

AN ABSTRACT OF THE THESIS OF

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Although public sector unionism dates back at least to 1916, collective bargaining emerged mid-century when President John Kennedy signed into law Executive Order 10988 which established federal policy recognizing unions for federal employees. Today all levels of public education have unions. In today's community college, the curriculum, the professional background of the faculty, and the career goals of the students support the growth of collective bargaining.

Many of the challenges in administering collective bargaining contracts become manifest in the grievances which are filed under the procedures established in the contract. The central purpose of this paper was to develop methodology designed to monitor and analyze the formal grievances filed in Oregon community colleges for the

school years 1979-80 and 1980-81.

Using the research procedure called content analysis, a survey instrument was designed for the purpose of collecting specific information from the grievances. A second instrument, a demographic data questionnaire was also designed and used to collect personal information from each grievant.

Conclusions of the study were 1) the use of content analysis as a research procedure for designing a data collection instrument is adequate, 2) the grievance procedure was used by both faculty and staff and the rate of useage (2.6%) closely parallels that of other studies, 3) the two issues most frequently grieved were reduction in force and salary scale, 4) most of the grievances were resolved within the community college structure, and 5) one third of the faculty grievances were sustained.

Recommendations were 1) that each community college and each bargaining unit adopt a uniform system of record keeping for grievance files, 2) that a centralized research office be established for the purpose of collecting and analyzing grievance data, and 3) a pre/in-service training component be developed and used by both labor and management.

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AN ANALYSIS OF THE SOURCE, NATURE, AND
RESOLUTION OF GRIEVANCE FILINGS IN OREGON
COMMUNITY COLLEGES, SCHOOL YEARS 1979-80 AND 1980-81

by

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Typed by Jane Tuor for Julie A. Davies Searcy

TO MY PARENTS

Gaylord S. and Margaret D. Davies

This book is dedicated with love
and appreciation

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AN ANALYSIS OF THE SOURCE, NATURE, AND RESOLUTION
OF GRIEVANCE FILINGS IN OREGON COMMUNITY COLLEGES,
SCHOOL YEARS 1979-80 AND 1980-81

I. INTRODUCTION

The growth of unionism and collective bargaining in the public sector has been characterized as the single most important labor market phenomenon to occur in the last ten to fifteen years.

Staller 1975

Although public sector unionism dates back at least to 1916, collective bargaining emerged mid-century when President John Kennedy signed into law Executive Order 10988 which established federal policy recognizing unions for federal employees. This complemented state level legislation in 1959 by the Wisconsin legislature which made it mandatory for public employees at the local levels to bargain collectively. These two actions are generally credited with the initiation of this labor market phenomenon in the public sector.

The first institutional collective bargaining unit to be organized was also in Wisconsin at the Milwaukee Vocational Technical Institute. Since the creation of that unit in 1963, unions have been formed at all levels of public education, including elementary and secondary schools and two and four-year colleges and universities. In the public two-year community college section, 458 units have been established.

The implementation of the formalized bargaining process in the community college provided a variety of challenges to both labor and management participants. Most parties to early agreements had little or no background in labor negotiations. Few managers had experience with the process of implementing the negotiated agreements contained in the contracts. Inevitably, disputes developed and grievances were filed. The nature or cause of grievances, which Howe (1973:42) defines as "an allegation of violation, misinterpretation or misapplication of some specific provisions(s) of the contract," provides one source of information relative to the effectiveness of the contract management and conflict resolution skills of all parties to the contract. Most authorities (Gasworth, 1980, Begin, 1977 and Gross, 1981) recommend that methodology be developed to monitor the nature and resolution of grievances. Furthermore, they recommend the development of in-service training where parties to the agreements are lacking in the competence necessary for effective contract management. The major goal of this study was to develop a recommended methodology for grievance research.

Purpose of this Study

The central purpose of this study was to develop methodology designed to monitor and analyze all elements of

grievance filings in public community college settings.

The major objectives of the study were

1. to review existing literature related to the rise of collective bargaining in the public sector and in the community colleges.
2. to develop methodology designed to collect and analyze grievances in community college bargaining units.
3. to utilize this methodology to identify the nature and resolution of grievances in selected community college bargaining units.
4. to utilize the analysis of the effectiveness of this procedure to prepare a recommended methodology for community college grievance research.
5. to utilize the findings of the research to suggest a model for a statewide grievance procedure for community colleges.

Background of the Study

The junior/community college movement began in the late 1800's and early 1900's in the United States and grew steadily. In the period following the Depression and World War II, growth revolved around the establishment of the college as a "people's college" with an "open door concept", providing college transfer, adult education, and vocational-technical courses.

In the 1960's, a change in relationships began to emerge between administration and the faculty and staff of the college. This change was the growth of collective bargaining in the public sector.

By this time, the community college was ready for the collective bargaining process. Part of the community college curriculum was based on vocational-technical training which sends its students into highly-organized industrial collective bargaining units. The majority of its faculty was either from secondary educational backgrounds which has had a history of union organization, or from business and industry where private sector bargaining was known. The students themselves were often from lower socio-economic backgrounds with family histories of union membership and collective bargaining.

As organization began, each community college unit had its own reasons for organizing, both external and internal, with many of the reasons classed as universal to all units.

Some of the external reasons include the history of civil rights and the perceived violation of academic freedom; the emergence of educational unions; the enabling state and federal legislation; the financial control by state legislatures; the role of state agencies and coordinating groups; the economy; and the fluctuating nature of enrollments and the subsequent demand for instructors.

Some of the internal reasons include low salaries linked with perceived low job status; job security; the need for better working conditions; the growth of the colleges and the perceived loss of faculty control.

These external and internal factors joined to form a compelling force for collective bargaining in community colleges throughout the nation.

Oregon enacted a public employees collective bargaining act in 1973. Modeled after the National Labor Relations Act, Oregon joined with an increasing number of states which were granting collective bargaining rights to their public employees (Brodie, 1975:337).

Like Henry Ford College in Dearborn, Michigan in 1966, Oregon community colleges began to organize and bargain collectively following this 1973 enactment. From 1973 to present, Oregon community colleges have established formal collective bargaining units in twelve of thirteen colleges. During this period the faculty in the Oregon community colleges increased from 1307 to 1582 in 1980-81 (HEGIS Report, 1980-81). With this rapid growth in collective bargaining in Oregon colleges, came a rapid growth in conflict in the form of grievances.

The definition of a grievance varies with each author. According to Carr and VanEyck (1973:217), "it is often understood to include any complaint by an employee or by the bargaining agent on behalf of itself or of one or

several employees that the terms of the contract have been violated". Another writer says, "generally stated, a grievance and arbitration procedure is an extension, if not a part of, the continuing collective bargaining process...[but] the term 'grievance' itself has no meaning apart from what the parties of the collective bargaining contract give it" (Ferguson, 1974:371). Lastly, Elkouri and Elkouri (1973:109) define a grievance as "that which the parties to a particular collective agreement say it is. Such a definition, of course, does no more than apprise one of the fact that labor relations authorities disagree widely as to the precise meaning of the term...." However grievances are defined, they are a part of the collective bargaining process and almost all contracts have a procedure whereby grievances can be introduced and resolved in an orderly manner.

Several studies have looked at grievances and grievance filings. Begin (1977:14) studied the grievances filed in New Jersey community colleges and concluded, in part, that "Faculty-administration tension tended to account for the grievance rate where it was the highest... and the most frequently grieved issues derived from the operation of the appointment, promotion, tenure procedures, and related evaluation procedures." Ferguson (1974:378) in his paper on grievance-arbitration procedures states that, "the ranking grievances in educational settings precisely

involve matters of academic judgement, such as tenure, promotions, sabbaticals, reappointments, etc."

Finally, Duane's study (1979:289) on faculty grievances, based on the assumption that a clear understanding of grievances is an aid in the administration of post-secondary education, concluded that first, the issues of appointment/layoff, salary, and workload were the primary areas of concern in faculty grievances, and second that "grievance data analysis is an effective administrative tool...."

Grievance procedures are the day to day change agents of the collective bargaining process. Various authors cite the importance of the grievance procedure. Bush (1977:393) states that the "negotiated grievance procedure in a contract...[is] the heart of the contract. The grievance procedure makes the contract a living document primarily because it provides for the orderly resolution of disputes." Carr and VanEyck (1973:216) state this another way. They said that, "The contract states that standards--the rights and commitments agreed to by management and labor. Through grievance processing these standards are applied to specific situations and particular individuals...it [grievance processing] has been...described... as 'the name of the game...'" In Elkouri and Elkouri (1973) Arbitrator Michael I. Komarff is cited as describing grievance procedures as the "life-blood of a collective

bargaining relationship" (p. 107, cited in North American Aviation, Inc., 16LA744, 747(1951)). The importance of the grievance procedure has been well documented in the research.

Along with understanding the importance of the grievance procedure in the collective bargaining process goes the complete understanding of the procedure itself. Some researchers mention the use of in-service training as a method for familiarizing administrators and collective bargaining units with the contract. Howe (1973:43) said that in order to develop a "sense of comfort" with the grievance process, in-service training supplying complete knowledge of the contract is in order. Duane (1979:279) said that a "requirement for successful grievance data analysis is a familiarity with the grievance procedure...." Gianopulus (1972:19) recommended that graduate training, in-service sessions, and workshops be initiated in order to train college personnel for "rational participation in collective negotiation." Finally, Bush (1977:391) says than an "ongoing training program in labor-management relationships, grievance processing and conflict management..." is critical for an institution.

Two areas frequently mentioned in the research are the nature and the number of the grievances. The nature of the grievance or the issue upon which the grievance was based was examined by Begin (1977) in his review of the

collective bargaining contracts for post-secondary education in New Jersey. Both Duane (1979) and Muchinsky (1980) used the issues named by grievants as a major support for their studies. The number of grievances filed is also important. Howe (1973:44) concluded that, "While the filing of any one grievance is not a danger sign, the filing of many grievances certainly is." Gross (1980: 60-61) stated that "A rash of frivolous grievances is a symptom of something unhealthy in the body of the school district just as a fever in the body is a sign of something."

An additional concern is the importance of recording and analyzing grievances once they are filed. This particular issue has strong support from those researchers involved in the study of collective bargaining. Gross (1980:62) states that "one of the most important things a school superintendent must do or have done for him is to analyze the grievances...[to determine the cause]." Howe (1973:44) stated that "beyond the importance of dealing with grievances is the urgent responsibility of analyzing grievances both individually and collectively." He goes on to say that grievances filed today are issues in collective bargaining negotiations tomorrow. Gaswirth (1980) suggests that careful records be maintained by school officials for the express purpose of analyzing grievances. He also suggests that records of grievance procedures be

used in preparation for further negotiations. Leslie and Satyrb (1977:194) suggest that since the grievance procedure is used by the union as a means of enforcing the contract, "at a minimum, this means that they...[the union] will wish to monitor the filing and resolution of grievances." Finally, Begin (1977:35) suggests that "a file of arbitration awards and grievances decisions should be maintained and reviewed at least annually. A consistent record keeping system should be developed across the colleges." The analysis of such files would assist in answering additional questions raised in the area of collective bargaining.

The development of a methodology designed to monitor and analyze all elements of grievance filings in public community colleges settings is the major purpose of this study.

Limitations of the Study

This study will be limited in the following ways which may affect the ability to generalize these findings.

1. Study sites were limited to the thirteen community colleges in Oregon.
2. The population was limited to only those people who met the following criteria:
 - a. those employed during the 1979-80 and 1980-81

school years at Oregon community colleges,
both faculty and classified staff,

- c. those who are members of a formally organized collective bargaining unit.

DEFINITIONS

Agreement, collective bargaining -- a written agreement arrived at as the result of negotiations between an employer or group of employers, and an employee organization or group of organizations.

American Association of University Professors -- AAUP -- a national organization of faculty members founded in 1915 for the protection of academic freedom and tenure. In 1971, it voted to pursue collective bargaining as a "major additional way" of achieving its goals.

American Federation of State, County, and Municipal Employees -- AFSCME -- the largest union representing "non-academic" campus workers. An AFL-CIO affiliate.

American Federation of Teachers -- AFT -- an affiliate of AFL-CIO that represents primary, secondary, and post-secondary teachers. It is considered the most militant of the faculty unions.

Appropriate bargaining unit -- the unit designated by the Employment Relations Board to be appropriate for the purpose of collective bargaining.

Arbitration -- a method of settling labor-management disputes in which an impartial third party is chosen to listen to the problem and make a decision on the settlement of the disputes.

Award -- the final decision of an arbitrator.

Bargaining agent -- a union which is the exclusive representative of all workers.

Bargaining unit -- a group of employees represented by a labor organization on a sole and exclusive basis for the purposes of collective bargaining.

Collective bargaining -- the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and to confer in good faith with respect to wages, hours and other terms and conditions of employment.

Employment Relations Board -- ERB -- a three member Oregon state board whose duties include conducting elections and investigating and hearing unfair labor practices allegations. In addition, the ERB can initiate fact-finding, aid in selection of arbitrators, make declarations on the validity of strikes, and resolve payment-in-lieu-of-dues questions.

Enabling legislation -- with regard to collective bargaining, state laws which allow public employees to organize into associations and bargain as a single entity.

Grievance -- any complaint by an employee, a union or any employer that the contract has been violated, misapplied or misinterpreted.

Grievance arbitration -- the resolution of a dispute concerning the application, interpretation or violation of the bargaining agreement after the contract has gone into force.

Grievance procedure -- a contractual arrangement for settling disputes which arise out of the interpretation and/or application of a collective bargaining contract.

Legislative body -- the legislative assembly, the city council, the county commission and any other board or commission empowered to levy taxes.

Management rights -- those aspects of the employer's operations which do not require discussion with, or concurrency by, the union or rights reserved to management which are not subject to collective bargaining.

Management rights clause -- the section of the contract that outlines the management's rights.

Mandatory -- subjects of bargaining which must be negotiated and are defined as wages, hours, and other terms and conditions of employment.

Negotiations -- the process by which representatives of labor and management bargain to set conditions of work. e.g., wages, hours, benefits, working conditions, and the machinery for handling grievances.

Past practices clause -- a clause in a contract stating that previous practices of the employer will continue unless they are modified by the contract. The opposite of a zipper clause.

Permissive -- those terms that may be raised by either side and that are negotiable with the consent of the other party.

Private employer -- those institutions that are privately chartered even though they receive government support. Private employers are governed by federal law.

Public employee -- an employee of a public employer but does not include elected officials, persons appointed to serve on boards or commissions or persons who are "confidential employees" or "supervisory employees"

Public employer -- the state of Oregon or any political subdivision therein, including cities, counties, community colleges, school districts, special districts, and public and quasi-public corporations, except mass transit districts organized under ORS 267.010 to 267.390. "Public employer" includes any individual designated by the public employer to act in its interest in dealing with public employees.

Unit -- the group of employees that a labor board determines is appropriate to select an agent to represent them, see bargaining unit.

Zipper clause -- a contract clause stating that the contract is complete and contains all terms and conditions of employment for its duration. Opposite of a past practices clause.

