

The Influence of Organized Employees in North Carolina's Twenty-five Largest Cities

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Little has been published about organized-labor activity in North Carolina's cities. Although many city managers and human resource directors know of employee organizations among their workers, no previous effort has been made to document systematically the existence and the activities of such organizations in the state's largest cities. This article offers some data on how employee organizations seek to influence management outcomes despite a statewide ban on collective bargaining. The article also reveals several avenues that these organizations may use to exert influence on management outcomes. Most important, the article identifies

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which employee organizations exist in North Carolina's largest cities and what organized activities they undertake.

History

The history of public-sector labor relations in North Carolina is inextricably linked to a state law that bans collective bargaining between public employees and public employers. The law provides as follows:

Any agreement, or contract, between the governing authority of any city, town, county, or other municipality, or between any agency, unit, or instrumentality thereof, or between any agency, instrumentality, or institution of the State of North Carolina, and any labor union, trade union, or labor organization, as bargaining agent for any public employees of such city, town, county or other municipality, or

agency or instrumentality of government, is hereby declared to be against the public policy of the State, illegal, unlawful, void and of no effect.¹

In 1969, in *Atkins v. City of Charlotte*, the U.S. District Court for Western North Carolina decided two important legal issues about public-sector collective bargaining.² First, the court upheld the state's ban on collective bargaining. Second, it overruled a section of the statute that prohibited public employees from belonging to unions. The court held that the latter prohibition violated public employees' First Amendment right to assemble freely. Since *Atkins v. City of Charlotte*, the legal relationship between public employers and public employee unions has not changed, leaving employees free to join unions but preventing public managers from entering into contracts with them.

Table 1. North Carolina's Twenty-five Largest Cities

Charlotte	630,478
Raleigh	356,321
Greensboro	236,865
Durham	209,009
Winston-Salem	196,990
Fayetteville	168,033
Cary	112,414
High Point	97,796
Wilmington	95,944
Asheville	72,789
Greenville	72,052
Gastonia	69,904
Jacksonville	69,688
Concord	62,587
Rocky Mount	57,057
Chapel Hill	49,919
Burlington	48,399
Wilson	47,380
Hickory	40,583
Kannapolis	40,223
Huntersville	38,796
Goldsboro	38,203
Monroe	30,871
Apex	30,208
Salisbury	28,480

Source: U.S. Census Bureau, Population Division, *Population Estimates: Cities and Towns*. Available at www.census.gov/popest/cities/SUB-EST2006-4.html.

North Carolina law does not prohibit conversations or consultations among public managers and representatives of employee unions, in what is commonly known as a “meet-and-confer” process. Broadly defined, this process refers to discussions between public employers and employee unions about the terms and the conditions of employment. The products of these discussions, if any, are not binding on either party.³

One city in North Carolina gives the manager formal authority to meet and confer with representatives of employee organizations. Its city policy reads as follows:

The City Manager is hereby designated as the spokesperson for the City of [omitted] in matters concerning employee relations under ordinary conditions. The City Manager, or his/her designee, is hereby empowered to meet and confer with employees. The

Table 2. Characteristics of Employee Organizations

Employee Union	Employee Association
<ul style="list-style-type: none"> • Is not-for-profit organization existing to represent interests of members • Is normally a chapter of larger regional or national union • Conducts regular member meetings and activities • Has formal organizational structure • Has formal authority structure 	<ul style="list-style-type: none"> • May be formally incorporated as not-for-profit organization • May be active on inconsistent basis, depending on issues that are of interest to employee members • Is limited to one city • Does not function as a chapter of larger union • Conducts irregular member meetings and activities • May have formal or informal organizational structure • May have formal or informal authority structure

final determination of employee policy rests with the City Manager.

North Carolina law clearly does not prohibit city managers from meeting and conferring with employee representatives. Neither does it require managers to meet and confer. This article does not delve into why managers do or do not meet and confer. The reasons likely depend on various community and organizational values in the largest cities in North Carolina.

Research Methodology

Data came from a survey that I distributed to the city managers of the twenty-five largest cities in North Carolina (for a list of the cities, see Table 1). These cities account for about 2.6 million residents and about 30 percent of the state’s population. I developed the survey instrument through a literature review and interviews that I conducted with two retired managers of North Carolina cities to explore their labor-management experiences. I involved retired managers to avoid duplicative participation in the larger study.

