretation of the MMB, and that it is "a plea for legislation on the issue of impasse resolution in public sector labor relations."

55. "Compulsory Arbitration in Vallejo: An Experiment in Dispute Settlement." *California Public Employee Relations*, No. 13 (June 1972), 21-49.

On April 1, 1972, a three-member board of arbitrators handed down the first interest dispute settlement in California. This symposium includes a brief history of the case and the issues involved and the following documents: 1) the individual reports of the three members of the arbitration board; 2) the arbitration award of the board itself; 3) the Superior Court decision on arbitrability.

56. "Construing City Charter Provisions Designed to Resolve Public Employee Labor Disputes." *California Law Review*, Vol. 63 (January 1975) 254-266.

The California Supreme Court, in *Fire Fighters Local 1186 v. City of Vallejo*, 12 Cal. 3d 608 (1974), broadly interpreted a city charter provision providing for binding arbitration of interest disputes. The author of this case note argues that although the application of the decision may be limited with respect to employees in other public jurisdictions, it demonstrates the willingness of the courts to utilize federal precedents to determine the scope of arbitrable issues in the public sector. The decision also indicates the court's strong approval of binding arbitration as a means of supplementing the MMB Act and settling public employee labor disputes.

57. Coulson, Robert. "Arbitration and its Uses in the California Public Sector." *California Public Employee Relations*, No. 32 (March 1977), 30-36.

The neutral's role in a public sector labor dispute is examined with reference to arbitration awards and court decisions in California.

58. Craft, James A. "Professionalism, Unionism, and Collective Negotiation: Teacher Negotiation Experience in California." *Economics and Business Bulletin*, Vol. 24 (Winter 1972), 54-61.

This article examines the concept of negotiating councils provided for under the Winton Act and the responses of the major teacher organizations to the councils. The author finds that the Act was based on an erroneous assumption of a unity of interest between teachers and administrators. Therefore, he believes it should be modified to more closely resemble the private sector collective bargaining model.

59. Craft, James A. "Proportional Representation for Teacher Negotiations." *Industrial Relations*, Vol. 8 (May 1969), 236-247.

Proportional representation on negotiating councils under the Winton Act is examined regarding the roles of the organizations involved and the impact on negotiations.

60. Currier, Richard J. "A Case Study: 16 Public School Job Actions and the Use of Impasse Procedures." *California Public Employee Relations*, No. 33 (June 1977), 16-20.

This study examined strikes from July 1, 1976 to March 15, 1977 and found that none of the employee representatives fully utilized the available im-passe procedures available under the Rodda Act before calling a strike.

61. Danielson, William F. "1975 Police and Fire Over-time Regulations under the Fair Labor Standards Act." *California Public Employee Relations*, No. 23 (December 1974), 2-16.

In 1974 the coverage of the Fair-Labor Standards Act was extended to include federal, state and local government agencies. This article discusses the potential problems to California state and local jurisdictions caused by the requirement of the Act that police officers and firefighters receive one and one-half overtime after 60 hours in the work period starting in 1975 and after 54 hours in 1977. The extension of the Act was held unconstitutional by the U.S. Supreme Court subsequent to the writing of this article.

62. Davis, Alan C. and Daune W. Reno. "Two Views on the Question of Compulsory Arbitration for Police, Firefighters: The Case For Compulsory Interest Arbitration." *California Public Employee Relations*, No. 33 (June 1977), 21-32.

In 1977, SB 164 was introduced in the California legislative to provide final offer arbitration of public safety interest disputes. In advocating passage of the bill, the authors of this article examine interest arbitration experience in the private and public sectors, the legal and constitutional issues involved and the impact on local political and economic control.

63. "A Decade of Public Employee Strikes in California." *California Journal*, Vol. 5 (June 1974), 189-190.

Based on information from the California Department of Industrial Relations, this listing of strikes from 1969-1973 includes the length of the strike and the number of workers involved.

64. de Gialluly, Max. "Employment, Employee Organization, and Strike Trends in California Public Service." *California Public Employee Relations*, No. 5 (May 1970), 1-13.

Based largely on data from the State Department of Industrial Relations, this article examines public employment in California from 1963-1968, the growth of public employee unions and independent associations, membership in those organizations by region, jurisdiction and job classification, and public sector strikes in 1968 and 1969.

65. Emanuels, Kenneth. "Impact of Property Tax Rate Limitations on the Meet-and-Confer Process." *California Public Employee Relations*, No. 19 (December 1973), 8-10.

This article examines the property tax rate limit before and after the enactment of SB 90 (1972) and AB 2008 (1973) and the implications of this limit for management and employee representatives at the meet-and-confer table.

66. Evans, Jerome. "State Faces Time for Decision on Public Employee Relations." *California Journal*, Vol 4 (May 1973), 148-152.

This article examines national and state developments in public sector labor relations, the 1973 recommendations of the Assembly Advisory Council on Public Employee Relations and the prospects for public employee legislation in California.

67. Gallagher, James. *Contract Administration in Public Sector Collective Bargaining*, 2d revised edition. Los Angeles, University of California, Institute of Industrial Relations, 1977.

One of the UCLA Institute's series of training manuals, this volume defines contract administration and discusses the authority to administer the contract, the "three I's" in contract administration-- Interpretation, Implementation, Incorporation--the continuing obligation to bargain, and other important aspects of this area of labor relations.

68. Gallagher, James. *Impasse Resolution in Public Sector Interest Disputes*. Los Angeles, University of California, Institute of Industrial Relations, 1976.

One of the UCLA Institute's series of training manuals, this volume covers mediation, fact-finding and interest arbitration with an emphasis on developments in California.

69. Gallagher, James. "San Bernardino County's Experiment with Final Offer Issue-by-Issue, Advisory Med-Arb." *California Public Employee Relations*, No. 31 (December 1976), 23-29.