II. REVIEW OF LITERATURE

History and Growth

In the late 1800's and early 1900's, the forerunner of today's community college began to emerge and establish itself as an element in the American educational system. According to many writers, the roots and initial growth of the two-year college can be traced from several factors. First the growth of the community college was aided by the position of public high school education in the American educational picture, second there already existed some two-year post-secondary institutions and third, there was a change in American higher education that was being advocated by some university presidents and deans.

In the late 19th and early 20th centuries, the role of the secondary school in American education was still in a state of flux. For example, both Colorado and Michigan had five-year high schools, while other states had yet to decide on the number of years for a secondary program (Thornton, 1960:49). Many educators felt that grades thirteen and fourteen belonged in the secondary system and that these years should serve as preparatory years for university training. In fact, "The three-and four-year high school did not become a stabilized institutional form until the mid-1920's (Blocker, Plummer, Richardson, 1965:25). By the late 1940's the twelve-year public school system

was finally established (Blocker, Plummer, Richardson 1965:27).

Another important decision concerning secondary schools was the financing. The Kalamazoo decision of 1872 determined for the first time that public high schools would be tax supported. Monroe sees this as a vital step in the establishment of tax support for community colleges (1976:6).

The second element which forecasted the growth of the community college was the existence of already established two-year post-secondary institutions. Some of these institutions were private two-year religious colleges similar to the first two years of the American college and university system. "Generally small in size and limited in their programs and objectives, these first colleges helped to foster the idea of the public junior college" (Kelly and Wilbur, 1970:7).

Another two-year program, the technical institute, appeared about 1895. These schools were established in order to prepare young people for occupational careers not otherwise available to them in college or high school programs (Blocker, et al. 1965:27). Additional two-year forms "included the academy, the normal school, and a variety of institutes, seminaries, six-year high schools, junior college departments in high schools, and lower division of universities" (Palinchak, 1973:26). Obviously, two years

of education beyond high school was not a new idea to the American public.

Probably the most important element of growth was the fact that the university presidents and deans who had been educated in Europe recommended a change in the American school system. These educators envisioned a system similar to the German pattern which would serve only the elite and would shift the first two years of college out of higher education and into the existing secondary system.

Many reasons were cited for the adoption of such a system. First, many high school graduates were considered to be inadequately prepared for the rigors of a university atmosphere. Second, the numbers of students wanting to go into higher education were increasing with the general growth in population, and third, the addition of two years to the secondary system would provide a source for acquiring a general education for those who were "less affluent and less able high school graduates" (Monroe, 1976:10).

One man, William Rainey Harper, believed enough in the idea of the German pattern to separate the first two years which he called "Academic College," from the second two years, which he called "University College." This occurred at the University of Chicago in 1892. "Four years later these titles were changed to 'junior college' and 'senior college' - perhaps the first use of the terms." (Thornton, 1960:46-7). He also encouraged the founding of other

public junior colleges and added two years to the high school program in Joliet, Illinois, in 1901. Today Joliet Junior College is the oldest public junior college in existence in the United States. According to Cohen, (1971: 9) however, Joliet Junior College was not the beginning of a new era in education, but rather, it was the end of an old idea that was to have eliminated the four-year college by separating the upper division and graduate levels from lower division levels.

The idea for establishing this German style system was not successful. There were several reasons for this failure. One argument was that a six-year high school could not provide an adequate preparatory education for a university student to enter as an upper classman. A second argument was that the already established American college tradition would not allow for such a change nor would the alumni support it. In addition, according to Monroe (1976:8), recent graduates of the university needed the teaching jobs provided by the incoming freshmen and sophomores in the universities.

Three forces - the fluidity of the secondary system, the other two-year institutions which already existed, and the advocacy for change by leading educators-all combined to fix the idea of a junior college in the minds of the public. Two other emerging factors also contributed to the initial growth of the junior college. There was

"the economic wherewithal for community and junior college development in a country that was rapidly becoming the wealthiest in world history," and the "general public's acceptance of the idea of providing an easy access to higher education for all who could desire it and profit by it" (Kelley and Wilbur, 1970:5-6).

This final issue is cited by many as playing a very important part in the development of American education--especially the junior colleges.

Legislative action by the states provided the basis for the growth of the junior colleges. Following the premise that "one of the oldest and most basic notions of Anglo-American law is that the power of the purse is exclusively the province of the legislative body, be it Parliament, Congress or the state legislature"... the California legislature in 1907, enacted the first laws establishing a public community college system (Henkel 1980:358). They were followed in turn by other states until today, 1981, all 50 states, American Samoa, Guam, Micronesia, and Puerto Rico have at least one public community college (AACJC Directory, 1980:62). Because the junior college was already well rooted in the minds of people and the American educational system, its growth was sure.

The curriculum was also changing. Due to the influence of Harper and others, the early junior college course offerings were generally college transfer. According to

Thornton, the two-year college which provided "instruction of strictly collegiate grade" became well established by the 1920's (1960:50). These transfer courses, according to Blocker (1965:31) are the "oldest and most revered" of all junior college courses.

In the 1920's, the curriculum began to broaden to include terminal vocational courses. There were many reasons cited for this increase. First was an awareness of the need for vocational training for those students who would not go into higher education. In addition, American industries needed skilled workers. Second, as the number of students increased, the schools could afford to invest in the equipment needed to offer the terminal vocational courses. Third, educators in higher education were beginning to accept the junior college as more than just a prep school for the university, and were lending their support. Finally, junior colleges were responding to the civic, social, religious, and vocational needs of the community in which they were located.

World events such as the Depression and World War II also added to the growth pattern of the community junior colleges. Many people saw education as a way to improve their situation following the Depression. In later years, returning veterans took advantage of the GI Bill and the expanded demand for skilled labor and went back to school in large numbers.

It was not, however, until the addition of the adult education and community service component that the full stature of the community college was established (Thornton 1960:53). The birth of adult education and community service came about because of the general concern that a community college should serve the local community that supports it. It was the President's Commission on Higher Education for American Democracy report, released in 1947, that

proposed that free public education should be extended upward to include two more years of study beyond high school and...the proposed community colleges would offer all types of terminal and general education programs to meet the need of the local community's work force... (Kelley and Wilbur 1979:12-13).

It was after 1950, however, before most states had amended their laws to include adult education, and other services in the two-year college responsibility (Blocker 1965:31).

By 1960 the multi-purpose community college was well established and, according to Hall (1974:8), forty to sixty new institutions were opening yearly. Its success was based on "its curricular relevance, accessibility, and adaptability to constantly changing societal needs" (Palinchak 1973:28).

Today, the twentieth century community college is defined by a state legislative action which enables it to

exist and function. In general terms, the community college may be defined "as a two-year collegiate institution conferring no higher than the associate degree, offering lower division transfer and/or terminal-vocational programs of varying length" (Kelley and Wilbur 1970:5).

As a final note, Edmund J. Gleazer in his farewell address as president of the American Association for Community and Junior Colleges, described the community college as "'people's colleges' that 'meet people where they are, adapt to their needs, find their prestige in the degree to which the learner's needs have been met'" (Chronicle of Higher Education, April 27, 1981:5).

Origins of Oregon Community Colleges

The origins and development of the Oregon community colleges closely correlate with the community colleges nationally. To begin, the public school system in Oregon was established by the Territorial Legislature in 1849 and the enrollment figures show a steady upward growth pattern from the 1940's to a more constant enrollment pattern in recent years (Oregon Blue Book 1981-82:159). As in the rest of the country, growth was steady and sure.

Second, two-year institutions were coming into existence. The YMCA in Portland, in 1884, created some evening classes which were later organized into "a two-year,

non-profit educational institution (1946) under the name of 'Multnomah College'." (Pence 1966:34). Bills were also being introduced into the legislature to permit establishment of public junior colleges. In both 1925 and 1927, bills were introduced, but failed to pass. However, in 1938, 1947, and 1949, three area vocational schools were formed. They were in Eugene, Klamath Falls, and Oregon City respectively (Pence 1966:34). The curriculum was composed primarily of industrial courses.

Finally, there was evidence of support from the residents of Oregon for the community colleges as shown by the legislative interest in 1925 and 1927. It was 1949 and the passage of the Dunn Bill, however, which allowed lower division collegiate work (Medsker 1980:268). This legislation came at the end of World War II and coincided with the post-war interest of veterans in returning to school.

During that same year, 1949, the Oregon legislature gave further proof of their support by asking Dr. Leonard Koos to do a study in Oregon and make some recommendations concerning two-year colleges and Oregon. His report titled, "A Community College Plan for Oregon" served as a guide to the state for the establishment of subsequent community college legislation in 1951. However, it was the recommendation of a committee report in 1955 that convinced the 1957 legislature to pass the laws that allowed

special districts to be developed for community colleges. For example, Central Oregon Community College was established as a community college under the provision of this law (Pence, 1966:38).

In 1961, the financial pattern for community college support was established in Oregon. The legislature agreed to let the districts tax themselves and set up a seven member board to maintain local control (Oregon CC 1978:i).

By 1964, "Six community colleges were organized within area educational districts and offered comprehensive programs including both lower division collegiate and vocational-technical preparatory work" (OCC Annual Report 1964:65:1). These six community colleges, were Southwestern Community College, May 15, 1961; Treasure Valley Community College, October 19, 1961; Clatsop Community College, February 14, 1962; Central Oregon Community College, February 14, 1962; Blue Mountain Community College, June 11, 1962; and Umpqua Community College, March 30, 1964. Close on the heels of these six were Mount Hood Community College in East Multnomah County and Lane Community College which had been already in existence as Eugene Technical School since 1938.

In the fall of 1971, Rogue Community College was added to the list of Oregon's community colleges making a final total of thirteen institutions in the state. These thirteen colleges still adhere to the policy statement

proposed by the Legislative Interim Committee on Education of the Fifty-Second Legislative Assembly (1963) and adopted as a part of the Oregon Revised Statutes in 1964 (Foundations 1982).

Sources of Faculty

The greatest source of faculty in the community colleges has been the secondary school. According to Koos (1925:64), the majority of the early community-junior college faculties were secondary teachers. In fact, he states that

at least a few friends of the junior college made so bold as to assert that it [the junior college] would offer better instruction in these school years than is afforded in other higher institutions, the chief ground cited for the conviction being that the more seasoned high-school instructors selected for junior-college work are more effective teachers than are the younger, less experienced instructors often employed in colleges and universities.

Based on the final degree held by the instructors in the 1920's, the number of faculty at community colleges without degrees was approximately 3 percent; with a bachelors degree, 46 percent; with a master's degree, 47 percent; and with a doctorate, 2 percent (Koos, 1925:67). The two largest groups of degree holders, the bachelors and masters, were usually from secondary school background.

Eells (1931:402) stressed the need for faculty with good teaching ability such as secondary teachers over university professors with subject matter ability because there might be a need for faculty to branch out and teach more than one subject. He stated that "It is fair to expect a master's degree for junior college teaching positions, and surely no lower standard could be considered as at all satisfactory...." There was, in addition, a definite increase in non-academic subjects taught between 1920 and 1930, but no mention was made by Eells as to the source of the faculty for the non-academic subjects.

The pattern of faculty sources did change somewhat in the succeeding decades. In 1960, according to Medsker, the majority of instructors in the community colleges were still from the secondary system and held master's degrees. O'Bannion (1972:54) supports this, but goes on to state that the faculty were recruited from primary and secondary schools; other two-year and four-year institutions; graduate schools; and business and industry. By 1978, though, the source of faculty had become more widespread. According to Wenrich (1978:8),

new faculty come from a heterogeneous set of backgrounds. Some enter after years of experience in an occupational area; some come directly from graduate studies or university teaching; others begin their community college teaching after initial experience in the secondary system; the rest come from a potpourri of previous experiences.

The Foundation for Oregon Research and Education (1977:53) report states that although many faculty and administrators in Oregon have come from four-year institutions, the major source of staff for the community colleges has been primarily the secondary system of education. Another, more recent source of community college faculty has been graduates of the college and university departments in community college education.

A final descriptive note on the faculty of community colleges comes from Abigail Zuger's report (1977:52). She describes the colleges as staffed by "a uniquely worldly academic...part professor and part public servant... a relative newcomer to the academic scene."

Private Sector Bargaining

Private sector bargaining in the United States has evolved over the years. It began during the time when labor unions were illegal until today when not only are labor unions legal, they are protected from abuse by law. A brief review of the federal legislation will demonstrate how collective bargaining developed within the private sector.

The idea that the organization of labor or the collective bargaining demands by any labor group was a criminal conspiracy was popular in the early labor history of the United States. Prior to 1932, "yellow dog" contracts

(which required employees to sign agreements saying that they were not union members nor would they join any unions while employed) were used by employers to discourage unionization. In 1890, the Sherman Antitrust Act was signed, and it, too, was used to discourage unionization. The Clayton Act of 1914 seemed to support the right of labor to organize, but "in a series of decisions the United States Supreme Court virtually nullified the advantages organized labor had assumed would be reaped from the passage of the Act" (Updegraff, 1970:43).

The Norris-LaGuardia Act of 1932 began to address the issues of private sector bargaining more fully. One of its stipulations was to make illegal the yellow dog contracts. Another stipulation was to put limits on the type and number of union activities that could be prohibited by federal law. "This statute has made the suit for a labor injunction a rarity in federal court, rather than a common form of procedure" (Updegraff, 1970:47).

The National Industrial Recovery Act of 1933 provided for establishment of the National Labor Relations Board and provided that workers could bargain collectively, "but it did not provide any means to enforce these rights against employers who refused to engage in 'good faith' bargaining" (Carr and VanEyck, 1973:4). In 1935 this act was declared unconstitutional by the Supreme Court, and Congress went on to pass the Wagner Act.

This Act, also known as the National Labor Relations Act, had one focal point. It became mandatory for employers to recognize labor organizations and to bargain with them collectively, thus making refusal to bargain an "unfair labor practice." Other unfair labor practices included were discrimination against an employee for union activity and recognition of a company-dominated union (Updegraff, 1970:48). The Wagner Act developed the machinery to handle "petitions, elections, [and] determination of the appropriate bargaining unit," (Engel 1976: 22). This Act, more than any other, strengthened labor unions and is generally cited as the beginning of collective bargaining through federal law.

Other federal legislation followed further defining the limits of the labor-management relationship. The Fair Labor Standards Act (also called the Wages and Hours Act of 1938) established a minimum wage per hour, a 40 hour work week, and time and a half pay for over 40 hours per week. However, unions were not mentioned in the Act, and it was intended to cover all workers regardless of union or non-union affiliation.

In 1947, the Taft-Hartley Act, or Labor Management Relations Act, further defined the limits of certain practices. Among the limits were the preservation of the rights of rank and file members above the rights of either the unit or the union leaders; the outlawing of the closed

shop; the right not to take part in union activities; the right to terminate representation by a union if the majority of union members agreed; the right to fee regulation; the guaranteed right of a union member to present personal grievances; and the right of the union member to know the financial affairs of the union (Updegraff, 1970:50-54).

