

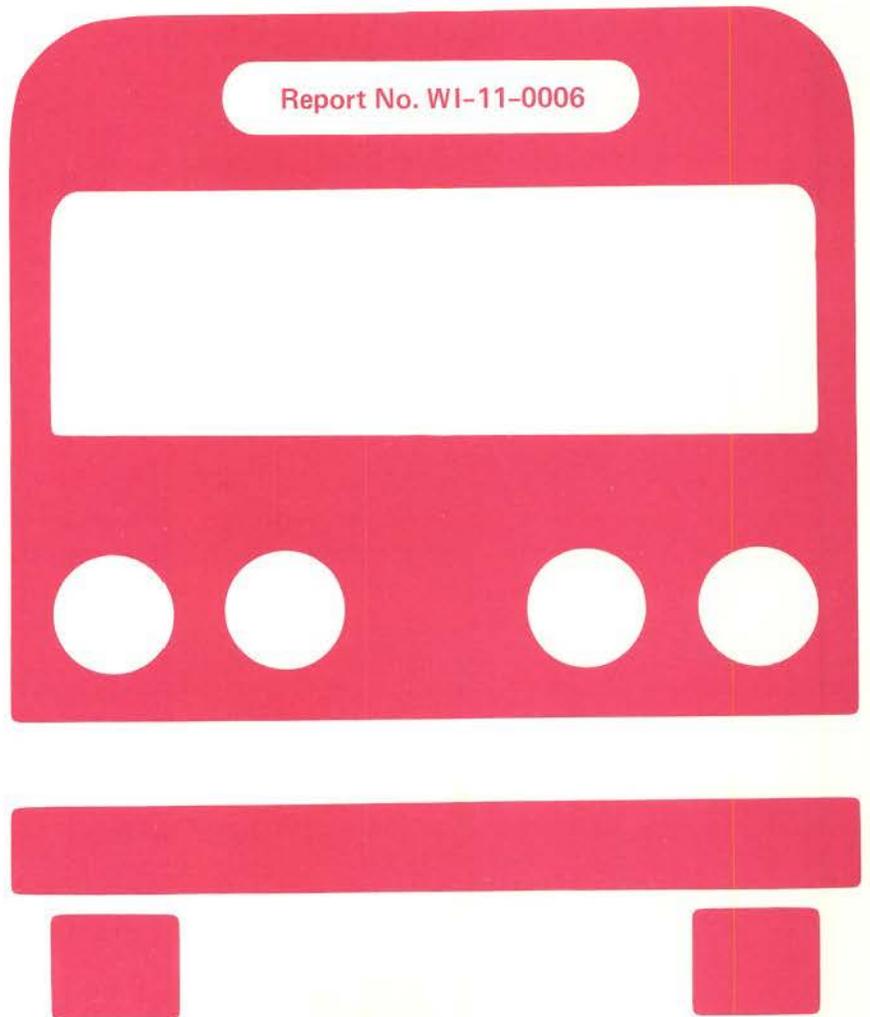
Summary Report
February 1979

Midwest Labor-Management Conference on Issues In Urban Transit

Report No. WI-11-0006



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16. Abstract This report summarizes the discussions which took place at the September 6-8, 1978, Labor-Management Conference on Issues in Urban Transit at the Harrison Conference Grounds, Lake Bluff, Illinois. Approximately thirty union and management municipal transit representatives from primarily the midwestern region of the U.S. met together to discuss labor relations problems in the industry. The following topics which were discussed at the conference were selected by an advisory committee consisting of union and management representatives: 1) employee safety and security; 2) transit services for the elderly and handicapped; 3) improving the grievance procedure; and 4) costs and benefits of strikes and interest arbitration. For each topic a summary is provided for the problems cited by the participants, the recommendations for solving these problems, and specific suggestions for UMTA policy and program development. A copy of the agenda, a list of conference participants, and results of the post-conference questionnaire are also included.			
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A Summary of the
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on
ISSUES IN URBAN TRANSIT

September 6-8, 1978
Harrison Conference Center
Lake Bluff, Illinois

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INTRODUCTION

This report summarizes the discussions which took place at the September 6-8, 1978, Midwestern Conference on Labor Relations in the Urban Mass Transit Industry at the Harrison Conference Center, Lake Bluff, Illinois. The conference was held as a part of an experimental project financed by a grant from UMTA to the University of Wisconsin (UMTA Grant # WI-11-0006).

The views expressed at the conference are those of the participants speaking freely as individuals with a guarantee of anonymity. It goes without saying that these views are not to be taken as official or unofficial views of the American Public Transit Association (APTA), the Amalgamated Transit Union (ATU), the United Transportation Union (UTU), or any branch of the Urban Mass Transportation Administration (UMTA). The views expressed, however, are those of a group of knowledgeable union and management leaders in the urban mass transit industry. The names of conference participants are listed on pages 27-31 of this report.

The purposes of the project which led to the conference were as follows: first, to determine whether national union and management leaders thought it worthwhile to arrange a meeting of local union and local management leaders in a nonadversary setting in order to discuss problems of mutual concern; second, assuming an affirmative answer to the first question, to determine the topics which were suitable for discussion at such a meeting and to select individuals to attend the meeting; and third, to obtain from conference participants their recommendations, if any, to UMTA, on ways in which that agency could help labor and management resolve some of the problems which they chose to discuss.

Leaders of APTA and the ATU and UTU met with representatives of the University of Wisconsin and agreed to cooperate in this project. With their

help, topics for the midwestern conference were agreed upon. The four topics were:

- I. Safety and Security
- II. Mass Transit for the Elderly and Handicapped
- III. Improving the Grievance Procedure
- IV. Costs and Benefits of Strikes and Interest Arbitration

With this guidance, University of Wisconsin representatives prepared a draft format for the conference and a list of possible speakers. This format was reviewed with the advisory committee and eventually became the Lake Bluff Conference Agenda, included on pages 23 to 25 of this report.

