

THREE STRIKES—A NEW BALL GAME IN CONTRA COSTA COUNTY, CALIFORNIA

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•THERE HAVE BEEN nine public employee strikes in Contra Costa County, California, since June 1964. Three were against the county government, one involved a school district, and the other five concerned cities. Although I am not an expert, I would venture the opinion that nine strikes in less than a decade is a strong indication that public employees in the county are seriously concerned with collective action, in either traditional unions or nonaffiliated associations, and that major changes in public employee-management relations are resulting. Whatever the outcome is, and I do not think the transition will be easy, we have a whole new ball game.

Why did these strikes occur in our county? I think one word, recognition, with its various connotations and denotations, covers most issues leading to public employee strikes. Some management personnel may feel that unions want primarily more power, particularly in areas historically conceded to management, i. e., directing of work, scheduling, determining workloads, assigning of work, and the like. I believe Contra Costa County employees desire recognition first, with whatever attendant power that accompanies recognition, rather than power for its own sake¹.

Because I am Public Works Director of the county, I will confine my comments to the history and activities of employee organizations in the county and to the three strikes that took place in 1968, 1971, and 1972.

Contra Costa County, one of the nine San Francisco Bay area counties, has a population of 587,000. The county's good transportation system plus a mild climate and adequate work force early attracted industry. The continuous expansion of industry promoted growth and increasing complexity in the county government.

Contra Costa is a strongly unionized county inasmuch as industry has been and continues to be involved with unions. This has naturally created an affinity among county employees with unionism. Union leaders for many years have enjoyed an amiable relationship with the Board of Supervisors, the governing body of the county. The Board of Supervisors has appointed union leaders to planning commissions, civil service commissions, and also important committees over the years. Union leaders also have developed, over the years, strong ties with county employees because of union espousal and support of employee benefits. Several county employees have themselves become leaders in unions.

Two employee organizations existed in the 1930s; one was the Roads and Bridges, an official organization, and the other was a loosely knit group, not formally organized, and called the "court house gang" with employees from the district attorney's, auditor's, clerk's, and assessor's offices. Both organizations, particularly the former, had political punch, and both actively campaigned for their friends in office.

The Contra Costa County Employees Association, formed in 1941, was the first organization to represent county employees generally. The association's 31 years have not been drab. It brought a retirement system and the present Civil Service System to the county. It was enlarged, and then its name was shortened; it became affiliated with an international union, dropped its affiliation, went to court with the international union

¹The original manuscript of this paper included several in-depth appendixes that are available in Xerox form at cost of reproduction and handling from the Highway Research Board. When ordering, refer to XS-42, Highway Research Record 424.

(and won), and had wide fluctuations in membership. It is currently designated as the Contra Costa County Employees Association, Public Employees Union Local 1. (See Appendix.)

ISSUES THAT SET THE STAGE FOR THREE COUNTY STRIKES

Contra Costa County's three strikes involved issues that had been brewing for many years. Other issues are of more recent vintage. I believe that, whatever the responsibility (highways, roads, public buildings, airports, sewage treatment, or other activities), the following issues pretty much exist throughout the public works field. These issues came from management and employees and union leadership whose views are fully developed in the Appendix. Some of the issues follow:

1. Union demands for a stronger role in the salary determination process, for good faith negotiation rather than mere presentation of testimony;
2. Employee expectations built up by union activity for salary treatment and fringe benefits more favorable than those acceptable to management;
3. Management's refusal to meet and confer in good faith and to grant employees an equal seat at the bargaining table;
4. Management's attempts to divide and conquer;
5. Management's refusal to negotiate at all in certain areas such as in the work program, assigning work, ordering overtime, classifying jobs, and promoting, transferring, laying off, discharging, and disciplining employees;
6. Management's failure to recognize workers as human beings instead of numbered pieces of equipment;
7. Management's salary discrimination against female workers; and
8. Lack of responsiveness of civil service to employees.

I firmly believe that those in the highway field would find most, if not all, of these issues in any strike that might concern their organization. There could undoubtedly be many more issues with which to contend.