The Taft-Hartley Act also recognized the fact that "professional" employees could organize and that they could bargain separately from a unit containing "non-professional workers" (Carr and VanEyck, 1973:20). According to Wolotkiewicz, (1980:144), "The Taft-Hartley Act...of 1947 served to strengthen the national legislative foundation for collective bargaining, but the process was still confined to the private sector and even more specifically only where interstate commerce was involved."

Although many labor union abuses were resolved by the passage of the Taft-Hartley Act, it was still necessary, twelve years later in 1969, to pass the Landrum-Griffin Act (Labor-Management Reporting and Disclosure Act) to further limit the abuses of some labor leaders and employers. Some of the corrections were disclosure of financial transactions, a "Bill of Rights" for union members, and the ceding to the states, all matters rejected by the NLRB.

The course of labor legislation has been steady and continuous since it first began in the mid-1800's. According to Updegraff, (1970:39)

When the common law rules which preceded all federal legislation and the long series of statutes are studied, they seem to sustain the generalization that the course Congress has followed has been fairly consistent regardless of who was the tenant in the White House at the time, or which party was in the majority on Capitol Hill.

Many statutes, opinions, and policy rulings comprise the federal law that controls collective bargaining in the private sector. The National Labor Relations Board has been the principal agency for enforcing the federal law which applies to enterprises engaged in interstate commerce. Exempt from this control are federal, state, and local governments. These agencies fall under the term "public sector."

Public Sector Bargaining

Kennedy's Executive Order 10988 in 1962 is generally cited as the beginning of collective bargaining for public servants. This order made it federal policy to grant recognition to unions of federal government employees. The rights included:

1. The right of employees to join organizations of their choice.
2. Organizations could be granted informal, formal or exclusive recognition.
3. The executive of the agency is required to meet and confer with respect to personnel policies and working conditions.

4. Advisory arbitration of grievances arising under the operation of agreements resulting from such meet-and-confer sessions provided for (Wolotkiewicz, 1980:144).

This order was an expression of an already established mood in the United States. According to Burton (1979:13) though, the order was "less significant for... [its] content than as a symbol of presidential support for collective bargaining."

The rights of state and local government employees to organize is controlled by state law. This enabling legislation at the state level was first passed in Wisconsin in 1959. It was Milwaukee Technical Institute, a public two-year school that was the first to be organized by a local faculty association in 1963 (Crossland, 1976:39). The next few years saw an expansion of the public sector collective bargaining laws in many states. Today there are a total of 458 public two-year campuses which have chosen a collective bargaining agent (Chronicle of Higher Education, September 23, 1981:6).

Public sector bargaining grew rapidly. The reasons for this growth are grounded both in events of the past and in current events.

According to Tyler (1976), unions are the natural result of the nature of humankind. From the Aristotelian theory of polis, to the Medieval guilds, to the caste systems, people with similar interest have joined together.

According to Burton (1979), there were three major developments that enhanced collective bargaining in the public sector. The first development was the inherent conditions that are a basic part of government employment. Included among these conditions were common working standards for employees; production of a social product rather than goods or services; a shared community of interest because of similar jobs; and low wages and fringe benefits.

The second development was the conditions which existed prior to 1960. These were the state of the economy which provided employment, but gave sluggish raises; the growth in numbers of public servants which made them a political force; and the addition to the work force of young minorities who distrusted the established order.

The third development was the post-1960 conditions which included the changes in public attitudes toward collective bargaining and its accomplishments; the enabling legislation by the states; and the support of collective bargaining by federal legislators and Presidents. Burton (1979:16) concludes that growth in public-sector bargaining was "surprisingly great" and that the causes were multiple. "In short, the public sector bargaining surge that began after 1960 was unanticipated then and is inextricable now."

Bargaining in the Community College

"The growth of unionism and collective bargaining in the public sector has been characterized as the single most important labor market phenomenon to occur in the last ten to fifteen years" (Staller, 1975:7). The force for unionizing within education and, in particular within the community college faculty and staffs, has had its own characteristics. The developmental background of the community college has played a major role in the advent of collective bargaining.

First, the growth pattern in the community colleges was a definite factor. Community colleges grew quickly so teachers had little time to do anything but teach, and administrators had time only to administer programs for the first years. There was little time for a sense of "old type collegiality" to develop. This was followed by a period when the rapid growth in the colleges slowed to a condition best described as "steady-state" (FORE, 1977: 56). Teachers began to want a greater share in the governance of their colleges. Participation in decisions affecting their professional lives became more important and unilateral decisions by boards and administrators were unpopular. There was now time for increased faculty participation, and unions were seen as a way to begin to acquire the wanted political power. "Organizing was viewed as a

cause or movement - a declaration of self-determination (for the community college faculty) in their relationship with boards of trustees and administrators" (Jacobs, 1979: 24).

Secondly, the community college systems were developmentally behind in comparison to the primary, secondary, and university systems in the United States. These systems had been in effect since the early settlement of the American colonies. According to Jacobs (1979:23), the community college faculties were and are still unsure of their positions in the realm of education. A majority of the faculty employees come from the secondary system which was considered lower in "prestige", and the faculties saw themselves as generally not accepted into the "higher" ranks of the college and university professoriate. Lahti (1979:13), called this the "uncharted place in the higher educational hierarchy" for the community college faculty. Unions were seen as a way of determining the professional status of the community college faculty (Cresswell, 1976: 7).

The current situation, as well as the historical situation, has also played a major role in the advent of collective bargaining in community colleges. These current forces can be described as both external and internal. Those events which are outside of the community college such as societal pressures are external. Those events

which are inside the community college such as salaries, working conditions, and growth are internal. The response to these external and internal forces may vary with each campus, but there are some events and responses which are common to most colleges.

The external events are composed of a variety of factors. The civil rights movement and the militancy of educators and students in the 1960's played an important role in setting the climate for collective bargaining (Cresswell, 1978:7). This militancy, according to Burton (1979), was tied to a general attitude change. Young workers and members of minority groups were supporters of the civil rights movement. Other segments of society joined them. A reflection of these changing attitudes was the establishment of collective bargaining on the college campuses.

A second event, one that is closely linked to militancy, was the perceived violation of academic freedom. According to Angell (1977:8), graduate students were not prepared to face the freedom of the college and university campuses and consequently, found outlet in the political unrest of the time. State legislatures reacted to the unrest with restrictive measures which, when tested in the courts, did not hold up. However, the restrictions were seen as a violation of academic freedom and caused dissatisfaction among the faculty.

Another external event was the role of the unions themselves. Education unions were not a new idea to the public. The American Federation of Teachers began pushing for unionization as early as 1935 (Schultz, 1975). When K-12 teachers finally organized, it served as a catalyst for the community colleges and they too began to organize. Successful bargaining by one group of teachers (such as K-12) seems to have a reinforcing effort on other peer groups and serves as a reference point in increasing collective bargaining in schools (Hellriegel, 1976:220-221).

A fourth event was the enabling legislation from the state legislature. This is probably the most important external factor in collective bargaining (Garbarino, 1980:75 and others). Without the legislation making collective bargaining legal for public servants, community colleges faculties and staffs would never have been able to begin organizing. It has been pointed out, however, that it might be difficult to determine whether the enabling legislation was a result of union growth, or union growth was a result of the favorable legislation (Burton, 1979:15).

The continuing role the state legislature plays is a factor in the current forces. Money is controlled by the legislature, and community colleges are in stiff competition with others to get funding for their budgets (Schultz, 1975). In addition, the creation of the state

coordinating committees for higher education, resulted in a loss of autonomy for local colleges. Many unions advocates saw local unions as a way of maintaining control at the local level.

Today's rapid rate of inflation and exploding costs which are tied to the current economy are also an external force (Kemerer and Baldrige, 1975). Educators are sensitive to the unstable economy, and many see unions as a way to provide some stability to their jobs. According to Burton (1979) however, the relationship between the economy and the upsurge in unionizing is not easily detected.

The student enrollment picture and the supply and demand for teachers who are available for employment is a current force. When the post World War II baby boom hit the educational system, teachers were in demand and jobs were available (Angell, 1977:6). Today, although there has been a steady increase in enrollments, (AACJC Directory, 1981:2), there has been a decline in faculty positions available and the market has tightened (Gershenfeld, 1976:240). The supply of educators is greater than the number of jobs, and therefore, job security among the employed faculty is a concern as pressure from unemployed teachers increases (Cresswell, 1976:4).

These many reasons, the civil rights movement and the factor of academic freedom; the role of unions themselves; the enabling legislation which created the right

to bargain; the legislative control through the funding of budgets; the additional state agencies set up to augment educational services; the current economy; and the changes in the supply and demand of teachers all combine to create a strong external force for community college faculty and staffs to organize into collective bargaining units.

In addition to the external forces, there are the internal forces within the community colleges that have helped establish a positive atmosphere for collective bargaining.

As determined by Angell (1973:89) and others, the strongest internal force is the perceived need by employees for improved salaries. Linked closely to the need for salary increase, is the employee's perceived status or rank. Pay can indicate level of status and degree of responsibility. Cresswell (1976) and others stress that employees will take action to improve their salaries to equal their professional responsibilities if they feel the two do not coincide. Not only that but, "a well-paid profession attracts people of high potential." (Angell 1977: 19)

Another internal force is job security and/or security from loss of tenure if tenure is an issue in the school. Budget pressure has made teachers tenure conscious. "Despite the prevalence of tenure, threats to employment security are very real to faculty and academic

professionals as they observe retrenchment activity" (Wolotkiewicz, 1980:146).

The general improvement of working conditions is also an internal force for organizing. Working conditions may be defined as control of class schedules, teaching loads, school calendars, and promotions. Wolotkiewicz (1980:150) points out, however, that the "unique nature of faculty responsibilities...tend to be somewhat nebulously defined and have not yet stabilized."

The growth of some colleges is seen by Wolotkiewicz (1980) and others as a force which has influenced organizing on campuses. As the concept of the multicampus became a reality, the resulting increase in the bureaucracy and administrative units have convinced many employees that unions are the only way to be heard. The desire to maintain or increase their voices in governance is a motivating force for bargaining.

In other cases, though, collective bargaining has been seen as a way of preserving a present situation that is desirable and controlling any redistribution of internal authority brought on by an emerging and dominating administration (Gershenfeld, 1976).

The internal reasons, the need for improved salaries and the corresponding desire to establish rank and status; the need for job security during retrenchment; the general improvement of working conditions; the growth of some

campuses and the perceived loss of control by faculty; and the use of bargaining as a way of preserving an existing situation are all forces which have contributed to the positive atmosphere for collective bargaining. Both external and internal reasons, although not present on every campus, are present enough of the the time to cause a rapid growth in collective bargaining in community colleges.

NEA, AFT & AAUP

Once the college faculties decide to bargain, they need to select a bargaining agent. The choice of units in higher education is generally limited to three groups, although legally any group who wishes to be the appropriate bargaining unit may be so just as long as they comply with the state law. This allows independent groups of nationally recognized groups to be the bargaining agent.

These three groups, the National Education Association or NEA; the American Federation of Teachers or AFT; and the American Association of University Professors or AAUP are nationally accepted associations in education. It should be kept in mind that it is the local affiliates of these groups that are the actual bargaining agents for the local unit although the national groups do provide services to the local affiliate when called upon to do so.

The oldest of these three national organizations is the NEA, which was founded in Philadelphia in the mid

1800's. Its purpose was to serve as a professional organization for educators in order "to elevate the character and advance the interests of the profession of teaching and to promote the cause of education in the United States"...(NEA Handbook, 1980-81:140). Members of NEA were either classroom teachers or supervisors and principals. The organization generally served those in education that were connected with the grades K-12 and, in some cases, K-14. The NEA campaigned actively and aggressively for public education and the improvement of teaching. Because the organization viewed itself as a professional organization, collective bargaining was not part of its general purpose and was firmly resisted. By the mid 1960's this stance began to change. Young militant teachers, watching the successful AFT, urged the NEA to become more involved in collective bargaining. NEA did begin to change its policy on collective bargaining and by 1968, had become a supporter of teacher's strikes. It had moved slowly but had managed to retain its members, many of whom had gone into community college teaching. NEA represents most of the community colleges outside large cities and heavily unionized states as the national association whose local affiliates are the bargaining agents for the local college units. Today 248 of the 458 chosen agents in two year colleges are NEA affiliates (Chronicle of Higher Education, September 23, 1981:6).

The next largest group to represent public two-year colleges is the AFT. This organization, founded in Chicago in 1916, had a specific purpose of improving teacher's salaries. Since it was the mid 1960's before public sector bargaining became legal, the AFT existed as a professional group, but a very militant one and was affiliated with AFL-CIO. In 1962, when the AFT won an election over NEA to be the bargaining unit in New York City public schools, the major growth of the organization began. Today, it is the bargaining agent found most frequently in large cities and heavily unionized states (Stern, 1979: 66). According to Ladd and Lipset, "The A.F.T. is perceived as the most militant, radical and politicized of the three, with the NEA falling between it and the A.A.U.P" (Chronicle of Higher Education, February, 1976: 12). Today, in public two-year colleges, the AFT is the national organization for 149 of the 458 bargaining agents chosen by faculty members (Chronicle of Higher Education, September 23, 1980:6).

The third organization is the AAUP. This group, founded in 1915, is the only national professional association to represent college and university professors. It is estimated that one-third to one-half of the professoriate are members of AAUP (Carr and VanEyck 1973:121). The original purpose of AAUP was to protect academic freedom, tenure, and due process. The organization was not union

oriented and resisted strongly any suggestion that it become so. It was 1972 before the AAUP finally voted to support collective bargaining. According to Carr and VanEyck (1973:126), the vote in 1972 for support appears to have come chiefly from young, untenured faculty members representing institutions that had experienced all the recent ills in education, government, and finance. In the report by Ladd and Lipset (1976) on faculty unions, they state "The AAUP is clearly identified as the most professional and least militant organization" (Chronicle of Higher Education, February 9, 1976:12). According to the Chronicle of Higher Education (September 23, 1981:6), 22 of the 458 two-year colleges have chosen the AAUP as their bargaining agent. The other 39 of the 458 not accounted for are 7 units which are a combination of AAUP-NEA, 31 units which are independent agents and 1 unit which is a combination of AAUP-AFT.

Bargaining and the Classified Staff

While community college faculties were engaged in collective bargaining, other state employees were also unionizing. One such organization, the American Federation of State, County and Municipal Employees (AFSCME) originally was an organization to strengthen civil service, but in 1954 committed itself to collective bargaining (Burton 1979:9). In 1975, Tyler (1976:20) listed it among the

fastest growing unions in the country.

According to Burton (1979), public sector bargaining was inhibited before 1960 by economical, political and legal constraints which included stable market conditions with good job security, a large influx of people who were traditionally hard to organize, a prohibition of strikes, and civil service laws which provided protection somewhat similar to the collective bargaining grievance system.

The same conditions that prevailed after 1960 and caused faculties to bargain were the ones that caused other public servants to organize and bargain too. Some of these conditions were Presidential backing of labor, enabling legislation, favorable public outlook toward public sector bargaining, and a general interest by the labor movement in the public sector (Burton 1979:12-13).