The APTA, ATU, and UTU advisory committee members furnished the names of the thirty-two individuals to be invited to the conference. In some instances, general managers or executive directors of systems were invited and, in others, the personnel director or the industrial relations manager was invited. On the union side, invitations were extended for the most part to local union officers. As a result, a quite diverse group was assembled--representing various levels of authority and different areas of interest.

Comments obtained from participants after the meeting indicated almost unanimously that conferences such as the Lake Bluff conference where labor and management representatives could talk informally about problems that bothered them were valuable and commended UMTA for its support of this activity. It was also agreed that the participants should be brought together for two days--Wednesday afternoon till Friday noon, for example. A summary of the responses to the post-conference questionnaire is contained on pages 33 to 35 of this report.

The general procedure followed at the conference was to have one or two

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speakers talk informally for 15 minutes to a half hour to the group as a whole in order to introduce the subject. Then the participants and observers broke into four discussion groups of about ten people each, and discussed the problem for an hour or two. For each topic, each group selected a reporter who subsequently met with the reporters from the three other groups for that same topic in order to consolidate the results of the four separate discussions into one report for consideration by the entire group at the final plenary session of the conference. The same procedure was followed for each of the four topics and therefore resulted in one report for each of the four conference topics being discussed at the final plenary session.

This report summarizes both the individual discussion sessions and final report on each topic. In general, the format followed is to take each of the four problem areas separately, state the dimensions of the problem as seen by the participants, indicate the different points of view expressed by participants, note where there was consensus, and list the recommendations, if any. On some topics, participants were quick to make recommendations; on others, no recommendations were made. The table of contents shows the reader on what pages the discussions and recommendations for each topic are to be found.

This summary was prepared from tapes of the conference sessions which were erased after the summary was prepared. A draft of the summary was furnished to the advisory committee in advance of a post-Lake Bluff meeting so that any additional recommendations which they cared to make could be discussed at this meeting and incorporated into the final report to UMIA.

In concluding this introductory section of the conference report, the undersigned project director wishes to express his appreciation to the many people who devoted considerable time and effort to carrying out this project.

The conference summaries were written by Stephen Rubinfeld, who extracted the conference highlights from wide ranging discussions and presented them in a clear and concise fashion. Able editorial assistance was provided by Barbara Dennis.

The opening speaker, Wayne Horvitz, Director of the U.S. Federal Mediation and Conciliation Service, established just the right atmosphere for a constructive conference. The introductory speakers, who stimulated provocative discussion sessions, were: Jack Townsend, Director of Safety and Security, Toronto Transit Commission; John B. Schnell, Manager of Research, American Public Transit Association; B. Richmond Dudley, Jr., Assistant Advocacy Director for Employment, Paralyzed Veterans of America; Gregory Jones, Chairman, Elderly and Handicapped Transportation Taskforce, American Public Transportation Association; Arthur B. Shy, Administrative Assistant to Vice-President Greathouse, United Automobile Workers Union; Walter C. Stoner, Director, Labor Relations, Republic Steel Corporation; Ben Gettler, Attorney, Gettler and Katz; and Martin Burns, Attorney, Jacobs, Burns, Sugarman and Orlove.

The discussion group leaders were: Barbara D. Dennis, Managing Editor, Industrial Relations Research Institute, University of Wisconsin-Madison; Darold T. Barnum, Associate Professor of Labor and Industrial Relations, Indiana University Northwest; Kenneth S. Mericle, Assistant Professor, Sloan School of Management, Massachusetts Institute of Technology; and Stephen A. Rubinfeld, Assistant Professor of Management, Texas Tech University. They are to be congratulated for ably leading the discussion sections.

The members of the advisory committee, to whom special thanks must be given, were B.R. Stokes, Executive Vice President, and Herbert Scheuer, Deputy Executive Director of APTA; David Fox, Counsel to APTA; Dan V. Maroney, Jr.,

President, Walter J. Bierwagen, Vice-President and Director of Public Affairs, and Earle W. Putnam, General Counsel of ATU; and Kenneth R. Moore, Vice President and Director, Bus Department of UTU. Without their help, this conference could not have been held.

The myriads of details, large and small, which needed to be taken care of in order to have a smooth running conference were handled conscientiously and competently by Judith Flora, Graduate Project Assistant, Industrial Relations Research Institute. Typing of this report and transcription of the tapes was done by Anne Rhodes with assistance from Elena Herrera.

Thanks are also due to UMTA representatives, Nathaniel C. Jasper, Research Program Manager of the Division of University Research, who served as contract representative and Frank E. Enty, Project Manager, Human Resources Development, who served as technical monitor.

Finally, full credit should be given to the participants who participated fully in the discussions and made the conference lively and worthwhile. To them and to all of the individuals who helped on this project, the principal investigator expresses his gratitude. They made this research project a pleasant one--and, I hope, from their point of view, a worthwhile one.

James L. Stern

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SAFETY AND SECURITY

The Problems

The problems associated with providing for the security of transit passengers and employees have become acute in recent years. Transit properties have reported that incidents of vandalism, robbery, harassment of passengers, drunkenness, narcotics usage, fare disputes, and assaults on transit employees are occurring with alarming frequency. There was agreement that such crime statistics are not unique to the transit industry, but mirror a broad societal trend. Nevertheless, union and management representatives feel strongly that affirmative steps must be taken to control lawlessness in the transit environment.

