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Elizabeth C. Eisenberg

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OPPORTUNITIES AND LIMITS FOR MAYORAL-PUBLIC EMPLOYEE UNION
COLLABORATIONS: THE CASE OF THE DE BLASIO ADMINISTRATION IN
NEW YORK CITY, 2013-2017

by

ELIZABETH C. EISENBERG

A dissertation submitted to the Graduate Faculty in Political Science in partial fulfillment of the
requirements for the degree of Doctor of Philosophy, The City University of New York

2018

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This manuscript has been read and accepted for the Graduate Faculty in Political
Science in satisfaction of the dissertation requirement for the degree of Doctor of
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ABSTRACT

Opportunities and Limits for Mayoral-Public Employee Union Collaborations: The Case of the de Blasio Administration in New York City, 2013-2017

by

Elizabeth C. Eisenberg

Advisor: John H. Mollenkopf

This dissertation sheds light on how the relations between public employees' unions and the de Blasio administration shape the design and implementation of local policies in areas of particular concern to public workers. It asks how public sector labor-management relations and public sector employee unions' political influence affect this mayoral administration's efforts at policy innovation and administrative practice. In particular, how, if at all, do public employee unions shape the administration's decisions about the balance between providing public services directly versus contracting them out to nongovernmental organizations? How do these relations affect the direction of institutional reform? This project does not attempt to develop a general model of the political influence of public sector labor unions, but it does identify the potential for and limits to their policy entrepreneurship in an environment that should be unusually supportive. A close examination of three major New York City unions reveals that while these public employees' unions differ greatly from each other and take varying approaches toward influencing policymaking, they are all constrained by their internal dilemmas and interunion fragmentation, which limit their impact on administrative decision-making. At the same time, the Mayor's

attitude toward the city's workforce is a significant factor in how much access and power unions have over policy formation.

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Introduction:

Overview

Considering their importance as urban political actors, scholarship in political science and urban studies has paid surprisingly scant attention to public sector unions. This knowledge gap is especially regrettable for cases like New York, Chicago, Los Angeles, and Detroit, where municipal labor organizations are so prominent. Their internal debates, leadership, interests, demands, political endorsements, local activism, lobbying, and bargaining strategies figure heavily in public decision-making, campaign endorsements and funding, election outcomes, and the quality and delivery of public services.

The attitude of the chief elected official toward municipal labor is one clear determinant of unions' capacity to influence such matters. This dissertation analyzes public employee unions' relations with Mayor Bill de Blasio, an avowedly pro-union chief executive. The research and analysis in this study shed particular light on what might constrain the ability of municipal labor unions to influence the production and implementation of local policy even in favorable circumstances. It examines how three key unions sought to affect the de Blasio administration's policy innovation and administrative practices, what kind of balance between direct service provision and contracting out to nongovernmental organizations resulted, and how the administration's legislative proposals on broader labor issues fared.

This study focuses on three key unions: District Council 37 of the American Federation of State, County, and Municipal Employees (DC37 of AFSCME), the United Federation of Teachers (UFT) of the American Federation of Teachers (AFT), and the Patrolmen's Benevolent Association (PBA), which is not affiliated with a larger union confederation. It describes how these unions have evolved as important players in New York City government with a deliberate

focus on labor-management relations concerning issues *other* than compensation. While wages and benefits are certainly important to both labor and management, the literature on public unions is particularly lacking on their policy impact. This project examines how collective bargaining and unions' political activities influence policy practices and outcomes in classrooms, in the safety and atmosphere of neighborhoods, and in the provision of social services.

Public sector labor is presently a topic of deep concern throughout the United States. Extensive anti-union agitation and policy adoption has taken place in Wisconsin, Michigan, Florida, New York, New Jersey, Ohio, and countless cities and counties. Conservative efforts to dismantle public sector unionism and progressive efforts to support unions have brought two primary areas of controversy into focus. One concerns whether we can blame public sector unions for state and local budgetary problems because their demands have overstretched pension liabilities or healthcare costs. The other area concerns whether public sector collective bargaining is even legally legitimate. While important, these two spheres of public discussion actually obscure a crucial third set of questions. Can and do public sector unions play an important role in defining and implementing public policies? Do their activities benefit the communities and clients they serve as well as their own members? If so, what broader benefits do they generate? These questions suggest the need for an alternative examination of public sector unionism. Instead of making claims about whether public workers' unions are good or bad actors, it is more useful to ask *how* they act.

Many factors make this study important now in New York City. First of all, New York is historically the most heavily unionized American city in both the private and public sectors (Milkman and Luce 2014). Public employees' unions have a high level of density, and subsequently can be expected to wield more influence than in localities where organized labor is

much weaker (Milkman and Luce 2014). Secondly, Mayor Bill de Blasio positioned himself as a pro-labor progressive. His predecessor, Michael Bloomberg, a highly successful corporate entrepreneur, was more stand-offish toward labor. Bloomberg's predecessor, Rudy Giuliani, was downright combative. The de Blasio administration has publicly supported public employees' unions and has articulated the clear intention to show that collective bargaining works (Shorris 2017; Linn 2017)

A study of Mayor Bill de Blasio's first term offers a window into municipal labor relations at a time when the local climate for collective bargaining has been the most collaborative. In other words, we can contrast the former condition, when public managers kept labor representatives out of the room when considering policy choices, with the current situation, where the administration has been interested in consulting with unions on policy problems. When de Blasio took office, 144 unions were working under expired contracts, presenting his administration with the immediate challenge of digging right into negotiations. How the administration navigated taking over the city's workforce in this context provides ample opportunity to examine how new contracts and new relationships have influenced policy production on the ground.

While this dissertation is primarily focused on labor relations during the de Blasio administration, it begins by providing a longer historical context. Public employees' unions in New York have arguably shifted their alliances dramatically during the past five decades (Maier 1987; Mantsios 2001; Steier 2014). This study explores how and why such shifts happen. It identifies how municipal labor organizations' changing strategies have altered their ability to influence policy production. Relations between individual unions and mayoral administrations are diverse, transient, shifting, and largely subject to pressures that extend far beyond the scope

of this dissertation. Nevertheless, past transformations in the nature of these alliances, their sometimes damaging fractures, and the changing composition of municipal unions provide a critical context for understanding current mayoral-union dynamics. Taking stock of the pivotal moments in New York City labor relations helps to generate important insights into how these organizations affect the city their members serve, and why they might choose to do so in some ways versus others.

Public workers are politically influential. They are numerous, well-informed, and politically engaged. Policy choices have immediate positive and negative effects on them. As workers and constituents, they make demands on the city and state in which they live and labor. Their unions recruit and endorse candidates for office, make campaign donations, and provide campaign workers, as well as mobilize their memberships as active voters. Simultaneously, public workers exercise a great deal of discretion in translating policy choices into programmatic action. As Michael Lipsky has argued, policy fundamentally results from the ways in which front line workers interact with citizens. These workers have an inevitable latitude in exactly how they operate within legislative and administrative rules (Lipsky 1980). In other words, public employees are the focal point of encounters between citizen and state. This duality necessarily makes the roles of public workers pivotal and expands the relevance of municipal employee unions. In New York City, the public sector collective bargaining process shapes the delivery of public services. But elected officials and top administrators do not always see public workers as worthy providers of collective goods or their unions as legitimate advocates for the services their members provide. For this reason, it is important to examine how unions seek to influence the policy process with an eye on the ways that various elected officials and top administrators have sought to circumscribe that role.

A note on the cases:

This dissertation uses New York City as a case study. It begins with the observation that public employees' unions are not monolithic. Their differences have great impact on their priorities, strategies, and effectiveness. In other words, this project is a nested case study in which three distinct organizations display many facets of how unions influence the policy process. The central focus is on how the strategies and impacts of the UFT, PBA, and DC 37 have evolved over time. These three unions have dramatically different histories, and each has navigated its own challenges. To better locate each organization in its current context, it is necessary to look backward and contextualize each union in New York politics and in broader trends in organized labor.

Of the three unions, District Council 37 has the most diffuse structure. It is a big, diverse union that represents an enormous variety of job titles across several constituent locals each of which has its own identity and goals (Bellush and Bellush 1984; Maier 1987; Steier 2014). In a sense, DC 37's sheer size and breadth make it a force to be reckoned with. Yet, the fragmentation within the union has created leadership troubles that have frequently dampened its latent power. DC 37 has wrestled with a history of corruption within its leadership ranks and it continues to preserve a governing structure that makes it all but impossible to challenge those that are in power. At the same time, it has been often been a publicly progressive organization, at times even taking positions directly critical of or at odds with other unions, including the UFT and the PBA.

At the end of 2014, Henry Garrido succeeded DC 37's longtime executive director, Lillian Roberts, who stepped down. This change brought a new labor leader to the fore to work with the newly elected mayor. DC 37's biggest concern has been to slow the momentum of

contracting out public services, a practice heavily favored by the past two administrations. With de Blasio, the union finally had an administration willing to entertain opportunities to reverse that trend and bring services back under the umbrella of direct provision. The de Blasio administration and DC 37 leadership have made substantial strides in this direction.

At the point of its consolidation in 1962, the United Federation of Teachers had high rates of participation, meeting attendance, and voting of its membership. However, beginning with the leadership of Al Shanker in 1964, the UFT evolved into a much more centralized and powerful leadership structure. This change fostered and was fostered by a series of leaders who controlled the organization tightly, resisted dissent, and retained their positions for long periods (Maier 1987; Steier 2014; Cameron 2005). This centralization has given the union stability and has at times made it easier for its leaders to take swift and decisive action. However, this structure has ignored or silenced the voices of those members who would challenge leadership on important issues where there might otherwise be a lively internal debate.

The UFT has struggled for decades to establish a bond with the communities and parents of children its members teach. While the teachers' union has had opportunities to build a coalition with parents and neighborhoods, it has failed to achieve lasting alliances. Black neighborhoods challenged the UFT over issues of civil rights and community control decades ago. Critics of teachers' unions and proponents of charter schools are challenging teachers' job security and tenure today. How the UFT has framed and defended their interests has frequently seemed out of step with those of poor and minority communities—the communities that rely most heavily on public schools. By contrast, the Chicago Teachers Union has made enormous strides in building alliances with parents and the public in its efforts to defend Chicago's teachers. They have constructed campaigns to link their members' needs with the city's needs,

resulting in broader support for their causes (McCartin 2013). The UFT has lagged behind in this department.

The de Blasio administration supports public schools and the teachers who staff them. The administration has been eager to work with the teachers on expanding early childhood education, innovating in struggling schools, and creating professional development opportunities. As the UFT is forced to navigate overt tensions between the city's Mayor and the state's Governor, they have not focused their efforts on building on the ground support for their agenda. They face a heavy lift in building strong community support for a time when they badly need it at the local and state levels.

The Patrolmen's Benevolent Association is one of the city's oldest public employees' unions and was one of the last to be formally recognized as a bargaining agent. The PBA has historically been a democratic union with a vigilant membership and, until recently, had a higher rate of leadership turnover than in other unions (Maier 1987; Levi 1977). The PBA has also been known for its solidarity. The unique intensity and dangers of the job serves as a bonding agent between officers and has made the force fairly insular.

The PBA has frequently taken more socially conservative positions than other unions and the city's electorate. This conservatism and insularity has presented new challenges for the union as both the force and the city became more diverse. Further, the PBA has found itself isolated from, if not outright at war with other unions, City Hall, and public opinion as it has confronted the controversy over Stop and Frisk, calls for making the Civilian Complaint Review Board stronger and more transparent, pressures to revamp and reinvent its community relations efforts, and shortages in staffing. The union has primarily used collective bargaining to apply pressure to improve its members' economic packages, but they have not applied comparable pressure within

and beyond the formal collective bargaining process when it comes to articulating attitudes about the city's approach to law enforcement policy, even in cases where members and the press have drawn attention to issues that profoundly affect police officers' work. An important example of this pertains to the use of quotas as a management tool. Quotas have been a particularly contentious issue in police forces around the country and New York City is no exception. The use of quotas for tickets and arrests have been an open secret in the city for decades and for much of that time, the PBA has lacked a coherent message or program to address it.

While this study seeks to understand the individualities, values, and histories of these three specific unions, its weightier task is to discern whether and how municipal unions, taken together, influence the production of local policies. Conservative opponents of public employees' unions across the country have attacked them by saying they only want to maximize what they take from taxpayers for their wages and benefits while providing the least amount of work (Aronowitz 2011; McCartin 2013). In this view, these unions, left uncontested, would empty the city coffers. This study inverts that supposition by asking whether public workers are also concerned about the substance of public policy. It explores how public employees' unions seek to shape issues beyond their compensation and how their efforts have far more than budgetary consequences.

