DOCUMENT RESUME

ED 252 925 EA 017 412

AUTHOR Mazzarella, Jo Ann
TITLE The Collective Bargaining Mystery: Some New Clues.
INSTITUTION Oregon Univ., Eugene. Center for Educational Policy and Management.
SPONS AGENCY National Inst. of Education (ED), Washington, DC.
PUB DATE 84
NOTE 9p.
AVAILABLE FROM Publication Sales, Center for Educational Policy and Management, University of Oregon, Eugene, OR 97403 ($.35).
PUB TYPE Information Analyses (070) -- Collected Works - Serials (022)
JOURNAL CIT R&D Perspectives; Spr 1984

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS Academic Achievement; *Board of Education Policy; Case Studies; *Collective Bargaining; Educational Environment; Elementary Secondary Education; *Labor Relations; Research Reports; *School Effectiveness; Scope of Bargaining; Teacher Attitudes; Teacher Effectiveness; *Teaching (Occupation)
IDENTIFIERS Contract Implementation; Educational Production Function

ABSTRACT

Recent studies at the Center for Educational Policy and Management provide insight into how collective bargaining affects the teaching profession, educational policy, and student achievement. Charles Kerchner's report links a three-stage labor relations model with an analysis of teaching as work. His case studies, besides revealing wide variations in contract interpretation, indicate that reliance on collective bargaining tends to rigidify the teaching profession. Accordingly, he categorizes teachers that may resist formalization and speculates on the consequences of resistance. Steven Goldschmidt and others have explored the extent and effects of bargaining over policy issues. An 80-contract sample contained many provisions that focused on policy; contrary to previous findings, bargaining over many policy issues had continued to increase after 1975. Unlike Kerchner, Goldschmidt's team found contracts uniformly applied. Their study also suggests that policy bargaining may influence school effectiveness. Finally, Randall Eberts and Joe A. Stone, using input-output analysis, compared student achievement in union and nonunion school districts. They found that collective bargaining markedly affects achievement, but positive and negative effects cancel each other. Taken together, these studies suggest that common expectations for collective bargaining be reexamined. (MCG)

R&D

University of Oregon

The Collective Bargaining Mystery: Some New Clues

by Jo Ann Mazzarella

In the sixties as teacher organizations were rapidly changing into teacher unions, many educators hoped that collective bargaining by teachers could be the basis for major improvements in American education. Proponents argued that the increased clout unionization gave to teachers would raise salaries and improve working conditions and, ultimately, attract higher quality teachers. Thus teaching as a profession and student achievement would be enhanced. Opponents argued that bargaining would make public education too expensive and would deflect energy from the primary purpose of schooling—improving student performance. In the interim, the effects of collective bargaining on schools have remained somewhat of a mystery. Research has yielded conflicting findings on such measurable effects as costs and teacher salaries. Variables that are difficult to measure and correlate to student achievement, such as administrative constraint, teacher perceptions of their work, and policy provisions in contracts have only recently been examined. In this article, the implications of this recent research are considered to bring some light to the mystery of whether collective bargaining has strengthened or weakened public education or, perhaps, had no effect at all.

The complex and many-faceted ways that collective bargaining affects education appear to be the source of an almost infinite number of research questions. A conference on collective bargaining held at the Center for Educational Policy and Management (CEPM) in the summer of 1982 highlighted the diversity of approaches researchers have used to estimate the effects of collective bargaining. These approaches range from analyzing contract language to calculating financial costs, and from verifying contract implementation to examining classroom processes. Presentations at this conference also made it clear that the overall impact of collective bargaining has yet to be determined.