Concern was expressed that the problem of criminal behavior, if unchecked, will threaten the viability of mass transit services in many communities. Where the public perceives that mass transit is unsafe, patrons will seek alternative means of transportation. Moreover, transit properties incur considerable costs as a result of criminal and disruptive behaviors. Aside from the forgone fare revenues from discouraged passengers, and the obvious expense of vandalism (e.g., broken windows and slashed seats), transit properties are faced with significant additional costs. Foremost among these is the expense of criminal deterrence. Personnel costs, including the effects of reduced morale, special training, and increased turnover may also prove to be substantial.

The conference participants pointed to several factors which exacerbate the problems of transit safety and security. The first concerns the difficulties of integrating local law enforcement agencies into transit security programs. In some instances police departments have been uncooperative in

*Barbara Dennis provided editorial assistance.

the deployment of manpower and the enforcement of laws. A particular difficulty has been noted where transit routes extend through more than one police jurisdiction. Even where law enforcement agencies have been supportive, serious time lags in response to requests for assistance are common.

Another factor which is felt to contribute to the severity of the problem is the fact that law breakers frequently are not prosecuted. Ponderous legal procedures, the requirement that transit operators must file a criminal complaint and testify at trials, and a general frustration with the workings of the judicial system often result in a failure to bring charges against violators. Where criminal proceedings are undertaken, labor and management representatives expressed concern that the courts have not dealt with criminals in an "appropriate" manner. It was felt that lenient sentences are viewed as judicial acquiescence to antisocial behaviors.

The Recommendations

The conferees agreed that the problem of transit safety and security requires an immediate response by government, management, and labor. Too often, the publication of crime statistics, a murder, or a series of assaults result in "lip-service" to the problem. There was broad agreement that this concern must be translated to specific policies and programs.

Union and management participants offered a number of suggestions for cooperative efforts at dealing with safety and security problems:

1. A national labor-management committee should be established to formulate general policy and to coordinate lobbying activities with governmental bodies including UMTA, LEAA, and congressional committees. It was stressed that the objectives of this task force should be limited to seeking general remedies to security problems. Specific solutions and their implementation

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are best dealt with at the local level.

2. A national conference of transit industry security specialists, industry spokesmen, and union representatives should be convened to review existing and proposed programs, and technology. UMTA, LEAA, or other agencies should be canvassed for possible sponsorship of such a conference.

3. Local union and management personnel should meet on a regular basis to discuss safety and security problems. It was suggested that when necessary, the parties might make use of a neutral to mediate their discussions. Committees would have to determine the weight to be given to deterrence relative to apprehension and then develop policies to meet the chosen goals. The design and implementation of programs should also be overseen by this body. The committee might also serve as the nucleus of any lobbying effort directed at local or state government.

4. Greater cooperation between local law enforcement agencies and transit properties is necessary to assure that available police protection is most effectively utilized. Discussions of the problems of transit crime and disturbances should be held on a regular basis between police officials and a joint labor-management committee representing the transit property.

5. The use of uniformed versus plainclothes police protection was debated at length. While there was some sentiment that the presence of a uniform is in itself a deterrent, the majority felt that finite police resources were best used "undercover." Detroit's Bluebird Program was cited as an example of how limited police resources could be used effectively.

6. Conferees were in general agreement that additional police protection is required. The most appropriate form for these resources is best determined by local conditions. For example, where transit properties provide service

across several governmental jurisdictions, a separate transit police force may be preferable. Even where there is no jurisdictional issue, separate details of regular police should be assigned to transit vehicles. It was suggested that where monies are available or if federal funds are provided, this type of program could operate on a shared cost basis with local communities.

7. The suggestion was made that transit properties should establish the position of security supervisor. The individuals filling these posts would serve a general liaison function between the property and its employees, the unions, law enforcement agencies, and the public. Included among specific job responsibilities might be training and counselling, compiling crime statistics, and implementing programs directed at reducing vandalism, rowdyism, and other criminal behaviors.

8. Employee orientation programs should include instruction in interpersonal skills. Programs should be developed to train operators in responding in an appropriate fashion to conflict situations. Operators and other personnel should also be instructed in the proper use of safety equipment. It was noted that the misuse of the silent alarm and other security features in many instances has negated their effectiveness.

9. It was the consensus of the conferees that safety equipment is an integral part of every property's crime control program. While there was general agreement that all buses should have some form of safety equipment, the particular options should be selected to suit local needs. The testing and evaluation of such equipment is a possible area of interest for a national labor-management study committee, perhaps with UMTA support. For example, conference participants offered conflicting views of whether automatic vehicle locating systems were worthy of the required capital investment. Both sides

in this debate noted that there were insufficient performance data available to resolve this dispute.

10. There was some discussion that more extensive use of the media is appropriate to inform the public of the extent and cost of damage which vandals inflict on transit vehicles. However, concern was expressed by a sizable number of participants that this type of publicity could actually make the problem worse by fostering a negative image of mass transit and discouraging prospective riders.

11. Juveniles are responsible for a substantial proportion of the vandalism which plagues transit systems. For this reason, it was felt that more extensive efforts should be made to involve the schools in crime control. Several properties reported that they have undertaken educational and informational programs with the cooperation of primary and secondary schools. These programs have incorporated audio-visual aids along with a narrative or question-and-answer period led by a vehicle operator.

12. Extra-legal solutions to vandalism should be investigated as an alternative to criminal prosecutions. Several conferees expressed interest in dealing directly with parents and school officials in discipline cases. It was felt that where parents reimbursed the transit system for damages, their influence might discourage future violations. Where cooperation was not forthcoming, the option to prosecute would remain.

TRANSIT SERVICES FOR THE ELDERLY AND HANDICAPPED

The Problem

The issue addressed in this session was the role the transit industry should play in providing mobility to the elderly and handicapped. Discussion focused on the problem of how transit properties can best comply with federal requirements concerning the accessibility of transit services.