Each case presented here concerns public workers who interact with city residents. Human services are distinctive because it is hard to measure their productivity and successes or failures. It is far easier to measure unit costs and results for unions that represent public servants who pick up garbage or drive buses or subways. This study focuses on human services to offer a more complex and richer analysis of policy debates.

The data for this project comes primarily from interviews with important current and former actors on both labor and management sides of labor relations and public management. It was through these extensive discussions that union and city officials offered accounts of their experiences and observations. Portions of some of these discussions have been included in the chapters that follow to capture their narratives in greater detail.

Each union is the subject of its own chapter in this dissertation. Each chapter opens with an historical prologue. These prologues are not intended to provide a complete history of each union, but instead to highlight the key points of reference for their current organizational dilemmas. Each chapter then analyzes the legacies put in place as each union navigated the Bloomberg administration (2002-2018) and traces how these issues have evolved during Bill de Blasio's first term as mayor.

Before turning to the specifics, however, we must consider what scholars from different fields have to say regarding the study of public sector unions and how the mayors leading up to Bill de Blasio have managed labor relations with the city's workforce. Regarding the former, the next section shows that the literature has important gaps with regard to unions as forces in the shaping of public policy. Regarding the latter, New York City has a long and rich experience with municipal unions that have shaped and constrained the specific kinds of things that unions can and cannot do.

This introduction will highlight some important early moments that had formative effects on labor-management relations including the emergence of collective bargaining during the Wagner administration and the test of union gains during the fiscal crisis in 1975. While this discussion is detailed for an introductory chapter, this background is useful in demonstrating

some of the shared institutional memory of the city's unions, and how they think about their own limits and responsibilities in city governance.

Finally, this chapter will leap forward to describe key conflicts between Michael Bloomberg and his workforce during his three-term tenure as mayor. By offering some broad strokes of the tenor and points of conflict when Bloomberg left, this section aims to contextualize some of the issues Mayor de Blasio's team encountered when they arrived.

Substantive Focus and Theoretical Framework:

The scholarship examining the political nature and behavior of public employees' labor unions is limited. J. David Greenstone's classic 1969 book *Labor and American Politics* used three urban case studies (LA, Chicago, and Detroit) to argue that labor unions shifted their political activity after the New Deal from narrow interest group advocacy to a broader and more complex relationship with the Democratic Party. Greenstone argued that connections between unions, politicians, and the party took different forms in each urban context. In Chicago, labor unions had little power over the tremendously powerful Cook County Democratic Party machine, which hindered their ability to influence the party's stance on policy issues. In Detroit, unions were so politically influential that labor became the Democrats' proxy for working-class and welfare politics. In other words, the unions expanded the coalition of the Democratic Party. In Los Angeles, Greenstone found that the relatively disorganized and fragmented Democratic Party depended on the unions for approval and support, but the unions were not able to use this dependence to achieve the dominant position they did in Detroit. For Greenstone, Los Angeles, Chicago, and Detroit showed in great detail how different political, economic, and even demographic conditions produced and constrained the relationships between labor unions and the

Democratic Party. Above all, he argued that their relationship was a significant political fact—even if it varied from place to place (Greenstone 1969).

A great deal has happened to the labor movement in the U.S. since 1969. Many factors have altered the nature and undermined the effectiveness of this alliance—including the decline of private sector unions and the rise of public workers’ unions as the hub of labor power (Warren 2010). This change necessarily calls into question the leverage that organized labor can deploy over politicians not only as management, but as decision-makers whose policies affect the lives of working people. Notably, for public workers, elected officials are their bosses as well as their representatives. Given that public sector union members now outnumber those in the private sector, this necessarily changes labor’s relationship with the Democrats who hold local office.

Especially during the past five years (but arguably for far longer), public sector unions have been on the defensive. State government efforts to gut collective bargaining have become contagious and effective (Aronowitz 2011; Weil 2012; McCartin 2013; Katz 2013). State legislation in Wisconsin, Michigan, and Florida made significant strides in undermining public workers’ unions. By Summer of 2018, the U.S. Supreme Court handed down a devastating blow to public employees’ unions across the country by ruling for the plaintiff in the *Janus v. American Federation of State, County, and Municipal Employees, Council 31* lawsuit. This decision will immediately financially cripple public sector unions by preventing them from collecting fees from employees who work under the contracts unions negotiate but have not signed union cards. There is little reason to doubt that such efforts will subside. Though Greenstone thought unions would advocate for working people within the Democratic Party, he did not anticipate that the Democratic Party would become the (often) reluctant guardians of a flailing labor movement. Unions that represent public employees necessarily have a more complex and more dynamic

relationship to the politics of their communities today than those which Greenstone explored fifty years ago.

In 1980, Michael Lipsky offered a window into how public workers help to construct public policies by looking at how front line workers interact with the clients of public services. His incisive study highlights the dilemmas they face in delivering much-needed services to the communities in which they labor. The teachers, police officers, and civil servants studied in this dissertation fall squarely within Lipsky's definition of front line workers and his contention that these jobs are critical sites of policy production.

Lipsky describes how workers develop routines to control clients in order to shield themselves from demands they cannot meet and buffer themselves from oversight in order to cope with the central contradictions of the work that they do. Lipsky highlights the frequent slippage between how the creators of public policies imagine they will work and how front line workers actually interpret and put them into practice. This slippage results from a number of factors, not the least of which is the difficulty of creating policies or programs that can actually mitigate the complex problems experienced by diverse client populations. Lipsky suggests that one metric for assessing street-level bureaucrats might be how successfully they bridge the gap between program objectives and the real life circumstances of their clients—circumstances frequently riddled by peculiarities and conflicts. On the other hand, Lipsky also shows that street level bureaucrats may actively widen this gap. In this sense, he shows that front-line workers identify opportunities or problems with policy choices that politicians might miss. Lipsky shows convincingly that front-line workers use their discretion to greatly influence actual policy outcomes (Lipsky 1980).

My contention is that the unions that represent these three kinds of public employees, not just the informal actions of the employees themselves, can also wield significant influence in determining policy outcomes. These organizations operate at the bargaining table and in the larger political world to affect the content of their members' work. Certainly, Lipsky's assertion that street level bureaucrats are central to the production of public policies must inform any study of the political importance of municipal unions. But his approach suggests that we must go further by examining how their organizations influence both the particular workplaces and the larger arenas of policy making. The inherent discretion that he observed front line workers exercising over policy delivery anchors the power of public sector unions. But its collective form, embodied in the actions of the unions that represent front line workers, also matters a great deal.

It was harder and took longer for public sector unions to achieve the legal and political legitimacy that their private sector counterparts attained long ago and their battles to do so have been different (Slater 2004). Public employees have had to contend with the fact that even some advocates for private sector labor unions do not believe that public workers should have the right to organize and to bargain. Slater's legal history of public worker's unions described the concern that allowing public servants to unionize would lead workers to privilege their private interests as workers over their commitment to effective and continuous public service. Others opposed public unions because they feared that their leverage would be so great as to allow a certain class to dominate the functions of the state. In Slater's view, the court room battles for legal legitimacy are the crucible from which these organizations ultimately evolved. According to Slater, prior to the 1960s, the risks of public unions becoming too powerful served as a major deterrent for these unions to be recognized, and it has been this very argument that has been

deployed to attack these organizations more recently. In terms of this project, such concerns about unions posit a key question about how these unions operate when they are engaged in using their political and bargaining power to influence decision-making. This dissertation will explore whether the rhetoric of concern that unions have accumulated too much power affects their strategies, influences their priorities, or even tempers their efforts.

If the perception that interests of unions diverge from the public interest effectively hampered the growth of public sector unionism prior to the 1960s, Paul Johnston showed how some public sector unions turned this problem upside down for themselves in the 1960s and 1970s. Focused on San Francisco, Johnston explained how emergent public workers movements built influence within local government during this period. He showed a key element in the success of public sector unions was their ability to integrate their interests with a broader political agenda. Johnston concluded that public servants should not separate how they do their work from how that work affects the communities of which they are a part. The funding and governance of agencies and their functions are necessarily entangled with the constituencies they serve. Johnston argued that public workers' unions are most able to win recognition and gain at the bargaining table when they demonstrate that their workers share the interests of the public and vice versa (Johnston 1994).

That public sector unions succeed when they can frame their goals as promoting a broader community agenda is a useful way to evaluate the efforts of municipal unions in New York City. While Johnston's work provides a compelling and insightful look into how unions locate themselves in political debates over policy questions, he focuses more on how such debates affect the unions—not on how the unions affect the policies. My project identifies how

New York City unions frame their preferences in these terms in order to better discern how such a strategy affects policy development.

Public administration scholar Norma Ricucci wrote a review of the trajectory of the scholarship on public sector unions in 2011. In considering why scholars have paid them so little attention, she cites the relative recency of public sector unions' emergence as well as their better organizational health relative to private sector unions. Ricucci also points out that the great diversity of local laws governing public sector labor relations makes them hard to study. Such variation often makes examination case-specific—a quality that makes each case a less attractive research site. Finally, Ricucci suggests that public management scholars are more interested than social scientists in public sector labor unions and tend to view them as fundamentally obstructionist when it comes to high quality and efficient policy delivery. Cast in this light, public sector unions are obstacles to be overcome, not agents in decision-making (Ricucci 2011).

Political scientist Daniel DiSalvo took an extreme anti-union position in his recent contribution to the literature on public sector unions (DiSalvo 2015). DiSalvo characterizes them as powerful self-interested organizations that impose disproportionate costs on society. Their penchant for taking everything they can get at taxpayer expense makes even their right to exist questionable. He believes they are protected by elected officials who have an appetite for their political support. DiSalvo doubts that positive relationships or 'amicable negotiations' will ever yield broad-based benefits that would serve a public interest. He argues that the institutional dynamics make such outcomes unlikely because union leaders will always put members first and politicians will have more to gain from appeasing them rather than from challenging them.

DiSalvo premises his argument on the idea that public sector unions are interest groups. This way of viewing these organizations may not offer the most accurate depiction of their

position in local government or their role within their communities. After all, these union members also usually live in, pay taxes to, and consume public services in the communities where they deliver them. Union leaders and members are fundamentally intertwined with being community members. Public sector labor relations are not solely defined by their respective organizational maintenance goals. DiSalvo misses a great deal by defining public sector labor relations in this way.

The public management field has also written about labor relations. This literature pays most attention to traditional points of contention, such as dispute resolution or wages and benefits. Quite sensibly, this literature helps administrators and managers to navigate the collective bargaining process while setting the work standards that their agencies seek to achieve. While this literature provides a detailed roadmap of how public managers might interact with public employee bargaining units, it does not focus on how public sector labor might help to fashion the practices and policies which agencies and their employees together must carry out (Kearney 2009; Brock and Lipsky 2003; Lewin, Feullille and Kochan 1977).

The literature on labor unions and politics, thin as it is, thus shows that unions are important local and national political actors, although their roles are constantly changing and vary greatly from place to place. We know that public sector workers and their unions help to shape policy outcomes. They influence how the public experiences policy choices, and furthermore, they can generate strategic alliances or participate in political coalitions to increase their policy influence.

Ricucci argues that public unions are under-studied because they have different relationships with their employers than do private sector unions and scholars have not yet taken the measure of this element. Given how much the distinctive nature of municipal labor relations

might well vary across the country, this would seem to undermine the potential for producing meaningful lessons from the New York City case. Though it may not be a representative or average case, the experiences analyzed here are critically important because they represent the best case scenario of city support for well-established unions. This is a nightmare scenario for those who oppose public sector unionism. It is also a test case for proponents of organized labor progressivism. As such, it can help us understand the structural constraints on the degree to which unions help or hinder policy development and how their inclusion adds or detracts value from the policy process.

Some Formative Moments:

Unions are recognized by Mayor Wagner:

The passage of the National Labor Relations Act (NLRA) in 1935 did not grant public employees the right to bargain but it did not stop them from organizing. Unions of teachers, transit workers, police officers, and many others fought for better wages, working conditions, and recognition before the NLRA was passed and continued to do so afterward. In 1947, the State of New York responded to ongoing public sector strikes by passing the Condon-Wadlin Act, which made such strikes illegal. Should public employees violate this ban, leaders of striking unions could be arrested and striking workers could be fired. Even if they were reinstated, they would not be eligible for wage increases for three years and would be placed on probation for five.

The Condon-Wadlin Act would remain intact until 1967, when it was replaced by the Public Employees Fair Employment Act (known as the Taylor Law). By the time the Taylor Law was passed, collective bargaining was established in New York City during the Wagner administration.