THE STRIKES

1968—The First County Strike

This strike was largely over frustration of the then Contra Costa County Employees Association, Local 1675, American Federation of State, County and Municipal Employees (AFSCME) International Union, which felt unable to bargain effectively with management and the Board of Supervisors. Another factor leading to the strike vote was a split that had developed between a joint action committee, composed of two AFL-CIO unions, Local 1675 and Local 302, Service Employees International Union (SEIU), representing county employees. There were also rumors that management favored one union over the other. I quote from a paper on the subject prepared by C. A. Hammond, Assistant to the County Administrator (see Appendix):

This split appears to have resulted from rivalry between the two unions concerning tactics and organizational and representational efforts. Each union held meetings thereafter, and, in due course, Local 1675 obtained a strike vote from its membership. The membership of Local 302 voted not to strike but voted to observe the picket line in case a strike was called, a position also taken by the membership of Social Workers Union, Local 535.

Table 1 gives data that illustrate the magnitude of the strike, which lasted 10 days (2 weekend days). The main employee groups out were Locals 1675, 302, and 535.

The clerks, unorganized in 1968, largely ignored the picket lines. The hospital director drove supply trucks through the picket lines and was accused by some of trying to run over the pickets. The then leader of Local 302, a supervising nurse, ignored the picket lines, as did most registered nurses. During strike negotiations, 15 issues were laid on the bargaining table. Only two were concerned with money. Some 700 workers did receive a 2½ percent increase in salary. The other 13 issues involved recognition of one sort or another.

Sometime after the strike in 1968, Local 1675 was accused of raiding Local 302 in violation of AFL-CIO rules. Generally, the international unions settle raiding questions by negotiations, but such was not the case here. The AFSCME president refused to back Local 1675, which was ordered to "return" 400 allegedly raided employees. Local 1675 refused to do so and disaffiliated from the international union and eventually went to court against AFSCME and won the legal right to disaffiliate. Local 302 is now defunct.

1971—The Second County Strike

For years, about 20 building maintenance craftsmen had enjoyed a salary that was 90 percent of the private industry construction rate of the crafts. In 1970 after the maintenance craftsmen had their salaries adjusted to maintain the 90 percent relationship, the Board of Supervisors abolished this parity arrangement. In 1971 the building maintenance craftsmen received a minimal raise, which did not reach the 90 percent level. They struck. This strike was ended after a few days when the board passed a resolution ensuring that in the future the craftsmen would receive an overall benefit given to other county employees. The picket lines of the craftsmen were limited and generally were crossed by members of other employee organizations. The Building Trades Council had not requested strike sanctions of other employee organizations.

1972—The Third County Strike

First, I would like to quote the statements of W. R. Higham, Public Defender, a department head, and former president of the Contra Costa County Employees Association, Local 1675:

I think that we can start by saying that in the summer of 1972 some 1,500 Contra Costa County employees struck, and that they stayed out much longer than we thought they would, and that they acted in a fashion which we would not have predicted. It was quite clear that many or most of them sacrificed money knowingly and intentionally to make some kind of a point or points. My theory has been that far more than money was involved in the whole thing.

One problem area which I think has been partially identified as a result of the strike is what appears to be a fairly strong desire on the part of this middle-class work force to have more input into and control over the apparatus of bureaucracy which surrounds their jobs. Being the spiritual descendents of de Toqueville's early agrarian Americans, they want the power to solve their own problems and frustrations and are somewhat less interested in having management solve these things for them purely as a matter of "noblesse oblige." This has been identified by some as the unions wanting to take over County government as though the instincts of the employees are somehow anarchistic rather than being the product of a 200-year American tradition.

The United Clerical Employees (cUe) have been organized for about 3 years. I have particularly noticed the enthusiasm as well as the hard work of the women in this organization. The militant tempo on the part of the clerical employees had been building over the years and can be expressed in the following terms:

1. Need for identity,
2. Quest for dignity, and
3. Desire for better economic status.

The president of the clerical union, Barbara Horne, in her paper, stated that during 3 weeks of negotiations with central management the union had declared its intent to strike unless their conditions were met. Management may or may not have underestimated the determination of cUe, but it would not or could not meet cUe's demands. (See Appendix for comments of Ms. Horne.)

The prestrike activity climaxed at a June 26, 1972, evening meeting of the Board of Supervisors, at which time salary and fringe benefits were to be acted on. The board room was packed with county employees; clerical workers were the majority in atten-

dance. The negotiations had been concluded, and there was no discussion of the employees' wage and fringe benefit package. The clerks' demands were not met. A mass meeting of the group followed immediately. The next morning at 12:01 a. m. the clerks were officially on strike.