In 1972, San Barnardino County adopted a unique procedure for the resolution of interest disputes. This article explains the procedures

of final-offer med-arb, compares it with other methods of dispute settlement, evaluates it based on questionnaires and interviews with practitioners in the County and speculates on its adaptability in other jurisdictions.

70. Gallagher, James. *The Scope of Bargaining in California Public Sector Labor Relations: A Focus on Legal Interpretations*. Los Angeles University of California, Institute of Industrial Relations, 1977.

One of the UCLA Institute's series of training manuals, this volume includes an analysis of court decisions on the scope of bargaining under the Meyers-Miliias-Brown Act, an annotated index of bargaining issues that have been dealt with by the California courts, initial scope of bargaining interpretations under the Rodda Act, the complete texts of California public sector bargaining statutes and of relevant court decisions, and a bibliography.

71. Garbarino, Joseph W. "Professional Negotiations in Education." *Industrial Relations*, Vol. 7 (February 1968), 93-106.

Three models of employed professional relationships are formulated and applied to developments in California public education under the Winton Act.

72. Goldstein, Charles H. "The Alameda County Social Workers and the City of Vallejo--Their Implications for Public Employers and Employees." *The Los Angeles Bar Bulletin*, Vol. 50 (March 1975), 166-178.

This article discusses the decisions of the California Supreme Court in *Vallejo* and *Alameda County* and analyzes the trend of the Court towards applying private sector labor law to the public sector.

73. Greiner, John. "The City of Orange, California's Performance Incentive Plan for Police." In *Tying City Pay to Performance: Early Reports on Orange, California and Flint, Michigan*. Washington, D.C., Labor Management Relations Service, 1974, 5-16.

On July 1, 1973, the City of Orange introduced an incentive program for its police department which tied wage increases to reducing the incidence of certain types of crimes. This report examines the problems of law enforcement in Orange, explains the incentive plan, describes the Police Department's response to the plan, and summarizes the preliminary results. The author concludes that the plan appears to have been successful and discusses its implications for other jurisdictions.

74. Greiner, John M. and others. *Monetary Incentives and Work Standards in Five Cities: Impacts and Implications for Management and Labor*. Washington, D.C., The Urban Institute, 1977. 94 pp.

Between September 1974 and January 1976, the Urban Institute and the Labor-Management Relations Service examined productivity improvement programs in five cities including the negotiated performance incentive plan for police department employees in the city of Orange, California. This report evaluates the impact of these programs on service efficiency and effectiveness, employee job satisfaction, and labor-management relations.

75. Grodin, Joseph, R. "California Public Employee Bargaining Revisited: the MMB Act in the Appellate Courts." *California Public Employee Relations*, No. 21 (June 1974) 2-20.

This article examines appellate decisions involving interpretation of the MMB Act. The issues covered are: 1) the definition of "public agency" under the Act; 2) the problem of the Preamble; 3) protected employee conduct; 4) recognition and unit determination; 5) union security and dues checkoff; 6) the scope of meeting and conferring under the Act; 7) the enforcement of agreements; 8) strikes and impasse resolution procedures. As in an earlier article, the author calls for major revisions in the MMB Act.

76. Grodin, Joseph R. "Public Employee Bargaining in California: the Meyers-Milias-Brown Act in the Courts." *Hastings Law Journal*, Vol. 23 (March 1972) 719-762.

This article examines the language of the MMB Act and reviews its judicial interpretation in the matters of organizational rights of employees, recognition, union security, the obligation of employers and employee organizations to meet and confer, the enforcement of agreements, and impasse resolutions and strikes. The author concludes that the Act is either silent or vague on most major issues and does not delineate any general legislative intent to guide the courts in its application. He recommends that the MMB Act be substantially revised if it is to be effective in regulating California public sector labor relations.

77. Haehn, James O. *A Survey of Faculty and Administrator Attitudes on Collective Bargaining: A Report to the Academic Senate, California State Colleges.* May 1970.

This survey, conducted in the Fall of 1969, revealed a general acceptance of collective bargaining by faculty and administrators. The report includes the background and design of the survey, a chapter on the faculty and collective bargaining and one on administrators and collective bargaining and several appendices.

78. Herman, Joseph. "Scope of Representation Under the Rodda Act: Negotiable and Non-Negotiable Issues." *California Public Employee Relations*, No. 32 (March 1977), 14-24.

Section 3543.2 of the Rodda Act which deals with the scope of representation is analyzed with regard to: 1) the meaning of the terms "wages," "hours of employment," "other terms and conditions of employment," and "the right to consult;" 2) the legal implications; 3) the bargaining implications. The author believes that the legislature intended to limit the scope of representation to the specific items in Section 3543.2 and thus preclude the possibility of a broader interpretation by the courts or the EERB.

79. Judge, Diane. "New Nurse: A Sense of Duty, and Destiny." *Modern Healthcare*, Vol. 2 (October 1974), 21-27.

Quality of patient care and staffing patterns, the two major issues involved in the 1974 California Nurses strike, are discussed in this article.

80. Keppel, Bruce. "Consultants Want State Civil Service Overhauled." *California Journal*, Vol. 4 (June 1973), 209-211.

In 1973 the consulting firm of Cresap, McCormick and Paget issued a report on state salaries and benefits. This article summarizes the findings and recommendations of this report, which advocated that the State Personnel Board assume greater responsibility for setting the salaries of state employees.

81. Keppel, Bruce. "From a Sure Thing to Let's-Wait-and-See." *California Journal*, 6 (November 1975), 394-396.

The author reviews the possibility of the passage of a comprehensive public sector collective bargaining law during the Brown administration, and explains the Rodda Act.

82. Keppel, Bruce. "Government As Boss." *California Journal*, Vol. 5 (June 1974), 186-188.

This article examines the attitudes of California's public employee organizations toward collective bargaining and the legislation pending in 1974.