Robert F. Wagner campaigned for Mayor of New York City in 1953 on a platform of improving conditions for city employees. Once elected, he took swift action in reorganizing how the city government managed its workforce. His administration rationalized job titles and promotion paths. He instituted a Career and Salary Plan and forced his agencies to have grievance procedures. He issued executive orders that moved the city to recognize unions, certify bargaining representatives, and deal with disputes. During his three terms, Wagner began to build an infrastructure of labor relations. He hired more employees and raised taxes to help pay for them. These moves enhanced Wagner's power. While the city contended with a dispersed and disorganized labor force that demonstrated, struck, and competed with one another for members, Wagner's move toward recognition solved multiple problems simultaneously. He was able to choose which unions to recognize, anointing the ones he wanted to work with by granting them legitimacy and access (Flanagan 2015).

When John Lindsay was elected in 1965, he further advanced Wagner's legacy of rationalizing the workforce by recognizing unions. During his first term, the city passed the New York City Collective Bargaining Law and created the Office of Collective Bargaining. OCB was designed to be an independent agency outside of the Mayor's control that would supervise bargaining and dispute resolution. These efforts were not rewarded with labor peace, as Lindsay was confronted with a massive transit strike, a teachers' strike, a sanitation strike, a strike of drawbridge and sewage treatment workers, as well as a big fight with the city's police during his tenure. Nevertheless, the systems begun in the Wagner years were preserved and expanded.

At the state level, the 1967 Taylor Law attempted to fix what was ineffective about the Condon-Wadlin Act. The Taylor Law granted recognition of public employees' right to organize unions. It expanded institutional structures to deal with conflict, but the law also preserved the

strike ban. Under the Taylor Law, workers will still be slapped with financial penalties for striking and union leaders could face jail time.

The city's unions navigated their new collective bargaining rights by setting up their own structures and relationships. A fair amount of chaos still characterized labor relations in the city, even while some unions consolidated their power and reduced the number of bargaining units negotiating with the city. In 1968, the city bargained with 85 unions accounting for 400 units, but that number shrank to 100 by 1975 (New York City Office of Collective Bargaining 2017). Between 1968 and 1975, unions achieved more stability amongst one another and largely sorted themselves into occupational groups. This stability was important because in 1975 the city ran out of money. Once the fiscal crisis set in, the city's unions were forced to contend with a wholly different set of challenges.

The fiscal crisis in 1975 was a critical moment in determining the future of municipal labor relations. The mechanisms put in place in response to this crisis and the narratives that drove the long recovery continue to have implications for how the city does business and how public sector unions find leverage when confronting a climate of political demands for austerity (Spear 2010; Spear 2002). The crisis led to a new set of practices in collective bargaining, and many of the solutions generated during the crisis led to changes in labor relations that remain intact. Pattern bargaining, the practice in which the city negotiates an economic package with one union that then sets a pattern for the others, was established in response to the challenges of the fiscal crisis and has continued. At the same time, the fiscal crisis also led to major shifts regarding which groups had power in New York City, and many observers marked the fiscal crisis as the beginning of the city's neoliberalization (Phillips-Fein 2017; Maier 1987; Moody 2007).

The Fiscal Crisis:

By April of 1975, New York City was running at least a two billion dollar deficit and every bank refused to purchase any more city securities. In every respect but legal title, New York City was bankrupt. The city was unable to meet its payroll, pay its debts, or finance essential services. The federal, state, and many mainstream media responses to the fiscal crisis named the city government incompetent and corrupt, the city's unions exploitative and greedy, and the urban constituency lazy welfare-dependents. Across the country, legislators and journalists argued that the crisis was a result of the distribution of expensive benefits to the poor and the fault of New York City employees who wrested costly contracts that the city could not and should not pay for (Carey 1975; Silk 1975).

The roots of the fiscal crisis in 1975 cannot be attributed solely to welfare costs or labor contracts. The two main substantive explanations for the fiscal crisis are far more general. The first is the basic principle that expenditures began to greatly exceed revenues. In the wake of a recession, an oil crisis, and the reductions in federal subsidies, revenue sources dried up. Middle class people moved away from cities, poverty rates rose, and property values declined. The demands on public services increased beyond the financial ability of the local government. The second and more immediate cause of the crisis was the response of local officials to their inability to balance the budget. In the absence of other palatable options, as of 1965 Mayor Wagner announced that he could not finance expenses and would borrow \$265 million in order to get through the fiscal cycle (C. R. Morris 1980). For the next ten years, Mayors Wagner, Lindsay, and Beame consistently borrowed against imaginary or 'anticipated' revenues to finance both operating costs and debt payments for previous loans (Shefter 1992).

The beginnings of the actual disaster began when banks started to back away from lending the city money (Phillips-Fein 2017). Mayor Beame took office in 1974 in the midst of financial instability across the country, and when he went to Albany for help with city finances, he was advised to continue borrowing (C. R. Morris 1980). Banks profited tremendously from these loans to the city. Furthermore, when the city's debt level led to a slash in its credit rating, banks raised the interest rates higher. But in the fall of 1974, when Fitch Investor's Service lowered the city's credit rating, the financial community began to unload their notes and market them at lower premiums. By January, interest rates peaked at 9.4 percent and on April 14th, not one bank would loan the city any more money. In other words, banks spent years making money off of the city's inability to meet its operating costs. Commercial banks could not have been unaware that they were complicit in deepening the city's financial liability. As it became more apparent with time, they raised their interest rates making the deficits even larger. When the risk became *too* high, they closed ranks and left the city government with \$13 billion of debt and without any ability to pay it off. When the crisis reached its peak, the banks helped to avoid a declaration of bankruptcy, but did so in order to ensure they would be paid in full.

At least early on in the year, when the city initially started talking about layoffs, there were some union demonstrations. Sanitation workers demonstrated, police officers struck, and DC 37 protested in both Washington DC and on Wall Street (Maier 1987). Victor Gotbaum, the Executive Director of DC 37 at the time, publicly called for the city to deny paying the banks interest on their loans. Yet at a certain point, union leaders stopped authorizing demonstrations once the financial reality of the city sunk in. The threat of going to federal court became real, and as that threat came into focus, Gotbaum was convinced that going to court posed a greater threat to the city's workers than making concessions (Bellush and Bellush 1984). As the leader of both

DC 37 and the Municipal Labor Committee, Victor Gotbaum showed relatively early indication of his willingness to cooperate with the city when financial crisis seemed imminent. In Spring of 1975, Gotbaum negotiated a wage deferral agreement for many of the city's unions. This agreement implemented a wage freeze but was tapered to protect the lowest paid workers (Freeman 2000; McCormick 1981). It also allowed each union to negotiate non-economic issues separately to deal with specific issues pertaining to different jobs (McCormick 1981). That spring, the Municipal Labor Committee, under his stewardship, proposed cutting provisional workers and promoting early retirement to advance the image that the budget was being reigned in (Bellush and Bellush 1984).

The unions' concessions were not enough. The inability of the city to access loans was continuously cast as the mayor's refusal to demonstrate a willingness to bankers that the city would dramatically cut its budget and its workforce. In other words, the city was addicted to spending and if it did not show it was serious about change, it would not get help. Investors did not care about social programs or labor commitments. They insisted that financial relief would not be forthcoming until the city slashed its budget.

Governor Hugh Carey took over the effort to get the city access to funds first through revenue sharing. When that proved insufficient, Carey took over the city's access to sales and stock transfer tax revenue and used that money to secure bonds that would be sold by the state. Those bonds would be sold by a state-created entity titled the Municipal Assistance Corporation (MAC). The problem was, that did not work either. Even with this level of intervention, investors would not open up enough cash flow to the city.

Next, the state passed the Emergency Financial Control Act. This established the Emergency Financial Control Board (EFCB) that would oversee the city's financial decision-making. According to Martin Shefter:

The state law creating the EFCB required the city to balance its budget within three years using accounting principles specified by the state, and to submit a three-year financial plan indicating how it would do so. The EFCB was given the power to review- and reject- the city's financial plan, its expense and capital budget, the contracts negotiated with municipal employee unions, and all municipal borrowing. If the EFCB believed that city officials were not complying with the financial plan, it had the authority to take control of the city's bank accounts and give direct orders to city officials. The EFCB could even remove from office and press criminal charges against city officials who violated its edicts (Shefter 1992).

The EFCB dramatically expanded the authority of the state over the city, and state-level public officials appointed by the governor sat on the EFCB alongside corporate executives representing the New York Bell telephone company, American Airlines, Colt Industries, as well as the commercial banks already heavily involved with the crisis (Mollenkopf 1976). The hope was that this level of scrutiny and authority on the part of the state would create a higher level of confidence that MAC bonds were a safe investment. Combined, the financial institutions (MAC and EFCB) created to lift the city out of crisis reified the power of the commercial banks over the city's decisions. These institutions allowed investment banks or bondholders to exercise the "first claim on city tax revenues...[and then] whatever was left went to essential services" (Harvey 2005).

In the fall, with the passage of the Emergency Financial Control Act, Victor Gotbaum convinced the Municipal Labor Committee to use \$8.5 billion in union members' pension funds to buy enough city bonds to help the city meet its obligations to demonstrate that it was getting its affairs in order. Alongside the city, they shopped for investors and pressured the federal

government to provide more help. Together, the unions negotiated their contracts quickly and as a group, in order to meet federal deadlines to secure loans for the city. While initially, the UFT stayed out of these negotiations and refused to join the group, their leader Al Shanker was eventually prevailed upon to work with the rest of the coalition, and after the 1976 round of bargaining, the UFT came on board.

The possibility that the city might actually file for bankruptcy was a deeply felt fear of DC 37 leadership. New York City Central Labor Council president Harry van Arsdale, Jack Bigel, a financial consultant to the sanitation workers union and DC 37, and Victor Gotbaum shared the view that the prospect of the city going bankrupt and leaving its affairs to a federal judge posed too great a threat to collective bargaining to leave to chance. In other words, their increasing willingness to work with the city to dig out was in service to their fears about preserving their institutional gains alongside their lack of confidence that such gains could be protected in the courts (Bellush and Bellush 1984). Al Viani was DC 37's lead negotiator during the fiscal crisis and he explained their thinking.

Al Viani: ...there's no constitutional right to collective bargaining from public employees, no inherent right. Everything relies on the state legislature as witnessed in what happened in Wisconsin...And Victor's whole approach, and I know because I had a lot of meetings with him and Felix Rohatyn in those days, his whole approach was we have to preserve collective bargaining more than anything else. You can do concessions, and you can do certain things, those come back, at some point. And you recover. But if they take away collective bargaining, then, you're really screwed...the Financial Control Act [already] prohibited collective bargaining temporarily.

Interviewer: Do you think that, had the city gone bankrupt, do you think the decisions that would have been made [by the courts] would have been more painful to the unions or to the banks?

Al Viani: The unions...nobody was sure about the authority of the federal bankruptcy judge, how much authority he or she had or didn't have. But the fact is that

nobody knew. That's why we hired this bankruptcy firm. We had that in place. They kept saying we've got to look at these books. If these books are real, if the city – if we conclude that, in fact, the city is teetering on bankruptcy and that it's real, then, we have to adjust to all of that and deal with it. And we have to preserve collective bargaining in the process.

But nobody was sure about the extent of the authority of the bankruptcy judge and whether or not, in the public sector, a judge could come into your existing bargaining units, whether they could cut pension benefits, or what he could do– and nobody wanted to take that chance. We wanted to preserve what we could (Viani 2017).

By agreeing to the cuts and investing their pension funds, municipal labor unions became major contributors to the city's recovery. Up until this point, labor union leaders were caught in a dilemma. On one hand, members and some leaders did not want city employees to lose their jobs in order to pay back the banks. Some felt that a bargain like that was not only unfair, but demonstrated weakness. At the same time, other efforts to access cash were not working. The city was broke. If the city went to federal court and lost all control over how the financial mess was managed, unions had a lot to lose. Investing the pension funds was not a very popular strategy at first. It was an enormous risk. But once the city's unions put up that capital, the state was in fact able to convince other investors and the federal government to offer help as well. Additionally, the unions' investment allowed them to become the city's creditors, a position that enabled them some leverage.

Victor Gotbaum led the municipal unions to take this risk. He did so with a tremendous amount of resistance and controversy. Once he invested the pension funds, the left leveled even more criticism against Gotbaum, not only for his initial concessions, but for his unwillingness to use the leverage afforded by becoming a creditor to go to war with the banks. In other words, municipal unions chose to work with big finance in order to get what they could out of a bad situation. What they did not do was create an organized resistance to the financial institutions

and the public figures ready to hang the crisis around their necks. In their fear for their viability, the unions settled for compromises during the fiscal crisis to save the city and to save themselves (Spear 2002). Critics maintained that had they remained vigilant and organized, perhaps the consequences of the crisis for working and poor people would have been less punishing. David Paskin, the Director of Research and Negotiations at DC 37 has a different view.

