Chapter 16

Preparing for the Worst: Organizing and Staying Organized in the Public Sector

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The free fall of union membership in the 1970s and 1980s in the U.S. private sector was checked by unionization in the public sector. In many ways the growth of public-sector employment both masked the dramatic decline of private-sector unionization and prevented the wholesale hemorrhaging of the labor movement. Although government workers comprise only 16 percent of the current workforce, workers covered by collective bargaining in the public sector currently make up approximately one-third of the membership of the AFL-CIO.

John F. Kennedy's "Great Society" and Lyndon B. Johnson's "War on Poverty" began an era in which the New Deal ethos of government programs and standards expanded to a whole new range of people and problems. From 1958 to 1978, the number of government employees leapt from 7.8 million to more than 15.7 million. Through a combination of major public-sector strikes (Burton and Thomason 1988) and political pressure on state legislatures and governors (Freeman 1986), this growing number of public employees began to secure the right to organize that had been given to their counterparts in the private sector. Public-sector union density soared from 10.6 percent in 1958 to 38.2 percent in 1977. By 1992, thirty-eight states provided some collective bargaining rights to at least some portion of public employees.

Until very recently, a combination of political and social pressures acted as a restraining mechanism that kept public employers from running the same kinds of aggressive antiunion campaigns as their private-sector counterparts. As a result, the majority of public-sector workers could

choose unions and enjoy labor relations in a climate largely free from the threats, intimidation, and coercion that are so commonplace in the private sector.

But a new battleground for labor is erupting in the public sector. In New York, Governor George Pataki is proposing reducing the state workforce by another seventy-four hundred workers after massive cutbacks his first year in office. In New Jersey, Governor Christine Todd Whitman turned twenty-three motor vehicle offices over to private contractors and fought an aggressive battle against striking toll collectors on the New Jersey Turnpike, including offering free passage to travelers over holiday weekends. In Massachusetts, Governor William Weld is proposing the complete elimination of the Department of Motor Vehicles. In New York City, Mayor Rudolph Giuliani has consistently used the threat of privatization and layoffs to force major concessions and work-rule changes from city employee unions. Similar threats were used by Governor John Rowland to extract more than $200 million in concessions from public-sector unions in Connecticut. In other states, such as Oregon, legislatures have directly attacked long-held benefits, such as public employee pensions. Across the country, stories such as these abound, as a kind of open season has been declared on public employees and their unions.

Although many of these attacks started under the Reagan and Bush administrations, they are now for the first time unified under a single ideology and political agenda. With the Republican takeover of Congress and the ascendancy of Newt Gingrich in 1994, the battle cry to stop government intrusion in people's lives and to cut back on big government rang out across the country with resounding fervor. According to Gingrich, government needs to "devolve" as it abandons New Deal activism in favor of the rights and responsibilities of individuals and corporations (1995). As dramatized in the shoot-out at Ruby Ridge and the Oklahoma City bombing, the government has been transmogrified into the new enemy. In a dramatic shift, employees who for more than fifty years have worked in the "public service" are now being blamed for high taxes, municipal insolvency, and the proliferation of unending government regulation and bureaucracy (Troy 1994). As we saw in the 1996 federal government shutdowns, public-sector workers are being sacrificed as part of a larger ideological mission by the Republicans. The passage of the welfare reform bill in the fall of 1996 only further threatened public-sector workers and their unions with its extensive workfare provisions.

Regardless of the precise nature of the attack against public-sector workers and their unions, a rejuvenated and effective organizing program will be required to stem the tide—a program no less intensive than the one currently being proposed for the private sector. Hundreds of thousands of

public-sector workers must be organized just to compensate for those lost through layoffs and privatization.[1] Given the current political alignment, it may be increasingly less possible for public-sector unions to use the political arena to effect change or to stave off attacks, as public-sector unions have traditionally been able to do. In the political arena, as well as in new member organizing, public-sector workers and their unions will need to develop a more aggressive grassroots organizing strategy if they are to be effective in meeting the challenges ahead.

Over the past three years, we have conducted three studies of public-sector organizing. These include a national study of all certification, decertification, and challenge elections in 1991–92 in the thirty-eight states that have some form of collective bargaining (Bronfenbrenner and Juravich 1995a) and in-depth studies based on survey data collected from lead organizers from random samples of 195 certification election campaigns (Bronfenbrenner and Juravich 1995b and 1995c) and 164 decertification and challenge election campaigns (Bronfenbrenner and Juravich 1995d).[2] In this chapter, we bring these data together for the first time to evaluate the current state of public-sector organizing. Specifically, we examine organizing in the public sector in light of the new attack on public-sector unions and workers and evaluate the readiness of the American labor movement to rise to meet this challenge. We also evaluate which organizing strategies would be most effective in strengthening and expanding the public-sector labor movement in this more hostile labor relations climate.

Public-Sector Certification Elections and Employer Opposition

Table 16.1 provides an overview of all state and local government elections held in 1991–92. A total of 1,912 public-sector certification elections were held, in which unions won a stunning 85 percent. This compares with a win rate of only 48 percent in the private sector. Unlike the private sector, where win rates vary dramatically by unit and occupation, win rates in the public sector average more than 80 percent in all types of units, whether composed of teachers, police, clerical workers, janitors, or supervisors.

1. Not only will public-sector unions have to look to unorganized public-sector workers to fill their ranks but, as current efforts to privatize continue to escalate, the unions will also need to "follow their work" by organizing those workers performing work that has been privatized. Some unions, such as SEIU and AFSCME, currently have several efforts under way to organize workers performing work that was previously done by state and local workers. One example is SEIU's statewide campaign to organize workers in privatized mental health and mental retardation centers in Massachusetts.