Some of the presenters at that conference are researchers for the Center who have been following three separate strands of inquiry about collective bargaining. Recent work by these researchers

The author wishes to thank the following for their suggestions and assistance in writing this article: Wynn De Bevoise, Kenneth Duckworth, Randall Eberts, Steven Goldschmidt, Charles Kerchner, Joe Stone, and Leland Stuart.

clues accumulating to give at least a partial answer to the mystery of just what the consequences of collective bargaining have been for schools, their staffs, and their students. One researcher is asking how collective bargaining affects both the job of teaching and the way in which teachers regard teaching. He has examined, in addition, how the effects may vary from school to school within the same district. Other researchers are examining how and to what degree collective bargaining affects educational policies, such as class size, reduction in force, or procedures for handling special education students. And too, this new research examines the possibility that the advent of collective bargaining in schools has affected student achievement — popularly viewed as the schools' very raison d'etre.

A recent report by Charles Kerchner, professor of education at the Claremont Graduate School, makes an attempt to combine two earlier theories developed with colleague Douglas Mitchell of the University of California at Riverside: one concerns the stages in the evolution of collective bargaining and the other, the analysis of teaching as work. It also presents findings about the variation in the meaning of contract provisions among schools. For this research, Kerchner used a case study approach to look at collective bargaining in three school districts. His research team interviewed superintendents, teacher union executives, personnel managers and other central office staff, and principals. Then questionnaires were distributed at faculty meetings, with "almost universal" participation by teachers. Eighteen percent of teachers completing the questionnaires subsequently volunteered for interviews.

Perhaps the most provocative finding to emerge from this recent study and the one with the most disturbing implications for researchers who have been looking at collective bargaining by studying only district contracts was that different schools operating under the same union contract varied greatly in the way the contract was implemented and in what the language meant to teachers. In his report Kerchner explains,

> Contracts were differentially interpreted at the school site. Moreover, teachers engaged in forms of local or fractional bargaining with their principals. As a result, the 'real rules' or expected behaviors varied by school site. This variation was so substantial that it is not unreasonable to suggest that the school, not the district, is the most suitable unit of analysis for labor relations research.

Kerchner further illustrates this finding by describing provisions regulating the length of the school day. All districts' contracts specified the length of the work day, but schools within the same district often interpreted these provisions differently. One principal monitored the times that teachers arrived at school by walking through the teachers' parking lot at the contractually designated starting hour. Another intervened "only if somebody's late all the time." Another enforced the rule differentially, ignoring occasional infractions by those who usually arrived at 7:00 a.m. and stayed after school.

When asked to interpret this finding Kerchner elaborated,

> What this means is that research on contracts as documents gives only a partial glimpse of what labor relations means. Contract language provides only incomplete evidence of this meaning. It's like a pottery shard found in a tomb. We get a more richly textured picture of what labor relations means if we go to the school site.