There were some interesting aspects of this strike. The morning of the strike a majority of Local 535 honored the picket lines. This was in the face of a previously signed Memorandum of Understanding between Local 535 and the county. Associated County Employees, largely composed of engineering and technical personnel of the Public Works and Flood Control Departments, practically ignored the strike. Some individuals in sympathy with the clerks, whether members of associations or unions, honored the picket lines. Many more, chiefly county personnel, donated to the clerical workers' strike fund.

Two days after the clerks struck, Contra Costa County Employees Association, Local 1, voted 3 to 1 to support the clerks and strike. The following morning their membership reinforced the picket lines. Local 1 had not signed a Memorandum of Understanding and was at odds with the county, particularly in connection with an exclusive management prerogative clause in the County Employer-Employee Relations Ordinance. This clause decides questions affecting issues such as the scheduling of work, ordering of overtime, and classification and promotion procedures. (For an overview of the 1972 strike see Appendix.)

The Firefighters Union, Local 1230, International Association of Firefighters, AFL-CIO, and the Deputy Sheriffs Association sympathized with the clerks' strike by having their members on picket lines during off-duty hours. The Firefighters Union contributed over \$10,000 to the strike fund by assessment, as well as by donation from their reserves. The Deputy Sheriffs Association as well contributed over \$2,000 to the strike fund from its treasury. A substantial amount of money was tendered to the strike fund by many individuals and other California employee associations. The mammoth Los Angeles County Employees Association, Local 660, SEIU, some 400 miles away, is one example.

The strike lasted 26 days, including weekends. The Back-to-Work Agreement included economic gains in the range of 2½ percent and improved the grievance procedure. Local 1 was particularly pleased with the process in this latter area. Table 2 gives the daily impact of the strike on various county departments.

As a parenthetical point, it should be stressed here that the desire of public employees to have more input into management areas exists nationally as well as locally. The September 7, 1972, edition of the Wall Street Journal had a provocative article, "Who's in Charge? Public Employee Unions Press for Policy Role; States and Cities Balk." Some points raised in the article were whether teachers should set policies for schools, whether social workers should set welfare standards, and whether policemen should have a voice in determining the size of the police force. "Unions, particularly those of professionals, are attempting to broaden the scope of negotiations to include policy questions that used to be the exclusive province of public officials." Each side makes potent arguments, and the issue will remain one of the most vexing in public employment bargaining, collective or otherwise.

The October 10, 1972, issue of the San Francisco Chronicle carried an article on the unionizing of doctors of medicine. A spokesman for the doctors insisted that they did not want any more money but that the medical unions want collective bargaining with health plans, insurance programs, and other nonmonetary items affecting the role of doctors. An SEIU local of physicians and surgeons has been formed in Nevada.

Operation of Public Works Department During Strike—Paper work was reduced to a minimum because of the shortage of secretaries and other clerical employees in the association. Road maintenance operations were totally shut down. (County road contracts were also shut down, but this was due to a teamsters' strike not related to the strike of county employees.) Building maintenance was at minimum operation. Any malfunctioning of air conditioning units was corrected by supervisors as best they could. Elevators in all but two county buildings were purposely shut down. Department heads, for the most part, carried on their telephone chores and wrote letters in longhand. Our

department did not bring in workers to assist during this period. It was a policy of the Board of Supervisors, and one to which I heartily subscribe, not to break the strike but to end the strike as soon as possible. A new union, growing out of the seeds of bitterness over strike breaking, particularly if nationally affiliated, might be much stronger than its predecessor.

Results of Third Strike—More space will be given to the third strike because it came as somewhat of a surprise to many, involved more individuals, and lasted longer than anticipated. Some of the results of the settlement of the third strike follow:

1. Economic improvement for certain classes;
2. Improved grievance procedure that includes binding and final arbitration;
3. Language of back-to-work agreement to be tested in the courts as a result of certain disciplinary action against a few striking employees;
4. Maintenance of exclusive management rights and directive clauses of the County Employer-Employee Relations Ordinance (this item will be a continuing problem); and
5. Strengthening of unity among several county associations and unions and formalization of this unity in the creation of a coordinating council that must be involved in major organizational moves, including strikes.