While there was some question of a community's social responsibility to extend transit service to the handicapped, the consensus was that the legislative mandate to provide access makes this issue moot. Section 504 of the Rehabilitation Act of 1973 requires that ". . . no otherwise qualified handicapped individual . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Section 504 clearly established a national policy but provided little guidance for its implementation. Uncertainty regarding the interpretation of this statute raised a number of basic questions: What form should transit services to the handicapped take? Who should provide such service? What level of service is required to be in compliance with the Act? Now, five years following the enactment of this legislation, it appears that some light is being cast on these queries with the issuance of proposed regulations for implementing Section 504.

The proposed regulations (Federal Register, Volume 43, Number 111, June 8, 1978) would require recipients to make existing and proposed transit services accessible to handicapped persons. The term handicapped is defined broadly to include the semiambulatory, ambulatory persons with other disabil-

ities (e.g., blindness), and wheelchair users. "Accessibility" requires that the system, when viewed in its entirety, be accessible. In addition, vehicle and facility specifications, procedural requirements, and timetables for compliance are noted.

The implications for transit properties and their employees are considerable. The requirement for system accessibility, or "mainstreaming," indicates that a separate but equivalent service (e.g., demand-responsive service provided by the transit property or user-side subsidies of alternative paratransit forms) will not suffice.

A number of problems are associated with integrating a handicapped ridership into mainline service. First, there are substantial financial outlays associated with the purchase of acceptable new vehicles and retrofitting existing rolling stock. In addition, it is probable that maintenance and operating costs will escalate as this equipment is put into service. A second difficulty involves the technological "state-of-the-art" of wheelchair lifts and other equipment necessary for compliance. Numerous references were made to the difficulties now being experienced by several properties with new or retrofitted equipment with lifts.

Another potential problem cited by participants is the difficulty in maintaining posted schedules when lift operation is required. The experience of several properties now using this equipment indicates that serious delays are likely to result with frequent use. The effect of operating lifts of other related equipment on the working conditions of transit employees was also questioned. For example, should a vehicle operator leave his or her seat to operate a rear door lift? Does lift operation constitute a change in working conditions and thereby become a mandatory subject for union-management negotiation?

Some concern was expressed that the use of lifts or ramps by the handicapped raises questions of liability for both transit providers and vehicle operators which must be resolved before such service is initiated. Finally, both union and management conferees agreed that there has been inadequate testing of equipment, data analysis, and cost studies.

With the proposed 504 regulations, the problem facing transit systems and their employees has thus shifted from action in the face of uncertainty, to concern that the requirements of the Rehabilitation Act of 1973 cannot be effectively or efficiently met.

The Recommendations

There was a greater consensus in this session than anywhere else in the conference. The conferees were unanimous in their assessment that the requirement to provide transit services to the handicapped raises serious problems for both transit properties and their employees. The following are some specific areas of agreement and suggestions for action:

1. Little opposition was expressed to the major transit property in an area having primary responsibility for providing transit services to the handicapped. However, the conferees were in broad agreement that decisions pertaining to implementation of the requirements of the Rehabilitation Act of 1973 should be made at the local level. For example, the decision to "mainstream," provide alternative service (i.e., paratransit), subcontract for services, or supervise and coordinate other agencies providing such service should be tailored to local conditions. The parties were unanimous in the view that the decision to require total system accessibility in every situation is inappropriate.

2. After discussing at length the issues of local option, the cost

effectiveness and technological feasibility of various alternatives, and the operational difficulties which would be faced with the proposed 504 regulations, a substantial majority of the conferees agreed in principle to the APTA Policy Statement on 504 Regulations, adopted July 12, 1978. The following excerpts identify the principles for mobility endorsed by the majority of conference participants:

(a) Elderly and handicapped persons shall be served on the same bases as transit is provided to all patrons. Transportation service, which the elderly and handicapped can effectively utilize, shall be provided appropriate to needs identified in the local marketplace. Appropriate service shall be developed and provided in cooperation with local consumer groups and in coordination with other elderly and handicapped transportation providers.

(b) Mobility standards shall determine when program accessibility is met. We endorse the development of rational mobility standards which permit the federal government to determine if a transit system, when viewed in its entirety, is accessible.

(c) There shall be local determination of how elderly and handicapped transportation is to be provided in accordance with adopted mobility standards.

(d) Elderly and handicapped transportation shall be provided consistent with the responsible use of existing fiscal resources and facilities.

3. Transit management and unions should meet at the local level with groups representing the handicapped to help fashion appropriate transit services. Doubt was expressed that the interests and wishes of handicapped individuals are being represented by national lobbying organizations which appear to be focusing on civil rights rather than the issue of mobility.

4. The national unions representing workers in the transit industry and APTA should undertake a major lobbying effort to influence the final form of the proposed 504 regulations. Particular targets for this effort were identified as the requirement for system accessibility, the mandatory retrofitting of existing equipment and facilities, time schedules for compliance, and the

financing of required programs. In addition, clarification of the section dealing with "comparable alternative services" should be sought. It was felt that groups representing the handicapped should be invited to participate in the deliberations of this task force. If some agreement was forthcoming, it was hoped that the transit industry, unions, and these groups could mount an allied lobbying effort.

5. The transit industry and unions should undertake a major media effort to inform the taxpayer of the massive costs associated with the implementation of the proposed 504 regulations. It was hoped that a public outcry would be influential in achieving a more feasible program for satisfying the requirements of the Rehabilitation Act of 1973.

6. Transit properties providing services or undertaking new programs to transport the handicapped should investigate the possibility that HEW might have funds available for equipment, operating costs, or program evaluation.