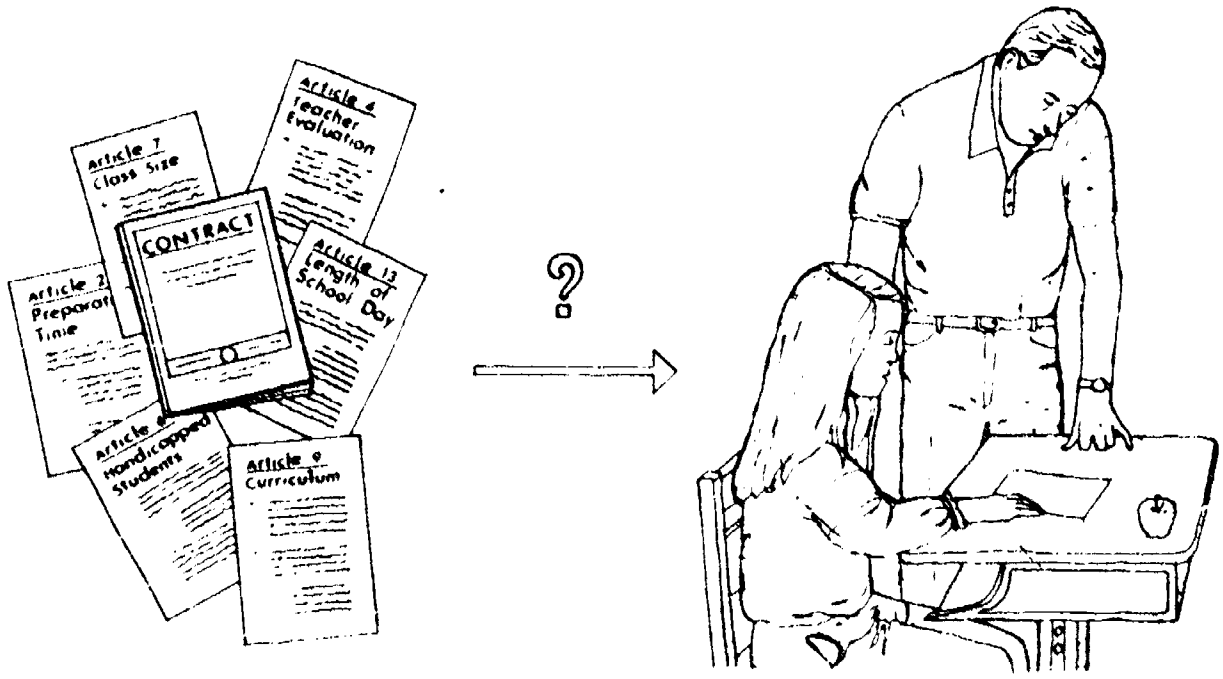
Kerchner classified the school districts according to a system he and Mitchell had previously devised that divides districts into three developmental stages or "generations" of labor relations activities. The first generation, the "meet-and-confer" era, is based on the assumption that teachers and administrators share central interests. The function of the teacher organization is primarily to communicate teachers' views on policy issues to administrators who are seen as authoritative advocates for teachers and to school boards who are expected to make sure teachers are provided for. According to Kerchner, this earliest phase usually describes the situation before the adoption of collective bargaining, but some districts remain in the meet-and-confer generation well after unionization has occurred. To elucidate the seeming paradox of a district with a union contract that still "meets and confers," Kerchner tells this anecdote:

It is not unreasonable to suggest that the school, not the district, is the most suitable unit of analysis for labor relations research.

In one rural district we studied, I asked for a copy of the labor contract during the course of an interview and slipped it into my briefcase. Walking to my car, I became aware of a feeling that there was something unusual about this contract and I pulled it out to look it over. I saw that the document I had been given was not a copy of the contract, but the original, and I could guess why. This was the *only* copy of the contract in existence. No one ever consulted it; no one ever needed a copy. On the last page I found four sets of initials each dated a year apart. In this district "contract negotiations" meant merely that representatives from both sides reinitialed the original contract each year. We saw this as a real first-generation district.

The second-generation or "good faith bargaining" era is one in which it becomes organizationally legitimate for teachers to have interests in their own welfare that differ from those of the administrators or the school board. By organizing into unions, they represent those interests at the bargaining table. During this period, everyone involved tacitly agrees that contracts are primarily concerned with working conditions, although there may be vigorous disagreement about how the union is to be involved in policy making.

The third generation, or "era of negotiated policy," is the latest phase of collective bargaining in education. In this phase, managers and school boards come to see collective bargaining as a useful way to formulate educational policy. Teachers agree, and everyone explicitly acknowledges that negotiations do and ought to concern the way schools run. Kerchner found that the three districts he studied in this particular study were in the first generation, early second generation, and late second generation respectively. What he also found was that in the district in the more advanced stage (the late second generation) of collective bargaining, teachers perceived their work as more rationalized and structured than did those in the earlier stages. This confirms his earlier findings that collective bargaining increasingly emphasizes the "laboring" aspects of teaching work as opposed to supporting the aspects in which it is like a craft, profession, or art. The word "laboring" is not used here in the sense of "labor union" but rather to mean work that is directly inspected and rather rigidly preplanned.