83. Keppel, Bruce. "The Real Collective-Bargaining Issues." *California Journal*, Vol. 6 (April 1975), 119-120.

This article discusses the provisions of Senate Bill 275, the major public sector bargaining bill of the 1975 California legislature.

84. Kossoris, Max D. "The San Francisco Bay Area 1966 Nurses' Negotiations." *Monthly Labor Review*, Vol. 90 (June 1967), 8-12.

This article describes the history of collective bargaining for nurses in California, developments during 1966 that led to dissatisfaction and militancy among the nurses, the issues presented to the fact-finding panel, the panel's recommendations, and the impact of the settlement on other jurisdictions and on hospital administration.

85. "Labor Relations - Governing Board of School District Not Required Under Winton Act to Allow Direct Presentation by Employee Organization Not Represented on Negotiating Council." *Santa Clara Lawyer*, Vol. 13 (Winter 1972), 328-333.

The case of *West Valley Federal of Teachers, Local No. 1953, AFT, AFL-CIO, v. Campbell Union High School District*, 24 Cal. App. 3d 297 (1972) is examined, which held that a school district is not required to hear direct oral presentations by individual certificated employee organizations where multiple certificated employee organizations exist, and a negotiating council has been formed to represent the multiple organizations.

86. "The Law: California Bargaining Law May Split Administrators." *Successful School Administration*, Vol. 3 (January 5, 1976), 138.

87. Lembke, Daryl. "How Labor Lost the San Francisco Strike." *California Journal*, Vol. 4 (July 1976), 219-221.

This article examines the 39-day strike in 1976 by San Francisco's craft workers, and concludes that it greatly reduced labor's political power in the city.

88. Lembke, Daryl. "Meet and Confer San Francisco Style." *Western City*, Vol. 70 (May 1976), 8-9.

Public employee bargaining in San Francisco is described with emphasis on the strike of craft workers in March 1976.

89. Leshin, Geraldine. *Equal Employment Opportunity and Affirmative Action in Labor-Management Relations - A Primer*. Los Angeles, University of California, Institute of Industrial Relations, 1976. Update Supplement, Feb. 1978.

One of the UCLA Institute's series of training manuals, this volume discusses the following areas of EEO impact: collective bargaining; discrimination grievances and the seniority issue; the meaning and application of affirmative action; EEO guidelines on testing, sex discrimination, national origin, religion. A survey of the relevant laws includes federal and California sources prohibiting employment discrimination; the Equal Pay Act of 1963; Title VII of the Civil Rights Act of 1964; California FEP Act; Age Discrimination in Employment Act of 1967; and others. The volume also contains a glossary of EEO terms.

90. Leshin, Geraldine. *The Prevailing Wage Concept in Public Sector Bargaining*. Los Angeles, University of California, Institute of Industrial Relations, 1977.

This volume in the UCLA Institute's Policy & Practice Series examines the relationship in California between a mandated prevailing minimum wage and collective bargaining; types of prevailing wage laws; job comparability as the basis for wage comparison; problems in making equitable wage comparisons; possible conflicts between the Rodda Act, the Education Code, and prevailing wage provisions; the events in San Francisco involving prevailing wage since 1975. This volume also contains a bibliography, a glossary of relevant terms, and samples of prevailing wage provisions in California as well as of wage and benefit surveys.

91. Leventhal, Robert M. "Developing the Los Angeles City Ordinance." *California Public Employee Relations*, No. 10 (August 1971), 1-7.

This article presents the major areas of dispute between employee groups and the Los Angeles City Administrative Officer, and the disposition of these disputes, in the formulation of the City's Employee Relations Ordinance.

92. Levy, David J. "The Pittsburgh Strike Experience." In *Six Strike Stories*, ed. by Keith Ocheltree, Public Employee Relations Library, No. 20., Chicago, Public Personnel Association, 1969, 35-39.

A 1965 strike by municipal employees in Pittsburgh, California is described. The author maintains that when city officials are inexperienced, management negotiators should be brought in from outside.

93. Lewin, David. "Aspects of Wage Determination in Local Government Employment." *Public Administration Review*, Vol. 34 (March/April 1974), 149-155.

The wage-setting process in Los Angeles is examined, in order to explain the author's conclusion that the occupational wage structure in local government employment is more egalitarian than in the private sector. The author attributes the public-private wage differentials in Los Angeles to the fractionalized structure of decision making and the vesting of final authority in politically constituted governing boards. Implications of these findings for public management and the quality of government services are discussed.

94. Lewin, David. "Local Government Labor Relations in Transition: the Case of Los Angeles." *Labor History*, Vol. 17 (Spring 1976), 191-213.

The development and implementation of formal systems of labor relations in the City and County of Los Angeles are examined and the differences and similarities in the two jurisdictions are explained. Based on the study, the author makes limited inferences about public employee unions, the relationship between civil service systems and collective bargaining, and the role and structure of public management.

95. Lewin, David. "Wage Parity and the Supply of Police and Firemen." *Industrial Relations*, Vol. 12 (February 1973), 77-85.

This study examines wage parity and its consequences for policemen and firemen in the city and County of Los Angeles. The author concludes that wage parity has resulted in gains for firemen, but has impaired the effectiveness of policemen. He recommends that it be abolished as a wage-setting process for the protective services.

96. Lihach, Nadine. "San Francisco: Winners and Losers." *Modern Healthcare*, Vol. 2 (October 1974), 32-34.

The attitudes of hospital administrators, doctors, and nurses to the 1974 California nurses' strike are examined.

97. Los Angeles County Citizens Economy and Efficiency Commission. Civil Service--Employee Relations Task Force. *Civil Service and Collective Bargaining in Los Angeles County Government*. Los Angeles, 1973.