Burton (1979), concludes that public sector bargaining grew more than anticipated, that there were more than one cause, and that the causes were complex. The growth cannot really be adequately explained.

Contracts

Once community colleges faculties and classified staffs have decided to bargain, and have established themselves as a unit, the next important step is to draw up a contract. The contract is the core of the relationship

which in turn is surrounded by "layers of labor relation law,...employment discrimination law,...and, in public institutions, constitutional law...and public employment statutes and regulations" (Kaplan, 1976:87).

→ ✓ A collective bargaining contract may be defined as a legal document representing a relationship which is defined by either state or federal law. At its narrow interpretation, it is designed to deal with wages, hours and terms and conditions of employment.

In the case of the public sector, the state legislature enacts the laws making it legal for collective bargaining units to exist. In fact, public employees are excluded from coverage under federal labor law (Alexander, 1972:737). In post-secondary education, only those private non-profit institutions that engage in interstate commerce and have a gross annual revenue of over one million dollars are under the authority of the National Labor Relations Board and federal law (Lefkowitz, 1975:248).

✓ The contract, drawn up specifically for the two parties involved, is of prime importance. It is upon this written document that the security of the unit rests. In essence, the document is just the beginning of an involved relationship between labor and management.

There have been a number of studies which have examined contracts according to the content issues, (Kellet 1975, Collective Bargaining 1975, and Mannix 1975), but

Crossland (1976:41) describes contract content best. He states that although contracts vary in length and detail, there are essentially four issues common to each contract. They are

✓ compensation (salaries, fringe benefits, annual increments); working conditions (teaching loads, sabbaticals, office hours); job security (tenure, academic freedom, promotion policies, grounds for termination); and grievance procedures (detailed descriptions of due process to be followed in resolving disputes).

Subjects to be bargained also fall into two other categories, mandatory and permissive.

Mandatory subjects are defined as those that must be bargained, and they include wages, hours, and terms and conditions of employment. In most cases, the issues of the grievance procedure is considered a mandatory subject for bargaining.

Permissive subjects are defined by George Angell (1977:134), as "management rights,...that either party can refuse to bargain without being guilty of an unfair labor practice." In other words, mandatory subjects must be negotiated until an agreement is reached between the two parties while permissive subjects may or may not be negotiated. Often times permissive subjects are used as a "price" or a "trade-off" by one side or the other for a more favorable condition. Generally though, once a

permissive subject is a part of the contract, it is almost impossible to remove. Therefore, according to Stalcup (1978:20), those subjects that are considered permissive should be negotiated carefully.

It is important, then, to remember that the negotiated contract with its mandatory items of wages, hours, and terms and conditions of employment and its additional permissive items

has the effect of law, and that future issues between faculty and administration will be settled more and more on the basis of an arbitrators ruling, using the contract as the primary legal relationship between employee and employer.... Special attention must be given to the grievance procedures because they provide the means by which a faculty union attempts to enforce each provision of the contract. Without grievance procedures, the contract would be meaningless (Angell, 1972:501).

Grievance and Grievance Procedures

The definition of a grievance varies with the author. According to Howe (1973:42), an almost classic and complete definition of a grievance...is "an allegation of violation, misinterpretation, or misapplication of some specific provision(s) of the contract." According to another authority, "it is often understood to include any complaint by an employee or by the bargaining agent on behalf of itself or of one or several employees that the terms of the contract have been violated" (Carr and VanEyck, 1973:217).

Another writer says "generally stated, a grievance and arbitration procedure is an extension, if not a part of, the continuing collective bargaining process...[but the] term 'grievance' itself has no meaning apart from what the parties of the collective bargaining contract give it" (Ferguson, 1974:371). Lastly, Elkouri and Elkouri (1973: 109) define a grievance as "that which the parties to a particular collective agreement say it is. Such a definition, of course, does no more than apprise one of the fact that labor relations authorities disagree widely as to the precise meaning of the term."

However grievances are defined, they are a part of the collective bargaining process and almost all contracts have a procedure whereby grievances can be introduced and resolved in an orderly manner.

Grievance procedures, those procedures outlined in a collective bargaining agreement by which differences are resolved, have historically been accepted by labor and management "in a contract as the heart of the contract" (Bush, 1977:393).

Other authors attest to the importance of such procedures. Justice William O. Douglas called them the heart of the agreement within a system of self-government (Vladeck, 1975:297). Angell (1972) states that without grievance procedures the contract would be meaningless. Howe (1973:43) describes grievance procedures as the "contract-enforcing mechanism and, as such, is contributory.

It is a conflict-resolution process and not a conflict-creating one." Benewitz (1974:23) describes a grievance procedure as "a systematic way in which complaints of contract violations may be reviewed."

The function of a grievance procedure is to enforce the terms of the contract through the channeling of the conflict into "a forum for peaceful resolution" (Gaswirth, 1980:15). This peaceful resolution of alleged violation, misinterpretation, or misapplication of contract terms is based on the elements of the grievance procedures.

The first element is a definition of what constitutes a grievance. This can be a broad or a narrow definition depending on the contract. Some contracts limit items that are grievable to the terms and conditions of the contract, while some contracts allow for the grieving of additional administrative policies, or past practices. Some contracts also have a zipper clause which restricts grievances only to those items specifically described in the contract.

A second element is the time limits placed on the grievant and the administration. The time limits may be set on the initiation of a grievance as well as on the processing of the grievance. Benewitz (1974:23) found that thirty days was average for initiating a grievance, and Mannix (1974:26) found that the average internal time limit allowed for each step of the grievance procedures was five to ten days. Contracts vary on the number of days allowed,

and some have no specific time limits at all. Mannix (1974:27) warned that "vague, misleading, or extremely short time limits for filing initial grievances may be counter-productive."

Another element of the grievance procedure is the structure. Generally, the structure is divided up into steps with each step providing for specific action on the part of the grievant and the administrator.

Step one provides for the informal resolution of the grievance between the grievant and the immediate supervisor. Depending on the contract, this may or may not be a written statement by the grievant.

If the grievance goes past the first and/or informal step, the grievance is written out and becomes formal. Succeeding steps consist of the grievant moving up through the hierarchy of administration with each step allowing for resolution. Some contracts provide for a union representative to assist the grievant through the process.

Generally stated, the higher the grievant goes through the steps, the greater the loss of control over the grievance by the aggrieved, and the greater the gain of control by the bargaining agent.

The final grievance step is generally binding or advisory arbitration and this step, according to Mannix (1974:28) is controlled by the bargaining agent. Restrictions on arbitration may appear in the contract. The

selection of an arbitrator, the cost involved, and the limits of the power the arbitrator has in making decisions are often spelled out.

The actual handling of the grievance calls for some specific techniques on both sides of the table. The first step is to give the grievant prompt attention and ascertain that the story is factual or as Gross (1980:64) states, "One must listen not only to words, but also to the melody; that is, not only must there be development of the facts, but reasons behind the facts."

Depending upon contract restrictions, a written grievance consists of a statement of the nature of the grievance, the contract clause of the administrative decision or policy that was violated, and the relief sought (Gaswirth, 1980:47).

The swift and equitable handling of grievances is perhaps the most important factor in securing harmonious and cooperative relationships between employer and professional employee in educational institutions (Angell, 1972:505).

According to the Grievance Guide (1972:1), however, the prompt settlement of grievances probably relies more upon the attitude of the people involved than what is written in the grievance procedure. Time limits, fixed or unfixed, can be used by either side to advance or delay solutions. Personal attitudes toward solutions will have the greatest impact.

Despite all the caveats, well-functioning grievance machinery can protect individual rights which are the *raison d'etre* of any contract.... The contract, by clarifying and specifying rights, and the grievance procedure by providing a simple method of resolving differences, should make the educational programs better (Benewitz, 1974: 24).

Studies on the Grievance Files

Various studies appear in the research materials in support of different aspects of this project. The analyses of grievance files and procedures were used in some studies. Other studies recommend pre/in-service training and one final study recommends a method for categorizing grievances.

The first study to be examined was done by Angell in 1972. The purpose of his research was to review the impact of grievance procedures on the administration and faculty in New York community colleges. The methodology for the study was based on interviews with administrators and faculty, review of the contracts and a review of the grievances filed under the contracts.

He concluded that the impact of grievances would be minimized with "swift and equitable handling" when grievance procedures were "carefully prepared," "flexible" and "constantly reviewed" (Angell, 1972:505).

A second study was done by Begin in 1977. The purpose of this study was to examine the community college

collective bargaining process in New Jersey. This is a definitive study and reviewed many aspects of community college collective bargaining. In part, he presented the findings of a preliminary analysis of the operation of the grievance process in selected New Jersey community colleges.

The methodology for the research included interviews with union and administrative officials, the use of a brief questionnaire to gather additional information from the administrators, telephone interviews with some four-year colleges to establish a basis for comparison and analysis of arbitration awards.

Some of the selected conclusions drawn by Begin and based on the preliminary analysis of the grievance process were:

1. The results showed that the issues most frequently grieved were derived "from the operation of the appointment, promotion, and tenure procedures and related evaluation procedures" (Begin, 1977:131).
2. The rate of grievance and arbitration at the community colleges "has not been high" (130).
3. The low rate can be attributed partially to the use of the informal resolution process and partially to the limitation on the scope of the bargaining process in the contract.
4. The grievance procedures formalized institutional procedures.

5. "A file of arbitration awards and grievance decisions should be maintained and reviewed at least annually. A consistent record keeping system should be developed across the colleges" (Begin, 1977:35).

A third study, by Duane (1979) at the University of Minnesota, was concerned with the design of a grievance data analysis model that would be appropriate for administrators of post-secondary educational institutions. The purpose of the study was to analyze all grievance procedures and grievances filed under those procedures in order to create a model for grievance analysis.

Some of the selected conclusions drawn by Duane and based on his analysis of grievances and grievance procedures were:

1. The results showed that "faculty grievances at the SUS (Minnesota State University System) clearly indicate that this institution's primary issue of concern is appointment/lay off (50.0 per cent)" (Duane, 1979:282).
2. The rate of settlement of grievances was an "effective means for detecting problem[s]...within [various levels of] an institution" (Duane, 1979: 285).
3. There are limitations to the use of grievance data analysis.

4. The importance of grievance data analysis rests on its careful compilation and analysis.
5. The administrators must understand the use of the grievance data analysis procedure.
6. The relationship between the management and the union will influence the number of grievances.

These three studies illustrate how analysis of grievance procedures and grievance files have been used to collect data and draw some conclusions.

Some researchers specifically support the use of pre/in-service training for purposes of contract administration. Bush (1977:391) states that "it is critical that the institution establish for college administrators an ongoing training program in labor-management relations, grievance processing, and conflict management." Howe (1973:43) says "no single more important aspect of the orientation or in-service education of administrators to the contract can be identified than complete familiarity and sense of comfort with the grievance process." In her handbook on faculty bargaining, Wolokiewicz (1980:152) states that "specific training for administrators is recommended in areas such as laws and legal processes affecting collective bargaining, labor, management relations, grievance processing and conflict management." The FORE report (1977:8) urges collective bargaining training for both labor and management. Finally, Munchinsky states that a

suggested remedy for reducing the number of grievances is to promote training to understand the contracts which in turn would result in less time and money spent on labor disruptions (1980:60).

In conclusion, Gaswirth (1980:67-8), in his report titled Administering the Negotiated Agreement, outlines a list of subjects that can be used to help categorize grievances as they are filed. This list is as follows:

1. the number of grievances filed by topic
2. contract clause, board policies and administrative decisions most frequently cited
3. clauses relied upon by management in responding to union grievances
4. classes of employees by school, subject area, or other category most prone to file grievances
5. settlement rate of grievances at the supervisory level
6. rate of appeal beyond supervisory level
7. the kinds of grievances that most often go to arbitration
8. the kinds of grievances that are not pursued to arbitration
9. arbitration decisions and awards
10. disposition of grievances that center on the interpretation of contract language

Gaswirth also states that unions have a "right and a duty" to protect the employees' benefits that are received through contract regulation and that responsible management must have a forum available to employees where differences can be resolved, "a forum for peaceful resolution" of

grievances (1980:15).

Summary

The purpose of the community college has remained relatively unchanged through the decades. The colleges have remained comprehensive and community-based with an open door policy. Many of the faculty and staff of the community college came from either secondary school systems with already established practices of unionizing or business and industry with its private sector unions. According to state law, public servants may organize and join unions as a matter of their right to protect themselves. The community college, with its many facets, was ripe for bargaining.

A major part of bargaining is providing for a method of conflict management between the two sides of the unit. The grievance procedure, accompanied by the right to file grievances, is an effective way to manage differences. In order to understand completely what is happening during the grieving process, it is necessary to keep accurate and complete records of the grievances, the issues which are involved, the person who filed them and the final disposition of them. Such a system for research and information can be of great value to both the labor and management sides as each strives to find the working balance between

them that will best serve the population to whom they administer, the community college student.

III. RESEARCH DESIGN

Methodology and Procedures

The central purpose of this study was to develop methodology designed to monitor and analyze all elements of grievance filings in public community college settings, and at the same time guarantee the complete confidentiality of the respondent.

This chapter will contain the following information:

I. Methodology for Development of the Instrument

A. Content analysis as a method of research.

1. Definition of content analysis
2. History of content analysis
3. Methodological description of content analysis

B. Content analysis as applied in this research Development of Schedule 1--Grievance File Checklist

C. Development of Schedule 2--Demographic Data Questionnaire

D. Verification of Schedules 1 and 2 and the Data Collection procedure

II. Use of the Data Collection Instrument

A. Rationale for time frame

B. Rationale for population selection

C. Rationale for selection of grievance files

III. Data Collection Procedure

Methodology for Development of the Instrument

The instruments used to collect the data were developed

according to the following guidelines:

A. Content analysis as a method of research

The nature of this research called for the development of an objective and systematic methodology to examine the grievance process. Because of the difficulty of examining non-quantitative data which has been randomly recorded and stored such as the records relative to formal grievances, a proven method for data analysis was necessary. Content analysis was selected as a method appropriate for the research design in this thesis. According to Berelson (1954:514), "If the study...[deals] with a large and representative body of materials to be analyzed in terms of a set of highly specifiable categories which appear with substantial frequencies, in order to produce objective and precise results...(then) careful counting is probably.... warranted."

1. Definition:

"Content analysis is a method of studying and analyzing communication in a systematic, objective and quantitative manner to measure variables" (Kerlinger 1973:525).

2. History of content analysis:

Content analysis, a research tool that was first used by students of journalism to study newspapers at Columbia University in the 1920's, has evolved from a statistical analysis of the semantics of

politics to a method in which "the relative emphasis or frequency of various communication phenomena [such as] propaganda, trends, styles, changes in content [and] readability ...are measured" (Kerlinger 1973:525).