Kerchner speculates that those teachers who might be most apt to resist this increase in structured work are of two types: 1) those not satisfied with either union or management and 2) those who are most self-assured and most apt to regard themselves as autonomous professionals. He found, however,

that these teachers, instead of speaking out against standardization of teacher work, usually choose instead to disengage themselves psychologically from the organization. In effect, they close the doors of their classrooms to create their own separate worlds. This decision of certain teachers to "exit," as Kerchner puts it, has dangerous implications. According to Kerchner, it means that there are fewer teachers demanding that school administrators organize their work in flexible ways. As teaching becomes more inflexible, it becomes less like a profession or an art.

Does it matter if teaching is more inflexible or less like an art? When asked this question, Kerchner replied,

> That depends on one's sense of what teaching is, even what school of curriculum development one subscribes to. I personally think that art is underemphasized in teaching and that this reduction in flexibility will hurt schools. According to our theory, an art in an organizational setting is work that is both adaptive and includes direct inspection by a master like an orchestra conductor or a choreographer. But for teaching to be an art under collective bargaining requires that management allow adaptability and that unions and teachers allow authoritative direct inspection of teaching work.

Policy Effects

While Charles Kerchner has been looking at how collective bargaining affects teaching and at how these effects differ among schools, Steven Goldschmidt, a professor of education at the University of Oregon who holds a law degree and has served as a contract negotiator and arbitrator, has been looking at the effects of bargaining on educational policy. At the 1982 conference on collective bargaining, Goldschmidt stated that "since 1975 teachers have sought a greater voice in certain policy decisions." An extensive new study just completed by

---

These findings suggest that the impact of collective bargaining is much greater than previously believed.

Goldschmidt and research associates Bruce Bowers, Max Riley, and Leland Stuart yields impressive evidence that policy issues are indeed increasingly being argued at the bargaining table. Goldschmidt and his colleagues conclude that "traditional matters of [illegible]ucational policy are being barga[illegible]l to a degree not previously recognized or predicted."

The researchers examined 80 sample collective bargaining agreements from throughout the country in districts of 15,000 enrollment or more to determine the degree to which they included provisions concerning educational policy. In his 1982 presentation, Goldschmidt spoke of an urgent need for a clear definition of educational policy. In this report he and his colleagues provide just that, calling educational policy provisions "directives that determine the development and implementation of educational programs." To avoid the temptation to interpret this definition too broadly, the researchers used a "balancing test" to determine whether a provision had more of an effect on working conditions or educational policy. They attempted to err on the side of working conditions, that is, they classified a provision under working conditions when there was any doubt.

Even with such strict criteria, the researchers found that contracts had many provisions concerning policy. Of the provisions in the sample contracts, 48 percent pertained to curriculum, 64 percent pertained to student placement, and 96 percent pertained to teacher placement. Goldschmidt comments: "These findings are important because they provide an empirical basis to suggest that the impact of collective bargaining is much greater than previously believed, especially on governance, school organization and administrative work, and student educational programs."

In addition, the researchers found that bargaining over many policy issues (such as class size, reduction in force, and pupil exclusion) had not peaked in 1975, as was believed by earlier researchers, but that it continued to grow unabated at least until 1981 and even then showed no signs of slowing down.

The following statement is typical of provisions affecting the curriculum:

> Nothing in this provision shall prohibit the Board from developing innovative programs and schedules in certain schools so long as staff in such a school by secret ballot votes approval of such innovation.

This provision gives teachers full power to veto innovative efforts that they do not support. Another gives teachers authority

to determine the method by which students will be taught:

> All members of the team . . . shall work daily directly teaching students in amounts of time and ways determined by all teacher certificated members of the team.

Provisions setting an absolute limit on class size affect the educational program by preventing a school from offering courses that would result in any teacher having a class size in excess of the contractually specified maximums. One can imagine the problems that might occur. Suppose, for instance, that a group of parents and students were to request a class in computer programming. One of the math teachers possesses the necessary expertise, but for her to be free to take the class, the other six math teachers must each take one-sixth of her algebra students. Since this would result in all the algebra classes slightly exceeding the specified maximum class size, the computer class could not be offered. The report explains, "Competing interests that might affect program decisions, such as parent desires, student needs, or abilities of particular teachers cannot be addressed — regardless of how pressing they may be — if the result is a class size in excess of the contractually specified maximums."