Recommendations of the Commission include: 1) combining the Civil Service Commission and Employee Relations Commission into a single five-member commission to be called the Los Angeles County Labor Relations Commission; 2) appointing a Director of Personnel to report directly to the Board of Supervisors; 3) deleting the prevailing wage clause from the County Charter; 4) revising the Employee Relations Ordinance to adjust it to changes required by the establishment of the new commission; 5) revising the salary ordinance to establish a separate compensation plan for county managers; 6) appointing a special employer-employee committee to direct the preparation of the recommended revisions.

98. Los Angeles County Consultants' Committee. *Report and Recommendations of the Committee*. [Los Angeles], June 1972. Reprinted in *California Public Employee Relations*, No. 14 (August 1972), 11-18.

In November 1971 the Los Angeles County Board of Supervisors authorized the Consultants Committee to consider and review proposed amendments to the County Employee Relations Ordinance. The Committee examined 11 issues and recommended changes in four areas: 1) eliminate the overlapping jurisdictions of the Employee Relations Commission (ERCOM) and the Civil Service Commission; 2) grant exclusive recognition rights to certified majority representatives of county employees; 3) permit ERCOM to retain independent advisory counsel on an as-needed basis; 4) authorize ERCOM to enforce its decisions.

99. Mabee, Richard W. "A California County Moves into the Mainstream of Labor Relations." *California Public Employee Reports*, No. 23 (December 1974), 36-41.

The impact of the meet-and-confer process on the structure and administration of the San Mateo County government is discussed, with an emphasis on the role of the county civil service system.

100. Mason, Hal. "Thirty-Three Contracts." *California School Boards*, Vol. 36 (April 1977), 16-19.

This article summarizes contract clauses on hours, health and welfare, leaves, transfer, safety conditions, class size, evaluation procedures, grievance procedures, and organizational security. The author maintains that management should limit the scope of bargaining to that expressed in the Rodda Act, and should quickly learn the techniques of collective bargaining.

101. Mathiason, Garry G. and others. *The Public School Employer and Collective Bargaining: A Guide to the California Educational Employment Relations Act*. Fort Washington, Pennsylvania, The Labor Relations Press, 1977.

This book contains chapters on the history of the Act; representation; the negotiating process; scope of bargaining; unfair practices; impasse procedures and strikes; communications during negotiations and strikes; and judicial review. Appendixes include the text of the Act and sample clauses from California contracts.

102. *The Meyers-Miliias-Brown and Winton Acts: Major Legal Issues*. Proceedings of a Conference sponsored by the Institute of Industrial Relations, University of California, Berkeley, January 21, 1971, San Francisco.

This conference covered the scope of meet-and-confer requirements; the implications of "good faith" in meeting and conferring; and the resolution of impasses over memoranda of understanding.

103. Morales, Frank C. "The Sanders Case Reviewed." *California Public Employee Relations*, No. 9 (June 1971), 11-15.

Sanders v. City of Los Angeles, which involved the city's prevailing rate policy and determination procedures and resulted in \$2.8 million in back pay to the city's employees, is discussed in this article. The author, who represented the petitioners, also examines the implications of the case for other public jurisdictions, with specific reference to California state employees.

104. "Multi-Employer Bargaining - Livermore Valley." *California Public Employee Relations*, No. 19 (December 1973), 25-28.

In the Spring of 1973, three public jurisdictions in Alameda County--the cities of Livermore and Pleasanton and the Valley Community Services District--banded together to negotiate jointly with each agency's unit of firemen. This article describes the events leading up to the experiment, the problems and legal issues involved, the results of the joint bargaining and the opinions of those involved concerning its continuation.

105. Oestreich, Herb and Peter Zidnak. "Attitudes Toward Bargaining and Strikes in Public Employment: a Survey." *California Public Employee Relations*, No. 23 (December 1974), 46-49.

Public employees and members of the general public in the Greater San Jose area were interviewed concerning the right to collective bargaining in the public sector, the right to strike, and the various methods of dispute resolution. The authors conclude that the traditional attitudes toward public sector bargaining are changing, but there is still an aversion to strikes.

106. Phillips, Donald F. "New Demands of Nurses." Part I. *Hospitals*, Vol. 48 (August 16, 1974), 31-34; Part II, Vol. 48 (September 16, 1974), 41-44.

This analysis of the San Francisco nurses' strike in June 1974 discusses the issues involved and the negotiating procedures used to end the

strike. The author sees the strike as having great significance in that issues once thought to be beyond the scope of bargaining, such as staffing and quality of patient care, appeared at the bargaining table and took priority over economic matters.

107. Phillips, Donald F. "San Francisco Nurses' Strike - Patient Care Issues and Physician Involvement." *Hospital Medical Staff*, 3 (October 1974), 13-20.

This article presents the American Hospital Association summary of the 1974 San Francisco nurses' strike which the AHA states, "set precedence in being the first large-scale effort on the part of organized nursing to use collective bargaining over issues related directly to patient care."

108. Pierson, William E. "A Strike and its Effect on Labor Relations in County Government." In *Six Strike Stories*, ed. by Keith Ocheltree, Public Employee Relations Library, No. 20. Chicago, Public Personnel Association, 1969, 9-16.

This article, written by the Sacramento County Personnel Director, recounts management's response to unionization and to a strike by the Welfare Department employees in February 1968. The author concludes that the strike was beneficial because it forced the county policy makers to realize the importance of personnel matters.

109. Poyer, Bruce. "Good Faith in Collective Bargaining: Private Sector Experience with Some Emerging Public Sector Problems." *California Public Employee Relations*, No. 2 (August 1969), 1-20.

NLRB and court decisions on the good faith bargaining requirement under the LMRA are examined in order to provide insight into the possible future developments of public sector labor relations in California.

110. Prasow, Paul. *Collective Bargaining and Civil Service in Public Employment: Conflict and Accommodation*. Los Angeles, University of California, Institute of Industrial Relations, 1976.