2. In the multiunion decertification elections, survey data were collected from the lead organizers of both the incumbent and the challenging union campaigns.

TABLE 16.1. Summary of State and Local Public-Sector Elections Nationwide, 1991–92

Election Type	Number of Elections	Union Win Rate	Votes Received by Winning Union	Average Unit Size	Median Unit Size	Range of Unit Size	Average Delay from Petition to Election (Days)	Turnout	Net Gain
Certifications									
1991	956	.85	83%	58.3	15.0	1–2,788	108.7	86%	44,911
1992	956	.85	84%	55.9	16.0	1–3,922	128.1	85%	45,304
1991–92 Total	1,912	.85	83%	57.1	15.0	1–3,922	118.3	85%	90,215
Voluntary Recognitions, Including Card Checks									
1991 Both	82	1.00	N.A.	27.7	8.0	1–360	62.1	N.A.	2,133
Card checks only	*53*	*1.00*	*81%*				*70.9*		
1992 Both	*57*	1.00	N.A.	16.8	10.5	2–153	83.9	N.A.	942
Card checks only	*30*	*1.00*	*93%*				*99.3*		
1991–92 Total	139	1.00	NA	23.1	9.0	1–360	71.2	N.A.	3,075
Card checks only	*83*	*1.00*	*87%*				*81.1*		
Single-Union Decertifications									
1991	85	.46	74%	44.5	19.0	1–474	86.3	87%	−1,754
1992	77	.44	74%	71.0	25.0	1–2,073	101.5	89%	−1,114
1991–92 Total	162	.45	74%	57.1	20.0	1–2,073	93.5	88%	−2,868
MultiUnion Decertifications (Challenge Elections)									
1991	230		73%	218.7	34.0	1–10,759	98.2	85%	−223
	65.2% turnover								
	1.7% no union							(turnover: 27,057)	
1992	231		77%	139.7	29.0	1–6,187	112.7	85%	−75
	68.0% turnover								
	1.3% no union							(turnover: 18,584)	
1991–92 Total	461		75%	179.1	30.0	1–10,759	105.4	85%	−298
	66.6% turnover								
	1.5% no union							(turnover: 45,641)	
TOTAL	**2,674**								**90,124**

N.A. = not available.

As shown in table 16.1, unions won these elections with commanding margins, receiving, on average, 85 percent of the votes cast. Election turnouts were also extremely high: well above 85 percent. Despite suggestions that workers are no longer interested in unions (Farber 1987; Freeman and Rogers 1995), workers in the public sector are enthusiastically voting for union representation.

The question that remains is, What accounts for the more than 35 percentage point difference in win rates between the private sector and the public sector? To provide insight into this question, we compared private-sector data from Bronfenbrenner's 1986–87 study of NLRB election campaigns with our data collected on public-sector certification elections (Bronfenbrenner 1993; Bronfenbrenner and Juravich 1995b).

We did find differences between the public and private sectors in election and employer background characteristics and bargaining unit demographics. Yet these differences suggested that win rates would be lower, not higher, in the public sector. For example, the number of days between the filing of a petition and the election was twice as high in the public sector, and workers organizing in the public sector tended to have much higher wages and better benefits than their private-sector counterparts, both characteristics that have been found in the private sector to be associated with significantly lower win rates (Bronfenbrenner 1993). Clearly, then, differences in election background and bargaining unit demographics do not account for the higher win rate in the public sector.

Table 16.2 provides information on employer tactics used in both public- and private-sector union elections. Here we found dramatic differences—namely, private employers are much more likely to oppose union organizing efforts. Whereas in the private sector every employer offered at least some opposition to the union campaign, in the public sector one-quarter of the employers offered no opposition whatsoever and the majority ran very weak campaigns with just a handful of meetings and letters. Private-sector employers were six times more likely to engage in unfair labor practices, including surveillance, discharges for union activity, threats, promises, and illegal wage increases, than public employers. Overall, 38 percent of private-sector employers utilized five or more aggressive antiunion tactics, whereas only 8 percent of public-sector employers ran aggressive antiunion campaigns.

This high level of employer opposition, without sufficient restraints or remedies in labor legislation, has been shown to depress win rates in the private sector significantly (Bronfenbrenner 1993). Until very recently, a different labor relations dynamic existed in the public sector that served as a restraint on the use of this aggressive antiunion behavior. In part, this was because most public employers are elected officials, or beholden to public

TABLE 16.2. Employer Tactics Used in Private- and Public-Sector Certification Elections

	Private Sector			Public Sector		
	Sample Proportion or Mean	Proportion or Mean for Wins	Percent Win Rate[a]	Sample Proportion or Mean	Proportion or Mean for Wins	Percent Win Rate[a]
No employer campaign[b]	.00	.00	0 (.43)	.24	.30	.96 (.68)
Employer discharged workers for union activity	.30	.35	.51 (.39)	.05	.04	.60 (.76)
Complaints issued	.13	.17	.58 (.40)	.02	.02	.75 (.75)
Fired workers not reinstated before the election	.18	.19	.37 (.44)	.04	.02	.43 (.76)
Other ULPs filed	.22	.24	.47 (.41)	.06	.03	.33 (.78)
Complaints issued on other ULPs	.14	.17	.51 (.41)	.02	.01	.33 (.76)
Employer filed election objections	.13	.27	.51 (.41)	.04	.05	.88 (.74)
Employer used consultant	.71	.67	.40 (.50)	.49	.41	.63 (.86)
Employer used layoffs	.15	.18	.53 (.41)	.08	.09	.87 (.74)
Antiunion committee used	.42	.37	.37 (.46)	.24	.17	.52 (.82)
Employer used captive-audience meetings	.82	.82	.43 (.42)	.36	.29	.60 (.83)
Number of captive-audience meetings	5.50	3.97	N.A.	2.21	1.22	N.A.
Employer mailed letters	.80	.79	.42 (.45)	.36	.27	.57 (.85)
Number of employer letters	4.47	3.93	N.A.	1.95	1.42	N.A.
Employer distributed leaflets	.70	.70	.43 (.42)	.24	.17	.54 (.81)
Number of employer leaflets	5.98	5.41	N.A.	1.60	1.51	N.A.
Supervisors did one-on-one meetings	.79	.79	.43 (.42)	.43	.37	.65 (.82)
Employer used media	.10	.13	.52 (.41)	.18	.13	.53 (.80)
Employer gave wage increase	.30	.23	.32 (.47)	.10	.10	.79 (.74)
Employer promoted leaders	.17	.19	.47 (.42)	.07	.08	.79 (.75)
Employer made promises	.56	.44	.34 (.54)	.27	.23	.63 (.79)
Management change after petition	.21	.20	.41 (.54)	.10	.06	.45 (.78)
Employer campaign included more than five tactics[c]	.38	.34	.39 (.45)	.08	.03	.33 (.78)