Also, the Civil Service Department, and particularly the director, has been placed in an acutely awkward position with the discontent of the employees focusing on him. This criticism may be unwarranted but is caused by the fact that the Civil Service Department should be a service department for other departments and employees rather than be cast in the role of an adversary.

BATTLESCARS

During the strike there were tires slashed, cars scratched, and a certain amount of jostling. The laundry building at the county hospital was burned. My observation, however, was that the vast majority of employees on strike behaved rationally. There was a certain amount of awkwardness in some work areas in the county when striking employees returned to work. This disappeared within a few days, and the county, with an occasional exception, was back to normal operations.

HOT STOVE SESSIONS

The Meyers-Milias-Brown Act

The Meyers-Milias-Brown Act of the California State Legislature became effective January 1, 1969. This act sets some guidelines for local government employer-employee relations (except for State of California and school district employees). Employees have the right to form, join, and participate in employee organizations. Management must recognize employee organizations. Management and county organizations are required to meet and confer in good faith. Like the Golden Rule, it is easier to state than to adhere to. I quote from the comments of William A. O'Malley, District Attorney:

The Meyers-Milias-Brown Act states that management must meet and confer in good faith with employee groups. To many of the employee groups this meant negotiations and that they would have some say in setting salaries and working conditions. To management, this language meant meet and confer and not negotiate as we commonly use that term. Unfortunately, since there was a difference of understanding over the words "meet and confer," the employee groups left the sessions with a great sense of frustration and anger.

Contra Costa County Employer-Employee Relations Ordinance

After prolonged discussion between management and employee organizations, the Contra Costa County Employer-Employee Relations Ordinance was hammered out and became effective in February 1971. The employee organizations were dissatisfied, but it was a start. The purpose of the ordinance was to supplement and implement the Meyers-Milias-Brown Act. The adoption of such an ordinance is optional with local

Table 1. Results of 1968 strike.

Department	No. of Employees	Strikers	
		Number ^a	Percent
Agriculture	771	31	44
Auditor	127	11	9
Building Inspection	38	14	37
Building Maintenance	146	67	45
Health	190	53	28
Hospital	568	195	34
Library	169	71	42
Probation	289	81	28
Public Works ^b	293	108	37
Social Service	724	167	23
Total	3,501	789^c	

^aOnly those offices with more than 10 employees out on strike listed.
^bRoad Maintenance shut down; office staff all present.
^cPeak.

Table 2. Man-days lost due to 1972 strike.

Department	6/27	6/28	6/29	6/30	7/3	7/5	7/6	7/7	7/10	7/11	7/12	7/13	7/14	7/17	7/18	7/19	7/20	7/21	Total
Agriculture	29	26	24	31	31	31	37	36	37	35	35	32	38	37	38	38	35	38	608
Agriculture Ext.	2	2	2	2	2	2	1	1	1	1	1	1	1	1	1	1	0	0	21
Assessor	33	30	30	27	28	28	28	27	27	27	27	27	27	28	29	31	31	31	516
Auditor	16	48	48	48	46	51	52	52	52	52	52	52	52	52	50	50	41	41	864
Building Inspection	2	2	2	4	3	3	3	3	4	4	4	4	4	4	4	4	4	4	62
Civil Service	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	18
Clerk	5	5	4	4	5	4	4	4	4	4	4	4	4	4	4	4	4	4	75
County Counsel	5	6	5	5	5	5	5	5	6	6	6	6	6	6	6	6	6	6	101
District Attorney	15	19	16	16	17	16	16	16	15	15	15	15	15	15	15	15	15	15	281
Health	49	63	63	85	86	84	84	82	83	84	86	87	88	91	91	91	89	89	1,475
Library	7	20	20	28	37	34	35	23	24	25	26	30	21	32	31	31	24	18	466
Medical Services		50	88	160	193	245	225	197	194	200	195	199	196	189	198	204	202	187	3,122
OEO	2	2	2	2	2	1	1	2	2	2	2	2	2	1	1	1	1	1	29
Planning	4	7	6	6	5	5	5	5	6	5	5	5	5	5	5	5	5	5	94
Probation	42	62	62	79	79	75	78	78	79	79	79	78	84	90	80	79	77	57	1,337
Public Defender	10	10	9	10	9	9	9	9	9	9	9	9	9	8	8	7	7	7	157
Public Works	18	41	130	156	162	166	167	166	165	168	168	169	170	166	165	165	166	166	2,654
Sheriff	11	11	11	12	12	12	13	13	12	12	12	12	11	10	10	10	10	10	204
Social Service	550	690	641	651	691	674	668	667	665	658	662	663	655	673	672	676	663	663	11,876
Tax Collector	12	12	11	12	15	15	15	15	14	14	14	14	14	14	14	14	14	14	247
Consolidated Fire	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	5	90
Flood Control	0	0	0	3	3	3	3	4	4	4	4	4	4	3	3	3	3	3	51
Total	818	1,112	1,180	1,347	1,437	1,469	1,455	1,411	1,409	1,410	1,412	1,418	1,412	1,435	1,431	1,441	1,412	1,339	24,348