One of the UCLA Institute's series of training manuals, this volume covers the history and evolution of civil service; the development of public sector bargaining; the conflict between civil service and collective bargaining over the scope of bargaining; management rights and collective bargaining; grievance procedures and discipline and discharge under the merit system and collective bargaining; and union security arrangements in the public sector.

111. Public Employment Relations Reporter. *EERB Closes First Year with Record of Precedents and Controversy*. Sacramento, California, California Research, n.d.

This review of the first year of activity under the Rodda Act examines the legislative history of the Act; the staffing, caseload, and early decisions of the EERB; strikes in California schools; a summary of representation activity; and proposed amendments to the Act.

112. Reith, Edward and Harold S. Rosen. "Problems in Representation of Supervisors," *California Public Employee Relations*, No. 8 (March 1971), 1-5.

The definition and status of supervisors under the National Labor Relations Act, Executive Order 11491 and the MMB Act are compared. The authors contend that the MMB Act does not define "supervisor," does not exclude supervisors from bargaining units, and ignores the status of supervisors in the negotiating process. They propose that supervisors, as defined in the NLRA, should be excluded from coverage by negotiated agreements, and that, to this end, the MMB Act should be amended to operate like the private sector.

113. *Report and Recommendations of the Consultants' Committee: An Employee Relations Ordinance for Los Angeles County.* Los Angeles, 1968.

The three-member Committee was appointed in January 1968 to develop an employee relations ordinance for Los Angeles County. Among its recommendations was the establishment of a three-member Employee Relations Commission to administer the ordinance. Its report was adopted unanimously in September 1968 by the County Board with the almost unanimous approval of the county's employee representatives.

114. "A Report on the Los Angeles Teachers' Strike, April 13 - May 13, 1970." *California Public Employee Relations*, No. 6 (August 1970), 19-23.

This article describes the mediator's role in attempting to end the strike, the teachers' demands, the terms of the final agreement, the legal events following the strike, and observations on the strike's potential impact on collective bargaining for teachers.

115. "A Report on the San Francisco Strike, March 13 - 16, 1970." *California Public Employee Relations*, No. 5 (May 1970), 28-35.

This case study covers the events leading up to the strike by 7,000 San Francisco municipal employees, activities of the unions, and of management during the strike period, and the terms of the settlement.

116. "Review of Reactions to San Francisco Strike Suggests that Union Leaders will be Wary of Referendum Route." *Government Employee Relations Report*, No. 657 (May 17, 1976), 21-28.

Based on interviews with public and private sector union leaders, government and business representatives, and third-party neutrals in San Francisco and elsewhere, this report indicates that the strike by San Francisco craft unions was a significant episode in public sector labor relations.

117. Rosen, Harold S. *An Alternative: Meet and Confer --the Experience in Santa Clara County, California*. Washington, D.C., Labor-Management Relations Service, 1972.

Written by the Director of Personnel for Santa Clara County, this article describes the characteristics of the meet-and-confer process, the development of the county's ordinance after the passage of the MMB Act, the establishment of representation units, and management's response to the new labor relations situation. The author speculates on what differences might have occurred if the county had been under a collective bargaining law instead of a meet-and-confer law. He foresees a dim future, nationally, for the meet-and-confer process.

118. Rosen, Harold S. and Edward Reith. "A Report and Commentary on Unit Determination." *California Public Employee Relations*, No. 13 (June 1972), 2-6.

A survey of all California counties and cities with over 75,000 population examined: 1) the number of agencies that have formal unit determination procedures; 2) the character of final decision-making rights over the composition of bargaining units in the event of disputes; 3) the number of employees in the bargaining units; 4) the number of units existing as of October 31, 1971. The authors reach several conclusions from their survey results and suggest ways to improve the procedures for unit determination and modification.

119. Rosenfeld, David A. "Illegal Strikes and the Question of Enforceability of Strike Settlements." *California Public Employee Relations*, No. 24 (March 1975), 25-30.

This article examines the arguments of the parties before the California Supreme Court in the case of *Bangs v. City and County of San Francisco* (1975), which sought to invalidate the settlements which followed the public employee strikes in San Francisco in March 1974. The court subsequently upheld the validity of the settlements.

120. Ross, Marion and Clara Stern. "Binding Grievance Arbitration in California Public Jurisdictions." *California Public Employee Relations*, No. 24 (March 1975), 16-24.

The authors compiled a table to illustrate the kinds of binding grievance arbitration provisions in selected California public sector agreements. The items covered in the table are how the arbitration

provision was initiated, when it was initiated, the number of employees, the number of arbitration cases that have arisen under the provision, the scope of arbitration and how the arbitrator is chosen. A short narrative accompanies the table.

121. Ross, Marion and B.V.H. Schneider. "The California Experiment: Meet and Confer for All Public Employees." In *The Right to Meet and Confer -- Laws and Policies*, edited by Richard L. Salik. Public Employees Relations Library No. 10, Chicago, Public Personnel Association, 1968.

In 1968 public employee relations in California were governed by the George Brown, Winton, and Meyers-Miliias-Brown Acts. This article examines the provisions of these laws and reviews their history and implementation.

122. Ross, Marion. "Executive Order on State Employee Relations." *California Public Employee Relations*, No. 9 (June 1971), 1-4.

Executive Order R-25-71, issued on March 1, 1971, is explained. The Order covers state civil service employees and nonacademic employees of the state colleges and University of California.

123. Ross, Marion. "State Employer-Employee Relations Initiative Measure." *California Public Employee Relations*, No. 13 (June 1972), 7-11.

In November 1972, two initiatives were defeated which would have amended the California Constitution with respect to state employer-

employee relations. This article, written prior to the election, describes the measures and compares them with similar provisions in the laws of Michigan, Wisconsin and New York.