David Paskin: The other piece which pisses me off is that the choices that had to be made during the fiscal crisis weren't—unions don't have the luxury—in America, at least, or at this point in time, or at least in this history, I've got to qualify all of this—to simply say, “Let the city go bankrupt.” And that would have been a terrible choice because the soldiers in a class struggle in New York City weren't there and...if someone thinks they were, they're wrong...
...You had a politicized black community around race issues but not around those issues. So...there could have been a lot more struggle around a lot of things but...having not seen that and not seen it up until then and seeing people saying, “Well, they should have been much—[less cooperative]”—you're asking the very institutions that are—my take on unions is we are very conservative organizations in our DNA because, if we fail, we've fucked people over—it's like they lost their pensions, lost their jobs, lose their house. It's like we're not—Other people, as I look at my history here and other places, I've seen unions become, let's put it that way, maybe that's a better way—*become* conservative organizations.

Interviewer: Because they've too scared of the responsibility they've taken?

David Paskin: Because they take the responsibility very seriously (Paskin 2017).

Prior to the crisis, DC 37 and other city unions had negotiated contracts that would provide six percent raises set to take effect in the middle of the year. Those raises were frozen for at least three years with the added concession that come 1978, if there continued to be inadequate funding to enable the city to pay the raises, the freeze could be extended. Next, municipal unions allowed the city to reduce contributions to the welfare fund, they would agree to cutting the workforce through attrition, and then eventually they gave into the layoffs after all.

Working class and poor New Yorkers paid for the fiscal crisis. Undoubtedly, the dependent poor suffered the most. Between 1974 and 1981, welfare benefits were frozen while the cost of living increased by 68 percent (Shefter 1992). A five-year moratorium was placed on middle-income subsidized housing construction. The open admissions policy at CUNY was ended. There was a hike in mass transit fares. Twenty-five thousand municipal employees were laid off. Wage-increases won through collective bargaining were deferred and unions invested their pension funds in city bonds to repay debt to the banks (Maier 1987). The layoffs in the civil service created even larger demands on the remaining and demoralized city workers to keep the city clean, safe, and moving.

It is difficult to measure exactly what unions gained from their role in the city's recovery. They achieved an institutional role as necessary players in decision-making. They did not alienate the public. Indeed, they could claim credit as one of the key actors in 'saving' the city. They did win an agency shop provision in Albany which was certainly not a small victory, given that it ensured the unions income in membership dues throughout the crisis and beyond it. Pattern-bargaining was established (for good or for bad). Perhaps they protected their membership from deeper cuts, and they continued to exist. These are undoubtedly successes. Further, their shared efforts during the crisis set a tone that the unions had become important actors in city government. At the same time, the fiscal crisis foreshadowed that the city's unions would not be an organized resistance to austerity measures, and for many administrations that would follow—the city's workforce would be the first stop on the train to reduce spending.

In 1978, Mayor Ed Koch planned on doing away with the coalition-bargaining that characterized labor relations during the crisis, but by that point the practice had become useful, and a version of it remained in place as pattern-bargaining. In 1980, uniformed unions

representing police officers and firefighters also participated in pattern-bargaining, though as a separate group. Pattern-bargaining has since been the city and the unions' approach to managing the complexity of bargaining with such a large workforce. By reaching an agreement with one major union, the city establishes an economic framework with which the labor agreements comply. Sometimes the pattern has protected the economic interests of the city and sometimes it has protected economic interests of the unions, but for both it has built in some predictability to the process, and for that reason it had remained.

Before Mayor Bill de Blasio:

Michael Bloomberg won his first mayoral election in 2001 as the city was entering a recession deepened by the September 11th attacks on the World Trade Center. His win was by no means a foregone conclusion and he narrowly defeated Democrat Mark Green. Three central factors contributed to Bloomberg's victory. First, he brought his own seemingly limitless wealth to his campaign. This enabled his campaign to advertise and build a campaign operation free from the constraints of fundraising. Second, his business accomplishments validated his claim that he was well-suited to prevent the city from falling into financial ruin and political disarray in the wake of the attacks the city had just sustained. Third, and perhaps most critical, Mark Green did not recover from the destructive effects of a highly divisive Democratic primary.

Despite being a business titan, Bloomberg was not stridently anti-union. After being inaugurated, he made overtures to 1199SEIU (the city's healthcare workers) and the UFT in the spirit of building trust. Given that contract negotiations between the teachers and Giuliani had broken down and the other unions shared the UFT's frustrations, Bloomberg aimed to strike a tone of renewed partnership. While they had not endorsed him, he did not campaign against them. By reaching out, he cast himself as a moderate practical manager who was above the fray.

Nevertheless, Bloomberg soon began to stump for the reductions needed to plug a \$4 billion dollar budget gap, partially resulting from the terror attacks and partially the impact of the recession on city revenues.

Early in 2002, Bloomberg indicated an interest in cutting pension contributions for employees in both the police and fire departments. He also inherited the stalled contract negotiations with the UFT. While showing early signs of promise, these negotiations became mired in a set of controversies that combined the mayor's desire to acquire control of the city's school system, the teacher's demands for raises, and Bloomberg's eagerness to require guaranteed productivity gains in exchange for raises. In the end, the state funded raises, the legislature gave the mayor control of the school system, and the teachers made concessions in the length of the school day. By April of 2002, to highlight budget problems, the mayor started to threaten layoffs. In November, the mayor's proposed budget included layoffs and productivity gains designed to yield \$600 million in savings. Such demands continued well into 2003 as the mayor requested that agency heads provide him with their plans for cuts in their departments.

The first union responses in November of 2002 were conciliatory. Randi Weingarten, head of the UFT and the Municipal Labor Committee, said that the unions acknowledged the city's budget needs. Bloomberg's move to raise property taxes and proposal of a commuter's income tax signaled that the unions were not the only parties the mayor expected to help make ends meet. Lillian Roberts, then-leader of DC 37, averred that since the city's employees did not cause the fiscal problem, they should not suffer unfairly. She then issued alternative proposals for how her union felt savings could be achieved. Her proposals did not garner much good will with other municipal unions since she argued that her members could perform jobs more cheaply than the members of other unions. The cops demonstrated for raises, but ultimately they took

their conflicts to arbitration. In sum, the city unions were muted while the mayor campaigned aggressively for shared sacrifice.

The UFT arguably had the most complex and volatile relationship with the Bloomberg mayoralty throughout his three terms. The alliances and conflicts were constantly shifting and evolving. They needed each other and they both wanted the mayor to control the school system. By the end of Bloomberg's tenure in office, however, labor and management had given up on each other. While the teachers were able to achieve sizable raises in 2006 and settle a contract early that pleased both the leadership and the membership, Bloomberg constantly challenged the interests and the values of the teachers' union. Once Bloomberg signed the 2006 contract and the union helped him secure extended control over the schools, he made plain his intention to go after the union's healthcare and pension benefits. By January of 2007, he also announced that he sought to change teacher tenure policies and to reform school budgeting.

Four primary strands of conflict were tugging at Bloomberg and the UFT. Teacher tenure was high on this list. Bloomberg insisted on tying teacher tenure to student performance and making tenure be harder to achieve. Second, threats of layoffs highlighted Bloomberg's desire to eliminate seniority rights as the governing factor for layoffs. He wanted schools to be able to keep newer instructors. Third, Bloomberg favored having the state constantly increase the number of charter schools that would operate with public dollars but would not be required to hire union members. Finally, Bloomberg constantly shifted the contours of the debate in ways that would serve his desire to preserve control over the city's schools. Both the city and the union needed each other to make this case at the state level. Such shared fate introduced pressure points that shaped how the two sides negotiated with each other.

DC 37's battles with Bloomberg left their members so angry that they were the only union of the big three to endorse Democratic challenger Bill Thompson instead of the mayor for his third term in 2009. (That was also the last year DC 37 saw wage increases under Mayor Bloomberg.) Not only was Bloomberg committed to privatizing many city functions, this would come at the direct expense of DC 37 members. While DC 37 was fortunate enough to secure raises when there was a budget surplus in 2006, Bloomberg resisted the union's demand that the city lift residency requirements (that compelled workers to live in the five boroughs) for their members. Lillian Roberts pursued this change because housing costs in the city had grown so high that DC 37 members could not afford the prices at the levels they were paid. That Bloomberg relentlessly campaigned for cuts to healthcare benefits only infuriated a leadership that presided over a membership struggling to afford living in the city where they worked.

The PBA's relationship with Bloomberg got off to a rocky start and became further mired in controversy over the administration's use of aggressive police practices. The public outcry that would emerge about the increase in police stops of young minorities added to tensions between City Hall and the police, but the primary concern for police officers was higher pay comparable to surrounding suburbs and boosting recruitment. The PBA became especially frustrated when in the name of fiscal austerity Bloomberg went after year-end bonuses for retirees. Bloomberg sought these financial concessions despite the PBA's endorsement of his candidacy in 2009.

While budget surpluses made it impossible for the mayor to deny the workforce some raises early in his second term, calls for givebacks filled much of Bloomberg's tenure. An unnamed DC 37 official was quoted in a 2006 *New York Times* article that it was absurd to portray the 2006 contract fight as a victory for the union purely because it lacked concessions. While Bloomberg sought these concessions, he also presided over a substantial increase in tax

expenditures (designed to promote development) even while hunting for spending cuts in his agencies (Surico 2013).

Press coverage of the municipal unions in the *New York Times*, the *Daily News*, and the *Wall Street Journal* consistently characterized the city's unions as selfish, irresponsible, weak or inept. All accepted the idea that workers should make concessions during budget troubles. None ever questioned why the city should target workers for fiscal shortfalls that were not caused by the work they did or the contracts negotiated by their leaders. The coverage surrounding pensions and healthcare consistently presented union members as fattening up on the taxpayers' dime. None of the coverage noted that the city is one of the nation's most costly places to live or that the median annual income of civil servants' was \$65 thousand in 2013—and considerably less for those who worked in the Human Resources Administration or the New York City Housing Authority.

When the Bloomberg administration had a budget surplus in its second term, Randi Weingarten led the Municipal Labor Committee in a concerted effort to negotiate with Bloomberg. This was the only example of substantive collaboration among the unions during his three terms. It is revealing that such a collaboration was only possible when the city was flush with funds. In tighter periods when the mayor confronted the union leadership with calls for concessions, they found it much more difficult and less desirable to work together. By the time the Democratic primary was heating up for the open 2013 mayoral race, the major public sector unions all backed different candidates and none endorsed the ultimate victor, Bill de Blasio.

New York City elected a pro-labor Democrat, Bill de Blasio, in 2013 after Republican mayors had governed for 20 years. While it was expected that he would win the general election over Republican nominee Joe Lhota, far fewer anticipated his victory in the Democratic Primary.

De Blasio's election set off a flurry of commentary on how a self-avowed progressive would govern such an important city—which some saw as a sign of an era to come in national politics. Others dreaded the potential directions his new administration might take. And some warned that his administration would inevitably be a let-down for a left that greeted his victory with such high expectations.

The 2013 mayoral race placed a spotlight on economic inequality. During the Giuliani and Bloomberg eras, the city's middle class shrank, and wealth and poverty became more concentrated. According to the NYU Furman Center, in 2012, the top five percent of city households received twenty-eight percent of the city's income and the top twenty percent received fifty-six percent (NYU Furman Center 2013). Moreover, according to reports from the Fiscal Policy Institute, despite the national economic recovery, the 2013 inflation-adjusted family income of New Yorkers was down eight percent from 2008 (Fiscal Policy Institute 2012). Community Service Society studies pointed out that the city lost almost 400 thousand units of affordable housing during Bloomberg's tenure (Waters and Bach 2014). Fifty-four percent of low-income families were spending more than thirty percent of their incomes on rent, and a third of New Yorkers were spending more than half their incomes on rent (NYU Furman Center 2013). In 2013, forty-five percent of New Yorkers were at or near the Center for Economic Opportunity's poverty level (NYC: Office of the Mayor 2015). According to the Columbia University/Robin Hood Poverty Tracker, four out of ten New Yorkers faced significant material hardship of some kind during 2012 (Wimer et al. 2014).

While these are significant economic disparities, so are other disparities. While the crime rate has continued to drop, the NYPD generated a great deal of controversy over its Stop and Frisk and misdemeanor arrest practices under Bloomberg's watch. The NYPD targeted nearly a

million young black males for stops and violations, polarizing city residents who wanted police officers to protect them, but also felt afraid of them (Fratello, Rengifo and Trone 2013; NYCLU 2011). In turn, the NYPD has pointed to a shortage of staffing and a crisis of morale as officers confronted unrelenting criticism. At a time when public safety has become increasingly complex and demands on the department have become more diverse, their practices have divided communities, alienated young minority boys and the neighborhoods from which they come, and disheartened the force.