Table 3. Unit positions and majority representatives.

Unit	Majority Representative	Positions	
		Authorized	Filled
Agriculture and Animal Control	Local 1	55	53
Attendant-LVN-Aide	Local 1	295	269
Craft Maintenance	Contra Costa Building and Construction Trades Council	22	20
Deputy Sheriff	Deputy Sheriffs' Association	257	248
Engineering	Associated County Employees	145	122
Fire Suppression and Prevention	Local 1230		
Fiscal Services	Local 1	73	68
General Clerical Services	United Clerical Employees	1,105	1,042
General Services and Maintenance	Local 1	557	524
Health Services	Local 1	175	164
Investigative	Local 1	16	16
Legal and Court Clerk	Local 1	18	18
Library	Local 1	119	117
Probation	Local 1	234	211
Registered Nurse	California Nurses Association	106	101
Social Services	Local 535	832	707
Total		4,009	3,680

jurisdictions. The exclusive management-prerogative clause mentioned earlier was and continues to be a strong point of contention.

DIFFERENT ROLES OF DEPARTMENT HEADS

Before procedures were set up under the Meyers-Milias-Brown Act and the county employer-employee ordinance, salary negotiations were a different matter. A department head would discuss the salaries of the employees in classifications not general in the county with civil service staff and make a presentation to the civil service commission. In case of conflict, department heads could appeal directly to the Board of Supervisors, and such appeals have occurred from time to time with a fair amount of success. However, salaries for county-wide classifications, primarily the clerical classes, were set without input requested of department heads. Now, employee salaries for those in units represented by associations or unions are set at meet-and-confer-in-good-faith conferences between organizations and central management (central management consists of the office of the county administrator and the personnel director). This situation places the personnel director in an adversary relationship with employees. Because the Civil Service System was the child of county employees and they expect it to be sympathetic to them, this adversary relationship magnifies difficulties between employees and the Civil Service Department. (See Appendix for comments by William A. O'Malley, District Attorney.)

CHANGING INTERESTS OF EMPLOYEE ORGANIZATIONS

Some professional members of Associated County Employees are strongly considering voting out of this organization and joining the Western Council of Engineers, an independent union. This situation is partly based on the desire of professionals to be represented by professionals. Supervisors and middle management employees are in the process of forming another unit under the employer-employee relations ordinance. I may end up being the only management employee in my office!

Table 3 gives the status of employee organizations in the county as of September 1972. This table will continue to grow as time goes on.

SPECULATIONS

1. The third strike was settled July 21, 1972. The Board of Supervisors adopted the county budget August 28, 1972, with a 37 cent reduction in the county property tax rate. County organizations not satisfied this year may well try to use the cut as a lever for greater benefits at the next bargaining table.
2. County organizations will continue to push hard for more say in management prerogatives.
3. County organizations will continue to demand more recognition.

A FINAL THOUGHT ON THE NEW BALL GAME

Public employee strikes represent the failure of social mechanisms designed to reduce or minimize conflicts among groups with competing goals. State or local legislation or both have not solved issues that lead to strikes.

Two international unions, AFSCME and SEIU, are supporting the creation of a federal agency to develop and enforce regulations for state and local collective bargaining. Senate Bill 1440 of the 1972 California State Legislature called for the creation of such a state agency. SB 1440, however, failed to pass. Similar legislation no doubt will be introduced in 1973. Proponents for this type of legislation feel that more peace will come about in public employment inasmuch as such an enforcing agency is set apart from the local influence. More objectivity in disputes will be gained and the way paved for more stable employer-employee relationships. Time only will tell what the answer is. I hope that there is an answer to the new ball game in Contra Costa County.