[a] Number in parentheses is the percent win rate when the characteristic or tactic did not occur.

[b] Employer did none of the following: captive-audience meetings; antiunion committees; antiunion letters; antiunion leaflets; supervisor one-on-ones; unscheduled wage increases during campaign; promises of improvements in wages, benefits, or working conditions; promotion of key union leaders; and media campaigns.

[c] Employer campaign included more than five of the tactics listed above.

Source: Bronfenbrenner and Juravich 1994.

officials, and union avoidance in the public sector had been, until recently, politically unpopular. In the more than thirty states that have collective bargaining rights for at least some state and local workers, the net result was the development of a culture that was significantly more tolerant of unions than the private sector—until the past few years.

This is not to suggest that there was no opposition in public-sector certification elections in 1991–92. Indeed, in some elections, union activists were illegally discharged, threats were made regarding layoff and privatization, and other legal and illegal tactics common in the private sector, such as captive-audience meetings, supervisor one-on-ones, and antiunion committees, were used very effectively to undermine the union campaign. Many of these aggressive campaigns were concentrated in health-care and higher education units. This is not surprising given that public-sector higher education and health-care employers are more insulated from public pressure than other state and local government employers. They are also more closely tied to their private-sector counterparts.

Table 16.2 provides some startling evidence of what happens when public employers choose to aggressively oppose union organizing campaigns. When more than five antiunion tactics are utilized by public-sector employers, the win rate drops to 33 percent, even lower than the rate in the private sector after intensive employer campaigns. Clearly, if public-sector employers choose to oppose unionization, they have the tools to seriously undermine union organizing efforts.

Although it is true that public-sector workers enjoy legal free speech rights and union access rights unheard of in the private sector, most state collective bargaining laws offer no better protection from aggressive employer antiunion behavior than does private-sector law (Bronfenbrenner and Juravich 1995a). In fact, since most public-sector laws are modeled on the National Labor Relations Act, and there has been so little case law developed in public-sector cases, many state labor boards turn to NLRB cases when looking for precedents to decide their public-sector organizing disputes. The data clearly show that if employers in the public sector choose to oppose unions, they have strong weapons at their disposal, and there is little likelihood of significant sanctions or penalties.

These findings are particularly troubling given recent political changes and the changes in the culture of public-sector labor relations. Given the increasingly popular ideology of smaller government, politicians such as Governors Whitman of New Jersey and Pataki of New York have attacked public-sector workers and unions with unprecedented zeal, without the political costs traditionally associated with such antiunionism. Our data indicate that now that these cultural and political restraints are being lifted, the impact on public-sector organizing could be devastating. Particularly

given that our data from 1991–92 do not capture these relatively recent changes and may represent "golden years" in public-sector organizing, the impact of employer opposition on public-sector win rates may be even more dramatic.

Union Tactics in the Public Sector

So far, this discussion has assumed current levels of activity and current tactics and strategies by public-sector unions. Yet, as we know from the private sector, union tactics matter more than any other set of factors in organizing, including employer behavior (Bronfenbrenner 1997). In the private sector, where aggressive employer opposition is the norm, union success rates increase by more than 35 percentage points in campaigns in which organizers utilize a comprehensive grassroots union-building strategy that includes a focus on person-to-person contact, rank-and-file leadership development, and escalating internal and external pressure tactics from the very beginning of the campaign. Such a strategy involves a combination of tactics, including establishing an active, representative organizing committee, using small-group meetings and house calls to develop leadership, inoculating against the employer campaign, and building support for the union campaign using solidarity days, community-labor coalitions, and job actions both to develop membership commitment and to pressure the employer, and building for the first contract during the organizing campaign. These tactics, when utilized as part of a comprehensive union-building campaign, have been found in the private sector to be necessary ingredients for unions to successfully overcome intense employer opposition and the fear and intimidation it generates among the rank and file.

The data for the public sector have similar implications, given its changing organizing climate. Compared with unions in the private sector, unions in the public sector are running very low-intensity organizing campaigns. As the figures in table 16.3 show, less than 25 percent of the campaigns used representative committees, only 40 percent used house calling, and fewer used solidarity days or other more aggressive tactics. Like most private-sector organizing campaigns in the 1960s and 1970s, the majority of public-sector campaigns are limited to large- and small-group meetings and a limited number of letters and leaflets.