The debate over the best way to improve schooling outcomes over the last several decades also remained heated as de Blasio took office. Mayor Bloomberg used his control over the Department of Education to try many different organizational reform tactics to lift educational outcomes. He made some enemies in the process. He oversaw a proliferation of charter schools, closed a number of poorly performing public schools, promoted school choice and competition within the system, and alienated the United Federation of Teachers, while making only gradual strides in improving test scores and graduation rates for city students.

Bloomberg also left behind a murky budgetary situation, as many outgoing mayors do. He left a budget that was apparently balanced by allowing more than 140 contracts with municipal unions to expire. Without any offers to settle them or any budget provisions for funding new contracts, an incoming administration would have to confront years of unsettled labor contracts without any money set aside to do so. By refusing to negotiate labor contracts, Bloomberg left de Blasio facing several hundred thousand employees anticipating wage increases and benefits (Doulis 2013). Beyond wages, the contracts with municipal employees involved work rules, practices, the size of the workforce, and the evaluation of workers, all reflecting policy preferences of the governing body under which these employees work. No

single reason explains why Bloomberg allowed all of these contracts to expire. Nevertheless, the breakdown between the Bloomberg administration and the city's employees showed a profound and mutual lack of trust.

Within five months of taking office, Mayor Bill de Blasio negotiated a nine-year contract with the teachers' union (UFT) and a seven-year contract with employees covered by District Council 37 (DC 37). The Patrolmen's Benevolent Association arbitrated its first contract with the de Blasio team, but did come to a voluntary agreement in 2017—only the second signed by the PBA since 1994. While these unions are only three of the dozens representing city workers, they account for about ninety percent of the municipal workforce. The reopening of labor negotiations under the new mayor did not resolve every problem, but the de Blasio administration's efforts to prioritize collective bargaining went a long way in sending a signal that the city's workforce would have a different and more receptive audience in City Hall.

Research Design and Summary:

The evidence for this dissertation comes primarily from in-depth interviews with agency and union officials. Extensive interviews were also conducted with policy experts, scholars, and journalists holding a variety of viewpoints on New York City unions and the city agencies with which they bargain. These conversations lasted anywhere from one to eight hours spread over multiple days.

The world of those involved in collective bargaining and labor relations in New York City is small. In many ways, it is highly specialized work that individuals perform in numerous capacities over the course of their lives. A large portion of my interview subjects held many different job titles over their careers, with the current one offering only the most recent sliver of their experiences throughout their professional lives. As a result, they brought insights on all

sides of the issues frequently based on highly nuanced and detailed descriptions of problems that they could readily situate in more than one perspective. For a researcher, these reflections were extremely helpful.

Analysis of primary and secondary sources such as prior contracts, accounts of negotiations, legal proceedings, and legislative research supplemented interviews in understanding how certain spheres of policy development have unfolded. Additionally, my research reviewed key political metrics on how municipal labor leaders have wielded their leverage in the public eye, including political endorsements, public statements, press releases, and campaign activities. These are all important indicators of organizational and issue-based priorities as well as political confidence and allegiances. They help me to generate an account of the issues which the unions choose to problematize, where union influence was effective and where it was not, how unions went about pursuing their wishes, and how city officials, elected and appointed, have responded.

As described above, the following chapters investigate DC 37, the UFT, and the PBA. Each case begins with a prologue that highlights each organization's historical dilemmas and structural arrangements. Every case focuses on a specific policy issue that is useful for tracking if and how each union articulates its positions, if and how they have proceeded to exert influence, and whether they meet their preferences. This component of the chapter on DC 37 focuses on privatization and in-sourcing. The UFT chapter discusses the Teacher Leadership program and the Progressive Redesign Opportunity for Schools of Excellence (PROSE) initiative. The PBA chapter discusses the use of quotas in law enforcement.

Taken together, these cases show how public sector labor relations are profoundly complex. Organizations change over time. They are comprised of people who navigate

conflicting pressures and respond to changing conditions. They are not always the best versions of themselves, nor are they the worst—but public employees’ unions are the voices of public servants. In this capacity, they contribute to decision-making regarding public policies and public services.

Unions enable workers to articulate new policy ideas, warn against problematic proposals, resist bad policies, and even educate citizens about the advantages or drawbacks of policies or services available to them. They enable workers to play this role because through unions, workers can enjoy some level of protection from retaliation from management for speaking out individually and more importantly, they can have a platform to speak out as a group.

While public employee unions are often important policy actors, they have not always reliably influenced decision-making. For different reasons, each of the three unions analyzed here has sometimes failed to pursue their policy preferences effectively. It is as useful to consider the barriers they each confronted as it is to consider their successes or their potential.

DC 37 has struggled with a structural problem in their governing arrangements that weakens their leadership, has exposed the union to corruption, and privileges the parochial interests of constituent locals over the collective aspirations of the entire union and the city it serves. This has hampered member support and participation at times, and it has limited the union’s leverage over elected officials.

The UFT leadership has struggled to rectify damaging breaches with black New Yorkers and continues to take positions on charter schools and school discipline that echo moments in the union’s history of privileging immediate professional interests over interests of vulnerable students. As an organization, they have not built the level of trust and support from the families

their members serve that they could. While internal factions have attempted to remedy some of these issues, the insularity of the leadership and the fact that the governing structure is so difficult to penetrate has rendered many of these efforts unsuccessful so far.

The PBA has historically been the most narrowly focused in its efforts compared to DC 37 and the UFT by training its attention on compensation and benefits. In the leadership's commitment to preserve a reputation of never being in bed with management, leaders have sustained conflictual relationships with virtually every mayor regardless of their political or party affiliations. They have also remained isolated from many of the city's other unions. This narrow focus of their role has led to situations in which their members are more vocal on policy issues than their leaders are.

Taken together, these challenges have elevated the power of City Hall over the role of public employees' unions in the policy process. Independently, each organization has not marshaled enough political power or public support to remain consistently influential during hostile administrations.

The current mayor is open to collaborating with the city's unions. Mayor Bill de Blasio's support of unions has enabled them to have greater input on various policy areas. This approach to labor relations does not mean that the Mayor and the unions agree all the time. They do not. Nevertheless, this administration has viewed labor organizations in a far more positive light than prior ones. The expanded access enjoyed by unions during this administration may very well disappear in the next one. Private sector unions have already been devastated in the United States, and in many places, public employees' unions are becoming obsolete as well. Nationally, public employees' unions are confronting some of the greatest threats to their work and their achievements since their inception. In New York, the very right of workers to organize and

bargain has not been challenged in a long time. Unions in this city are not in a fight for their existence. That makes their examination here especially important.

Chapter 2: District Council 37

City employees are not this other group that's out there. City employees are also residents of the city. So, if you have residents working, if you have them earning a decent wage, if you have them more secure, you have a better city.

Chris Policano, Director of Strategic Initiatives, DC 37

Prologue: The 1965 Welfare Workers' Strike Paves the way to Public Employees' Collective Bargaining in New York City

In 1965, eight thousand welfare workers for the City of New York went on a month-long strike. It was a bitter cold January. The strike was illegal. The City fired the strikers and arrested their leaders. Surprisingly, the strike took place during the administration of Robert F. Wagner, Jr., son of the great New Deal U.S. senator, who served as mayor from 1954 through the end of 1965. Wagner had run both times on a platform of supporting the rights of public employees to organize (Flanagan 2015). Yet this strike targeted his administration and the outcome took nearly everyone by surprise, including the unions that ultimately supported it and ushered it to victory.

Technically, two rival unions executed the strike simultaneously—the Social Service Employees Union (SSEU) and Local 371 of DC 37 (Bellush and Bellush 1984). Both sought to organize workers in the city's welfare centers. Until this point, Local 371 had less support within the ranks than SSEU, because activist social workers had come to view it as a company union (Maier 1987). The 371 leadership was not particularly aggressive with management and consistently asked for favors from agency heads rather than making use of more forceful demands. What Local 371 lacked in toughness, however, they made up in terms of their strategic position. Unlike SSEU, which operated as a small and independent union, Local 371 was part of DC 37 of AFSCME. It therefore had access to a broad support network within organized labor, a network that would come into play once welfare workers decided to walk out.

Prior to the strike, welfare center employees across the city engaged in a head to head election to choose between the two unions for representation. All but one of the welfare centers chose SSEU. Only one welfare office elected Local 371 of DC 37 to represent them, with Al Viani as their shop steward. After the results of the election showed that Local 371 had failed to get almost any support, Viani denounced his own union's leadership in a union meeting as out of touch with the values and needs of welfare workers (Viani 2017). He insisted that the leaders of Local 371 should resign (Bellush and Bellush 1984). With added pressure from the leaders of DC 37, the previously elected officers of Local 371 did step down. Shortly thereafter, Viani was nominated to take over, and by 1965, his slate was in charge of 371. Alongside the SSEU, his members went out on strike on January 4th of 1965.

That the two unions went out together was an odd turn of events, given that SSEU won the right to represent the majority of caseworkers in the head to head election. That victory positioned SSEU to try to negotiate a contract with the city. Committed to establishing collective bargaining, expanding the scope of bargaining to include social issues, and broadening the very structure of labor relations, the SSEU membership authorized a strike when the Wagner administration refused to agree.

Al Viani: ...“Hey, there are these case worker jobs in the Welfare Department. They don't care what kind of degree you have. They pay \$100.00 a week.”

I said, “A hundred a week? Oh, man.” I was making about \$65.00 a week hanging on by my fingernails. So, I went, and I took the test, and I got the job. And somebody said join the pension. I said I'm going to be here six months, maybe a year. And so, I started. And I was working East Harlem. I worked at East Harlem at East 108th Street. And I was a welfare case worker that would visit all of these homes in East Harlem. I sort of got shocked, even though I came from a poor family, we lived in a tenement building in Lower Manhattan, but I was shocked by what I saw in terms of poverty. And it was a big Hispanic neighborhood at that time, black and Hispanic.

I sort of became semi-radicalized, although I was never really crazy left

wing, but about issues about how welfare people were treated and so forth. And there were unions, but they didn't have – there were unions under Mayor Robert Wagner who was the mayor at the time, and who issued an executive order allowing people to organize, but there was no real collective bargaining as one would understand it. They had a salary schedule and plan, and you could make an appeal to a Salary Appeals Board that was controlled by the mayor and see if you could get a set increase in this very complicated salary plan, this schedule that they had.

But there was no such thing as exclusivity, so, there could be three employees, and each employee would be in a different union. There was no collective bargaining in the true sense of the word. And I was working, and one of the guys said, "Come on, I need an assistant shop steward." It was like 1962. And I got involved with the union. And I sort of got really involved with AFSCME. Jerry Wurf eventually became the international president of AFSCME. He was the head of DC 37 in New York. And I got involved with the union, but there was a lot of turmoil.

It was the '60s after all. And everybody was revolting about all kinds of things. So, one group of employee case workers started their own union as an independent union, and I was part of the union that was in the AFL-CIO.

Interviewer: So, this is SSEU, and then, it's –

Al Viani: And there was Local 371, the two unions. So, they split off, but there was no real collective bargaining rights. They were just memberships, basically. But I didn't want to leave organized labor. I felt it had the best shot for changing things, and there were social issues that we wanted to change, the caseloads we wanted to change, and salary scales.

Interviewer: What were some of the social issues you wanted to change?

Al Viani: How welfare people were treated.

Interviewer: In what way?

Al Viani: To provide more money, to provide better facilities for children.

Interviewer: Facilities for childcare or –

Al Viani: Yeah. More clothing grants for children, school books, things of that nature. But in the long run, none of that fit within the traditional collective bargaining demands. Those were all demands, eventually, that were found to be not bargainable. You couldn't even negotiate on them.

For the members, the strike reflected how social justice issues were intertwined with work issues (Viani 2017). The caseloads alone were so high that employees were unable to provide the services their clients needed (Maier 1987). Every time a caseworker wanted to help a client buy clothing or a hot plate to prepare food, they were required to conduct home visits. The structure of the work meant that every effort to offer help to clients added to an already unsustainable workload in welfare offices. With Communist roots in the SSEU leadership ranks and young activist social workers willing to take risks, such grievances motivated the caseworkers, supervisors, and clerical workers to take a hard line.

