

LAW ENFORCEMENT SESSION

COLLECTIVE BARGAINING AND ME

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Abstract: Collective bargaining rights were granted by law to public employees of the Commonwealth of Pennsylvania by the General Assembly, Act No. 195, effective October 17, 1970. The Act established rights to public employees to organize and bargain collectively through selected representatives; defining public employees to include employees of non-profit organizations and institutions; providing compulsory mediation and fact-finding, for collective bargaining impasses; defining the scope of collective bargaining; establishing unfair employee and employer practices; prohibiting strikes for certain public employees, permitting strikes under limited conditions; providing penalties for violations; and establishing procedures for implementing.

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Collective bargaining, in simple terms, means the right granted by law to the worker (referred to as rank and file) to sit down with his employer (referred to as management) from time to time and negotiate working conditions. It means the right granted by law to workers to collectively organize and join a union to represent their interests in bargaining and negotiating working conditions with their employer. In Pennsylvania, it meant the right granted by law to Pennsylvania Game Protectors and Waterways Patrolmen, in addition to certain other state employees, to join a union and negotiate working conditions with their employer.

Collective bargaining directly affects "me," whether a member of management or rank and file. A main function of the collective bargaining process deals with bread and butter issues — how much money am I going to get for the fruits of my labor, job security, health and welfare benefits, etc. If labor is granted certain monetary benefits under the collective bargaining process, management employees most certainly gain as a result because it is a chain reaction sort of thing. If it were otherwise, you could conceivably have Conservation Officers receiving salaries far beyond their Supervisors.

Collective bargaining directly affects "me," the public, the guy who is paying the bill. Collective bargaining in state government is little different than collective bargaining in the private sector. Every time one purchases a new car or some other product, one learns that the price has increased which generally resulted from increased labor costs. Has my pay increased proportionately?

I assume by this time you are wondering where I stand on the issue of collective bargaining rights in state government. As a member of management, never having been a member of a union in my lifetime, I'll admit I had some reservations when the collective bargaining law was first enacted. I had initially worked as a Conservation Officer for a number of years during my career and it just seemed natural and expected that you work 7 days a week, around the clock if necessary, if the job required such dedication. I did this without any thought or expectation of receiving additional pay or consideration for my efforts. I didn't really give much thought to having an assigned day off from time to time, or holidays off, especially during peak working periods. Conservation Officers, by the very nature of their work obligations, simply cannot justify such liberal working conditions that prevail in private industry — or can they?

Perhaps the answer may lie in the fact that we have been reluctant to change because we have always worked that way. Historically, when one goes to work as a Conservation Officer, one's entire immediate family becomes part of the work force. At least this has been the tradition, and as a result, the public has become accustomed that we be available at their pleasure.

I am not pro or anti union. I would like to think of myself as having an open and understanding mind on the issue of collective bargaining rights. In this day and age, when the majority of the work force of this nation is working under collective bargaining arrangements, what is so bad or wrong with granting Conservation Officers the right to bargain for their fair share of the pie?

In July of 1970, the General Assembly of the Commonwealth of Pennsylvania enacted Senate Bill No. 1333. This bill was approved by Governor R. P. Shaffer on 23 July 1970, and is now known as Act No. 195. The new Act became effective 17 October, 1970. The title of the Act reads as follows:

"Establishing rights in public employees to include employees of non-profit organizations and institutions; providing compulsory mediation and fact-finding, for collective bargaining impasses; providing arbitration for certain public employees for collective bargaining impasses; defining the scope of collective bargaining; establishing unfair employee and employer practices; prohibiting strikes for certain public employees; permitting strikes under limited conditions; providing penalties for violations; and establishing procedures for implementation."

One can deduce from the title of the Act that we were destined for some major changes in the operation of the Pennsylvania Game Commission over past procedures of long standing. The Pennsylvania Game Commission is unique in that it is an independent administrative agency of state government. We do not receive any General Fund appropriations but must rely on revenue derived primarily from the sale of hunting licenses to fund our wildlife management program. Perhaps also unique in Pennsylvania is the fact that we have an independent Fish Commission which operates in similar fashion as the Game Commission. I simply mention this fact as it has an interesting bearing on our collective bargaining process, as each has its individual needs and preferences in the collective bargaining process.