Because of the relative lack of employer opposition, public-sector unions have still been able to win elections without running very aggressive and rank-and-file-intensive campaigns. Yet, even in this extremely favorable climate, only ninety thousand public-sector workers gain representation each year through new organizing. In fact, half the public-sector campaigns occur in units with fewer than fifteen eligible voters and 80 percent occur in units

with fewer than fifty eligible voters. The question then becomes, What kind of campaigns are necessary to organize more workers in much larger units, and, as employer opposition continues to intensify, what kind of tactics would be necessary to win? Given our finding that unions organizing in the public sector lose two-thirds of all elections in which there is intense employer opposition, it is clear that current organizing practice will have to change.

The union tactics data summarized in table 16.3 provide some insight into how union tactics in the public sector must be modified to meet growing employer opposition. Under current practice, the intensity of the union campaign increases only minimally as the intensity of the employer campaign increases. If we compare the 8 percent of the campaigns in which the employer ran aggressive antiunion campaigns with the 46 percent in which the union faced little or no employer opposition, we find that less than one-third of the unions in the sample had an active representative committee, house called the majority of the unit, used solidarity days, elected the bargaining committee before the election, or signed at least 70 percent of the unit on cards before filing the petition. In fact, the primary response to more aggressive employer campaigns was a dramatic increase in the number of leaflets and mass mailings—from an average of 2.68 letters and 3.51 leaflets in campaigns with little or no employer opposition to 18.83 letters and 21.33 leaflets in campaigns with intensive employer opposition.

Overall, the data suggest that unions will need to develop a much more aggressive grassroots response to employer opposition if they are going to have any success in a deteriorating public-sector organizing climate. For example, in medium campaigns in which employers used two to five antiunion tactics, overall win rates averaged only 66 percent. But in those campaigns in which unions had cards signed by at least 70 percent of the unit before the petition was filed, the win rate increased to 87 percent; and in campaigns in which the union had a representative rank-and-file organizing committee, the win rate increased to 76 percent. Win rates were also 10 to 20 percentage points higher in units in which rank-and-file volunteers from already organized units conducted house calls, the union used solidarity days, and the union had at least one organizer on staff for every one hundred eligible voters. These tactics reflect both a more intense union effort and a more grassroots union-building strategy, as opposed to the more traditional public-sector organizing model, in which most of the union response is concentrated in letters and mass meetings.

In the 8 percent of the campaigns with intensive employer opposition, unions in our sample lost all the elections in which they did not use an organizing committee, whereas use of a committee raised the win rate to 33 percent. Committees representative of at least 10 percent of the unit made

TABLE 16.3. Union Tactics Used in Public-Sector Elections

	Overall Sample			No or Weak Employer Campaign[a]		Medium Employer Campaign[a]		Intensive Employer Campaign[a]	
	Sample Proportion or Mean	Proportion or Mean for Wins	Percent Win Rate[b]	Sample Proportion or Mean	Percent Win Rate[b]	Sample Proportion or Mean	Percent Win Rate[b]	Sample Proportion or Mean	Percent Win Rate[b]
OUTCOME									
Election outcome	.75	1.00	.75 (.00)	.90	.90 (.00)	.66	.66 (.00)	.33	.33 (.00)
First-contract outcome	.66	.88	N.A.	.81	N.A.	.58	N.A.	.28	N.A.
Postcontract membership	.70	.72	N.A.	.67	N.A.	.75	N.A.	.76	N.A.
UNION TACTICS									
Percent cards	.60	.63	N.A.	.60	N.A.	.59	N.A.	.59	N.A.
At least 70% cards	.31	.38	.92 (.68)	.36	.97 (.86)	.26	.87 (.59)	.33	.80 (.10)
Organizing committee used	.77	.77	.74 (.77)	.70	.92 (.85)	.81	.67 (.65)	1.00	.33 (.00)
Percent on committee	.07	.07	N.A.	.06	N.A.	.08	N.A.	.08	N.A.
Representative committee	.23	.23	.77 (.75)	.16	.93 (.89)	.29	.76 (.64)	.33	.40 (.30)
Diagrammed workplace	.59	.53	.68 (.84)	.46	.85 (.94)	.66	.66 (.67)	.93	.29 (1.00)
Percent house called	.40	.40	N.A.	.39	N.A.	.42	N.A.	.33	N.A.
50% or more house called	.09	.07	.56 (.77)	.06	.80 (.91)	.11	.60 (.67)	.20	.00 (.42)
Number of mass meetings	4.82	4.37	N.A.	3.74	N.A.	5.14	N.A.	9.67	N.A.
Number of small-group meetings	11.63	10.34	N.A.	6.90	N.A.	12.30	N.A.	36.87	N.A.
Percent surveyed one-on-one	.10	.11	N.A.	.10	N.A.	.11	N.A.	.09	N.A.
Rank-and-file did house calls	.17	.17	.76 (.76)	.08	1.00 (.94)	.23	.83 (.66)	.25	.00 (.33)
Solidarity days used	.17	.19	.82 (.73)	.13	1.00 (.88)	.18	.75 (.64)	.33	.60 (.20)

TABLE 16.3. Union Tactics Used in Public-Sector Elections (*cont.*)

	Overall Sample			No or Weak Employer Campaign[a]		Medium Employer Campaign[a]		Intensive Employer Campaign[a]	
	Sample Proportion or Mean	Proportion or Mean for Wins	Percent Win Rate[b]	Sample Proportion or Mean	Percent Win Rate[b]	Sample Proportion or Mean	Percent Win Rate[b]	Sample Proportion or Mean	Percent Win Rate[b]
UNION TACTICS (*cont.*)									
Number of letters	4.47	3.21	N.A.	2.60	N.A.	3.98	N.A.	18.73	N.A.
Number of leaflets	6.07	4.59	N.A.	3.51	N.A.	6.16	N.A.	21.33	N.A.
Dignity and fairness primary issues	.38	.36	.71 (.78)	.35	.90 (.91)	.40	.63 (.69)	.40	.17 (.44)
Bargaining committee before election	.15	.16	.79 (.74)	.14	1.00 (.88)	.15	.69 (.66)	.20	.33 (.33)
At least one organizer per 100 eligible voters									
Union used five or more rank-and-file tactics[c]	.09	.11	.89 (.74)	.07	1.00 (.89)	.10	1.00 (.64)	.16	.60 (.46)