The strikers were able to shut down ten of the city's welfare centers. Support poured in from other labor unions and civil rights organizations. That strikers had positioned their cause as allied with welfare recipients, combined with the fact that city jobs provided black workers with stable employment, made it attractive for civil rights groups to join the campaign. Furthermore, in 1965, public employees had been organizing in New York City for some time, but they had not yet achieved broad based recognition. When the SSEU and Local 371 walked out, larger unions like AFSCME saw an opportunity to shift the focus of the campaign from workload and social issues about poverty to attaining collective bargaining in the public sector.

Initially, this work stoppage did not particularly worry the Wagner administration. After all, it was being spearheaded by an independent union that split off from the rest of the labor movement. SSEU was critical of the existing labor organizations for being too moderate. Additionally, they did not have a strike fund. And it was January, so it was cold. Wagner did not anticipate that the strikers would accumulate much momentum. But he wanted to preserve his reputation as a liberal mayor, which would be undermined by fighting with social workers, unions, and civil rights groups all at the same time, so he was motivated to reach a resolution.

The Wagner administration brought in six deans of social work schools to mediate and negotiate between the city and the unions (Maier 1987). Their recommendation was to designate a fact-finding panel that would explore and make proposals about all of the issues that concerned the unions (Viani 2017). Wagner continued to resist the union's demands for the right to bargain about a broad scope of policy issues. In the end, they could only agree on a framework through which to resolve their conflicts. The city agreed to help the union extricate from the enforcement of the Condon-Wadlin Act under which the leaders of the strike were jailed and many of the workers were fired, and the unions agreed to return to work while continuing to negotiate through a process that included two representatives from the city, two representatives from the unions, and an impartial expert (Viani 2017). These five representatives were to produce a report after a thorough study of the conflicts at hand.

In the end, the report vindicated the union by supporting a broader scope for bargaining—adding clothing allowances to the contract alongside caseload reductions and wage increases. This victory would prove to be temporary, however. The city dragged its feet on implementing the workload reductions and the clothing allowances, and by the end of 1966, Mayor John Lindsay's new Welfare department commissioner Mitchell Ginsberg showed every indication that he would again seek to narrow the scope of what collective bargaining could cover (Bellush and Bellush 1984). By this point, the momentum of the strike had dissipated. The leadership of DC 37 and of Local 371 were unconvinced that SSEU would be able to prevail a second time. While the strike had successfully established a framework to resolve conflict, the arbitrators did not generally accept the principle that public employees' unions should be able to negotiate over policy delivery. As a result, SSEU was out on its own limb, and they lost the fight to bargain for clients' issues. By 1969, SSEU would reaffiliate with DC 37 and merge with Local

371. This did not erase the local's activist legacy, but it was absorbed into a larger confederation that had to navigate its own strategic dilemmas.

Perhaps the most historically significant aspect of the welfare workers' strike was that it led to the creation of the city's Office of Collective Bargaining. This agency, existing outside City Hall, has a tripartite structure based on the panel set up to resolve the 1965 strike (New York City Office of Collective Bargaining 2017). SSEU's first contract not only won case reductions and wage increases, it also provided that the city would commission a study to deal with the city's overall system of labor relations. The adoption of that study's recommendations led to the institutionalization of the independent tripartite model in which labor, management, and impartial arbitrators would all come together to resolve issues. OCB continues to be the mechanism through which differences and problems are confronted and resolved, and it is through this agency that labor and management have been able to achieve decades of relative stability.

The other lasting outcome of the study triggered by the welfare workers' strike was that DC 37 became the bargaining agent for a large portion of the city's civilian employees. The city moved to rationalize labor relations in a way that minimized their risk of proliferating protracted labor fights and prevented unions from engaging in perpetual inter-union conflict. DC 37 had won a series of elections at a time that coincided with this effort and so they were the main beneficiary of these changes.

That the city so firmly opposed broadening the scope of bargaining to include service levels as it set up the new system of labor relations had a formative impact on some unions as well. As public employees' unions have grown, they have frequently left their concerns for social

issues off the bargaining table, relied on other strategies to influence the direction of social policy, or focused their concerns on their members' workplace issues.

Consider how Anthony Wells, the current leader of SSEU Local 371 (now one of the largest locals in DC 37), now talks about the issues on which his union works. Many of his members are employed by the Administration for Children's Services. ACS workers face issues that are reminiscent of the challenges raised in 1965—but Wells' language obscures the social justice questions and makes the workplace issues central (Wells 2017).

Anthony Wells: Do we drive public policy issues? I don't think we do. Do we help influence as much as we can for the public good; for our members good? Of course.

...Well there are some changes that the workers – there are some things that we believe need to be done that will help the agency, and also help our workers...We try to get the agency to look at what kind of changes can be made to help the workers do their job.

Interviewer: What kinds of changes?

Anthony Wells: 1. Get rid of some redundant paperwork. 2. Look at your management style. 3. Be supportive of these workers publicly...

Interviewer: What do you mean in management style?

Anthony Wells: ...What is a day like in the life of a CPS [Child Protective Services] worker? It's hard. Well, how hard is it to make the decisions? Well, you need somebody who understands that; who'll bring support; not looking to get deadlines, and mounds of stuff written.

Interviewer: So, productivity is emphasized over supervision and support?

Anthony Wells: ...I'm just saying to you in a more a direct way, actually, some of this stuff is over and beyond, and does not help save children. What helps save children is going out to see these kids.

Interviewer: Workers don't have time to do it because they're –

Anthony Wells: Years ago, this agency became an accountability agency and a crisis oriented agency. And, we're trying to help them change that because every case is not a crisis. If every case is a crisis, you don't focus on those [actual] crises because you view everything as a crisis.

...Once you have collective bargaining, then you only have the ability to bargain on behalf of people you represent. So, yes, you only can bargain on behalf of those people you have the authority to bargain for. We don't represent clients, right, so you couldn't do that. But, it doesn't mean that the policies that you do can't affect some change for clients. So...when we advocate for child welfare.... We're advocating that you're improving conditions for the workers, which helps improve the delivery system. You need a more effective delivery system. (Wells 2017)

In the beginning, social service workers tried to widen the boundaries of what city unions could fight for. Yet, Wells' main motivation does not seem to include better serving children in need or challenging the structure of ACS workers' work. Wells understands the limits on his ability to deal with work rules. Wells uses the leverage at his disposal to pressure agency heads to consider the union's view on how its workers can most effectively do their jobs. It may be a valuable for legislators and administrators to listen to that view—but Wells does not frame concerns in terms of what is good for clients, because, in his view, that argument will weaken the legitimacy of his efforts, not strengthen it.

The 1965 strike is an important reference point in considering how public employees unions generate strategies for influencing public policy today. Broad-based union rights for city employees came to fruition in the context of a fight over the scope of bargaining. While public sector unions have frequently been criticized by activists and scholars on the left (and the right) for their attention to bread-and-butter issues such as wages and benefits, it is important to bear in mind that their very recognition has often been predicated on excluding their beliefs about what constitutes good policy. Some union leaders accept that narrow scope of bargaining and operate within it. Other leaders have attempted different avenues to affect the policies their members deliver.

District Council 37 is uniquely structured in that both approaches to public policy debates have emerged within it. DC 37 is comprised of numerous smaller unions and not all constituent locals operate the same way. Some are more active than others. Some are more effective than others. Yet they are all connected through and to some degree constrained by a parent organization. Generating a useful description of how DC 37 maneuvers in New York City policy debates must recognize that different constituent parts of DC 37 may be behaving in different ways at any given point in time. Secondly, although the union may have preferences on substantive policy issues and service levels, mechanisms to affect those preferences have not been enshrined in New York City collective bargaining practices. As a result, the union's efforts to influence policy choices cannot be a science, it has to be an art.

Who is District Council 37?: The Structural Challenges of a Confederation

Today, District Council 37 of AFSCME is one of the largest public employees' unions in New York City, with about 125 thousand members. These members occupy many different kinds of jobs across numerous workplaces. Unlike the Patrolman's Benevolent Association or the majority of the United Federation of Teachers, its members' work varies dramatically, they receive widely ranging wages, and they work for many different city agencies. Members of DC 37 are architects, social workers, and engineers. They are also janitors, clerical workers, and hospital workers. Some are librarians, some are laborers. Some of them are lifeguards, some are cashiers, and some supervise our water and sewer systems. In other words, someone who works for the city, but is not a police officer, fire fighter, or teacher is likely a member of DC 37.

Having a grasp of the range of titles represented by DC 37 helps to clarify the division of labor between the local unions and their umbrella organization. The council negotiates the master economic agreement that governs the wages that their members are paid across the different

locals. DC 37 also has the collective organizational capacity to conduct research, craft legislative priorities, and manage the union's many resources available to its members. Its member locals in turn negotiate narrower and more specific issues within city agencies. Unlike teachers or police officers, this arrangement means that many of the ways that DC 37 may deploy some influence over public services happens between numerous local union leaders and agency commissioners and deputy commissioners rather than at DC 37's headquarters or in the New York City Office of Labor Relations (Dolan 2017).

That DC 37 contains such diversity of jobs represented in its organization is significant in making sense of its overall configuration. After all, DC 37 is not just one union, but is fifty-one separate unions affiliated under one heading. Clerical workers are represented by Local 1549. If you are a gardener, you are in Local 1507. If your job is in social services, you are likely a member of SSEU Local 371. These fifty-one active locals primarily represent their memberships along the lines of job titles or agencies, making it more likely for a member to have more in common with someone else in their local than in DC 37 at large.

Strategically, the fact that the city employs so many people in so many places and in so many job titles makes it seem useful to have a confederation arrangement. Because unions rely on accumulating as much leverage over their employer as possible, many small unions operating alone would leave each of them much weaker than being affiliated with the broader organization. The umbrella of DC 37 enables smaller groups to have more substantial support and access to resources. New York City sludge boat captains or Parks Department pruners could not independently deploy the same amount of pressure that the District Council can wield when it comes to influencing management. In short, coming together as a confederation enables smaller unions to become more than the sum of their parts.

The local unions that comprise DC 37 can enjoy considerable autonomy (Dolan 2017). Each local chooses its own shop stewards and elects its own leaders. Each handles job-specific grievances. Frequently, the portions of contract negotiations that address the unique conditions specific to those agencies or those jobs are guided by local union leaders and the agencies for whom their members work. The local unions can be quite determinative in the depth of attachment workers feel to their union and in how members experience their union. The locals vary tremendously in how responsive they are to their members needs and wishes, and they vary in size and in culture.

The governing body of DC 37 is an essential characteristic for appreciating the dilemmas embedded in how the organization functions. The leadership of the council is not directly elected by its membership. Instead, delegates are elected by the members of local unions within the federation (Bellush and Bellush 1984). The number of delegates to which each local is entitled is based on the size of the membership represented within each local. In other words, more populous locals wield more power than less populous ones. Furthermore, the delegations can be influenced by existing leaders within the locals that have access to benefits and privileges they control. In this respect, there are ways in which delegations can be somewhat beholden to the interests of the existing leaderships of the locals from which they come. On the one hand, this can preserve stability for the delegate assembly and protect those with institutional knowledge and memory from vulnerability. At the same time, such a structure insulates some leaders from electoral accountability within their locals, and in some cases such arrangements can breed complacency or even worse, corruption.

The Executive Director plays a key role in DC 37's structure. The Executive Director is the constitutional spokesperson for the entire organization. The Executive Director is responsible

for directing the union's negotiations and organizing efforts. The Director even oversees the union's publications. While these responsibilities seem to afford the Executive Director a lot of power, the Executive Board and the Delegates Council circumscribe that power. The membership does not elect the Director, who is instead selected by the Delegates Council. Because DC 37's largest locals largely control the Council and the Executive Board, the Director must pay close attention to their preferences.

One key aspect of this arrangement is that the Director does not control the leaders of constituent locals. When local leaders have engaged in harmful behavior, the Director has not been able to step in. Additionally, the Director is unable to take dramatic or reformist strides without support from his or her Delegates Council. As in any governing body of this kind, such constraints can serve the organization well or hamstring its leadership. In either case, the Executive Director of DC 37 does not enjoy a strong structural position despite occupying a role that demands enormous responsibility.

These characteristics of DC 37 have long had implications for the union's strength and effectiveness. The weakness of the council leadership and strength of presidents of the biggest constituent locals has plagued all of DC 37's Executive Directors going back to even the union's most famous leaders. Al Viani, who eventually became the Director of Research and Negotiations of DC 37 until the mid 1980s, and his wife, Jane Morgenstern, a longtime arbitrator and former deputy commissioner in the Office of Labor Relations, reflected on Victor Gotbaum's struggles with the governing structure (Viani 2017). Largely considered one of the city's strongest labor leaders and DC 37's most influential steward, Gotbaum could not contend with the challenges of the council's structure.