I tested the survey instrument with three assistant managers from three of the twenty-five North Carolina cities. I asked assistant managers to participate in the pretests because they would be knowledgeable about the subject matter and their participation would not duplicate the targeted sample population. After each pretest, I eliminated questions that appeared unnecessary and revised other questions to reduce ambiguity.

I e-mailed the final version of the survey instrument in December 2006. Twenty-two managers responded, for a response rate of 88 percent.

Given the sensitive nature of the information that I sought, I assured the managers that I would keep their individual responses confidential. So I do not attribute any quotes in this article to particular managers, and I do not identify the names of cities in the data reported in Table 4.

Findings and Discussion

The results of the survey are organized into three categories: employee unions and employee associations, identifying which organizations are present in the twenty-two responding cities; organized activities, describing the range of organized activities undertaken by the organizations represented; and interactions with employee organizations, reporting the frequency of interactions between city managers and the employee organizations in their cities and sharing a range of opinions expressed by managers about the legitimacy of employee organizations. In each category, I first report the findings of the survey and then discuss those findings.

Employee Unions and Employee Associations

One manager (5 percent) reported no employee organizations and no organized activities of any kind. The other 21 managers (95 percent) reported that employee organizations were present, either as employee unions or as employee associations.

In general, an “employee union” is a formal organization that claims to represent the interests of its members. It has established internal operating structures and procedures. An “employee association” is an informal organization that also claims to represent the interests of its members, but it likely does not have established internal operating structures and procedures. Further, it is specific to a single city. (For more characteristics of the two types of organizations, see Table 2.)

The distinction between unions and associations is subtle but important. It challenges managers to recognize that representatives from large unions with chapters across the state and the nation are not the only employee representatives vying for a seat at the table. Managers also may be approached by representatives of employees who have created an informal association dedicated to achieving a few outcomes but having no intention of organizing into a formal group or affiliating with a larger national union.

Ten employee unions are active in 19 of the 22 responding cities (86 percent) (see Table 3), and 15 employee associations, in 6 of the 22 responding cities (27 percent) (see Table 4). Nearly all the employee associations (14 of 15, or 93 percent) exist among two groups of employees, police and firefighters.

Of the 25 employee organizations reported by respondents, only 4 (16 percent) represent employee groups other than police or firefighters: Black Public Works Employees Association, Teamsters, Transit Workers Union of America, and United Electrical Workers. The remaining 21 employee organizations (84 per-

cent) are divided nearly equally in their representation of firefighters and police (11 and 10, respectively).

The 15 employee associations were collectively present in about one-fourth (27 percent) of the responding cities. These results suggest that when organized activities occur in North Carolina cities, they sometimes are specific to a city and not necessarily related to state-wide or national organizing activities.

Organized Activities

Respondents described a wide variety of organized activities among both employee unions and employee associations (see Table 5). Nearly three-fourths of the responding cities (73 percent) reported organized activities among their employees. These activities take place in organizations of all sizes, and they appear whether or not managers think that “employee organizations legitimately represent city employees.” Organized activities may be as innocuous as employee meetings or as aggressive as work stoppages, which are illegal in North Carolina.⁴

Clearly there is a range and a diversity of organized activities across the responding cities. To highlight a few, dues collection occurs in 14 of the 22 responding cities (64 percent), either voluntarily (in 11 cities) or through payroll deduction (in 3 cities). The use of payroll deduction shows consistent interaction between city management and employee organizations at least at a basic level.

Also, representatives of some employee organizations meet not only with city managers but with city council members. Further, in 6 cities (27 percent), employee organizations vet or endorse candidates for city council. It is important to note that these data are based solely on reports by city managers in the 22 responding cities, not on reports by representatives of employee unions or employee associations in those cities.

Interactions with Employee Organizations

It is not safe to assume that a common sentiment exists among managers in this state’s largest cities about whether to meet and confer with employee organizations. Managers were asked to indicate whether they had met with employee organizations in the last two years. All 22 managers responded to this question: 9 (41 percent) indicated that they had, and 13 (59 percent), that they had not.

Managers also were asked whether they thought that employee organizations “legitimately represent city employees.” Thirteen managers responded to this question, 5 (39 percent) thinking that they do, and 8 (62 percent) thinking that they do not.

Obviously, managers of the largest cities disagree about whether employee organizations legitimately represent city employees. Some managers who do not think that employee organizations legitimately represent city employees have this opinion because they are uncertain whether employee organizations represent all employees. Two managers gave qualitative answers to this effect, and one more simply said, “The City of [omitted] does not recognize the representative nature of employee organizations or unions.” Another manager said,

We believe attempts to organize local government employees fall short of representing their total interest. We have created an environment of openness with our employees, which empowers them to bring any work-related issues they may [have] to the City Manager for review and consideration. We are fair and forthright with our employees in regard to our financial position and what we can and cannot afford.