3. Methodological Description of Content Analysis:

According to Kerlinger (1973:525), content analysis is used as a method of observation and measurement. However, in order to observe and measure, certain steps must be taken. The first step is to identify the U or the universe of content to be analyzed. The next step is to categorize or partition the universe into its various parts. Following the categorization, the units of analysis must be selected. The choice of units may include words, phrases, themes, characters, and items. These units are assigned to categories. Once these decisions are made, the materials to be examined are "potentially quantifiable" (Kerlinger 1973:529). The researcher will be able to "count the number of objects [units] in each category after assigning each object to its proper category" (Kerlinger, 1973:530)(See Figure 1).

B. Content Analysis as applied in this research

Content analysis was used in this research on two levels. First, the general framework of the methodology was used to

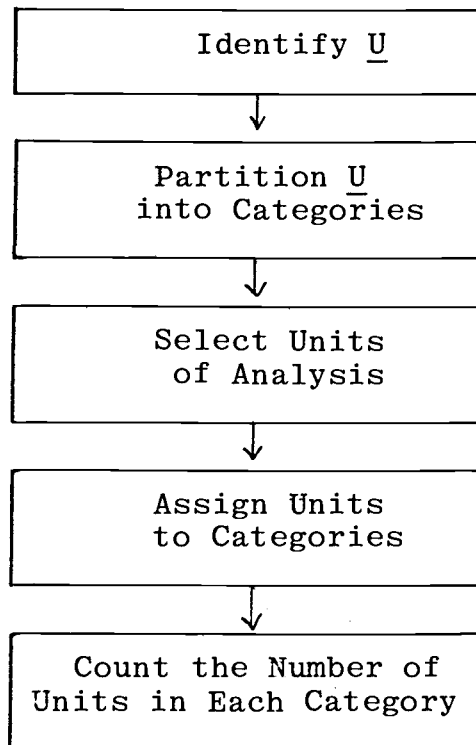


Figure 1. Model for Content Analysis
(Kerlinger 1973:528-530)

establish the categories and units of Schedule 1. Schedule 2 was designed using a fixed alternative method. Second, with the establishment of the categories and units, the grievance files were examined and the units were counted.

1. Development of Schedule 1 - Grievance File Checklist

- a. Step one was to identify U, the universe of the content that was to be analyzed. The U in this research were the grievance filings of the collective bargaining units in Oregon community colleges for the school years 1979-80 and 1980-81.
- b. Step two was to partition the universe of the content into categories. Partitioning was

accomplished by identifying the problem in the research. The selected categories were the nature and the resolution of the grievance filings.

- c. Step three was to select the units of analysis. The units of words and phrases were selected for this research. The units in this research were identified from two sources. First was an analysis of sixty-seven arbitration cases listed in the October, November and December (1976) issues of Arbitration in the Schools, and secondly, by direct review of the table of contents of five faculty collective bargaining contracts from Oregon community colleges (See Appendix 4).
- d. Step four was to count the number of times certain words and phrases appeared in the written materials. A selection of the most frequently appearing words was made.
- e. Step five was to have the selected words and phrases reviewed by a panel of experts. (See Appendix 4).
- f. Step six was to establish the final units and design the data collection instrument. (See Figure 2 - Part 1).

- 2. The application of Schedule 1 to the grievance files:

D. Verification of Schedules 1 and 2 and the Data Collection Procedure

The Schedules 1 and 2 and the data collection procedure were reviewed by a panel of experts (See Appendix 5). This panel was asked to answer the following questions concerning the Schedules 1 and 2 and the proposed data collection procedure:

1. Are the categories in each question complete?
2. Will the categories elicit the information necessary to address the problem?
3. Are there any suggestions you would offer for the clarification of either Schedule 1 or 2?
4. Does the data collection procedure follow acceptable standards, given the sensitive nature of the information sought? (See Appendix 2)

Use of the Data Collection Instrument

A. Rationale for the time frame

The school years of 1979-80 and 1980-81 were chosen for this research because:

1. they were the most recent years for which complete files were available
2. the faculty and staff involved in the grievance filings were more likely to be available for interviews.

B. Rationale for population selection

Only these people who fulfilled the following criteria were selected:

1. Those employed during the 1979-80 and 1980-81 school years at Oregon Community colleges
2. Those who were members of a formally organized collective bargaining unit in which this research was conducted.
3. Those members who had filed grievances through their collective bargaining units.

C. Rationale for selection of grievances filed

One-hundred percent of the grievances filed and available to the researcher were used.

Data Collection Procedure

The following steps were used to collect the data:

A. A representative of Oregon State University Department of Post-Secondary Education traveled to each college campus and collected the data from the grievance files of both faculty and classified staff.

B. Each community college was assigned a random two-digit number with the letter "F" to designate faculty or "C" to designate classified staff. This number was known only to the college and the OSU representative. The number appeared on each survey questionnaire, both Schedules 1 and 2, for the purposes of identification only. No names of the college or its employees appeared on the data collection documents. The participating colleges are presented alphabetically in Appendix 6 without any reference to the identifying numbers.

- a. Step one was to go to the grievance files and count the number of times the words and phrases appeared either by direct examination of the files or by interview with faculty and staff.
- b. Step two was to count the number of times the words and phrases appeared on Schedule 1 and compile the data.
- c. Step three was to draw conclusions based on the compilation of the findings. (See Figure 2, Part 2).

C. Development of Schedule 2 -- Demographic Data Questionnaire

The questions in this schedule were written primarily as fixed alternative items and were designed to identify the source of the grievance filing. The following criteria in the form of questions were used to determine the importance of the items.

1. Is the question related to the research problem and the research objectives?
2. Is the type of question right and appropriate?
3. Is the item clear and unambiguous?
4. Is the question a leading question?
5. Does the question demand knowledge and information that the respondent does not have?
6. Does the question demand personal or delicate material that the respondent may resist?
7. Is the question loaded with social desirability? (Kerlinger, 1973:485-7)

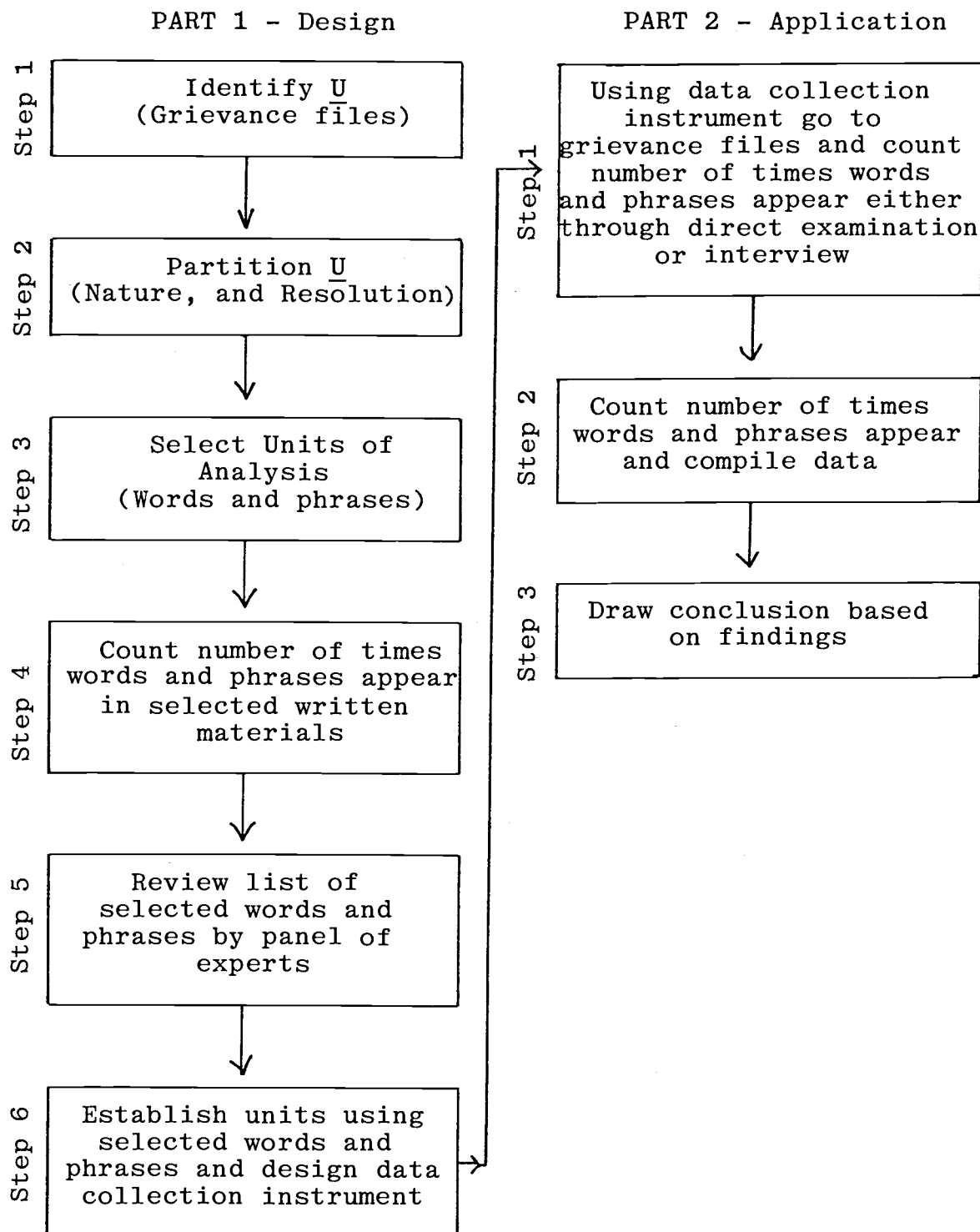


Figure 2. Design and application of Schedule 1

C. The researcher reviewed grievance case files and completed a Schedule 1 for each file. In the case of a class action suit, only information pertinent to the group filing was recorded.

D. Two alternative methods for collecting the personal data on the aggrieved were proposed. The college identification number was to be attached to each demographic data questionnaire as well as a two-digit file number so that the demographic data could be linked to the grievance file data. Names did not appear on either Schedule 1 or 2.

Alternative 1

The researcher would, with the permission of the collective bargaining units and the administration, contact each of the aggrieved and conduct a personal interview collecting the necessary background data.

Alternative 2

The faculty association representative or the classified staff association representative would contact each of the aggrieved and gather the background data. The results of this survey would be mailed to the researcher at OSU.

E. Only one Schedule 2 would be filled out for each grievance file.

F. The data would be compiled for the appropriate analysis.

G. All numbering keys would be destroyed upon completion of the research project.

H. Upon completion of the project, each college would receive a copy of its own data plus a compilation of the data from all the other colleges.

CHAPTER IV

DESCRIPTION OF THE DATA

The following information is a description of the methodology used and the data gathered during the data collection procedure (see Appendix 3).

General Population Characteristics

1. An initial letter was mailed out in January 1981 to each of the thirteen Oregon community college presidents (See Appendix 1). The general response from the presidents as a group was positive.

2. Follow up contacts using a mailed General Information Sheet resulted in a 76.9 percent positive response from the faculty units and a 58.3 percent positive response from the classified units (see Table 1).

3. Since not all faculty units responded to the request to take part in the study, it was necessary to utilize the 1980 and 1981 American Association of Community and Junior College Directories to determine the total full-time faculty employed in the thirteen Oregon community colleges. The total full-time faculty from 1979-80 was 1703. Using the data from the General Information sheet, total full-time faculty from the ten participating community colleges was 1246. Taking into consideration the differences between the two sources of data, it can be determined that 73.2 percent of all full-time community college faculty

TABLE 1.

GENERAL POPULATION CHARACTERISTICS

	FACULTY				CLASSIFIED			
	Number		%		Number		%	
	1979-80	1980-81	1979-80	1980-81	1979-80	1980-81	1979-80	1980-81
Number of colleges participating	10		76.9		7		58.3	
Total employees	1703	1721			no information available			
Total employees participating	1246	1289			848	872		
Percent Participa- tion			73.2	74.9	no information available			
Total Union Member- ship	993	1009			611	689		
Percent Union Member- ship of participat- ing C.C.			79.7	78.3			72.1	79.0
Affiliation of participating colleges								
AFSCME					2	2	28.6	28.6
AFT	1	1	10	10	2	2	28.6	28.6
Independent	2	1	20	10	1	1	14.3	14.3
OEA	7	8	70	80				
OSEA					2	2	28.6	28.6

were a part of the study for 1979-80 (see Table 1).

The total full-time faculty in the thirteen colleges for 1980-81 was 1721. The total full-time faculty from the ten participating units per the General Information Sheet, was 1289. Again, taking into consideration the two sources of information, it can be determined that 74.9 percent of the faculty took part in 1980-81 (see Table 1). Similar information on the full-time classified staff was not available.

4. The responses from the faculty units indicated that 79.7 percent of all faculty were union members for the year 1979-80 and 78.3 percent were union members in 1980-81. Membership in the classified units was 72.1 percent for 1979-80 and 79.0 percent for 1980-81 (see Table 1).

5. The union with the largest number of faculty affiliates was the Oregon Education Association or OEA. In 1979-80, 70 percent of the faculty units were OEA, 10 percent were not affiliated with a national group but were classed as independent. In 1980-81, 80 percent were OEA, AFT remained the same and the independent units dropped to 10 percent.

The classified affiliations were more equally divided among the unions. The American Federation of Teachers (AFT), the American Federation of State, County and Municipal Employees (AFSCME) and the Oregon School Employee Association (OSEA) each shared 28.6 percent of the total.

Independent units comprised 14.3 percent of the total (see Table 1).

6. The total number of grievances filed with the participating faculty units for 1970-80 and 1980-81 was 44. The total number of grievances filed with the participating classified units for the same time period was 25.

One complete questionnaire (Schedules 1 & 2) were completed for each grievance that was identified. The individual questions and the responses are as follows:

Grievance File Checklist -- Schedule 1

1. What was the specific incident that lead to the filing of this grievance?

There was a total of 48 incidents based on 44 grievances filed with the faculty units. The greatest number of grievances (14.6 percent) were filed on the issue of reduction in force. This was followed by the issues of discipline and recognition (see Table 2).

For the classified units, with 30 answers based on 25 cases, the major incidents were holidays/vacations and salary scale (16.7 percent each) followed by work assignments and insurance (10.0 percent each) (see Table 2).

2. The reasons this grievance was filed was due to:

1) interpretation, 2) application or 3) violation of the contract.

**TABLE 2. SPECIFIC ISSUES
WHICH LEAD TO THE FILING OF THE GRIEVANCES**

<u>Issue:</u>	Faculty		Classified	
	#	%	#	%
Compensation				
Additional compensation (over-time, summer school, evening classes, extra duty)	2	4.2		
Salary Scale	2	4.2	5	16.7
Job Security				
Discharge for Cause	3	6.3		
Discipline	5	10.4	1	3.3
Discrimination	1	2.1		
Evaluation	3	6.3	2	6.7
Hiring Practices	3	6.3	1	3.3
Promotion	2	4.2	2	6.7
Reduction in Force	7	14.6	2	6.7
Retention	1	2.1		
Working Conditions				
Holidays/Vacation	1	2.1	5	16.7
Work Assignments	4	8.3	3	10.0
Work Load	3	6.3	1	3.3
Other				
Contract Clarification			1	3.3
Fair Share	1	2.1		
Recognition	5	10.4		
Miscellaneous	2	4.2	2	6.7
<u>Leaves:</u>				
Sabbatical				
Sick	2	4.2	1	3.3
Personal	1	2.1	1	3.3
<u>Fringe Benefits:</u>				
Insurance			3	10.0
Total Number of Answers	48		30	
Total Number of Cases	44		25	

For the faculty units, there were 51 answers based on 44 cases (The difference in numbers is due to the fact that some respondents checked more than one answer.) The reason for the greatest number of grievances filed was interpretation of the contract (41.2 percent).