7. The conference participants agreed that more research to develop and evaluate technology needed to retrofit existing buses and outfit new buses (including the proposed "Transbus") should be undertaken before final regulations are issued. In addition, the cost implications of purchases and required maintenance as well as the operation of programs to serve the handicapped should be studied more fully.

GRIEVANCE PROCEDURES

The Problem

In one session the conferees examined the grievance procedure in local transit--how it is working and how it might be improved. The participants were asked to consider how existing procedures could be made to function more effectively and whether modifications in procedures might be desirable.

The initial reaction of the conferees in reporting their experience with grievance handling was that the procedures in the transit industry were functioning well in most instances. In fact, many related that they had been shocked by the introductory speakers' comments that serious difficulties in grievance administration had been experienced in a number of industries.

The observation was made that the grievance rate in the transit industry as a whole is not high. In addition, the percentage of cases reaching arbitration was reported at most properties to range from 5 to 20 percent. In light of the number of grievances filed, the proportion of cases culminating with an arbitration award was not initially considered to be a problem.

Nevertheless, as the discussion developed, numerous complaints and areas of disagreement emerged. Although the magnitude of the problem may be less than in some other industries, it is clear that both management and union representatives are deeply troubled by recent trends in grievance handling and their impact on the effectiveness of the grievance procedure.

Some conferees believed that the grievance procedure is frequently misused. These criticisms were directed at two specific problems: (1) too many complaints that are groundless or without merit are being filed, and (2) the proportion of grievances that are settled at the early stages of the procedure is too low. Not all of the transit managements and local unions represented

had experienced such difficulties, but the majority agreed that industry trends lend credence to these concerns.

Although union and management representatives did not agree on culpability for these problems, they identified a number of factors as possibly contributing to these trends:

- a. newly appointed supervisors and union stewards or committeemen are inexperienced and lack training;
- b. management changes associated with public acquisition and ownership have often disrupted longstanding labor-management relationships;
- c. societal changes and differences in the composition of the transit labor force (i.e., lower average age) have led to changing worker attitudes and expectations;
- d. concern that unfair labor practice complaints or charges under civil rights legislation might be filed against a union which fails to process a grievance or bring a case to arbitration;
- e. growing membership activism in some locals has increased the political pressures on union officeholders.

Another problem area identified by several union and management spokesmen was the high cost of arbitration. As one conferee observed, "the business of paying lawyers to prepare briefs to find out if a guy was owed two dollars of overtime pay is for the birds." Concern was expressed that in situations where a small local union might have insufficient resources to process all justifiable claims, some workers may be forced to forfeit contractual rights or benefits.

The Recommendations

Labor and management spokesmen concurred that in most instances it is far better to resolve complaints quickly and informally than to take them through the grievance procedure to arbitration. Too often this does not occur because the parties assume a defensive and competitive posture in the resolution of disputes.

There was broad agreement that the parties must provide an atmosphere which is conducive to problem solving. The attitudes of the workers, union representatives, and management personnel are far more important than the particular attributes of the grievance structure in determining the quality of the dispute resolution process.

The specific conclusions and policy recommendations of the conference participants include:

1. The importance of contract administration to a harmonious and constructive labor-management relationship cannot be overstated. The conferees agreed that supervisors and union stewards or committeemen should receive formal instruction in grievance handling and that exclusive reliance on "learning by doing" is inefficient and possibly detrimental to the quality of the relationship. A training program cannot anticipate every situation that might arise, but participants can be advised of the essential role of dispute resolution and given procedural guidance and parameters for action for certain categories of disputes.

Several existing programs conducted by managements and unions were cited, and there was agreement that additional work is needed in this area. It was suggested that training materials might be made available by APTA and national unions. The possibility was raised that at least a portion of such training could include sessions where local union and management personnel could interact.

2. The parties should encourage the informal resolution of disputes. Labor and management representatives should endeavor to meet before a complaint is formally filed and attempt to reconcile existing differences. Concern was expressed that once a grievance is filed, the parties have a tendency to become unyielding. This reluctance to compromise or change position, often attributed

to a failure to accept responsibility, is a by-product of situational dynamics. As an example, stewards and supervisors may consider the formality and visibility of the grievance procedure to be threatening and therefore resort to "buck passing" rather than problem solving. Compromise and changes in position are more likely to occur where the parties are neither encumbered by formal procedure nor placed in the limelight.

3. As a regular part of orientation and training programs, workers should be informed of the purposes and limitations of the grievance procedure. It was suggested that workers often view the grievance procedure as a no-cost, no-risk vehicle to make themselves heard with little regard for the merits of their claims. This problem was described by one conference participant as a failure to make a distinction between grievances and gripes. The importance of accurate contract interpretation, the role of case precedent, and the costs to both union and management of frivolous use of the grievance procedure should be emphasized.

4. The reaction of conference participants to expedited arbitration procedures was mixed. While few critical opinions were voiced, the majority did not perceive an immediate need for alternative grievance structures. Nor did they believe that the types of grievance-related problems facing the transit industry would necessarily be alleviated by "mini-arb" or similar expedited procedures. In fact, some concern was expressed that the availability of a quick and inexpensive arbitration mechanism might actually discourage a problem-solving approach to dispute resolution in the early steps of the procedure.

Nevertheless, because of the high cost of conventional arbitration and time lags that often result, the possible contribution of expedited procedures was not ignored. It was the consensus of the conferees that not enough is

known about the potential impact of these proposals, and it was suggested that research findings should be made readily available.

5. Some interest was expressed for developing a consistent terminology for use in the transit industry. Uniform definition of terms in transit labor agreements would minimize the chances of misunderstandings and contribute to the clarity of arbitration awards. It was noted that the Transportation Research Board is in the process of formulating a glossary of transit terms.