Jane: ...there were so many things going on in the union that were really morally, ethically unacceptable.

Interviewer: Under Victor?

Jane Morgenstern: Well, yes, under Victor.

Al Viani: That he couldn't control.

Jane Morgenstern: He couldn't control it. These union presidents and their entourages were looking for a place to have a conference all over the world. They would take these trips, and they got stipends for breathing. I mean, there were a lot of things going on that I felt Alan would not be able to live with but wouldn't be able to get rid of because they were, by this time, so entrenched.

Al Viani: ...He came into my office one day, which he never did, never, walks in with his shoes off, and he says to me, "These local presidents are driving me crazy. I'm having trouble controlling them. They want this, they want that." He said, "Do you have any ideas?" And I said, "Yeah, I have an idea. Let the executive director be elected by the membership at large directly. And then, all of these little guys who set up their own little banana stands, so to speak, we'll cut the rug right out from under them...

"That's a great idea. That's a brilliant idea. That's a brilliant idea," he said.

So, he says, "I'll get back to you about that." ... Two weeks later, he comes back, and he says, "Well," this is what he said. "I thought about it, and it's really – because I'm so well known, it would be really undemocratic."

Interviewer: Undemocratic?

Al Viani: Undemocratic. It was an excuse. He couldn't sell it because they knew what the implications were. (Viani 2017)

Dennis Sullivan, who succeeded Al Viani as DC 37's chief negotiator, also views the structure as a formidable challenge (Sullivan 2017). He described how these arrangements constrict the current and newly elected leader of DC 37, Henry Garrido.

Dennis Sullivan: The big unions that elect Henry by delegates, that was Gotbaum's undoing. That's why Gotbaum left because he couldn't control the big Charlie Hugheses and Al Diops. They ate him alive and that's the soft underbelly of the union. Henry is now beholden to key local presidents and they have the ability at some point- and if they were more seasoned themselves,

they'd be running the agenda and Henry wouldn't be running the agenda. That's what happens at that institution or that's been some of the history, is that the local presidents, the big five percent locals, once they figure out what keys to turn, then Henry kind of – he's the executive director– but they are calling the shots because he serves, ultimately, at their pleasure.

That the Executive Board and Delegates Council can keep the Executive Director on a fairly tight leash is only one problem in comparison to some other issues stemming from the union's governing body. As Viani and Morgenstern indicated, DC 37 went through a massive corruption scandal exposed in the late 1990s. Victor Gotbaum's successor, Stanley Hill, was forced to resign after more than twenty union officials were investigated and convicted of embezzlement, theft, and rigging a contract ratification vote. This forced the national union, AFSCME, to seize control of the council and assign a trustee, Lee Saunders, to come in take the reins. His leadership was broadly viewed as helpful and effective, but Saunders never used his administratorship to change the council's governing body to a different system.

DC 37's governing system also can create a disincentive for constituent local leaders to engage their own members. Because New York City has a closed shop system in which employees pay dues and have a contract whether they sign up for full memberships or not, local presidents are more exposed to electoral accountability than they need to be by signing up members and promoting their participation. Presidents who prioritized their own job security over the larger mission of unionism have been known to keep the circle of active members small and loyal to their leadership.

Taken together, these challenges have been damaging to the strength and effectiveness of the union as a whole. With a history of corruption and local leaders who opted not to build up and engage the memberships of the locals, DC 37 has been forced to contend with a membership that is more fractured, less engaged, and by far less unified. These problems have coincided with

back to back mayors that have been very tough on labor, making it harder for DC 37 to produce the kinds of results for its members that build support, confidence, and enthusiasm.

Dennis Sullivan: I think it's a rare leader that comes along that doesn't have any self-interest. There's been a lot of self-interested leaders at DC 37. Some are in jail. But I think the staff is an important part too. DC 37, back in the when I started, always had the ability to attract really, really good staff in a lot of different areas. The pay was decent, but it was also working for that institution meant if you were a believer, a true believer like many of us, that was the place to work.

It lost a lot of its shine, and I don't know whether it's gotten it all – I don't think it's gotten it back [yet]. (Sullivan 2017)

After the administratorship of DC 37 ended and it was time for the union to elect a new Executive Director, Lillian Roberts was chosen as the compromise candidate to run the union by DC 37's Delegates Council. She had been a known and celebrated activist for DC 37 in the sixties and seventies as its chief organizer, and she came out of retirement to take the helm in a fiercely contested campaign for support (Greenhouse 2016). Yet once elected, Roberts would be forced to deal with a mayor who did not want to engage with unions as partners or collaborators, and she would have years of fights on defense rather than on offense.

Henry Garrido was elected as DC 37's Executive Director in November of 2015. His election followed the retirement of Roberts, who served in the post for 12 years. With its sheer size, and a mayor in City Hall with whom he has shared years of similar values, Garrido should be well positioned to achieve many of his goals for the union. Prior to his appointment as the union's director, Garrido worked for DC 37 in several areas (Garrido 2017). He learned about organizing, union representation, negotiations, and research, and then eventually was named Associate Director under Roberts. While he comes to the lead the union with a lot of optimism from observers and staffers, he is no stranger to the limitations of his position. He has occupied a front row seat to the challenges of the job for quite some time. His predecessor's tenure

coincided with the Bloomberg administration's three terms, an administration that was far less interested in working with the city's unions.

Stemming the Loss of Public Sector Jobs and Voices

Given the peculiar structure of such a large public employees' union, inquiry into how DC 37 affects policy development in New York City frequently means looking at more broad-based issues that are likely to span across job titles and agencies. No issue has posed a more consistent threat to members of DC 37 than the efforts of multiple administrations to privatize a host of public services. While constituent locals may contend with the on-the-ground negotiations with agency heads charged with determining expectations of their workforces, those agency heads get their cues from the priorities of the administration who appoints them. The pressure to deal with the broader agenda of City Hall is far more likely to fall to the leadership of the council at large, especially when it comes to issues of privatization. Chris Policano is the current Director of Strategic Initiatives at DC 37, but he takes a longer view of some of the issues at stake. He was a reporter for the *New York Post* and the *Daily News* before becoming the communications director at DC 37. After a stint with the UFT and some time in Washington DC working for AFSCME, he has since returned to New York City (Policano 2016).

Chris Policano: DC 37 has a very long history of being involved with not just the interests of our members, but also the life of the city...For the past 20 years, we worked with or struggled with the administration of Rudy Giuliani and then eight years of Giuliani and then 12 years of Michael Bloomberg. That's 20 years of mayors...Both of those guys felt that government didn't do things as well as the private sector and that one of their agenda pieces was privatizing public services and – when you do that and that's your mindset – you're not gonna be terribly receptive to the organizations that represent public employees or the public employees themselves.

So, de Blasio comes along and gets elected and I would say the last year and a half for us, two years for us since he got elected, have been really good in terms of his agenda. [It] is in line with our agenda...that government is a really powerful cure for what ails the cities...that

government is a force for good and...it's about trying to ensure that government is effectively addressing the city, the state, the country's ills, right?

So, for 20 years under Giuliani and Bloomberg this union and the members it represents did not really get much of a hearing...and some people may disagree with the specifics of this – but in the broadest of strokes, we have always aligned ourselves with [the principle that] strong public services make for a healthy city. How that plays out in the day-to-day decision making can show itself in any number of ways.

...We still maintain that when you let the private sector have it, the bottom line is cost and the number one thing the private sector wants is profits, which is fine if you're— I don't know a baseball team or something...But in terms of the delivery of public services, you're not hearing anything new from me that public employees believe in public services

...we believe that de Blasio has an agenda that is about improving the lot of working men and women in New York and we represent a lot of them and we represent people who have seen administrations come and go and who have some ideas about it and Henry certainly has ideas about how to make public services better...If you have a receptive person at City Hall, that makes all the difference in the world. (Policano 2016)

DC 37 has two different layers of concerns regarding the ongoing debate about privatizing public services. On one level, their members by and large deliver those services the city may seek to contract out. In this respect, the union's opposition is clear. They lose members and their members stand to lose stable employment with benefits. Even when the city has been unsuccessful at contracting out services, their very attempts to do so has had the effect of creating a race to the bottom for the union, in which leaders are forced to negotiate out of fear. Less attention is paid to the second layer of concern about privatization to which Policano is referring above—the assertion that administrations who want to outsource public services can also be expected to be unreceptive to what public employees (or their representatives) have to say about the services they deliver (Policano 2016).

Consider the perspective of Marc Shaw, who served as Budget Director for a portion of Giuliani's tenure and then became First Deputy Mayor during Bloomberg's first term (Shaw 2016).

Interviewer: At least in your experience when you worked under Bloomberg, was there any view that the unions were in a position to influence what he wanted to do more ideologically or politically?

Marc Shaw: Certainly not in the first term. Certainly not when I was there. And I didn't either. I took...the ideological positions of the unions at the time as sort of background landscape items for me to figure out how to work around. It was just knowledge I needed to understand them so I could figure out what I wanted to do, right? Which is important. But I didn't really try to play them...in part because remember, you're talking – I'm describing an administration, but from the perspective of a staffer, right? I'm not a politician. I couldn't get elected dogcatcher, nor would I want to. But from the perspective of a staffer, I have my own personal ideological positions, but I didn't view my job as putting them into it. (Shaw 2016)

From this perspective, Shaw saw the agenda about how to deliver public services as independent of the views of the unions, and insofar as the unions views were considered- they were considered as road blocks to maneuver around and not as organizations that could be a source of good ideas or a warning against bad ones.

Garrido was serving as Associate Director of DC 37 during the Bloomberg years, and his reflections on the various ways the Blomberg administration moved forward on projects echo much of what Shaw describes—that DC 37 was not viewed as a partner or potential collaborator. In many cases, DC 37 was an overt adversary (Garrido 2017).

Henry Garrido: The stock market hit 7000 and we were in bad shape. The Dow Jones hit 7000 and our public pensions went to the bottom. Now the pension sits at 160 billion but back then the city by law had to make up the difference. So, Bloomberg sent a list of 10,000 city workers that were going to be laid off because of lack of funding and he was asking Albany and the City Council to basically give him the right to do whatever he wanted in terms of increasing property taxes, reshape city government, re-classify workers, and all the things that I felt needed to be at the bargaining table he was using the financial crisis as a way to make these changes and cut agencies.

So, at that time I sort of analyzed what was in the budget and found out that there has been this huge increase in the use of outside resources and outside contract employees...

... one of the things that I did was put together our own think tank of [our] members in city government and in agencies. We ended up putting in regular folks that were not just professionals they were clerks—payroll clerks.

Interviewer: because they look at it every day?

Henry Garrido: Yeah, and they knew things that were happening in government and also these decisions are done from the perspective of a real good government policy where people think together and sit together and theorize about what's best for the city...

So, in that group we had IT consultants – IT city workers who knew about systems; they couldn't articulate research but they tell you how the 911 system works and how the 311 systems works and we had people who did the property tax assessments who are members. They could divulge an individual assessment book and tell you about what is right and what is wrong, what is permissible under the law and what is not. We had accountants and bookkeepers who would say, "Hey, we're paying these guys over \$250,000 on this contract that seems awfully high for industry standards"...

So, we are talking about 2008 and 2009 after the financial collapse ... We decided to look at the city budget- he had proposed a plan to cut 10,000 city workers and at the same time he was very sneakily proposing an increase to the city budget contract for almost \$1 billion.

Interviewer: So, he was increasing the budget but he was cutting the workforce?

Henry Garrido: Right! So, the personnel budget was going down but the actual personnel budget was actually going up and that's the part of the budget that nobody actually looked for many years because that is not where the people we represent are. That's the private-sector stuff. We began to see what was not just a cut it was a shift between city workers and the parallel workforce and you could still say that we are keeping the headcount low and reducing our city headcount and reducing pension liability when in fact he was shifting the cost and the next assumption is that we are doing that because they are cheaper.

When we started to look at the research the first major concentration was in the utilization of technology contracts. We found that the salaries for all

of the employees might've been small but what we were paying the companies to procure their services was huge and we weren't taking everything into consideration. So, we started to do the research about showing where the people existed. We compiled a list of about 400 consultants by name and by company and what was their cost; what was the actual cost the city?

We began to do a massive research project and [made] FOIL requests and played a little misdirection and we would ask contractors that we had no intention of looking at and throw them off and that was pretty amazing but what they did – the city did was .. “drowned the clown”. I remember sitting in this very office reviewing a few contracts starting on a Friday morning [when they] delivered to us by messengers reams of paper boxes and boxes and we still have more. We had literally boxes and boxes of paper. We had a messenger coming here with an entire truckload of boxes and then they charged us for every piece of paper.