For the classified units, there were 25 answers out of 25 cases. Of these, 64 percent were filed because of violation of the contract (see Table 3).

3. At what step/level was the grievance initiated and at what step/level was the grievance resolved?

Out of 44 faculty cases, 47.7 percent of them were initiated with the Dean (see Table 4A.) The resolution of the largest number of grievances was with the President, (40.9 percent) while 20.5 percent went to Arbitration, (see Table 4B).

Of the 25 classified grievances, 84.0 percent of them were initiated with the Immediate Supervisor (see Table 4A), and the President resolved 52 percent of the cases (see Table 4B).

4. Identify by position or title the person against whom the grievance was directed.

Out of the 44 faculty cases, 59.1 percent were filed against the President/Board/Administration while 27.3 percent were filed against the Chair/Director (see Table 5). The classified units followed the same pattern (see Table 5).

TABLE 3. REASON FOR FILING

	Faculty N=51		Classified N=25	
	#	%	#	%
interpretation of the contract	21	41.2	5	20.0
application of the contract	6	11.8		
violation of the contract	15	29.4	16	64.0
alleged violation of adminis- trative policy	5	7.8		
alleged violation of employer's policy	4	7.8	1	4.0
inequitable administrative action	1	2.0	3	12.0

TABLE 4. STEP INITIATED/RESOLVED

	Faculty N=44		Classified N=25	
	#	%	#	%
<u>A. Step Initiated</u>				
Immediate Supervisor	16	36.4	21	84.0
Chair/Director	3	6.8		
Dean	21	47.7	1	4.0
President	4	9.1	3	12.0
=====	=====	=====	=====	=====
<u>B. Step Resolved</u>				
Immediate Supervisor	3	6.8	4	16.0
Chair/Director	2	4.5		
Dean	7	15.9		
President	18	40.9	13	52.0
Peer Review Committee	2	4.5		
Arbitration	9	20.5	4	16.0
Unknown			1	4.0
Withdrawn	3	6.8	3	12.0

TABLE 5. IDENTITY OF PERSON OR POSITION

	Faculty N=44		Classified N=25	
	#	%	#	%
Immediate Supervisor			2	8.0
Chair/Director	12	27.3	8	32.0
Dean	5	11.4		
President/Board/Administration	26	59.1	12	48.0
Unknown	1	2.3	3	12.0

5. At the final decision, was the grievance denied, partially sustained, or fully sustained?

Of the 44 faculty cases, 40.9 percent of them were fully sustained, 27.3 percent were partially sustained, 25.0 percent were denied, and 6.8 percent were withdrawn.

Of the 25 classified cases, 60 percent of them were fully sustained, 16 percent of them were withdrawn, 12 percent were partially sustained and 8 percent were denied (see Table 6).

TABLE 6. FINAL DECISION

	Faculty N=44		Classified N=25	
	#	%	#	%
Denied	11	25.0	2	8.0
Partially sustained	12	27.3	3	12.0
Fully sustained	18	40.9	15	60.0
Withdrawn	3	6.8	4	16.0
Unknown			1	4.0

Demographic Data Survey Questionnaire -- Schedule 2

1. This schedule represents a single action, a class action, or the association acting as a single person.

The data reveal that 72.7 percent of the faculty grievances and 75 percent of the classified grievances were filed by individuals (see Table 7).

2. Current employment status

Within the faculty grievances, 90.1 percent of them were filed by full-time employees while within the classified units, 95.8 percent were full-time employees (see Table 8).

Seven of the 44 people or 15.9 percent who filed faculty grievances were terminated and 3 of the 25 or 12.5 percent of the classified resigned upon completion of the grievance procedure (see Table 8).

3. Duties

The greatest number of faculty grievances (78.1 percent) were filed by teachers (see Table 9). The classified staff were considered to be full-time employees only and therefore were not divided into subgroups.

TABLE 7. TYPE OF ACTION

	Faculty N=44		Classified N=24	
	#	%	#	%
Single action	32	72.7	18	75.0
Class Action	12	27.3	6	25.0

TABLE 8. EMPLOYMENT STATUS

	Faculty N=44		Classified N=24	
	#	%	#	%
Full-time Faculty	40	90.1		
Part-time Faculty	4	9.1		
Part-time Classified			1	4.2
Full-time Classified			23	95.8
<hr/>				
Resigned	4	9.1	3	12.5
Terminated	7	15.9		

TABLE 9. DUTIES

	Faculty N=32	
	#	%
Teaching only	25	78.1
Professional Support Staff	2	6.3
Combination of teaching and other academic duties	5	15.6

4. Years Employed

In both faculty and classified units, the majority of the grievants who filed were with the college only 0-5 years. For the faculty, that represented 52 percent of the grievants and for the classified, 70.6 percent. In both cases, as the number of years of employment increased, the number of filings decreased or remained the same (see Table 10).

TABLE 10. YEARS EMPLOYED

	Faculty N=25		Classified N=17	
	#	%	#	%
0-5	13	52.0	12	70.6
6-10	6	24.0	3	17.6
11-15	5	20.0	1	5.9
16-20	1	4.0	1	5.9
21 or more years				

5. If instructional personnel, the major portion of the classes you teach apply to what part of the curriculum?

For the faculty grievants, the greatest number taught in the college transfer program (52.8 percent) while faculty in the vocational-technical areas filed 36.1 percent of the grievances, (see Table 11).

TABLE 11. AREA OF TEACHING

	Faculty N=36	
	#	%
College Transfer	19	52.8
Vocational-technical	13	36.1
Community Education	4	11.1

6. Before coming to this college, where were you employed?

The faculty grievants indicated that 33.3 percent of their ranks came from the public school system and

another 27.8 percent came from business and industry.

The classified number or responses to this question were very small and were divided evenly among the areas of public schools, business and industry, self-employed, and unemployed (see Table 12).

TABLE 12. PREVIOUS EMPLOYMENT

	Faculty N=18		Classified N=4	
	#	%	#	%
Public school	6	33.3	1	25.0
Junior/community college	3	16.6		
College/university	1	5.6		
Graduate/undergraduate work	1	5.6		
Business and Industry	5	27.8	1	25.0
Self-employed	1	5.6	1	25.0
Unemployed			1	25.0
Other	1	5.6		

7. What is your present educational background and/or certification?

The greatest number of faculty grievants held a Master's degree (56.6 percent) while the greatest number of grievants within the classified units had earned at least a high school diploma (75.0 percent) (see Table 13).

8. Age

Faculty members aged 31-40 years filed the largest number of grievances while the classified who filed

TABLE 13. EDUCATIONAL BACKGROUND
AND/OR CERTIFICATION

	Faculty N=23		Classified N=8	
	#	%	#	%
High School Diploma	1	4.3	6	75.0
Associate in Arts			1	12.5
Bachelor's Degree	4	17.4	1	12.5
Master's Degree	13	56.5		
Doctorate	3	13.0		
Union or Professional Certification	2	8.7		

were in an age bracket that was ten years younger (21-30). The second group of faculty to file were aged 41-50 while the second group of classified to file was 51-60 (see Table 14).

TABLE 14. AGE

	Faculty N=21		Classified N=15	
	#	%	#	%
21-30	1	4.8	6	40.0
31-40	9	42.9	3	20.0
41-50	6	28.6		
51-60	5	23.8	5	33.3
61 or more years			1	6.7

9. Sex

The number of faculty males who filed grievances outnumbered the faculty females by 54.8 percent to

45.2 percent. For the classified staff, the number of females outnumbered the males 64.7 percent to 35.3 percent (see Table 15).

TABLE 15. SEX

	Faculty N=31		Classified N=17	
	#	%	#	%
Male	17	54.8	6	35.3
Female	14	45.2	11	64.7

In summary, a portrait of a faculty grievant would be a 31-40 year old male with a Master's degree whose previous employment was in the public school system and who now teaches full-time in a community college transfer program and has done so for less than 5 years.

A similar composite picture of a classified person reveals a 21-30 year old female with a high school diploma who has been employed by the community college full time for less than 5 years.

Effectiveness of Research Procedure

1. Analysis of documentation of files on community college campuses

- a. The stated purpose in this research was to examine grievance files at each community college. The assumption was that such files existed and were available.

b. The manner in which grievance documents were filed varied with each college. It was observed that files ranged from one file per grievance to miscellaneous written materials. In some cases the file conditions were unknown. Table 16 shows the results of this observation.

2. Analysis of data collection procedure -- Schedules 1 and 2

a. The data collection procedure for Schedule 1 was designed before actual data collection began. The original proposal was for the researcher to go to the college campus and collect data relevant to grievances from both faculty and classified staff files. The results of this effort are shown in Table 17. The researcher did go to each college campus, but reviewed directly only 9.1 percent of the faculty files and 28 percent of the classified files. The remainder of the files were either reviewed with the president of the union; information was gathered by the president of the union and sent to the researcher in which case no files were reviewed; or information was given verbally to the researcher with no evidence of any written files.

TABLE 16. ANALYSIS OF COMMUNITY COLLEGE DOCUMENTATION PROCEDURE

	Faculty		Classified	
	(N=13)		(N=13)	
	#*	%	#*	%
one file for every grievance	4	30.8	3	23.1
misc. written materials - minutes of meetings, letters	3	23.1	3	23.1
condition of files unknown	2	15.4	1	7.7
no grievances	1	7.7		
no unit			1	7.7
refused participation in project	3	23.1	5	38.5

* Community College

TABLE 17. ANALYSIS OF DATA COLLECTION SCHEDULE 1

	Faculty		Classified	
	(N=44)		(N=25)	
	#	%	#	%
files reviewed directly	4	9.1	7	28.0
files reviewed with community college people	7	15.9	16	64.0
information sent/no files seen	23	52.3		
verbal only with community college people/no files seen	10	22.7	2	8.0

TABLE 18. ANALYSIS OF DATA COLLECTION SCHEDULE 2

	Faculty		Classified	
	(N=44)		(N=24)	
	#	%	#	%
demo info by interview, Alt 1			1	4.2
demo info by mail from grievant, Alt 2	1	2.3	2	8.3
demo info from mail by community college people	21	47.7		
demo info from community college people/verbal only	10	22.7	15	62.5
no info/class action	12	27.3	6	25.0

b. The data collection procedure for Schedule 2 was designed before actual data collection began. The original proposal was for the researcher to go to each campus and gather demographic data on the grievant using one of the two alternatives. The results of the effort are shown in Table 18.

The researcher did to each college campus, but was not able to interview any faculty grievant and only one classified staff grievant. A request for direct information by mail from the grievants resulted in one mailed reply from a faculty member and two mailed replies from classified staff grievants. The majority of the replies came from the union presidents by mail or were verbal replies by the union presidents to the questionnaire items.

No attempt was made to interview any grievants who filed under a class action suit.

3. Suggestions from Respondents for Additional Methodological Procedures

During the interviews with respondents to this research, a variety of suggestions were received concerning the project, the research procedure, and the role of collective bargaining on the community college campus. The

following are selected suggestions from these people:

- a. According to two sources, an important part of the success of grievance filings lies with the personality of the labor or management leader. An assertive, knowledgeable person is more likely to accomplish the successful filing of a grievance than one who is not. A "nice guy", well-intentioned, may not be the right person for the job of filing a grievance. The reverse is also true. A dominant, pushy person spoiling for a fight, may also be a poor choice. People, personalities and attitudes are important.
- b. Two leaders stressed the importance of talking to both sides of the table, both labor and management, in order to get a balanced view of a grievance problem. For the purpose of research, both sets of files should be reviewed in order to see a complete picture.
- c. One person suggested the importance of taking a grievance through arbitration in order to clean up contract language that was unfair or unclear. She felt a grievance that accomplished that was a worthwhile venture.
- d. Another issue addressed by more than one person was the necessity to settle a grievance rapidly

and on an informal basis, if at all possible.
A strong suggestion from one person, a labor
leader, was to file only "the winners."

CHAPTER V

SUMMARY, CONCLUSIONS AND RECOMMENDATIONSSummary

On today's community college campus, the formalized bargaining process has become a reality. The curriculum, the professional background of the faculty, and the career goals of the students all support the development and growth of collective bargaining. In addition, factors inside the community college such as employment concerns and salary scale as well as factors outside such as enabling legislation and state funding contribute to the establishment of unions on campus. The formalized process presents many challenges to both the labor and management sides of the bargaining unit.

Many of the challenges in administering collective bargaining contracts become manifest in the grievances which are filed under the procedures established in the contract. The three major concerns of grievance filings which are addressed in this paper are to identify, monitor and analyze the source, nature and resolution of the formally filed grievances.

The first objective of this study was to review the existing literature related to the rise of collective bargaining in the public sector and community colleges.

The historical beginnings of the community college

movement, the rise of collective bargaining through the private sector and into the public sector, the emergence of collective bargaining on community college campuses with the variety of forces that contributed to the phenomena, and the place of the grievances which are filed under the contracts have all been traced.

The second objective was to develop methodology designed to collect and analyze grievances in community college bargaining units.

Very few systems for collecting and analyzing grievance data could be identified in the research. However, ways of examining documents in social science research have evolved. One of the methods is called content analysis. It has been in existence for a number of years, but began to come into its own in the 1940's through the Columbia University study on propaganda in World War II. Since that time, its use has widened until today, with computers doing the scanning and counting, it is an accepted form of research.

In spite of the variation in the method of documenting the files in the community colleges, from well-documented to undocumented, this method of careful examination and precise counting brought order to the issues of grievances and grievance filings in this research.

In other research designs, the use of certain statistical tools upon data that have been quantified through this

process would be appropriate (Holsti 1968).

The third objective was to use this methodology to identify the nature and resolution of grievances in selected community college bargaining units.

Using the methodology of content analysis, research instruments were designed. These instruments in turn were applied to the variety of methods of documentation of the grievances filed in the community colleges. Both the nature, what the grievance was about, and the resolution, what happened to the grievance were identified using the instruments.

The fourth objective was to use an analysis of the effectiveness of this procedure to prepare a recommended methodology for community college grievance research.

In analyzing the effectiveness of this procedure, and in preparing a methodology to recommend to the community colleges, certain limitations were discovered. The objective was met through the identification of these limitations and are in turn listed in the conclusion section of this study.

A final objective was to utilize the findings of the research to suggest a model for a statewide procedure for community college grievance file research.

This objection was met by designing a model (see Figure 3) which incorporates a statewide research office with the purpose of designing uniform procedures for record

keeping, designing and conducting a pre/in-service training component, and conducting research of current grievance files.