6. One determinant of the quality of the dispute resolution process is that rules and policies, particularly those not enumerated in the labor agreement, should be well defined, widely disseminated, and consistently applied. Several union representatives observed that many grievances arise because these guidelines are violated. On the other hand, several participants noted that too much consistency could also pose a problem (e.g., a rule infraction committed by an employee with high seniority must be treated in the same manner as a rule infraction by a new employee where rules are formalized). Other observations were that more extensive use should be made of progressive discipline and a greater effort should be made to stress counselling and rehabilitation as a part of discipline procedures.

STRIKES AND INTEREST ARBITRATION

The Problem

The aim of this session was to examine the relative merits of strikes or arbitration in resolving impasses in negotiations. Although the purpose of this forum was to provide an opportunity for labor and management representatives to express their concerns about alternative methods of resolving interest disputes, dialogue was inhibited by the fact that few discussants had experience with both strikes and arbitrations. In general they were unfamiliar with specific alternatives to the strike (e.g., conventional arbitration, final-offer arbitration, med-arb). Also, some participants thought that legal proscriptions or requirements in many cases made such discussions futile.

The conferees were in agreement that the best settlement is one that is reached without resort to strikes or arbitration. Another broadly accepted view was that the discussion of impasse procedures should not obscure the importance of attitudes, beliefs, and behaviors of the parties to a negotiation. Regardless of the means of dispute resolution, there must be understanding and respect on both sides of the bargaining table.

There was also a consensus that strikes have a harmful and often serious effect on everyone involved: workers, unions, transit properties, and the community. The loss of ridership and public goodwill which result in most cases was a widely held concern.

A number of management representatives noted that strikes in the public sector place inordinate pressure on management to make whatever concessions are necessary to restore service. On the other hand, several union conferees pointed out that the existence of local tax-supported operating subsidies means that some properties actually save money during a strike which makes it more

difficult for a union to gain concessions. Other possible effects of strikes in public systems were discussed, but the only real consensus was that the strike sanction is an inefficient method of resolving impasses.

Even with the assessment that the strike usually is a no-win situation, there was no agreement about an acceptable alternative. In fact, there were both union and management spokesmen who expressed the judgment that the strike, however imperfect, is the best available means of resolving a bargaining impasse.

The topic of interest arbitration evoked a mixed response. Some were strongly supportive or critical, but the majority of conference participants had no strong opinions one way or the other. Most conferees seemed to agree with the statement of one of the introductory speakers: "interest arbitration is a worthwhile alternative to the strike, and neither management nor labor should blindly or arbitrarily oppose it . . . I don't mean that arbitration is always better than a strike, only that it is a worthwhile alternative and should always at least be seriously considered whenever there is a breakdown in the negotiation process." The observation was made repeatedly that uncertainty about relative merits of strikes and arbitration made an objective assessment of the alternatives impossible.

A number of issues concerning the arbitration process and its impact were discussed. One question raised was whether the existence of an arbitrated endpoint for negotiations would "chill" bargaining and thus reduce the likelihood of a negotiated settlement. Opinions ranged from the view that opposition to a third party dictation of contract terms would encourage "hard bargaining," to the belief that both labor and management negotiators would be likely to "pass the buck" to the arbitrator to avoid making difficult decisions.

The conferees did agree that where the decision to arbitrate is voluntary, there is greater likelihood that good-faith bargaining will occur than is the case where the parties are legally compelled to resolve all differences by arbitration. The explanation given was that the threat of a strike is never completely removed by a voluntary agreement to arbitrate.

Some difference of opinion was also apparent when discussion shifted to the issue of appropriate standards for fashioning an interest arbitration award. A number of conferees, including many union representatives, believed that arbitration must be an extension of the bargaining process. The award should be premised on the relative power of the parties and not on "extraneous factors." That is, the award should reflect the settlement that would have resulted had the parties been free to use bargaining sanctions (e.g., strike, lockout, job actions). Others, including most of the participants representing management, expressed the view that a broader range of factors should form the basis for the award. Their case was based on the premise that the essential nature of transit service and the method of funding of public bodies make inappropriate any determination based primarily on power considerations.

Other issues relating to the arbitration process were also identified. The amount of time that typically elapses from the point of impasse to the issuance of the arbitration decision and the scarcity of arbitrators who are knowledgeable of the industry were mentioned as possible problem areas. Another concern was the high cost incurred by both unions and transit properties in most interest arbitration cases.

The Recommendations

Although there were obvious concerns about problems associated with both the strike and arbitration, the diversity of opinions expressed in this session

hampered efforts to formulate policy recommendations. As compared with the other sessions, the discussion here was unfocused and often speculative, but there appeared to be agreement on the following points:

1. The degree of uncertainty about the relative merits of the strikes and arbitrations, and the lack of familiarity with concepts such as final-offer arbitration and med-arb point to the need for research in this area. An effort should also be made to disseminate existing information and data pertinent to alternative means of dispute resolution.

2. UMTA should make no effort to become involved in the bargaining process. Stipulating standards or delimiting the process of bargaining and arbitration will not contribute to a well-functioning labor-management relationship.

3. The possibility of establishing a central repository for contract data and other industry statistics should be considered.

AGENDA

Labor Relations in Urban Transit Conference

September 6-8, 1978

Harrison Conference Center, Lake Bluff, Illinois

Wednesday, September 6

5:30 - 6:30 PM

Reception

6:30 - 7:30 PM

Dinner

7:30 - 9:00 PM

Keynote speaker and discussion:

Wayne L. Horvitz, Director, Federal
Mediation and Conciliation Service

Thursday, September 7

8:30 - 9:00 AM

Introductory speaker on employee safety
and security:

Jack Townsend, Director of Safety and
Security, Toronto Transit Commission

John B. Schnell, Manager of Research,
American Public Transit Association

9:00 - 10:10 AM

Discussion sessions

What programs to improve safety and
security of transit employees seem
worthwhile?