[a] The employer campaign breakdown was created as follows: "No or Weak Employer Campaign" includes all elections in which the employer ran no campaign or used only one tactic (46% of sample); "Medium Employer Campaign" includes all elections in which the employer used two to five antiunion tactics (46% of sample); "Intensive Employer Campaign" includes all elections in which the employer used more than five tactics (8% of sample). The antiunion tactics include: captive-audience meetings; antiunion committees; antiunion leaflets; supervisor one-on-ones; unscheduled wage increases during the campaign; promises of improvements in wages, benefits, or working conditions; promotion of key union leaders; and media campaigns.

[b] Number in parentheses lists the percent win rate when the characteristic did not occur.

[c] Rank-and-file tactics include the following practices: at least one steward per 30 eligible voters; stewards elected; union conducted orientation; regular membership meetings; regular newsletters; two or more grievances per month; grievance victories and losses publicized; stewards trained to organize around grievances; staff representative frequently visits workplace; internal organizing on meeting agenda; union used one-on-one contract survey; active rank-and-file organizing committee.

an even greater difference; in this case, win rates increased to 40 percent. Similarly, the win rates increased to 80 percent if 70 percent of the bargaining unit signed cards prior to filing the petition. The use of solidarity days increased the win rate to 60 percent, as opposed to 20 percent when they were not used. It is not that any one of these tactics is important individually, but they are all in some ways proxies for a more aggressive organizing campaign involving rank-and-file members in person-to-person contact and a grassroots campaign from the very beginning. In campaigns in which more than five rank-and-file tactics were used, win rates increased by 15 percentage points overall, 11 percentage points in units with moderate employer opposition, and 14 percentage points in units with intense employer opposition. When included in regression and logit equations controlling for the influence of election and unit background and employer tactic variables, the probability of the union winning the election increased by 6 percentage points and the percentage of the votes received by the union increased by 3 percentage points for each additional rank-and-file-intensive tactic used by the union during the organizing campaign (Bronfenbrenner and Juravich 1995c).

Although these data are not as robust as they might be because of the relatively few elections during 1991–92 in which there was intense employer opposition, these findings support research from the private sector on the importance of rank-and-file grassroots strategies (Bronfenbrenner 1993). These data are also reinforced by our examination of first-contract and membership rates in the public sector (Bronfenbrenner and Juravich 1995c). Given the high win rate there, first-contract and membership rates may be the best measures of the effectiveness of organizing campaigns. It is one thing to vote for a union that has a high likelihood of winning; it demonstrates a much greater level of commitment to choose to voluntarily join a union and pay dues.

Table 16.4 provides data on the impact of union tactics on post-first-contract membership rates. Clearly, the use of rank-and-file grassroots tactics leads to significantly higher win rates. For example, representative rank-and-file organizing committees were used in only 3 percent of the campaigns that resulted in post-contract membership rates of less than 60 percent. They were utilized in 34 percent of the campaigns that achieved 60 percent to 90 percent membership, however, and 35 percent in those units that reached more than 90 percent membership. Only 38 percent of the members were house called in elections that yielded less than 60 percent membership, while 40 percent and 44 percent were house called in campaigns that yielded 60 percent to 90 percent membership and more than 90 percent membership, respectively.

Overall, although none of the units that ended up with less than 60

TABLE 16.4. Union Tactics and Post-First-Contract Membership Rates

	Proportion or Mean for All Units with Contracts	Postcontract Membership Rate[a]: Proportion or Mean with Less than 60% Membership	Proportion or Mean with 60–90% Membership	Proportion or Mean with 90% or More Membership
UNION TACTICS				
Percent cards	.63	.58	.62	.67
At least 70% cards	.39	.22	.41	.48
Organizing committee used	.77	.78	.74	.80
Percent on committee	.07	.04	.08	.09
Representative committee	.25	.03	.34	.35
Diagrammed workplace	.56	.57	.64	.46
Percent house called	.40	.28	.40	.44
50% or more house called	.07	.03	.10	.07
Number of mass meetings	4.33	4.42	4.50	4.09
Number of small-group meetings	10.13	8.11	14.81	7.57
Percent surveyed one-on-one	.10	.03	.10	.17
Rank-and-file did house calls	.17	.14	.23	.13
Solidarity days used	.19	.19	.21	.17
Number of letters	3.14	4.89	2.05	2.76
Number of leaflets	4.63	5.28	4.88	4.04
Dignity and fairness primary issues	.37	.36	.26	.46
Bargaining committee before election	.15	.03	.24	.15
Number of rank-and-file intensive tactics used[b]	2.32	1.78	2.55	2.59
Union campaign included five or more tactics	.09	.00	.07	.17
At least one organizer per 100 eligible voters	.80	.78	.76	.85

[a] Twenty-nine percent of the elections in the sample had a postcontract membership rate of less than 60%, 34% had a membership rate of between 60% and 90%, and 37% had a membership rate of 90% or more.