124. Ross, Marion and Max de Gialluly. "Implementation of the Meyers-Miliias-Brown Act by California's Counties and Larger Cities." *California Public Employee Relations*, No. 8 (March 1971), 6-21.

As of January 1, 1971, 37 of California's 58 counties and 17 of the 36 cities over 75,000 had adopted employment relations legislation, pursuant to Section 3507 of the MMB Act. This article reviews the provisions of these local rules and regulations as to unit determination, participation restrictions, unfair labor practices, impasse procedures and strike sanctions.

125. Ross, Marion. "The Local Government Budget Crisis: Is Bargaining to Blame?" *California Public Employee Relations*, No. 27 (December 1975), 2-12.

This article examines: 1) the financial situations of local government; 2) employee organizations' effect on budgets; 3) solutions to rising labor costs in the public sector, including reduction of services, contracting out, productivity bargaining, employee incentive plans, and multilateral bargaining; 4) the impact of these solutions on public sector bargaining. The author concludes that collective bargaining has not caused the financial problems of government, but attempts to solve these problems may have an affect on public sector bargaining.

126. "The San Francisco Municipal and Teacher Strikes of March 1974." *California Public Employee Relations*, No. 21 (June 1974), 21-27.

In March 1974, approximately 70 per cent of San Francisco's miscellaneous employees struck for nine days, and the city's teachers struck for twenty days. This article presents the issues involved, a chronology of events during the strikes, and the settlements.

127. Schneider, B.V.H. "An Analysis of the Meyers-Miliias-Brown Act of 1968." *California Public Employee Relations*, No. 1 (February 1969), A1-20.

The MMB Act is described along with other types of public employer-employee relationships in local California jurisdictions. Areas of the MMB explained in detail are: 1) recognition; 2) unit determination; 3) the meaning and application of the terms "reasonable rules" and "consultation in good faith" in Section 3507 of the Act; 4) the meaning and application of the terms "meet and confer in good faith" and "endeavor to reach agreement" in Section 3505 of the Act; 5) scope of representation; 6) management and confidential employees; 7) impasse resolution; 8) resources if either the employee organization or employer refuse to conform to the requirements of the Act.

128. Schneider, B.V.H. "Introduction" [to "Prevailing Wage Rates in California: A Symposium"], *California Public Employee Relations*, No. 9 (June 1971), 5-11.

This article examines the types of pay systems in the public sector and the problem of what criteria should be included in formal prevailing rate systems as well as how to implement the systems. Examples of prevailing pay systems in the California public sector are also included.

129. Schneider, B.V.H. "Unit Determination: Experiments in California Local Government." *California Public Employee Relations*, No. 3 (November 1969), 1-28.

The significance of unit determination and recognition procedures, problems under the MMB Act, and experiences in the private sector as well as in other states are discussed. Emphasis is given to the choices of recognition under the MMB Act, criteria for unit determination, unit placement of special employee groups, and what determines an appropriate unit. Unit determination procedures in effect in selected California counties and cities are examined in detail.

130. Sloan, John. *Duty to Bargain and Good Faith Bargaining*. Berkeley, University of California, Institute of Industrial Relations, 1976.

One of the Berkeley Institute's series of training modules, this volume examines the duty to bargain in good faith in the private and public sectors, with an emphasis on California.

131. Smith, David. "The Agency Shop: An Old Issue in a New Environment." *California Public Employee Relations*, No. 17 (June 1973), 2-12.

This article defines the agency shop and other types of union security, examines private sector experience, discusses the pros and cons of the agency shop in the public sector, analyzes agency shop provisions in selected California public sector agreements, and points out the legal questions arising over the agency shop in the California public sector.

132. Smith, David R. "Negotiations in 1973: Some Practitioners' Views." *California Public Employee Relations*, No. 19 (December 1973), 2-7.

Fourteen individuals--7 labor and 7 management--were asked by CPER to give their impressions of bargaining determinants and trends. The questions covered: 1) the bargaining process and contents of agreements in 1973; 2) trends in bargaining priorities since the MMB Act was adopted; 3) the external events, such as geographic location, size of jurisdiction, and number of employee organizations that affect the content of agreements.

133. Smith, David R. "Problems and Trends in Pay Determination for Public Sector Craft Workers." *California Public Employee Relations*, No. 30 (September 1976), 21-29.

The University of California, the City and County of San Francisco, and Alameda County have abandoned the practice of paying construction parity to their employees. Focusing on these three jurisdictions, this article discusses: 1) the factors that determine construction wages; 2) the problems of paying the construction rate in the public sector and the factors that have

contributed to its discontinuance; 3) the perspectives of public agencies, line managers, union business agents, and the public sector craft worker in abolishing wage parity; 4) the factors of salary determination, contracting out, and recruitment and retention in the public sector when the union construction rate is abandoned.

134. *Special Issue on SB 160, California School Boards*, Vol. 34 (November 1975), Entire Issue.

This special issue covers the history of SB 160, terms and definitions in the act, the functions of the EERB, an explanation of the representation procedure and the negotiating process, unfair practices under the Act, and public relations in negotiations.

135. "A Special Report on Sacramento County." *California Public Employee Relations*, No. 10 (August 1971), 8-14.

Sacramento County's employee relations ordinance provides for binding arbitration over unit determination disputes. This article includes a summary of events in the determination of majority employee representatives in the County, the decision of the arbitrator on unit determination, a description of the units, and the subsequent election results.

136. Spitz, John A. *Building Your Management Team - A Framework for Public Sector Labor Relations*. Los Angeles, University of California, Institute of Industrial Relations, 1976.

One of the UCLA Institute's series of training manuals, this volume looks at the following topics: problems and constraints in coping with employee bargaining; factors to be considered in building the effective management team; steps in building a system for collective bargaining; aspects of multi-employer bargaining; and the concepts of management compensation and management evaluation plans. The volume contains a glossary of collective bargaining terms.

