

ENGINEERING AND SCIENCE

Monthly



Vol. VII No. 3

March, 1944

Organization of Engineers for Collective Bargaining

BY FRANKLIN THOMAS

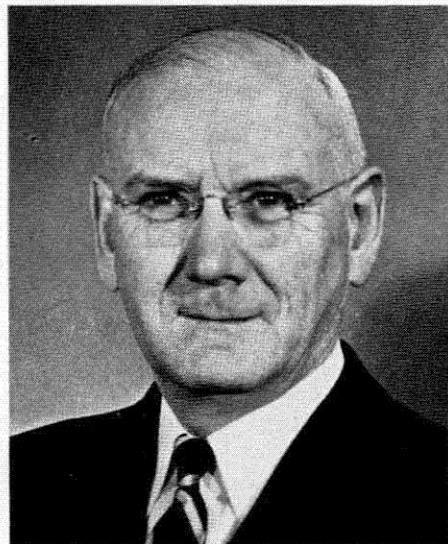
IF 10 years ago the forecast had been made that in 1943 the 91-year-old American Society of Civil Engineers would then take steps whereby some of its employee members might form a collective bargaining group, none would have regarded the idea as so improbable of adoption as the members of this professional society. Nor would it have been considered a more likely probability that in the year just closed, as a result of federal legislation and interpretations of the National Labor Relations Act of 1935 by administrative agencies, employed professional engineers in positions of responsibility would be required to join a union composed largely of sub-professional persons related to the manual trades, in order to hold their positions. As a result of the development of several situations of the latter nature in various parts of the country, the former action was recently taken by the American Society of Civil Engineers.

Out of the expansion of union activity in the period of war-plant construction there arose a number of situations wherein professional engineers found that collective bargaining rights for them were being claimed by unions with which they did not wish to be affiliated. Committees of the Society have been investigating the effects of these developments upon the membership and a member of the headquarters staff has devoted full time to such problems.

In the course of the construction of the large Sunflower Ordnance Plant in Kansas, A. F. of L. local of the International Federation of Technical Engineers, Architects and Draftsmen's Unions—composed largely of sub-professional employees—applied to the War Labor Board for designation as the bargaining agent for all technical engineers engaged on the project. An election was set and there being no other organization or agency involved, the I.F.T.E.A. & D.U. was declared the collective bargaining agent. Belatedly, a group of the engineers of the project successively requested in vain of the Panel of the War Labor Board that they be not represented by the I.F.T.E.A. & D.U., and that an independent group of the professional engineers be recognized as their representatives. In connection with the latter request, an appeal was made to the Society by the engineers for counsel and assistance in maintaining their professional identity. Aid was given in clarification of issues and in the preparation of legal briefs but the decision rendered later by the Labor Board Panel denied the requests for separate classification.

The principal lesson which could be drawn from the

rulings of the Labor Board Panel was that for any group to qualify for separate consideration in collective bargaining, it must have an organization appropriately constituted. Persons making approaches to the Labor Board as individuals are given no consideration; nor is an or-



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organization which comes into being after bargaining rights have been assigned to another.

It is pertinent to point out that the War Labor Board in a number of instances has upheld the right of employees of professional grade to separate classification and group representation when such classification has been requested by an employee organization. The Technical Employees Association of Detroit and the Tennessee Valley Authority Engineers Association are two which served the purposes of the professional engineers comprising them. Similar professional classification was accorded to a group of chemists employed by the Shell Development Company at Emeryville, California. It is in situations where no such organizations exist or where the professional employees fail to act that non-professional workers have claimed and have been granted bargaining rights for all technical employees.

Having available to it knowledge of these policies

affecting employed engineers, the Society's Committee on Employment Conditions formulated, and the Board of Direction adopted a plan under which the 64 local sections of the Society could serve as the sponsors of local collective bargaining agencies where such groups seem to be desirable.