[b] Rank-and-file tactics include the following: 70% or more of the unit signed cards before the petition was filed; union had a representative committee; union used small-group meetings; union house called the majority of the unit; union used rank-and-file volunteers to do house calls; dignity, fairness, and service quality primary issues; union used one-on-one contract surveys; and bargaining committee established before the election.

percent membership ran aggressive grassroots campaigns utilizing five or more union tactics, 7 percent of the units with 60 percent to 90 percent membership rates and 17 percent of the units with more than 90 percent membership rates ran more aggressive campaigns. When individual union tactics are combined into a single rank-and-file-intensive variable controlling for the impact of election and unit background and management tactics variables, the probability of the union achieving a postcontract membership rate of at least 60 percent increased by 9 percentage points, and the membership rate increased by 6 percentage points for each additional rank-and-file-intensive tactic the union used (Bronfenbrenner and Juravich 1995c).

Decertification and Challenge Elections in the Public Sector

In addition to low win rates in elections in which public-sector employers choose to oppose the union, another indicator of the vulnerability of public-sector unions in the current political climate is the high level of decertification activity. Returning to table 16.1, a total of 162 single units decertified in 1991–92. In a dramatic departure from certification elections, unions in the public sector won in fewer than half of these elections.

Even more troubling is the large number of challenge elections, in which a union tries to win representation for a unit already represented by another union. In fact, one of every six elections in the public sector is a multiunion challenge election. As reported in table 16.1, incumbent unions fare quite poorly, winning only 33 percent of challenge elections. Although more than ninety thousand workers in state and local government gained union representation in 1991 and 1992, during the same period 2,868 chose to go nonunion, while another 45,641 simply switched from one union to another. Clearly, this is a far-from-ideal organizing situation and one that will need to be changed dramatically if attacks on public-sector unions continue.

The challenge process is also not a mechanism for larger unions to absorb smaller independents. In fact, unions were just as likely to leave the AFL-CIO as to join through challenge elections. One of the findings of this research was that there has been a reemergence of a significant number of independent site-based unions. For all intents and purposes, these unions appeared to be little more than company unions associated with an earlier era in public-sector unionism.

Although the win rates in certification elections look extremely favorable, they hide the fact that most of these elections occur in very small units. When combined with the relatively high level of decertification activity, this makes for a net gain in workers covered under public-sector collective bargaining agreements that is dwarfed by the hundreds of thousands of public-sector workers who lose union representation each year as a result

of layoffs and privatization. Further, as shown in table 16.4, a significant number of public-sector unions have not been able to translate their relatively easy organizing victories into lasting union strongholds. Although unions won elections with victory margins that were higher than 85 percent, this translated into average membership rates of only 70 percent once the first contract was negotiated. For too many public-sector units, membership continues to drop in the years following the first agreement, until it reaches a point where a significant minority are ready to sign a decertification petition.

In our intensive look at decertification elections, we examined factors that could possibly explain the high level of decertification activity and the extremely low win rates for incumbent unions. To begin with, we discovered that decertification and challenges are not rooted in worker dissatisfaction with their pay, benefits, or conditions. Nor are employers involved in any significant way in either single-union decertification or challenge elections in the public sector.

Still, the nature of the original organizing campaigns did have a significant impact on the outcomes of decertification and challenge elections. If they won the original organizing campaigns by a large margin, incumbents won only 60 percent of decertifications and challenges. But in units with small margins of victory, the win rates for incumbents rose to 87 percent. What these numbers seem to capture is that to win in the face of aggressive opposition, the unit must coalesce against the employer and in the process build a strong union. When the campaign is easy, there is little opportunity to become a cohesive organization. We are not suggesting that more employer opposition is needed to build stronger unions in the public sector but that, absent an aggressive employer campaign, public-sector unions will need to focus on other avenues of union building to create a union strong enough to withstand future challenges.

As we can see from table 16.5, another major factor in how the incumbent union will fare in decertification and challenge elections is the quality and degree of union representation prior to the decertification petition being filed. For example, win rates for incumbent unions were 5 to 10 percentage points higher in units in which they had at least one steward per thirty eligible voters, conducted orientation for new employees, held regular membership meetings and published newsletters, publicized grievance victories and losses, and trained stewards to organize around grievances. Win rates were much lower in units in which stewards were appointed rather than elected, few grievances were filed, most grievances related to discipline and discharge, and the staff representative never visited the workplace. Bargaining practice mattered as well, so that win rates for incumbent unions were much higher in units in which the union used a one-on-one contract survey and had an active rank-and-file bargaining com-

mittee. Overall, incumbents won 68 percent of elections in units in which union practice and structure prior to filing the decertification petition reflected an organizing model, compared with 51 percent in units in which it did not.

Our data also demonstrate that, once faced with a decertification or challenge election, an incumbent union needs to mount an organizing campaign if it is to be successful. One reason that incumbents fare so poorly is that they often match an organizer employed by the challenging union against a servicing representative for the incumbent union. While the servicing staff may be very good at handling grievances, negotiating local agreements, and dealing with management, many servicing representatives have little or no experience with organizing.

TABLE 16.5. Union Structure and Practice Prior to Decertification

	All Decertification and Challenge Elections		
	Mean or Proportion of Sample	Mean or Proportion of Incumbent Wins	Percent Incumbent Win Rate[a]
UNION STRUCTURE			
Ratio of stewards to eligible voters	.05	.05	N.A.
At least one steward per 30 eligible voters	.55	.58	.62 (.54)
Stewards elected	.32	.36	.65 (.55)
Stewards appointed	.29	.23	.46 (.63)
Union conducted orientation for new employees	.36	.40	.65 (.55)
Regular membership meetings	.78	.82	.61 (.48)
Average number of membership meetings per year	5.93	5.67	N.A.
Union had regular newsletter	.42	.46	.64 (.54)
Union filed few grievances	.53	.49	.54 (.63)
Union averaged two or more grievances per month	.16	.17	.59 (.58)
Most grievances related to discipline or discharge	.22	.19	.50 (.61)
Union lost several major arbitrations	.10	.05	.31 (.61)
Grievance victories and losses publicized	.17	.22	.74 (.55)
Stewards trained to organize around grievances	.09	.10	.67 (.57)
Staff rep frequently visited workplace	.55	.54	.58 (.59)
Staff rep never visited workplace	.07	.05	.44 (.59)
Internal organizing campaign conducted	.38	.37	.57 (.59)
Internal organizing on meeting agenda	.27	.28	.61 (.57)
BARGAINING PRACTICE			
Bargaining part of state-, city-, or county-wide negotiation	.10	.10	.62 (.58)