137. Spitz, John A. Coordinating Editor. *Employee Discipline*. Los Angeles, University of California, Institute of Industrial Relations, 1977.

One of the UCLA Institute's series of training manuals, this volume discusses the establishment of a progressive discipline system, discipline problems and remedial action, as well as legal restraints and other requirements that must be observed in the disciplinary process. This volume contains a section of annotated cases involving disciplinary problems, taken from the Los Angeles County Civil Service Manual.

138. Spitz, John A. Coordinating Editor. *Grievance Arbitration: Techniques and Strategies*. Los Angeles, University of California, Institute of Industrial Relations, 1977.

One of the UCLA Institute's series of training manuals, this volume is a comprehensive guide for both public managers and public employees on the grievance arbitration process. It outlines the rules, forms, and techniques of labor arbitration, explaining the necessary steps and decisions that must be made before, during, and after the arbitration hearing. Checklists, model forms, and pertinent information sources are provided along with a selected bibliography and a glossary of terms.

139. Spitz, John A. Coordinating Editor. *Grievance Handling and Preparing for Arbitration in the Public Sector*. Los Angeles, University of California, Institute of Industrial Relations, 1977.

One of the UCLA Institute's series of training manuals, this volume covers all aspects of the grievance procedure: principles, practices, and general rules in preparing for grievance handling and arbitration; steps in the procedure; conduct of hearings; role of the arbitrator; the award. This volume also contains a manual for shop stewards, a selected bibliography, and a glossary of arbitration terms.

140. Spitz, John. A. *Union Recognition Under SB 160-The Rodda Act*. Los Angeles, University of California, Institute of Industrial Relations, 1976.

One of the UCLA Institute's series of training manuals, this volume includes sections on the reasons why employees seek unionism; an explanation of the provisions of the Rodda Act; and a discussion of the concept of unit determination in the public sector and under the Rodda Act.

141. "The State and University Strikes of Spring 1972." *California Public Employee Relations*, No. 14 (August 1972), 19-28.

This case study reports on the issues involved and the settlements that ultimately ended strikes in the State Department of Water Resources and the University of California at Berkeley and San Francisco.

142. "The State Conciliation Service: Its Functions in the California Public Sector." *California Public Employee Relations*, No. 17 (June 1973), 13-14.

In question and answer format, based on an interview with CPER, the Chief of the California State Conciliation Service clarifies the organization's purpose and duties in the public sector.

143. Staudohar, Paul D. "An Experiment in Increasing Productivity of Police Service Employees." *Public Administration Review*, Vol. 35 (September/October 1975), 518-522.

This article describes and evaluates the employee incentive plan negotiated in the City of Orange in 1973. The author concludes that despite some shortcomings, the plan is an innovative experiment that hopefully will be tried in other cities.

144. Staudohar, Paul D. "A New Alternative to the Strike-Arbitration Choice." *California Public Employee Relations*, No. 17 (June 1973), 22-31.

This article examines traditional compulsory arbitration in California, and in other states and describes in detail the recommendation of the California Advisory Council on Public Employee Relations for court-imposed fact-finding settlements to resolve interest disputes. The differences between the two systems and possible problems with the Council's proposals are explained.

145. Staudohar, Paul. "Organization, Bargaining and Work Stoppages in California Public Employment." *California Public Employee Relations*, No. 29 (June 1976), 19-24.

Using data from the U.S. Department of Labor and the U.S. Bureau of the Census, this article examines employee organization, bargaining structure, and work stoppages in California. Comparisons are made with the United States as a whole and with larger states, particularly New York and Michigan. There is a short text accompanied by several tables.

146. Staudohar, Paul D. "Strikes and the Rights of Public Employees in California." *California Public Employee Relations*, No. 7 (November 1970), 1-21.

Issues involved in public sector strikes are discussed, with an emphasis on California state and local government. The article covers the legal situation in California, a history of strikes and court cases in the state, the strike problem nationally, and alternatives to no-strike laws.

147. Strauss, George. "Establishing Representation Rights: The Berkeley Experience." *California Public Employee Relations*, No. 5 (May 1970), 13-27.

This article describes the events leading to the adoption of Berkeley's employer-employee relations resolution and the determination of bargaining units for the city's employees. A copy of the Berkeley resolution is included, with comments by the author.

148. Stroup, Robert W. "The Collective Bargaining Process at the Municipal Level Lingers in its Chrysalis Stage." *Santa Clara Lawyer*, Vol. 14 (Winter 1974), 397-416.

This article discusses the problems of recognition and unit determination encountered by public employees under the MMB Act and suggests amendments to eliminate these problems. The author advocates arbitration as the most desirable way to resolve disputes.

149. *Symposium on Revision of California Public Employee Bargaining Laws*. Sponsored by the Institute of Industrial Relations, University of California, Berkeley, May 24-25, 1973.

The main findings and recommendations of the Assembly Advisory Council on Public Employee Relations were reviewed at this conference including the proposed statute and administering agency, recognition and representation rights, the scope of bargaining, and dispute resolution.

150. "A Symposium on the Scope of Bargaining Problem." *California Public Employee Relations*, No. 16 (March 1973), 2-16.

Responses from California practitioners to Don Vial's article (cited below) are included in this symposium, along with a rejoinder by Vial.

151. "A Symposium on the Supreme Court's Vallejo Decision." *California Public Employee Relations*, No. 24 (March 1975), 2-15.

The papers in this symposium discuss the issues involved in the *City of Vallejo* case, including: 1) the arbitrability of interest disputes; 2) the extent to which private sector experience may apply in public sector labor relations; 3) the scope of bargaining under the MMB Act as applied to the issues in the case; 4) the status of supervisors under the MMB Act; 5) the relationship between the courts and the public sector arbitral process. Several contributors conclude that the case points out the need for new public sector labor relations legislation in California.