Another policy provision widely present in teacher contracts concerns the criteria and mechanics by which employees are assigned to educational programs. This sort of provision can be of crucial importance, as the report points out: "In large part, the assignment of a particular teacher to a program determines the substance and ...lity of that program."

This study grew out of the researchers' earlier, more modest intention to determine the effect of collective bargaining on educational services provided to handicapped students. Although the study broadened to take a more sweeping look at educational policies of all types, findings on special education constitute a prominent segment of the report. Researchers found that 44 percent of the sample contracts include policy provisions governing the education of handicapped pupils. Commenting on these percentages, Goldschmidt says, "One of our most important findings is widespread bargaining about handicapped students. It is somewhat of a surprise that these provisions showed up in contracts so quickly. We see this as evidence that bargaining does respond to new educational policy issues."

Regarding implementation of the contract, Goldschmidt and his colleagues gathered evidence quite different from Kerchner's. Using interviews in six different school districts to confirm that 90 policy provisions were, indeed, implemented, they found that "in all districts practices were reported to conform with contract language and all educational policy provisions were implemented."

There may be a good explanation, however, for this discrepancy between Goldschmidt's and Kerchner's findings. Most of the provisions that Kerchner found were unevenly implemented from building to building concerned *working conditions*, while Goldschmidt's study of implementation concerned *policy* provisions. Asked to explain this apparent contradiction with the findings of Kerchner and other researchers like Susan Moore Johnson and Judith Little, Goldschmidt explained,

> The policy/nonpolicy distinction is critical here. The policy provisions we looked at don't give administrators any discretion in implementation. These provisions mandating things like certain curriculum or materials or the use of seniority as the criterion for layoff have impact on core segments of the work environment, and they are centrally negotiated and enforced.

This possible difference in universality of implementation among different types of provisions suggests that future work on implementation may need to differentiate carefully among provisions regarding policy and those regarding working conditions.

Although Goldschmidt and his associates did not look specifically at effects on achievement, their conclusion reveals an underlying concern about the relationship between bargaining and educational outcomes. They suggest that collective bargaining over policy might influence school effectiveness in two ways. First, because labor contract provisions are more rigid and specific than the general and amendable policy statements set by the school boards or administrators, the inclusion of policy provisions in collective bargaining agreements may make schools less adaptable, less able to respond to demands from citizens or to new situations. Goldschmidt remarks, "School districts cannot change bargained policies in the same easy fashion as they can change their own legislated policies. They must either bargain or wait for the contract to expire."

Second, the researchers suggest

that many of the bargained policies they discovered may affect those characteristics the effective schooling literature has identified as important to achievement: school site management, administrative leadership, staff stability, curriculum articulation and organization, staff development, parental involvement and support, school-wide recognition

---

At a time when the literature is insisting that school site flexibility is absolutely necessary, it is important to have data to show that schools are in fact becoming less adaptable.

---

of academic success, maximized learning time, and district support. The first two, school site management and administrative leadership, depend on administrator autonomy. Part of the loss of adaptability resulting from collective bargaining is a reduction in the autonomy of administrators. This was aptly highlighted at CEPM's 1982 summer conference in the comments of Columbia University's Dale Mann. He described a case study of an average (but nevertheless actual) high school in New York. Mann endeavored to determine how much money, out of the high school's annual $3 million budget, the principal was free to spend on the school as he wished. He found a discretionary budget of approximately $1,500. His conclusion: "Now everybody agrees that administrative leadership is quintessential for an instructionally effective school, but in these circumstances it is a joke." Goldschmidt adds:

> In many districts, especially those with declining enrollment, administrators aren't able to decide to put certain teachers in certain schools or to put certain students with certain teachers. Seniority is the overriding consideration and a computerized system determines who will be teaching what and where. Administrators do not select teachers for vacancies unless hiring a new teacher for a position nobody else in the bargaining unit wants, which is rare.