TABLE 16.5. Union Structure and Practice Prior to Decertification (*cont.*)

	All Decertification and Challenge Elections		
	Mean or Proportion of Sample	Mean or Proportion of Incumbent Wins	Percent Incumbent Win Rate[a]
BARGAINING PRACTICE (*cont.*)			
Union used one-on-one contract survey	.50	.56	.66 (.51)
Bargaining conducted primarily by staff and officers	.75	.72	.56 (.65)
Bargaining committee elected	.45	.47	.62 (.55)
Bargaining committee small (less than 5%)	.75	.78	.61 (.50)
Most details of bargaining session remained confidential	.57	.58	.59 (.57)
Active rank-and-file bargaining committee	.34	.36	.62 (.56)
Union used inside pressure tactics	.00	—	—
Union used outside pressure tactics	.13	.10	.47 (.60)
Union reached agreement before last contract expired	.33	.36	.64 (.56)
Last contract never settled	.02	.00	.00 (.59)
Union held strike	.03	.03	.50 (.58)
OVERALL UNION STRUCTURE/PRACTICES			
Union used five or more elements of organizing model scale[b]	.43	.50	.68 (.51)

[a] Number in parentheses lists the percent win rate when the characteristic did not occur.

[b] Scale includes the following practices: at least one steward per 30 eligible voters; stewards elected; union conducted orientation; regular membership meetings; regular newsletters; two or more grievances per month; grievance victories and losses publicized; stewards trained to organize around grievances; staff representative frequently visits workplace; internal organizing on meeting agenda; union used one-on-one contract survey; active rank-and-file organizing committee.

The nature of the incumbent union's organizing campaign matters as well. Just as we found in public- and private-sector certification election campaigns, the use of a grassroots rank-and-file-intensive union-building strategy was found to play a critical role in decertification and challenge election campaigns. As we can see from table 16.6, the use of active, representative organizing committees boosts incumbents' win rates from 50 to 84 percent. The use of solidarity days raises the win rate from 50 to 87 percent. Similar effects are reported for the use of rank-and-file volunteers, one-on-one surveys, and house calling. Overall, win rates for incumbent unions average 68 percent when they run aggressive union-building campaigns incorporating five or more rank-and-file-intensive tactics, compared with 49 percent when they do not.

TABLE 16.6. Incumbent Union Tactics Used during Decertification Campaigns

	All Decertification and Challenge Elections			Single-Union Decertifications		Multiunion Challenge Elections	
	Mean or Proportion of Sample	Mean or Proportion of Incumbent Wins	Percent Incumbent Win Rate[a]	Mean or Proportion of Decerts	Percent Incumbent Win Rate[a]	Mean or Proportion of Challenges	Percent Incumbent Win Rate[a]
Union did not conduct a campaign	.05	.00	.00 (.61)	.03	.00 (.73)	.06	.00 (.58)
Union set up organizing committee	.78	.87	.65 (.34)	.87	.74 (.50)	.78	.62 (.32)
Percent of unit represented on committee	.08	.09	N.A.	.12	N.A.	.07	N.A.
Active representative organizing committee	.23	.33	.84 (.50)	.42	.85 (.61)	.18	.83 (.48)
Union actively used rank-and-file volunteers	.42	.45	.63 (.55)	.48	.80 (.63)	.40	.56 (.53)
Union diagrammed workplace	.63	.73	.67 (.43)	.48	.80 (.63)	.68	.64 (.33)
Union used house calls	.34	.36	.61 (.57)	.48	.67 (.75)	.30	.58 (.53)
Union house called majority of unit	.09	.08	.50 (.59)	.19	.67 (.72)	.06	.33 (.56)
Union held large-group meetings	.61	.56	.54 (.65)	.61	.74 (.67)	.61	.48 (.65)
Number of meetings	5.04	4.10	N.A.	6.58	N.A.	4.53	N.A.
Union held small-group meetings	.61	.71	.67 (.44)	.65	.75 (.64)	.60	.65 (.39)
Number of meetings	17.33	12.10	N.A.	9.15	N.A.	20.15	N.A.
Union used solidarity days	.22	.33	.87 (.50)	.39	.92 (.58)	.18	.83 (.48)
Union used leaflets	.66	.76	.67 (.41)	.65	.70 (.73)	.66	.66 (.31)
Number of leaflets	8.75	9.88	N.A.	6.17	N.A.	9.61	N.A.
Union used letters	.75	.83	.64 (.39)	.87	.70 (.75)	.72	.62 (.34)
Number of letters	4.41	5.02	N.A.	3.68	N.A.	4.72	N.A.