Act No. 195 authorized certain designated public employees of the Commonwealth to organize for the purpose of negotiating working conditions with their employer which is properly defined as collective bargaining. The Act does not include elected officials, appointees of the Governor which require Senate confirmation, management level employees, confidential employees, and employees covered under Act No. 111, approved 24 June, 1968, which authorized collective bargaining between policemen and firemen and their public employers. An interesting feature in Act No. 111 provides for "binding arbitration" which does not prevail in Act No. 195. Binding arbitration means, in short, when the collective bargaining process reaches an impasse that cannot be resolved, arbitrators are appointed to settle the dispute and their findings are binding upon the employer and employee. Policemen and firemen, by the very nature of their necessary services, are prohibited from striking, thus the obvious reason for the binding arbitration provision. This is not so under Act No. 195. These public employees, with one exception, may strike if the collective bargaining process breaks down. The exception is if the strike involves the health, safety and welfare of the public. We experienced a short-lived strike 1-3 July 1975. In this instance, management employees were dispatched to critical installations to carry on the operations. Our main concern was our Game Farms which could not be left unattended, especially so at the height of production.

The Pennsylvania State Police, bargaining under Act No. 111, has a direct bearing on negotiations to follow under Act No. 195 by other state employees. It sets the pattern to some degree for the final outcome of the collective bargaining contract for other Commonwealth employees. The Pennsylvania Bureau of Labor Relations, an arm of the Governor's Office, makes the final decision on all negotiated contracts. You can appreciate the needs for this over-viewing procedure so as to insure a reasonable degree of uniformity across the spectrum of state employees.

Within the Pennsylvania Game Commission itself, there are several Bargaining Units which form the collective bargaining process:

- Game Conservation Officers Unit—Game Protectors
- Engineering & Scientific Unit—Foresters & Biologists
- Technical Services Unit—Surveyors & Survey Technicians,
Forest Technicians & Draftsmen
- Maintenance & Trades Unit—Skilled & semi-skilled, equipment
operators & laborers
- Clerical Administrative Unit—Stenographers, typists & clerks
- Human Services Unit—Custodial
- First-level Supervisory Law Enforcement, Fish & Game Laws Unit

Fringe Benefits:

- Monthly subsistence — \$35.00
- Monthly office rent — \$25.00
- Blue Cross & Blue Shield
- Dental Care
- Vision Care
- Drug prescriptions
- Group life insurance to cover death of employee; amount payable is rounded to nearest \$1,000 of his salary not to exceed \$20,000.00
- Social Security
- Workmen's Compensation
- 2 days off each week
- 2 personal days each year
- Paid holidays — 13 each year
- Vacation — First year, 10 days
 - 2 - 15 years, 15 days
 - 16 - 25 years, 20 days
 - More than 25 years, 25 days
- Sick leave — 15 days per year. May accumulate a total of 200 days. Upon super-annuation retirement, employee is paid 30% of his accumulated unused sick leave to maximum of 60 days.

FIRST LEVEL SUPERVISORY UNIT

These people are "First Level Supervisors," 4 each at our 6 Division Offices, and 1 each at our Training School and Central Headquarters. They are properly identified as First-Level Supervisory Law Enforcement, Fish and Game Laws Unit when referring to them in connection with collective bargaining. Section 704 of Act No. 195 requires public employers "to meet and discuss with first level supervisors or their representative, on matters deemed to be bargainable for other public employees." This requirement is defined in the Act as an obligation of a public employer upon request to meet at reasonable times and discuss recommendations submitted by representatives of public employees. It is properly referred to as "Meet and Discuss." They belong to and pay union dues but they are not permitted to strike. Their negotiated contract is properly referred to as "Memorandum of Understanding." Contained in their recently negotiated contract for Game Commission personnel is a provision to provide a monthly subsistence payment of \$25.00, effective 1, September 1978.

These people are not entitled to schedule days off, Monday through Friday; however, if they are required to work on Saturday or Sunday, their Supervisor arranges to schedule equal time off at a time suitable to both. Their salary schedule contains 7 steps, 1 step less than the Game Conservation Officer. The salary schedule reflects approximately 7% for premium pay in like manner as Game Conservation Officers. They too receive all the "Fringe Benefits" as listed for Game Conservation Officers. Their contract also runs from 1, July 1978 to 30, June 1981.

	<i>Minimum</i>	<i>Maximum</i>
1, July 1978	\$14,667.00	\$18,798.00
1, January 1979	\$15,001.00	\$19,237.00
1, July 1979	\$15,773.00	\$20,238.00
1, July 1980	\$16,587.00	\$21,302.00

FIELD DIVISION SUPERVISORS

Our first pro-management level people are the 6 Field Division Supervisors, and 1 Superintendent of Training. Their salary schedule contains 7 steps.

	<i>Minimum</i>	<i>Maximum</i>
Effective 1, July 1978	\$16,763.00	\$21,849.00

They too receive all the "Fringe Benefits" as are extended to Game Conservation Officers with the exception of the monthly subsistence payment, office rent and scheduled days off during the week.