Goldschmidt and his research assistant Leland Stuart see the notion of the curtailment of school and administrator adaptability as an extremely important implication of their work. Says Goldschmidt:

> We see our concept of adaptability as the third major strand of collective bargaining research, taking its place next to the work on power shifts and the life cycle of bargaining. We see it as the only new theory that describes collective bargaining that is tightly interwoven with the current best thinking on school effectiveness. At a time when the literature is insisting that school site flexibility is absolutely necessary, it is important to have specific detailed data to show that schools are in fact becoming less adaptable.

Adds Stuart:

> Previously there have been no overarching theories to unite this research. There are no Webers or Durkheims in this area. Our concept of effects on adaptability is the only integrative conception we've seen so far.

Goldschmidt predicts that educational policy bargaining will continue because "teachers want to bargain policy." This is a different emphasis from Kerchner's observation that managers and school boards are the driving force behind the educational policy bargaining that characterizes the third generation.

Effects on Achievement

Goldschmidt and his associates studied the effects of bargaining on educational policies and speculated on how these in turn might affect the educational program. Another approach to studying collective bargaining is to look more directly at the effects of collective bargaining on achievement. Because there are so many effects on achievement outside collective bargaining, however, it is not valid merely to compare the achievement scores of unionized and nonunionized districts. Randall Eberts and Joe A. Stone have combatted this problem by formulating an educational production function and using that function to see how collective bargaining changes the most important determinants of student achievement. "Ours is just about the only study that tries actually to calculate the effects of collective bargaining on achievement," claims Eberts.

An educational production function is, most simply, a specification of the relationships between important inputs into the educational process (ranging from years of teacher training to socioeconomic level of students) and the output, that is, student achievement. Statistical techniques are used to estimate the direction and strength of these relationships.

Eberts and Stone first reviewed previous production functions and

research identifying important factors that affect achievement. They then calculated their own production function using an already existing database collected to analyze mathematics programs in 328 elementary schools selected nationwide. "Because we looked at so many different schools in so many different districts," explains Eberts, "we feel we have more of a cross-section of schools than the average study that looks at only a few districts. And the detail of our data base far exceeds anything that anyone else has used in a study of this type."

In their sample, the most important factor that contributed positively to achievement gains was the time the principal spent assessing and evaluating the math program. This was followed closely by the time the math teachers spent in instruction. The

---

Union and nonunion schools appear on average to be about equally effective.

---

next highest ranked determinants were related to the years of experience of principals. The teacher-student ratio was next, followed by the time teachers spent in preparation and, last, teacher experience. Of the factors related negatively to achievement, the highest degrees attained by math teachers and by principals ranked first and second, respectively. The number of administrators per student ranked third.

What is the significance of these findings? Have Eberts and Stone found a magic formula for achievement? Some comments from Eberts put things in perspective:

> These findings are important, but the production function is really just a tool to help us measure collective bargaining effects. And like anything else related to individuals, the production function is not immutable; as policies change and the environment changes, so do the attributes of achievement. The attributes we found might not be as important in the future.

After calculating the production function, the researchers then compared the union and nonunion districts on the determinants that make it up, focusing particularly on those that might be affected by collective bargaining. They looked at both the levels and productivity of these determinants.

Surprisingly, the researchers found that although there were many strong individual effects, they balanced each other. Thus, the net difference in student achievement gains between union and nonunion schools was negligible. That is, say the researchers, "union and nonunion schools appear on average to be about equally effective."

Eberts comments on the significance of the findings:

> It is important to understand why our finding of no effects is not merely "nonresults." In fact we found a host of important factors related to unionization that affect student achievement. For instance, teachers in union schools devote less time to instruction in the classroom but more time to preparation and have more experience in education. These factors have important effects but they balance each other, and in the end, achievement stays about the same.

This finding will be surprising to many. First, it is not consistent with the speculations of Goldschmidt and his colleagues that unionization, because it makes schools less adaptable, may be making them less effective. Yet more disturbing, however, is the fact that neither is it consistent with the hopes of two decades ago that collective bargaining was going to make dramatic improvements in educational achievement.