TABLE 16.6. Incumbent Union Tactics Used during Decertification Campaigns (*cont.*)

	All Decertification and Challenge Elections			Single-Union Decertifications		Multiunion Challenge Elections	
	Mean or Proportion of Sample	Mean or Proportion of Incumbent Wins	Percent Incumbent Win Rate[a]	Mean or Proportion of Decerts	Percent Incumbent Win Rate[a]	Mean or Proportion of Challenges	Percent Incumbent Win Rate[a]
Union used one-on-one survey	.13	.18	.78 (.55)	.13	1.00 (.67)	.14	.71 (.52)
Union representatives/officers increased visits	.78	.83	.63 (.43)	.74	.74 (.63)	.79	.59 (.36)
Union offered new benefits, services	.22	.17	.45 (.62)	.16	.60 (.73)	.23	.42 (.58)
Union held rallies	.16	.17	.62 (.58)	.26	.75 (.70)	.13	.54 (.54)
Union provided food or meals	.31	.32	.61 (.57)	.00	—	.40	.61 (.50)
Union organized job actions	.02	.01	.50 (.58)	.03	1.00 (.70)	.01	.00 (.55)
Union held public forums or debates	.13	.12	.53 (.59)	.00	—	.17	.53 (.55)
Union used media	.07	.06	.56 (.58)	.10	.67 (.71)	.06	.50 (.55)
Union used polling	.26	.26	.57 (.59)	.00	—	.34	.57 (.53)
Union involved community-labor groups	.16	.14	.50 (.60)	.19	.67 (.72)	.16	.44 (.56)
Union distributed trinkets	.21	.19	.54 (.59)	.00	–	.27	.54 (.55)
Union distributed items of value	.02	.03	.67 (.58)	.00	–	.03	.67 (.54)
Union used five or more tactics[b]	.49	.58	.68 (.49)	.58	.78 (.62)	.47	.65 (.45)

[a] Number in parentheses equals win rate when characteristic did not occur.

[b] Union tactics include: active representative organizing committee, active rank-and-file volunteers, diagramming workplace, house calls, small-group meetings, solidarity days, leaflets, letters, one-on-one survey, rallies.

Conclusions

In many ways the situation in the public sector is not unlike that in the private sector twenty years ago. Just as private-sector unionists in the early 1970s had many reasons to believe that their membership levels and bargaining power would continue to thrive whether or not they engaged in massive new organizing, many public-sector unionists continue to feel relatively secure about both the employment picture and the labor relations climate.[3] Yet important and significant threats are on the horizon that are beginning to fundamentally alter the situation that public-sector unions have come to know and expect. Just as twenty years ago the private sector began to face the growth of multinational corporations and an unpredicted wave of plant closings and concession contracts, the public sector is facing the devolution of government and massive privatization schemes.

In retrospect, the initial response by private-sector unions to the crisis was woefully inadequate. The commitment and dedication of trade unionists were not the problem, but many continued to see and approach very dramatically changed circumstances with the same attitudes, tools, and practices they had learned and used in the past. Rather than turning to community-labor coalitions, active membership mobilization, or new organizing, most private-sector unions held on to a fairly traditional top-down servicing and bargaining model honed in the 1950s and 1960s. New organizing was one of the first things to flounder as employers became emboldened with a variety of legal and illegal tactics.

This research demonstrates the cost if public-sector workers and unions are similarly unresponsive to the challenges they face. Because of the relative lack of employer opposition in the public sector, a culture and practices have developed that promote and reinforce a traditional top-down model in servicing, bargaining, and new organizing, with a primary emphasis on shoring up union power through lobbying in city halls, state legislatures, and governors' mansions. Although these approaches may have been sufficient in the past, they are clearly inadequate for the future. Given growing employer opposition to organizing, public antipathy toward government workers, and the increasing risk of decertification and challenges, public-sector unions must both strengthen their existing units and build strong and active unions in newly organized units that can withstand these many internal and external challenges.

3. There is also little recognition of the seriousness of the attack on the public sector in the industrial relations community. For example, "Collective Bargaining Outlook for 1995" (Sleemi 1995) doesn't even mention the new threats in the public sector. In fact, one section heading states simply "New Year, Same Issues."

As the findings on the certification, decertification, and challenge process show us, building unions in the public sector will require more commitment to the use of rank-and-file grassroots tactics. The data speak to the importance of rank-and-file activism and of mobilizing public-sector union membership and community support. Given the level of attack, union staff and officers will clearly be unable to solve these problems alone. Although perhaps less dramatic at this point, unions in the public sector, like their counterparts in the private sector, are reaching the limits of service-based unionism.

Particularly given the small size of many of the units being organized and the increasing fractionalization of public-sector employment, it is unlikely that union staff will have the capacity to "service" members in the same way as was done in basic manufacturing or in large geographically specific units in the public sector. More important, only through union building will public-sector unions be able to organize new members in the face of growing employer opposition and to defend their existing members from privatization schemes and political attack.

The stakes are very high. The stability of public-sector unionism in the 1970s and 1980s cushioned the dramatic decline in the private sector and has in important ways provided a base for rebuilding the labor movement. A number of signs, including the new leadership at the AFL-CIO, suggest that this renewal is well under way. Yet, as the painful experience of private-sector unions demonstrates, fortunes can change dramatically. A significant decline in public-sector unionism not only would have a tremendous impact on public-sector workers and their families but could very well threaten the entire labor movement. Given current union density, even a relatively modest downturn could be devastating.

As this research also suggests, a decline in the public sector is not inevitable. Even with growing employer opposition, rank-and-file, grassroots union-building strategies are effective in winning certification elections and first contracts and in achieving high membership rates. As we have seen, these same tactics also inoculate units and unions from both challenge and decertification elections. The message is clear. Public-sector unions today face both great opportunities and great risk. Like their private-sector counterparts twenty years earlier, they can wait until their ranks are decimated and their power severely diminished before they refocus their efforts and vision on new organizing. Or they can learn from the lessons of the past and start strengthening existing units and aggressively and effectively organizing new units before employer opposition and a deteriorating economic and political climate take their toll.