Conclusions

Conclusions based on this study were as follows:

I Content Analysis

A. The use of content analysis as a research procedure is an adequate method for designing data collection instruments which may in turn be used for subsequent data collection in grievance research.

B. The data collection instruments, designed using the research procedure of content analysis, may be used to collect data on a variety of levels, including written materials and personal interviews (as long as the language of the instrument is clearly defined).

II Data Analysis

A. A majority of the employees of Oregon community colleges, both faculty and staff, are members of collective bargaining units which are affiliated with nationally recognized bargaining associations.

B. Although there was positive support from both labor and management for this study, this support was not adequate for the completion of the research at each site. Concern for confidentiality and related matters precluded

the researcher's ability to gain access to the files and the individuals necessary to complete the data collection.

C. An analysis of the source of demographic background of the aggrieved provides a composite portrait of a faculty grievant as being a 31-40 year old male with a master's degree whose previous employment was in the public school system and who has taught full time in a community college for less than five years.

Other studies lend support to this finding.

O'Bannion (1972:55) found that a "'typical' community-junior college faculty member" is between 31-50, male, previously employed in business and industry or public schools, has a master's degree and is a "recent" employee in the community college. Kemerer and Baldrige (1975) draw a portrait of a union advocate as an over 40 male, a community college teacher with a degree less than a doctorate, teaching in college transfer courses in the humanities or the social sciences.

An analysis of the source of demographic background of a classified grievant provides a composite portrait of a 21-30 year old female with a high school diploma who works full time in a community college and has done so for less than five years.

D. The 2.6% grievance rate, based on the number of faculty grievances filed (44) and an average of the total

number of faculty employed over the two year period (1712), is similar to results identified in other studies. Begin's study, with an average of 1629 faculty and 85 grievances and based on a four year period, showed a 5.2% grievance rate (1977:136). Benewitz's grievance rate, over a three year period, was 1.4% (1974:67). Muchinsky's study, based on 14 months, reveals a population of approximately 13,050 employees and a total of 290 third-step grievances. This calculates out to a grievance rate of about 2.2% (1981:57-58).

E. The issue most frequently grieved by the faculty was reduction in force. Although the issue of reduction in force might have been anticipated given the economic condition at the time of the study, this issue paralleled the principle issue of job security identified by Begin (1977:131) who found appointment, promotion and tenure procedures as top grievance issues.

Similarly, Benewitz (1974:66) found that reappointment and failure to grant tenure were important, and Duane (1979:282) identified the issue of appointment/layoff as a major problem.

F. The issues most frequently grieved by the classified staff were holidays/vacation and salary scale. The issues of salaries and workload were identified by Muchinsky (1981:58059) and Duane (1979:283) as being among the top three issues most frequently grieved. Begin (1977:131)

identified workload and related compensation problems as important sources of grievances.

G. Faculty and classified staff, respectively, identified interpretation and violation of the contract as major reasons for grievance filings. It is possible that these two factors actually represented the same concerns with the faculty describing the concern as a difference of opinion or interpretation of the contract and the classified viewing the situation as a violation. No efforts were made to follow up this question, however, clarity of definition in future studies would provide the basis for a review of this issue.

H. Upon analysis of the resolution of the grievances, the conclusion may be drawn that most of the formal grievances in Oregon community colleges were resolved within the community college structure. Less than one-quarter of those filed went to arbitration.

J. The final resolution of each of the grievances was important. Data show that in the faculty unit, approximately a third of the grievances were fully sustained, one third were partially sustained, and about one third were denied. In the classified units, 60% were fully sustained, 16% were withdrawn, 12% were partially sustained and only 8% were denied. These were findings that were not supported in other studies. In Muchinsky's study (1981:59) the denial rate at the third step grievances for the two agencies he studied was 93% and 89.5%, and Benewitz (1974:65) states that

"only a small percentage of all grievances were upheld...."

K. In reviewing the methods of documentation of grievances, it was determined that there are no uniform record keeping techniques used by community colleges to document grievance files. Some used very formal methods while others appeared to have considerably less formal data collection procedures and, in some cases, only miscellaneous notes relative to each grievance.

L. Based on the results of the data collection procedure the conclusion may be drawn that, although both labor and management are willing to release limited information for review (as long as personal or demographic data cannot be tied to the grievance issue), access to information is not adequate to fully examine a grievance filing. Several researchers demonstrated the importance of complete access to data to support the success of their work. Ladd and Lipset based their study on collective bargaining for the Chronicle on Higher Education (January and February, 1976) on demographic data, as well as a survey of faculty on attitudes and working conditions. Kemerer and Baldrige (1975:61-69) used demographic data and background material in their chapter on the examination of "Causes of Faculty Unionization." Cresswell (1976:4) sees "demographic conditions" as one of several important issues which has an affect on bargaining. Full and complete knowledge of the subject matter is requisite for drawing conclusions.

Recommendations

Several recommendations are proposed as a result of this study.

I. It is recommended that a complete and accurate record keeping system be established by both labor and management based on a uniform recording system. These records could be used for a variety of reasons including the identification and avoidance of potentially grievable issues within the current and future contracts.

II. It is recommended that each community college designate a person/office to compile labor and management grievance file records. In addition, it is recommended that demographic data be kept on each grievant, without invading the limits of confidentiality or privacy of the grievant, for the purpose of establishing an historical record of grievance filings in that particular college.

III. It is recommended that a neutral third party, such as a college or university or a state level Department of Education, be designated as a research office and be approved to receive copies of all grievance filings. This research office could serve as an important source of information and assistance to colleges before, during and after contract negotiations, during the period of contract management, or during any period of conflict resolution. Use of the research office by the community colleges would

be voluntary and assistance would be provided only upon specific request from the colleges.

IV. It is recommended that a pre/in-service training component be developed by the state research office for the purpose of assisting both labor and management in their respective roles in collective bargaining. Some examples of possible training components might include.

- A. An understanding of the beginnings and the development of collective bargaining on community college campuses,
- B. An analysis of specific contract items including contract modifications, role relationships, and timelines under which the community college operates,
- C. An understanding of the importance of language and language useage in the contracts,
- D. An understanding of the procedure by which an incident is grieved and resolved.

V. Acknowledging the fact that Oregon public record law exempts grievance files from public disclosure unless the contract provides to the contrary, but also acknowledging that such grievance file data is of historical as well as current interest, it is recommended each community college participate in future research activities with the assurance that

- A. No names would appear on any of the documents

sent from the college to the state research center,

B. Demographic data would be compiled at the college level and be sent on to the research office in a combined form,

C. Confidentiality of both grievants and institutions would be guaranteed in all research reports,

D. Research results would be shared equally with both labor and management.

VI. Finally, it is recommended that the following model (see Figure 3) for statewide grievance procedures, based on the above recommendations, be adopted for purposes of designing and conducting pre/in-service training; designing uniform procedures for conducting research on current issues which would include analysis, comparison, and compilation of the grievance records for historical as well as current value; and assisting both labor and management in their administration of the various aspects of the negotiated contracts in the Oregon community colleges.

VII. Additional questions that could be addressed by the state research office are:

A. To determine the cost to the community college in both time and money, of filing a grievance and carrying it through to a resolution,

B. To explore the attitudes and feelings of

faculty, staff, administrators, students and taxpayers toward collective bargaining on college campuses,

- C. To determine whether the addition of collective bargaining has made any impact on salaries, working conditions or any other terms and conditions of employment,
- D. To explore the expansion of the research office to encompass all public sector bargaining units in the state.

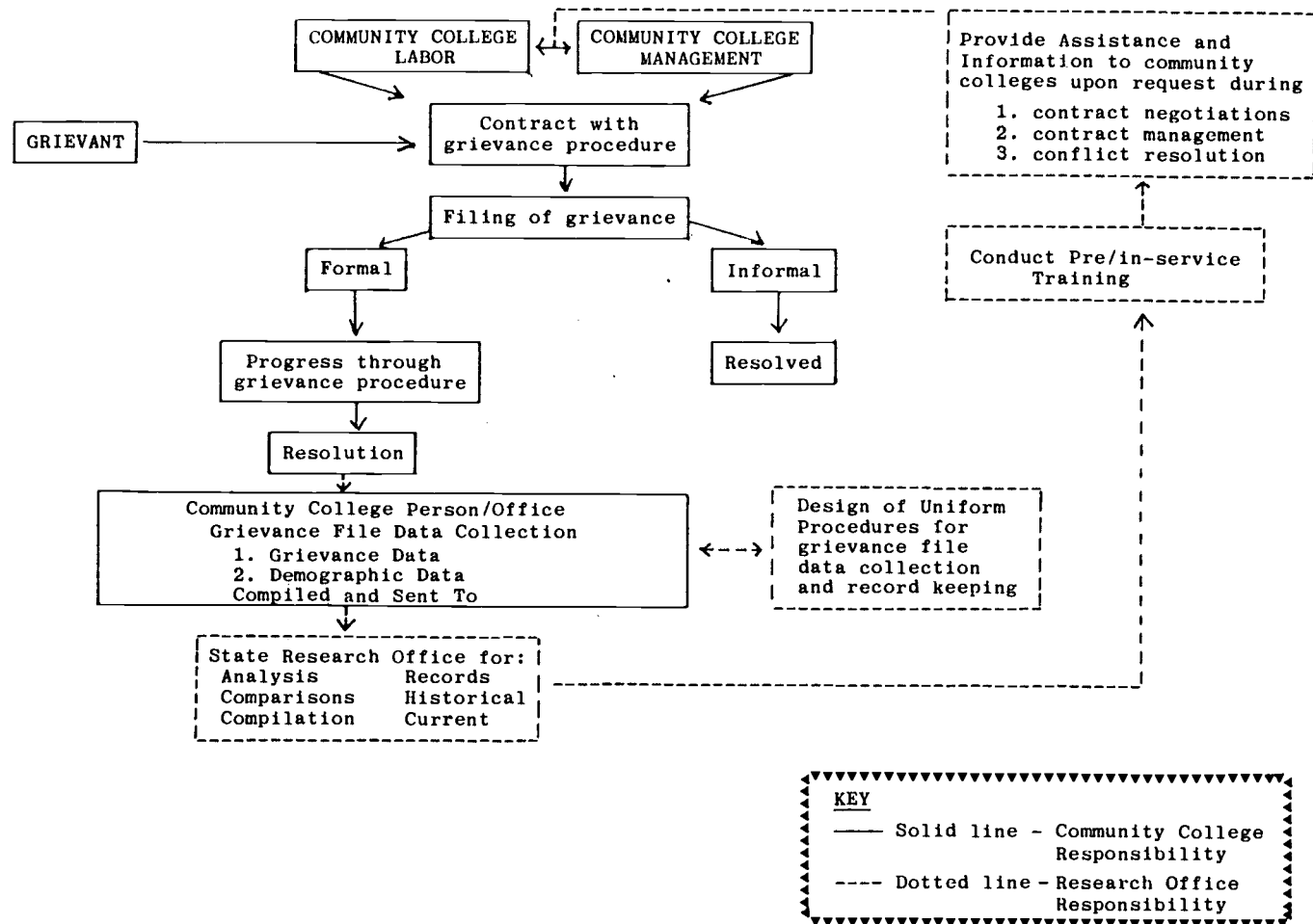


Figure 3. Model for Proposed Statewide Grievance Procedure

Model

GRIEVANCE FILE CHECKLIST
SCHEDULE 1College _____
File # _____

Instructions: Fill out one checklist per grievance file.

1. What was the specific issue that lead to the filing of this grievance? Check the category or categories that apply.

Issue

Compensation

_____ additional compensation (summer school, evening
_____ class, extra duty, overtime)
_____ salary scale

Job Security

_____ discharge for cause
_____ discipline
_____ discrimination
_____ evaluation
_____ promotion
_____ reduction in force
_____ tenure
_____ transfer

Working Conditions

_____ holidays/vacation
_____ work assignments
_____ work load

_____ other
_____ contract clarification
_____ fair share
_____ grievance procedures
_____ professional development/education improvement
_____ recognition
_____ miscellaneous _____

Leaves

_____ emergency
_____ jury duty
_____ maternity
_____ military
_____ parental

☐ personal
☐ sabbatical
☐ sick
☐ union activity time
☐ with pay
☐ without pay

Fringe benefits

☐ copyrights/patents
☐ insurance
☐ parking
☐ pension
☐ other

2. Article, Section and Line of contract that is in dispute.

3. The reason this grievance was filed was due to (answer either A or B):

A. Contract Issues

☐ interpretation of the contract
☐ application of the contract
☐ violation of the contract

B. Non-Contract Issues

☐ alleged violation of administrative policy
☐ inequitable administrative action

4. Answer both A and B.

A. At what step in the contract grievance procedure was the grievance initiated? _____

B. At what step in the contract grievance procedure was the grievance resolved? _____

5. At the final decision, was the grievance:

☐ denied
☐ partially sustained
☐ fully sustained

6. If the final choice was a decision for the board, what was the rationale for the decision? _____

7. If the final choice was a compromise/settlement, what was the rationale for the settlement?_____

8. If the final choice was a decision for the aggrieved, what was the rationale for the decision?_____

(Enclose a copy of arbitrator's award if grievance went to arbitration).

Model
DEMOGRAPHIC DATA SURVEY QUESTIONNAIRE
SCHEDULE 2

College _____
File# _____

Instructions: Fill out one questionnaire per grievance file. If more than one person files, the grievance will be considered a class action.

1. This schedule represents:
____ a single individual
____ a class action
2. Current employment status:
____ full-time faculty
____ part-time faculty
____ full-time professional support staff
____ part-time professional support staff
____ full-time classified
____ part-time classified
____ no longer employed
____ resigned
____ terminated
____ other _____
3. Duties:
____ classified only
____ teaching only
____ professional support staff
____ combination of teaching and other academic duties
4. If instructional personnel, the major portion of the classes you teach apply to what part of the curriculum?
____ college transfer - subject: _____
____ vocational/technical - subject: _____
____ community education - subject: _____
5. How many years have you been employed by this college?
____ 0-5
____ 6-10
____ 11-15
____ 16-20
____ 21 or more years

6. Before coming to this college, where were you employed?

- ☐ public school, primary/secondary
- ☐ junior/community college
- ☐ college/university
- ☐ graduate or undergraduate student
- ☐ business and industry
- ☐ self-employed
- ☐ unemployed
- ☐ other

7. What is your present educational background and/or certification?

- ☐ high school diploma
- ☐ Associate in Arts degree
- ☐ Bachelor of Science or Arts degree
- ☐ Master of Science or Arts degree
- ☐ Doctorate
- ☐ Union or professional certification _____

8. Sex

- ☐ female
- ☐ male

9. Age

- ☐ 21-30
- ☐ 31-40
- ☐ 41-50
- ☐ 51-60
- ☐ 60 or more years

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APPENDIX I

School of Education
Adult Education



Corvallis, Oregon 97331

January 29, 1981

Mr. Ronald L. Daniels, President
Blue Mountain Community College
2411 NW Carden Avenue
Pendleton, OR 97801

Dear Ron:

The Adult and Community College Education Department of the School of Education at Oregon State University, in response to suggestions from several college presidents, is initiating research on collective bargaining in Oregon community colleges. Specifically, it has been suggested that we investigate the nature, source, and dispensation of grievances in each formally organized Oregon community college bargaining unit.