How can they be instituted?

Should UMTA finance them?

What is the experience of programs
already underway?

10:15 - 10:45 AM

Introductory speakers on mass transit for
the elderly and handicapped :

B. Richmond Dudley, Jr., Assistant
Advocacy Director for Employment,
Paralyzed Veterans of America

Gregory Jones, Chairman, Elderly and Handicapped Transportation Taskforce, American Public Transportation Association

10:45 - 12 noon

Discussion sessions

How should the transit needs of the elderly and handicapped be met?

What impact will the new UMTA section 504 regulations have on transit systems? What are the potential problems for implementing these regulations?

How will the drivers be affected by the use of the newly equipped vehicles?

12:00 - 1:00 PM

Lunch

1:30 - 2:00 PM

Introductory speakers on improving the grievance procedure:

Arthur B. Shy, Administrative Assistant to Vice-President Greathouse, United Automobile Workers Union

Walter C. Stoner, Director, Labor Relations, Republic Steel Corporation

2:00 - 3:00 PM

Discussion sessions

How could the typical transit industry grievance procedure be improved?

Should more grievances be settled at lower levels?

What has been the experience in other industries?

What role could better communication between employees and supervisor play in creating a smooth running grievance process?

What are the advantages and disadvantages of using expedited arbitration in the transit industry?

3:15 - 3:45 PM

Introductory speakers on costs and benefits of strikes and interest arbitration:

Ben Gettler, Attorney, Gettler and Katz

Martin Burns, Attorney, Jacobs, Burns, Sugarman and Orlove

3:45 - 5:00 PM

Discussion sessions

How is interest arbitration in transit working? Can it (and should it) be simplified? And if so, in what ways? How can UMTA help?

What is the cost of a strike to the union and to the management?

What are the relative costs and benefits of the strike and the interest arbitration process as negotiations impasse methods?

5:30 - 6:30 PM

Hospitality hour

6:30 - 7:30 PM

Dinner

Friday, September 8

8:30 - 10:00 AM

Discussion sessions to formulate summaries and recommendations

10:15 - 12 noon

Final plenary session for workshop recommendations

Conference Participants

Merle Baker, Business Agent
Local 695, Teamsters Union
Madison, Wisconsin

Darold T. Barnum, Associate Professor of
Labor and Industrial Relations
Indiana University Northwest
Gary, Indiana

Walter J. Bierwagen, Vice-President
and Director of Public Affairs
Amalgamated Transit Union, AFL-CIO
Washington, D.C.

Martin Burns, Attorney
Jacobs, Burns, Sugarman, and Orlove
Chicago, Illinois

Gerald A. Carpenter, President
Local 223, TWU
Omaha, Nebraska

Harold M. Chapman, President
and Business Agent
Local 1287, ATU
Kansas City, Missouri

Barbara D. Dennis, Managing Editor
Industrial Relations Research Institute
University of Wisconsin - Madison

B. Richmond Dudley, Jr.
Assistant Advocacy Director for Employment
Paralyzed Veterans of America
Washington, D.C.

Frank E. Enty, Project Manager
Human Resources Development, UMTA
U.S. Department of Transportation
Washington, D.C.

Leroy Fisher, Manager
Gary Public Transportation Corporation
Gary, Indiana

Judith Flora, Graduate Project Assistant
Industrial Relations Research Institute
University of Wisconsin - Madison

Robert J. Foy, Assistant General Manager
Mass Transportation Authority
Flint, Michigan

Joseph Fulitano, Financial Secretary
and Business Agent
Local 441, ATU
Des Moines, Iowa

Louis F. Gerleman, President
Local 788, ATU
Fenton, Missouri

Ben Gettler, Attorney
Gettler and Katz
Cincinnati, Ohio

James Heidenreich, President
and Business Agent
Local 998, ATU
West Allis, Wisconsin

Joseph Hochen, Transit Resource Specialist
UMTA
Washington, D.C.

Thomas P. Hock
ATE Management and Service Company, Inc.
Cincinnati, Ohio

Wayne L. Horvitz, Director
Federal Mediation and Conciliation Service
Washington, D.C.

Ronald Jackson, President
and Business Agent
Local 268, ATU
Cleveland, Ohio

Thomas F. Jackson, President
and Business Agent
Local 1070, ATU
Indianapolis, Indiana

John Johnson
Local 1005, ATU
Minneapolis, Minnesota

Gregory Jones, Legal Counsel
Regional Transportation District
Denver, Colorado

Roy Krupp, Regional Vice-President
American Transit Corporation
St. Louis, Missouri

R.D. Lager, Manager
Employee Relations
Transit Authority of the City of Omaha
Omaha, Nebraska

Lionel Little, Deputy Director
City of Detroit, Department of Transportation
Detroit, Michigan

Charles R. Littlejohn, General Chairman
Local 1820, UTU
Oak Forest, Illinois

Miguel Lopez, Labor Relations Administrator
Bi-State Development Agency
St. Louis, Missouri

Henry M. Mayer, Managing Director
Milwaukee County Transit System
Milwaukee, Wisconsin

Kenneth S. Mericle, Assistant Professor
Sloan School of Management
Massachusetts Institute of Technology
Cambridge, Massachusetts

Ernie A. Miller, General Manager
METRO Transit
Akron, Ohio

Kenneth R. Moore, Vice-President
and Director, Bus Department
United Transportation Union
Cleveland, Ohio

Keith Prouty, Labor Specialist
U.S. Department of Transportation
Washington, D.C.

Earle W. Putnam, General Counsel
Amalgamated Transit Union, AFL-CIO
Washington, D.C.