152. Tamoush, Philip. *Local Options in the Administration of Public Sector Employment Relations*. Berkeley, University of California, Institute of Industrial Relations, 1977.

The Meyers-Miliias-Brown Act contains an unusual provision which allows local jurisdictions to provide their own procedures for collective negotiations. This report describes the kinds of local agency approaches that have developed in California, analyzes 19 key elements found in 87 local systems, and examines ways in which the preservation of a local option system might be made compatible with a comprehensive public sector collective bargaining law.

153. Taylor, Marla. "Cost of Living Escalators in the California Public Sector." *California Public Employee Relations*, No. 29 (June 1976), 2-10.

Various types of cost-of-living provisions are analyzed as to their objectives and results, including: 1) open-ended clauses; 2) clauses with a maximum or minimum increase, but not both; 3) clauses with both a minimum and maximum increase; 4) reopening provisions which become operative only after a minimum and maximum increase in the Consumer Price Index.

154. Taylor, Marla. "Solving Employee Relations Problems by Charter Amendment: a New Legal Quandary?" *California Public Employee Relations*, No. 30 (September 1976), 10-20.

Legislatures in charter cities and counties in California have taken matters involving employee relations to the voters in the form of charter amendments. The voters have almost unanimously supported the measures, which have resulted in changes in pay, setting policies and pension systems, and mandated disciplinary action against striking employees. This article examines several of these charter amendments, and discusses their implications for labor relations in the California public sector.

155. "Teacher Collective Bargaining--Who Runs the Schools?" *Fordham Urban Law Journal*, Vol. 2 (Spring 1974), 505-562.

This article reviews the statutory limitations on teacher negotiations in New York and California, and analyzes teachers' contracts from

the two states, focusing on the effect of the contracts on the formulation of educational policy. The author concludes that the two statutes produced similar results in issues of professionalism and that in both states teachers have obtained participation in the making of educational policy. However, the ultimate power of decision in New York and California remained with the school boards.

156. "Teachers, Infusoria in the Decay of Collective Bargaining." *University of West Los Angeles Law Review*, Vol. 5 (Fall 1973), 41-52.

This article examines California's public sector labor relations and recommends that the Winton Act be replaced by a more comprehensive law.

157. "Two Case Studies--Facts and Issues." *California Public Employee Relations*, No. 27 (December 1975) 19-31.

The four-day police and firefighters' strike in San Francisco in August 1975 and the five-week Berkeley teachers' strike in September and October 1975 are examined as to their causes, the chronology of events, the settlements, and the consequences.

158. *Unit Determination, Recognition and Representation Elections in Public Agencies*. Proceedings of a conference sponsored by the Institute of Industrial Relations, University of California, Los Angeles, September 23-24, 1971.

The principles and criteria for unit determination are examined with an emphasis on California.

159. "Unit Determination Under the Meyers-Miliias-Brown Act: An Analysis of *Alameda County Assistant Public Defenders Association v. County of Alameda*." *Hastings Law Journal*, 26 (November 1974), 588-613.

In the *Alameda County* case the California Court of Appeal held that the denial of recognition to the Public Defenders Association violated Section 3507 of the MMB Act and unreasonably forced professional employees with common interests and an organization of their own choice into an organization with other professional employees with whom there existed little community of interest. This note argues that this decision should not be extended to deal with all questions of unit determination but should be limited to its facts. It concludes with a discussion of how future litigation may deal with unit determination, which is left unresolved by the MMB Act itself.

160. Vial, Don. "The Scope of Bargaining Controversy: Substantive Issues v. Procedural Hangups." *California Public Employee Relations*, No. 15 (November 1972), 2-26.

Two forces that tend to restrict the scope of bargaining in the public sector are defined and analyzed: 1) the assertion of management rights; 2) the existence of competitive or alternative systems of establishing terms and conditions of employment, such as statutory prevailing wage rate procedures and the civil service system.

The author examines how these restrictions have affected the scope of bargaining in California and suggests ways to resolve the conflict between collective bargaining and the constraints of management rights and alternative systems.

161. Walker, J. Malcolm. "Transition to Bargaining in a Multicampus System." *Industrial Relations*, Vol. 13, (February 1974), 23-29.

Surveys indicate that the faculty of the California State University and Colleges system has supported collective bargaining since the mid-1960s. This article discusses faculty dissatisfaction and the system's governance system as reasons for this support. The activities of the American Federation of Teachers, the independent faculty associations and the statewide senate are also examined and their prospects for victory in a representation election following the passage of appropriate legislation is analyzed.

162. Walters, Dan. "Is Civil Service About to Become Obsolete?" *California Journal*, Vol. 4 (June 1976), 185-187.

The impact of equal employment opportunity hiring procedures and a state collective bargaining law on the California state civil service system are discussed. The author believes the traditional civil service system no longer exists, but he is uncertain about what will replace it.

163. Whitmore, Richard S. "Scope of Meeting and Confering." Proceedings of the League of California Cities' City Attorney's Department, 77th Annual Conference, San Francisco, October 19-22, 1975.

This is a compilation and summary of California court decisions on the scope of meeting and confering.

164. Whitmore, Richard S. "Summary of Municipal Cases in Employer-Employee Relations." Proceedings of the League of California Cities' City Attorney's Department, 78th Annual Conference, San Diego, October 17-20, 1976.

This compilation of cases is published in the Proceedings of the City Attorney's Department's Annual and Spring meetings.

165. Witt, John W. "State Regulation of Local Labor Relations: The Demise of Home Rule in California?" *Hastings Law Journal*, 23 (March 1972), 809-823.

This article discusses the California concept of home rule, the MMB Act, and proposed legislation affecting municipal labor relations in order to examine the relationship between the state and charter cities in California with respect to labor relations. The author finds that because local budgets are primarily spent on payrolls, preemption by the state in labor relations will render local governments nearly powerless.

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