The plan adopted for the American Society of Civil Engineers embodies the principle of the National Labor Relations Act that the collective bargaining group shall be composed solely of employees and shall be free from employer domination. The procedure undertaken is for the respective local sections to adopt amendments to their constitutions which shall provide for the formation of a local collective bargaining agency from the employee members of the section and such other professional engineers not members of the section as may wish to become members of the bargaining group and pay somewhat higher dues than are paid by members of the section, "preferably not to exceed \$5 per year." From the employee group there shall be elected a "Committee on Employment Conditions" which as "The bargaining committee shall have the duty and power to direct all activities looking toward the acquisition of adequate compensation and satisfactory working conditions for all professional engineering employees resident within the geographical limits of the Local Section—and shall administer its functions in accordance with the general direction of those professional engineering employees who have paid the dues stipulated."

The basic definition adopted for this undertaking is:

The Engineer in the Labor Picture

BY ROBERT D. GRAY¹

THE painting of the labor picture to show the place of the engineer in it would require a giant canvas.

On such a canvas would appear the hundreds of large employers and the thousands of small employers in this country. In addition, this canvas would show the millions of employees working or desiring to work for wages. In other places in this painting would appear the unions or organized labor. In drawing this picture it is especially important that a distinction be made between labor with a small "l" meaning all workers, and Labor with a capital "L," meaning organized groups. The government would also have to be represented, and the dual role of government must be indicated. On the one hand the government itself is a large employer of labor, and, on the other hand, government regulates many of the employer-employee relationships. It is important to realize that the government as an employer and government as a regulator of other employers follows very different policies and practices. To some it may appear that the government has two separate entities, and to others it may appear that the government is merely suffering from a split personality. Finally, this labor picture must include the public which not only is affected by labor problems but which in the long run determines the solution of labor problems.

In making such a sketch it would become apparent that many individuals would appear in more than one location. Thus, the employers and employees constitute a large part of the general public, and the general public should stand in the background of government for the eventual determination of sound policies.

But if we took the time required to make this com-

"The designation 'professional engineering employees,' used in the sense that persons capable of being so designated may join with others similarly capable of being so designated for the purposes of collective bargaining separately from any other group composed of persons not capable of being so designated, shall be that of only those who, excepting employers or those to whom employers have delegated managerial responsibility with respect to employment conditions, possessing an intimate knowledge of mathematics and the physical sciences gained by technological and scientific education, training and experience, and in a position of trust and responsibility, apply their knowledge in controlling and converting forces and materials to use in structures, machines, and products, and whose work requires the exercise of discretion and judgment, is creative and original and of such character that the output cannot be standardized; and those who, without the experience set forth, but having been graduated from an approved educational institution and having received the degree of Bachelor of Science or its equivalent, in Engineering, are engaged in engineering work."

The American Society of Civil Engineers has committed itself to this program with substantial support. It will maintain a "field representative" in each of four geographical areas. They are to advise, counsel, assist and provide correlation for the local bargaining group.

Whether the other major engineering societies will deem it necessary to take comparable steps of the radical nature taken by the American Society of Civil Engineers will probably depend upon the extent to which their members are affected by encroachment and possibly upon the results following the action taken by the Civil Engineers. However, a courageous effort has been made to preserve the professional viewpoint with which most young engineers approach their careers.

plete picture, we would not understand how the present situation developed and the picture would be obsolete by the time it was completed. We should, therefore, use the technique of motion pictures rather than painting in order to present the dynamic character of our labor problems.

It must be recognized that the labor problem includes a large number of somewhat independent but largely interdependent specific problems such as employment, training, wages, security, safety, grievances, and labor organization. The complete discussion of these various problems would require volumes. It is necessary, therefore, to limit discussion in this paper to a small part of the labor problem, but the part which affects engineers most directly: a consideration of the general problems of organization of employees and the background of the present efforts for organization of engineers.

ADAM SMITH'S VIEW OF UNIONS

Organization of employees is not a new, or "New Deal," phenomenon. The problem of employer-employee relationship began in the distant past when one person started to work for another. The need for organization of employees became apparent quickly although at the beginning such organizations were illegal. For what may be considered one of the best statements of the need for labor organization, let us begin our motion picture with the employer-employee relationship described in that classic of classics in economics—"The Wealth of Nations," by Adam Smith. In discussing relationships between employers and employees Adam Smith recognized the mutual dependence of employer and employee. The employer needed the employee in order to facilitate

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¹Paper delivered before the January 26, 1944, meeting of the Alumni Association, California Institute of Technology.