Stephen A. Rubenfeld, Assistant Professor
College of Business Administration
Texas Tech University
Lubbock, Texas

Herbert J. Scheuer, Deputy Executive Director
American Public Transit Association
Washington, D.C.

Andrew F. Schmidt, Labor Relations Specialist
Chicago Transit Authority
Chicago, Illinois

John B. Schnell, Manager of Research
APTA Headquarters
Washington, D.C.

Kenneth A. Smith
Local 1307, ATU
Florissant, Missouri

Arthur B. Shy, Administrative Assistant
to Vice-President Greathouse
United Automobile Workers Union
Detroit, Michigan

Wilford C. Spears, President
Local 308, ATU
Chicago, Illinois

James L. Stern, Professor of Economics
and Industrial Relations
Industrial Relations Research Institute
University of Wisconsin - Madison

Walter C. Stoner, Vice-President
Labor Relations
Republic Steel Corporation
Cleveland, Ohio

Mindy Taranto, Graduate Project Assistant
Industrial Relations Research Institute
University of Wisconsin - Madison

James E. Thomas, President
and Business Agent
Local 26, ATU
Detroit, Michigan

(31)

Jack Townsend
Director of Safety and Security
Toronto Transit Commission
Toronto, Ontario

William L. Volk, Managing Director
Champaign-Urbana Mass Transit District
Urbana, Illinois

Charles Wagoner, Financial Secretary
and Business Agent
Local 697, ATU
Toledo, Ohio

John M. Weatherspoon, President
and Business Agent
Local 241, ATU
Chicago, Illinois

RESULTS*

Comments About the September 6-8, 1978

Harrison Conference on Labor Relations in Urban Transit

- 1) The conference was: 0 much too long
- | | | |
|-----|-----|------------------------------------|
| U/M | 0/0 | <u> 0 </u> a little too long |
| | 9/6 | <u> 15 </u> about the right length |
| | 1/2 | <u> 3 </u> a little too short |
| | 0/1 | <u> 1 </u> much too short |
- 2) Do you think that it is a good idea to invite both union and management representatives from the same transit system? At our recent conference, we had some people from the same system, and many people who were not matched. Which method of inviting do you think is better:
- | | | |
|-----|-----|---|
| U/M | 2/1 | <u> 3 </u> matching (that is, if you invite a union person from a city, also invite the management person, and vice-versa) |
| | 8/8 | <u> 16 </u> invite union and management people indiscriminately, and don't worry about matching |
- 3) Should any of the topics be dropped and replaced by a different one? If so, which topic should be dropped and what replacement topic do you suggest?

Excerpts:

UNION

Topics covered were of interest to all. We will always have a need in the areas covered and as new topics arise, they should be added.

I was well satisfied with the topics.

MANAGEMENT

Drop Expedited Arbitration. Add Employee Development Training in Transit.

Drop Grievance topic and discuss the current economic situation the cities are in and how it involves labor and management.

*Tabulated from 19 questionnaires--10 from union representatives and 9 from management representatives.

Grievance topic was not of much interest to me. We do not have a large backlog of them and we have a good grievance procedure outlined in the contract. Perhaps you could include a workshop on employee assistance programs that could be set up. These programs could include social, personal and physical aids as well as general safety.

Keep "Improving the Grievance Procedure."

Drop Employee Security and Safety and add something about safe driving, training, retraining, etc. Add some discussions on progressive discipline.

- 4) Were there any speakers that we should make a special effort to get again? Were there any speakers we should not invite again?

Excerpts:

UNION

In the event the same topics are discussed, I would suggest using the same speakers as I feel they were all very well versed on their topics.

The speakers were fine but more time for questions would help.

They were all good speakers. I would like to see them all back.

MANAGEMENT

Drop speakers on "Improving the Grievance Procedure."

Dinner speakers were very good.

Speakers should be from transit union or management. Eliminate speakers from other industries and unions.

I think it is important that the speakers always present an opposite point of view to stimulate discussion.

The speakers on the Grievance Procedure should be replaced with speakers who can deal with problems in the transit industry. The unique solutions that had been devised to solve problems in other industries were totally unrelated to transit industry problems. Because of that, there was not a lot of discussion or learning about alternatives for improving the grievance procedure in the transit industry.

- 5) Other comments. If you want to expand on any of the answers you have supplied above or you wish to supply other information which you believe we should take into account in planning future conferences, please feel free to do so. You can sign your name or not, as you prefer.

Excerpts:

UNION

One of the best workshop conferences I have ever attended.

This conference was as well put together as any I have attended.

I feel it was an excellent conference.

I think it was a very informative conference and appreciate your hospitality.

All of the topics were rushed. More time to develop and expand ideas and experiences should be allowed to expand the knowledge of all.

I drove my car to the conference and was a little tired when I arrived. I just think the first night meeting was too long for me. I just want to say that I sure did enjoy the conference. I think all the people who had a part in planning it did one hell of a good job.

I really enjoyed the mixing of labor and management as there seemed to be a certain amount of understanding on all the topics and during free time discussions.

MANAGEMENT

Let people know if the meeting is informal.

The format was excellent and the seminars were very beneficial to all.
Well done!

Each workshop was too short. Too much time was spent talking about specific problems rather than trying to come up with solutions.

I thought that this conference was much better than the California conference. The topics were presented better and the discussion seemed better. Not having as many from the same city helped quite a bit, too.

There are advantages to both matching some and not matching. Matching gives all participants the opportunity for evaluating different views on the same situation. Not matching seems to encourage freer expression without fear of confrontation with the union or management and representatives with whom you deal on a daily basis.

It appeared to me that some of the participants, especially management representatives from systems who had the more regressive and less effective communications and problem solving systems, tended to "protect" themselves by withdrawing from the discussions. It would be more educational for them and others if they could be drawn into the discussions more via role playing or other techniques.