Eberts and Stone also calculated the effect of collective bargaining on operating costs of schools. They found that districts with collective bargaining agreements spend about 15 percent more than districts without such agreements, even though their achievement is not appreciably higher.

Conclusion

Except for a few specific points of comparison, these studies are not easily synthesized because they look at completely different aspects of collective bargaining using different methodologies. Kerchner looks at the effects on teacher work and how these effects vary among schools using survey questionnaires and interviews. Goldschmidt looks at effects on educational policies and on whether these policies are implemented by studying contracts and interviewing administrators and teachers. And Eberts and Stone look at effects on achievement and the costs of schooling by estimating educational production functions.

The point where these studies come together and complement

each other may be in the rather fuzzy area of implications. It is instructive to move beyond the findings to speculate about what the total work suggests about whether collective bargaining has, in fact, improved schooling.

Kerchner's work implies that unionization is making teaching less like art and more a standardized and regulated "job." For those who believe that the most effective teachers are those who practice an art or a profession instead of merely carrying out an already formulated plan, the implication of this finding is that unions may ultimately cause the quality of teaching to decline. Ultimately too, teacher morale may decline with a perceived loss of professional status.

Goldschmidt's study, although focusing primarily on the nature and extent of educational policy bargaining, uncovered a number of possible ways that unionization may be affecting schools. Rigid insistence on seniority as the criterion for retaining teachers when reduction in force occurs sometimes results in senior teachers teaching subjects in which they have little expertise or even interest. Also, the large number of transfers resulting from some reduction in force provisions means that staff stability can be dramatically affected. In his conclusions, Goldschmidt suggests that collective bargaining agreements may rob schools of their adaptability, and their ability to respond quickly to changes in the environment or to new public demands. Do all these effects, he asks, make schools less effective?

Finally, the Eberts and Stone study, after presenting some possible ways that collective bargaining affects achievement, uncovered evidence indicating that collective bargaining, in spite of the fact that it is expensive (increasing school budgets by 15 percent), actually does not improve achievement scores by an appreciable amount (at least in the area of mathematics). Although this is hardly the devastating effect on achievement that some critics of unions might have predicted, neither is it the substantial sort of improvement that many hoped for.

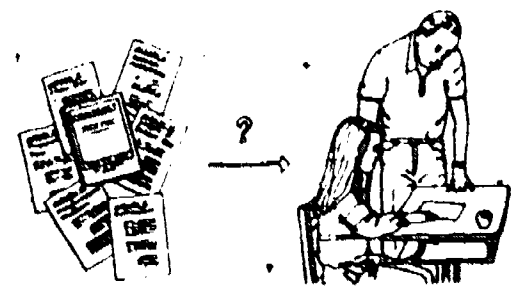
These new studies at least suggest that the expectations for collective bargaining to either substantially improve or hamper public education, like so many other visions of the sixties, need to be reexamined. But the evidence is not all in. Even after two decades, it is still too early to measure all of the ultimate effects of teacher unions on schools. The element of mystery remains.

References

Eberts, Randall, and Stone, Joe. *Unions and Public Schools: The Effect of Collective Bargaining on American Education*, Lexington, Massachusetts: Lexington Books, 1984.

Goldschmidt, Steven; Bowers, Bruce; Riley, Max; and Stuart, Leland. "The Extent and Nature of Educational Policy Bargaining." Eugene, Oregon: Center for Educational Policy and Management, University of Oregon, 1983.

Kerchner, Charles T. "Labor Policy in School Districts: Its Diffusion and Impact on Work Structures." Eugene, Oregon: Center for Educational Policy and Management, University of Oregon, 1984.



R & D Perspectives
Center for Educational
Policy & Management
College of Education
University of Oregon
Eugene, Oregon 97403

Non-profit Organization
U.S. Postage
PAID
Eugene, OR
Permit No. 63