All the managers who thought that employee organizations do not legitimately represent city employees indicated that they would meet with any employee individually to discuss the terms and the conditions of employment. They identified a range of issues that they were willing to discuss with employees individually, from grievance procedures to personal or family issues.

In contrast, some managers thought that employee organizations do “legitimately represent city employees” because

Managers of the state’s largest cities disagree about whether employee organizations legitimately represent city employees.



Table 3. Employee Unions Present in North Carolina's Largest Cities (n = 22)

Name	No. Cities	% Reporting
International Association of Fire Fighters	14	63.6
Fraternal Order of Police	14	63.6
Police Benevolent Association	8	36.5
United Electrical Radio and Machine Workers of America	4	18.8
International Brotherhood of Police Officers	2	9.1
International Brotherhood of Teamsters	2	9.1
Professional Fire Fighters Association	2	9.1
Transit Workers Union of America	1	4.6
North Carolina Association of Fire Fighters	1	4.6
Professional Fire Fighters and Paramedics of North Carolina	1	4.6

Table 5. Organized Activities Reported in North Carolina's Largest Cities (n = 22)

Activities	No. Cities	% Reporting
Employee meetings on or off city property	16	72.7
Literature distribution	14	63.6
Dues collection by employee organizations but not through payroll deduction	11	50.0
Employee representatives seeking meetings with city management	10	45.5
Employee representatives advocating directly to city council at public meetings	9	40.9
Employee representatives seeking meetings with council members	8	36.4
Vetting of candidates before election for city council	6	27.3
Endorsement of candidates for city council	6	27.3
Employee representatives meeting with city management	6	27.3
Employee representatives meeting with council members	5	22.7
Dues collection by payroll deduction	3	13.6
Campaign contributions to city council candidates	2	9.1
Work stoppages	2	9.1
Work slowdowns	1	4.6
No identifiable activities	5	22.7

they were confident that employee organizations include the city employees the organizations claim to represent. Two managers gave qualitative answers to this effect. Four of the five managers who thought that employee organizations legitimately represent city employees also were willing to talk to any individual employee about the terms and the conditions of his or her employment.

Conclusion

Collective bargaining between public managers and public employees is

illegal in North Carolina, yet employee unions and employee associations are present and active in most of the state's largest cities. The courts have affirmed that public employees have the right to belong to employee organizations, and North Carolina law neither forbids nor requires managers to meet and confer with representatives of employee organizations. The lesson for managers is that as long as a contractual agreement has not been reached between management and an employee organization, there is no set rule for how managers should conduct employee relations.

Table 4. Employee Associations in North Carolina's Largest Cities (n = 22)

Black Police Officers Association
Black Professional Fire Fighters Association
Black Public Works Employees Association
[City Name Omitted] Fire Fighters Association
[City Name Omitted] Peace Officers Association
[City Name Omitted] Police Association
[City Name Omitted] Police Club
[City Name Omitted] Police Protective Association
[City Name Omitted] Professional Fire Fighters Association
Emerald Society (police)
Female Police Officers Association
Fire Fighters Protective Association
Hispanic Professional Fire Fighters Association
Volunteer Fire Fighters Organization
Women's Professional Fire Fighters Association

Note: Names of cities have been omitted to affirm the pledge of confidentiality in collecting data for this study.

Notes

This article is based on research that I presented on April 20, 2007, at the Capstone Conference on Practical Research for Public Officials, School of Government, UNC at Chapel Hill. The full report is available from Susan Lynch at mpastaff@sog.unc.edu.

1. N.C. GEN. STAT. ch. 95, art. 12, § 98 (hereinafter G.S.).

2. *Atkins v. City of Charlotte*, 296 F. Supp. 1068 (D.C. N.C. 1969).

3. Joan Pynes and Joan Lafferty, *Local Government Labor Relations: A Guide for Public Administrators* (Westport, CT: Quorum Books, 1993).

4. G.S. ch. 95, art. 12, § 98.1, states, "[S]trikes by public employees are hereby declared illegal and against the public policy of this State. No person holding a position either full or part time by appointment or employment with the State of North Carolina or in any county, city, town or other political subdivision of the State of North Carolina, or in any agency of any of them, shall willfully participate in a strike by public employees."