I have attached a list of some of the questions that we would plan to address in this research. Our data collection procedures would be reviewed by arbitration specialists and representatives from your institutions to ensure that all concerns of confidentiality and other related issues are addressed.

You will receive a complete final report which includes both an overall analysis of all units as well as individual analysis of your institution.

I will be in contact with you in the next few days to discuss your possible participation in this project.

Sincerely,

Tom E. Grigsby

TEG/cp
Enclosure

The following questions reflect the types of information we will be analyzing.

1. Have grievances been filed under terms of your collective bargaining agreements? If yes, in what department? By whom? (Include type of employee and demographics)
2. What issues have been involved in the grievance?
3. At what step or level was the grievance settled?
4. What was the dispensation of the grievance?

GENERAL INFORMATION ON COMMUNITY COLLEGES

College # _____

Instructions: Fill out one sheet for each bargaining unit
at the college.

This information represents a

faculty unit _____

classified unit _____

Unit affiliation _____

Year of affiliation _____

Total number of full time employees

1979-80 _____

1980-81 _____

Total number of union members

1979-80 _____

1980-81 _____

Does the contract have a fair share clause?

1979-80 yes _____ no _____

1980-81 yes _____ no _____

APPENDIX II

School of Education
Adult Education



Corvallis, Oregon 97331

May 14, 1981

Mr. Steve Goldschmidt
Department of Educational Policy
and Management
University of Oregon
Eugene, OR 97403

Dear Mr. Goldschmidt:

Thank you for agreeing to assist us with our research project on collective bargaining in Oregon community colleges.

This project was initiated in response to a concern expressed by several community college presidents relative to grievance filings: who filed them, why they were filed, what the final resolution was of the filings, and, as a consequence, what might be done to improve the situation. The Oregon State University Department of Adult and Community College Education is now attempting to answer these questions through this research project. Attached are two questionnaires and an outline of the proposed data collection procedure.

Would you please review the methodology and instruments and advise us as to the following:

1. Are the categories in each question complete?
Please advise us of any missing categories.
2. Will the categories elicit the information necessary to address our problem?
3. Are there any suggestions you would offer for the clarification of either Schedule 1 or 2?
4. Does the data collection procedure follow acceptable standards, given the sensitive nature of the information sought?

Thank you for helping out on this panel. When comments from all members have been received, I will send you a copy of the suggested revisions.

If you have any questions, please call either me (home, 753-9471; office, 752-9611) or Dr. Tom Grigsby (OSU, 754-3648).

Sincerely,

Julie A. Searcy
JAS:cp
Enclosures

DATA COLLECTION PROCEDURE

The following steps will be used to collect the data:

1. A representative of Oregon State University Department of Adult and Community College Education will go to the college campuses and collect data relative to grievances from both faculty and classified staff files. An appropriate waiver will be signed by all participants in order to release the information requested to the researcher.
2. Each community college will be assigned a random two-digit number known only to the college and the OSU representative. This number will appear on both the grievance checklist and the demographic data questionnaire (Schedules 1 and 2) for purposes of identification only. No names of the college or its employees will appear anywhere on the data collection instruments. The names of each of the participating colleges will, however, be acknowledged in an appendix of the final report without reference to the identifying numbers.
3. Each questionnaire (Schedule 2) will have a separate random two-digit identification which will also appear on the corresponding grievance checklist (Schedule 1). This number will appear for purposes of identifying a particular questionnaire with the corresponding grievance checklist. No names of any participants will appear anywhere on the data collection instruments.
4. The researcher will examine and complete one grievance checklist for each grievance file (Schedule 1).
5. The researcher will complete one demographic questionnaire for each grievance file (Schedule 2).
6. Two alternative methods for collecting the personal data on Schedule 2 are proposed:

Alternative 1: The researcher will, with the permission of the collective bargaining units and the administration, go to each of the aggrieved and do a personal interview, collecting the necessary background data.

Alternative 2: The faculty association representative or the classified staff association representative will go to each of the aggrieved and gather the background data.

GRIEVANCE FILE CHECKLIST
SCHEDULE 1

College # _____
File # _____

Instructions: Fill out one checklist per grievance file.

1. What was the specific incident that lead to the filing of this grievance? Check the category or categories that apply.

General:

- _____ additional compensation (summer school, evening class, extra duty, overtime)
- _____ discharge
- _____ discipline
- _____ discrimination
- _____ evaluation
- _____ fair share
- _____ grievance procedures
- _____ holidays/vacation
- _____ professional development/education improvement
- _____ promotion
- _____ reduction in force
- _____ retention
- _____ salary scale
- _____ tenure
- _____ transfer
- _____ work assignments
- _____ work load
- _____ other

Leaves:

- _____ emergency
- _____ jury duty
- _____ maternity
- _____ parental
- _____ personal
- _____ sabbatical
- _____ sick
- _____ union activity time
- _____ with pay
- _____ without pay
- _____ other

Fringe benefits:

- _____ copyrights/patents
- _____ insurance
- _____ parking
- _____ pension
- _____ other

2. The reason this grievance was filed was due to (answer either A or B):
- A. ☐ interpretation of the contract
☐ application of the contract
☐ violation of the contract
- B. ☐ alleged violation of employer's policy
☐ alleged violation of administrative policy
☐ inequitable administrative action
3. Answer both A and B.
- A. At what step was the grievance initiated? _____
With what level was the grievance initiated? _____

- B. At what step was the grievance resolved? _____
With what level was the grievance resolved? _____

4. Identify by position or title the person against whom the grievance was directed: _____
5. At the final decision, was the grievance:
- ☐ denied
☐ partially sustained
☐ fully sustained
6. If declared an unfair labor practice by ERB, what was the reason?

7. Answer either A,B, or C.
- A. Was the final choice a resolution/decision in favor of:
- ☐ the aggrieved? (Go to question #8)
☐ the board? (Go to question #9)
- B. Was the final choice a settlement/compromise between the board and the aggrieved? ☐ yes (Go to question #10)
- C. Other:
- ☐ withdrawn (Do not go on - end)
☐ unknown (Do not to on - end)

8. If the final choice was a decision for the board, what was the rationale for the decision? _____

9. If the final choice was a decision for the board, what was the rationale for the decisions? _____

10. If the final choice was a compromise/settlement what was the rationale for the settlement? _____

DEMOGRAPHIC DATA SURVEY QUESTIONNAIRE
SCHEDULE 2

College # _____
File # _____

Instructions: Fill out one questionnaire per grievance
file. If more than one person files, the
first name on the list will be interviewed.

1. This schedule represents:
☐ a single individual
☐ a class action
☐ the association acting as single person
2. Current employment status:
☐ full-time faculty
☐ part-time faculty
☐ full-time professional support staff
☐ part-time professional support staff
☐ full-time classified
☐ part-time classified
☐ resigned
☐ terminated
☐ other
3. Duties:
☐ classified only
☐ teaching only
☐ professional support staff
☐ combination of teaching and other academic duties
4. If instructional personnel, the major portion of the
classes you teach apply to what part of the curriculum?
☐ college transfer - subject: _____
☐ vocational/technical - subject: _____
☐ community education - subject: _____
5. How many years have you been in your present position?
☐ 0-5
☐ 6-10
☐ 11-15
☐ 16-20
☐ 21 or more years
6. How many years have you been employed by this college?
☐ 0-5
☐ 6-10
☐ 11-15
☐ 16-20
☐ 21 or more years

7. Before coming to this college, where were you employed?

- ☐ public school, primary/secondary
- ☐ junior/community college
- ☐ college/university
- ☐ graduate or undergraduate student
- ☐ business and industry
- ☐ self-employed
- ☐ unemployed
- ☐ other

8. What is your present educational background and/or certification?

- ☐ high school diploma
- ☐ Associate in Arts degree
- ☐ Bachelor of Science or Arts degree
- ☐ Master of Science or Arts degree
- ☐ Doctorate
- ☐ Union or professional certification _____

9. Sex

- ☐ female
- ☐ male

10. Age

- ☐ 21-30
- ☐ 31-40
- ☐ 41-50
- ☐ 51-60
- ☐ 60 or more years

11. Have you ever had training in labor-management relationships?

- ☐ yes. Please explain. _____
- ☐ no

12. If you had it to do over, would you file this grievance?

- ☐ yes. Please explain. _____
- ☐ no. Please explain. _____

Letter of Informed Consent

To the respondent:

The general purpose of this research is to investigate the source, the nature, and the resolution of the faculty and classified staff grievances filed in each of the formally organized bargaining units of Oregon community colleges.

The data collection procedure will consist of two parts. The first part, Schedule 1--the grievance file checklist, will be completed by the researcher from existing files. The second part, Schedule 2--the demographic data questionnaire, will be completed by the aggrieved in an interview. Your signature on this form implies consent for the researcher to complete a personal interview with you in order to complete the research (see enclosures).

Upon completion of the research, a final report will consist of a composite picture of grievances filed in Oregon community colleges. Each college will get a copy of this final report as well as an individual report of their own college.

As a subject of this research, you are free to withdraw your consent and to discontinue participation in this project at any time.

Thank you for your participation in this research. Your cooperation is indeed appreciated.

Sincerely,

Julie A. Searcy

jas:cp
enclosures

Your signature

Date

APPENDIX III

Data Collection Procedure

The following steps will be used to collect the data:

1. A representative of Oregon State University Department of Adult and Community Education will go to the college campuses and collect data relative to grievances from both faculty and classified staff files.
2. Each community college will be assigned a random two-digit number known only to the college and the OSU representative. This number will appear on each survey questionnaire for purposes of identification only. No names of the college or its employees will appear anywhere on the data collection instruments. The names of each of the participating colleges will, however, be acknowledged in an appendix of the final report, without any reference to the identifying numbers.
3. The researcher will examine and complete one Schedule 1 for each file.
4. Two alternative methods for collecting the personal data (Schedule 2) on the aggrieved are proposed.

Alternative 1: The researcher will, with the permission of the collective bargaining units and the administration, go to each of the aggrieved and do a personal interview, collecting the necessary background data.

Alternative 2: The faculty association representative or the classified staff association representative will go to each of the aggrieved and gather the background data.

5. Only one Schedule 2 will be filled out for each grievance file.

GRIEVANCE FILE CHECKLIST
SCHEDULE 1

College # _____
File # _____

Instructions: Fill out one checklist per grievance file.

1. What was the specific incident that lead to the filing of this grievance? Check the category or categories that apply.

General:

_____ additional compensation (summer school, evening
class, extra duty, overtime)
_____ discharge
_____ discipline
_____ discrimination
_____ evaluation
_____ fair share
_____ grievance procedures
_____ holidays/vacation
_____ professional development/education improvement
_____ promotion
_____ reduction in force
_____ retention
_____ salary scale
_____ tenure
_____ transfer
_____ work assignments
_____ work load
_____ other

Leaves:

_____ emergency
_____ jury duty
_____ maternity
_____ parental
_____ personal
_____ sabbatical
_____ sick
_____ union activity time
_____ with pay
_____ without pay
_____ other

Fringe benefits:

_____ copyrights/patents
_____ insurance
_____ parking
_____ pension
_____ other

2. The reason this grievance was filed was due to (answer either A or B):
 - A. ☐ interpretation of the contract
☐ application of the contract
☐ violation of the contract
 - B. ☐ alleged violation of employer's policy
☐ alleged violation of administrative policy
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3. Answer both A and B.
 - A. At what step was the grievance initiated? _____
 With what level was the grievance initiated? _____
 - B. At what step was the grievance resolved? _____
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4. Identify by position or title the person against whom the grievance was directed: _____
5. At the final decision, was the grievance:

☐ denied

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☐ fully sustained
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☐ part-time professional support staff
☐ full-time classified
☐ part-time classified
☐ resigned
☐ terminated
☐ other
3. Duties:
☐ classified only
☐ teaching only
☐ professional support staff
☐ combination of teaching and other academic duties
4. If instructional personnel, the major portion of the
classes you teach apply to what part of the curriculum?
☐ college transfer - subject: _____
☐ vocational/technical - subject: _____
☐ community education - subject: _____
5. How many years have you been in your present position?
☐ 0-5
☐ 6-10
☐ 11-15
☐ 16-20
☐ 21 or more years
6. How many years have you been employed by this college?
☐ 0-5
☐ 6-10
☐ 11-15
☐ 16-20
☐ 21 or more years

7. Before coming to this college, where were you employed?
- ☐ public school, primary/secondary
 - ☐ junior/community college
 - ☐ college/university
 - ☐ graduate or undergraduate student
 - ☐ business and industry
 - ☐ self-employed
 - ☐ unemployed
 - ☐ other
8. What is your present educational background and/or certification?
- ☐ high school diploma
 - ☐ Associate in Arts degree
 - ☐ Bachelor of Science or Arts degree
 - ☐ Master of Science or Arts degree
 - ☐ Doctorate
 - ☐ Union or professional certification _____
9. Sex
- ☐ female
 - ☐ male
10. Age
- ☐ 21-30
 - ☐ 31-40
 - ☐ 41-50
 - ☐ 51-60
 - ☐ 60 or more years
11. Have you ever had training in labor-management relationships?
- ☐ yes. Please explain. _____
 - ☐ no
12. If you had it to do over, would you file this grievance?
- ☐ yes. Please explain. _____
 - ☐ no. Please explain. _____

Letter of Informed Consent

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Thank you for your participation in this research. Your cooperation is indeed appreciated.

Sincerely,

Julie A. Searcy

jas:cp
enclosures

Your signature

Date

APPENDIX IV

Panel of experts

Dr. Lafayette G. Harter
Professor of Economics
Oregon State University

Mr. W. Drexel Cox
Director of Personnel and Labor Relations
Chemeketa Community College

Robert Gutierrez
Assistant to the President
Oregon State University

Oregon Community Colleges bargaining contracts used

Chemeketa Community College
Salem

Clackamas Community College
Oregon City

Lane Community College
Eugene

Mt. Hood Community College
Gresham

Linn-Benton Community College
Albany

APPENDIX V

Panel of experts

Dr. Jerry Bogen
Department of Educational Policy and Management
University of Oregon

Mr. Doug Browning
Oregon Community College Association

Mr. Allen Hein
Board Member
Employment Relations Board

Mr. Jack Hunter
Consultant, Higher Education
Oregon Education Association

Mr. Steve Goldschmidt
Department of Educational Policy and Management
University of Oregon

APPENDIX VI

Blue Mountain Community College
Pendleton

Central Oregon Community College
Bend

Chemeketa Community College
Salem

Clackamas Community College
Oregon City

Clatsop Community College
Astoria

Lane Community College
Eugene

Linn-Benton Community College
Albany

Mt. Hood Community College
Gresham

Rogue Community College
Grants Pass

Southwestern Oregon Community College
Coos Bay