Interviewer: They charged you for it?

Henry Garrido: Yeah, copying. So, they delivered on the Freedom of Information Law [but] a minimal charge can be charged for every copy made so they would copy it and bring it here—about 110 to 115 boxes worth of paper and charge us for it. (Garrido 2017)

While Garrido’s recollection above offers a glimpse at the tensions that flared up between the Bloomberg administration and DC 37, it does not capture the ups and downs of labor relations during Bloomberg’s three terms. In fact, the first contract that DC 37 signed with Bloomberg was largely viewed as a fair one, and there were numerous initiatives that Bloomberg led that were viewed by many labor leaders in a positive light, including his desire to modernize the city’s services using technological innovation. What seems mostly to differentiate Mayor Bloomberg’s approach to the city’s workforce and its unions from Mayor de Blasio’s is a baseline attitude about how to engage with these organizations. From the perspective of numerous DC 37 leaders and staffers today, Mayor de Blasio believes that the unions representing the city’s employees are valuable sources for input on ways to find policy solutions, and Bloomberg, and Giuliani before him— did not.

Technology and the City:

In 1998, Mayor Giuliani began the process of reforming the city's payroll system. The project, hailed as an effort to save millions of taxpayer dollars, was expected to cost \$63 million. In what turned out to be a massive scandal under Mayor Bloomberg's nose, the CityTime project price tag grew to a staggering \$700 million by 2010 (Gonzalez 2015). In 2014, three contractors were given twenty-year sentences in federal prison for bribery, money laundering, and fraud (Weiser 2014).

The irony of the scandal was that intention of the project was to protect the city from its employees cheating the payroll system. By updating the technology, the hope was that it would be harder for employees to fake their hours. Yet the very contractors hired to develop the technology not only cheated the city and stole appalling amounts of money, but one of the mechanisms through which they stole was by faking timesheets. They were able to steal for so long because they dragged out the project without doing much work so that contractors and subcontractors could continuously steal for year after year.

Mark Mazer, who was hired as a consultant to the city's Office of Payroll Administration was the central figure in the scheme. His job was to oversee contractors developing CityTime. Mazer accepted bribes to steer contracts to particular vendors, and simultaneously enabled payouts on falsified timesheets submitted by the contractors he was hired to oversee. SAIC, a massive defense contractor, was the primary company hired to build the technology. Under the stewardship of SAIC employees Gerard Denault and Carl Bell, years went by in which the city was overcharged and stolen from (United States Attorney Southern District of New York 2011). Denault and Bell, alongside Mazer, enriched themselves as well as numerous subcontractors tasked with making the payroll system more honest.

When U.S. District Judge George B. Daniels issued his decision convicting the top three contractors of fraud and bribery, he highlighted the dangers of the city's contracting procedures. In his view, the city's contracting practices were partially to blame for the opportunity for such a scandal to occur. Judge Daniels was not the first to criticize the city's practices of contracting out IT work or warning that such policies were damaging to taxpayers. DC 37, as well as members of City Council, and even private citizens that had worked for contractors hired to build CityTime expressed multiple facets of concern regarding the city's use of private companies (Halbfinger 2011).

By and large, opponents of the practices of contracting were not opposed to the actual efforts of the Bloomberg team to prioritize modernization of city services. The Bloomberg team wanted to use technology to come up with creative ways of helping New Yorkers. Bloomberg has an impressive record of overseeing tremendous strides forward in using technological advancement to improve government services. In 2003, under his stewardship, the city launched the 311 call system, in which New Yorkers could dial 311 in order to speak to an operator who could answer questions regarding city services and rules, as well as receive complaints or reports of non-emergency problems. Also in 2003, Bloomberg launched NYC TV. In 2005, 311 operators' scope was expanded to answer questions on social services. In 2007, ACCESS NYC was created. It is an online screening tool that allows people to determine which city, state, or federal health and human service benefits they may be eligible to receive. In 2009, 311 was expanded to an online tool as well as a call center. In 2012, new technology was created specifically for law enforcement activities that created a dashboard that integrated license plate data, surveillance camera information, 911 calls, among other data sources. During the Bloomberg administration, technological accomplishments were numerous and transformative.

However, these advancements coincided with a view that the private sector should and could do the work, not just to create the tech—but to manage it in perpetuity.

Henry Garrido: There are a couple of things that I felt were fundamentally wrong with the way he (Bloomberg) approached [contracting]...I can understand someone bringing in a consultant or a vendor to build a system that would benefit the system or that benefits the city or the taxpayers. We could agree to disagree whether this is the right vendor or not. I can see the value...There's innovation that you can bring in, maybe they don't have a product that you have, or maybe they can possibly develop it in-house, I get all that.

The problem is that at some point whenever that project is done it is never going to turn out as an assets product. It always is turning out as a maintenance product. There's this whole model in government and in business where you develop a turnkey operation and you say, "This is it here's the key you run it for the year," or you say, "Here's my system I have a license to run it so you can pay me proprietarily until the end of time so I can operate. So, if you want to make a change I will charge you to maintain it."

...It makes no sense to me that when you have something as permanent as government that you are going to bring in somebody and pay them premium top dollar to develop a product and [not] turn it over to you, and they maintain it until the day that they die (Garrido 2017).

From DC 37's perspective, the explosion of IT contracting was only one piece of a larger puzzle of the Bloomberg administration's increasing reliance on the private sector to deliver public services. They began ringing the bell on this trend as early as 2002 in a white paper titled "We Can Do the Work," which advocated the union's ability to provide a variety of public services in an affordable and efficient manner (DC 37 2003). In 2009, they took on the cost of IT contracts directly in another heavily researched white paper, and pointed out their ballooning prices with little oversight (Garrido 2009). Various leaders of locals within DC 37 pursued different strategies of speaking out. In 2006, Local 375, representing architects, filed a grievance specifically challenging the implementation of CityTime (Civil Service Technical Guild, L. 375, 79 OCB 41 (BCB 2007) 2007). In 2008, the Vice President of Local 2507, representing EMT,

paramedics, and fire inspectors wrote about massive contracting costs in his local's newsletter to raise awareness (Miranda 2008). Yet none of these tactics seemed to make much of a difference either. The union's leadership was able to bring ideas to City Council and find some support, but by and large, their ideas and concerns were rejected by City Hall, and they were unable to build sufficient pressure on Bloomberg to move an incredibly powerful mayor.

Henry Garrido: I did a lot of research on outsourcing. The problem is that the original papers that we did came out in my opinion as a self-serving exercise, "Don't cut us, cut contracting people," and it was more about protecting our members than it was about speaking for the taxpayers. (Garrido 2017)

In Garrido's view, one of the biggest tactical problems the union struggled with during Bloomberg's tenure was a failure to strike the right note in framing the issues at stake. Instead of positioning themselves as firm advocates for the city and working people more broadly, they framed their issues too narrowly, and doing so cost them credibility in a public debate with Mayor Bloomberg (Garrido 2017).

During this same period, DC 37 leadership was working other angles to try to push the city to reverse the trend of hiring more and more private companies to deliver government services. When Bill de Blasio was elected as Public Advocate, Garrido met frequently with him to describe and offer policy ideas to counter the growing problems particularly with IT contracts. Having worked together during de Blasio's term as a city councilman and as a committee chair on a broad range of issues, Garrido and de Blasio had a chemistry sorely lacking between Lillian Roberts and Michael Bloomberg. Their rapport has served to strengthen their ability to work together as they each have risen to positions of greater responsibility.

Ironically, Bill de Blasio was not DC 37's pick in 2013 when they made an endorsement in the Democratic primary. Under Roberts' leadership, the union decided to back former NYC Comptroller John Liu. Nevertheless, from the perspective of First Deputy Mayor Tony Shorris,

de Blasio was eager to dramatically change the approach to engaging with the city's workforce, and when Garrido promptly sought a collaboration on the project of insourcing IT work, he had a willing partner in the new mayor (Shorris 2017).

The main thrust of the initiative has been to transfer as much knowledge to city employees as possible. The union offered the recommendation that when contractors are hired to build systems for the city, that they are then obligated to teach the city how it works so that city employees can take over (Gonzalez 2015). Secondly, the union recommended the creation of teams of IT workers that are not attached to any individual agency, but instead travel between agencies to complete short-term projects (Garrido 2017). Doing so would enable the city to employ public workers while achieving the kind of flexibility IT demands in its content and time commitments. Necessary for some of these ideas to get off the ground requires approval from the state to create new titles or to change requirements for hiring (Dolan 2017). That Garrido and de Blasio's team have been able to work very well together has not guaranteed that their collaboration will be as fruitful as they each hope it will be. Moira Dolan, the Senior Assistant Director of Research and Negotiations for DC 37 explains where their efforts have stalled.

Moira Dolan: So, on the insourcing of IT...the obstacle has been the civil service system, which our union has always supported—that people would have to take an exam, wait for the exam to be graded, verified, a list published, people challenge their score, and then established. All of that can take a year...

For us it's one in three, so...if a hundred people have a hundred, they can call from anywhere within that group, so even though you take the test, you don't know whether you're going to get appointed. So, it's a very delayed hiring process for information technology where the drawback to that is the skills are constantly changing, and the certifications that people require may be changing by the time somebody takes an exam to the time they get appointed.

...what we did attempt to do was to support in the New York State Civil Service Commission the creation of a series of titles as non-competitive

and not requiring a civil-service exam, particularly for IT. It's not that we would do that for every occupational group across the board and make it easy for the city to just hire anybody. We still believe in the merit and fitness system. Even though it might be a time-consuming process, it does prevent patronage. But we recognize that, in this case, the needs of the agencies are going to be so fast. So, we supported it, the city made a case to the State Civil Service Commission, but they have been denied. And the city's appealed it, and we're supporting the appeal, but this brings in some of the politics between the state and the city.

...the state also has tremendous IT needs. And they have civil service IT titles that are competitive, and people take exams. But they contract out a lot of the work, so the state doesn't want to be behind the city and have to then contract the work in when maybe there's a lot of benefit – and now I'm just using conjecture, no facts, but there may be benefits to having vendors having arrangements with the state, and there's benefits for the employer of not being bound by the civil service system. They can let people go easily.

Interviewer: So, the [state is] undermining it.

Moira Dolan: So, we would see that as one point, and meanwhile they're preventing the city from bringing this work in-house with the support of the union as non-competitive, not subject to civil service hiring, but they would still have rights. These would be city employees with city benefits, and it would not be the same kind of rights as a permanent competitive [employee] who's taken an exam, but certainly more rights than a person who is a vendor employee of [a contractor.]

Interviewer: Would they be members of the union?

Moira Dolan: And they would be members of the union, and that would be very important to us to grow the union.

Interviewer: So, you have joined forces with de Blasio to say, "We want these people to be outside of the exam process because it slows everything down." The state's position is "we don't want to do that because we like to contract our [work] out, and we don't want you to make us look bad." And you are saying, "Well, we still want people to be union members. If we need to get people in in this other way, maybe we're open to that, but" –

Moira Dolan: But it's not up to us. The State Civil Service Commission has to approve it.

Interviewer: And what are the chances of that happening?

Moirira Dolan: It doesn't look good right now. So, we have an example of participation and cooperation between the union and the city and de Blasio, which is not something that we were having as much cooperation with under Bloomberg, this is an initiative that we have jointly gone [into] together... They recognize that you have more stability in the workforce when you don't have vendor employees who may also be hopping from place to place, who may not have a health insurance package or a pension package. So, there is an advantage to the city, as the employer, to stabilize their IT workforce and to develop their own in-house workforce rather than being reliant on consultants (Dolan 2017).

Efforts between Garrido's team and de Blasio's will not subside because of these hurdles. They will continue to work toward the necessary permissions to insource this work. From the perspective of the de Blasio administration, the effort to insource this work is ideologically consistent with their politics and is financially prudent because it is expected to yield savings over time (Shorris 2017). From the perspective of the union, this effort will grow the union, save taxpayer dollars, and prove that publicly provided services need not be viewed as antiquated and inefficient.

DC 37 and the de Blasio administration do not and will not agree on everything. For example, the financial pressures on the city's hospital system will be a point of contention (Policano 2016). Yet by and large, there is a mutual respect between the de Blasio administration and the leadership of DC 37. When the leadership of DC 37 views an issue as important, the administration takes notice and tries to come to resolutions. Notably such a positive relationship has not produced an exorbitantly expensive contract, but has produced this collaboration on IT work, an affordable approach to healthcare savings for city employees, an exchange of ideas on reform in the NYC Department of Citywide Administrative Services, and a raise in the city's

minimum wage. To the extent that the union has ideas, the administration has indicated that they are eager to hear them.

The Legal Attack on Public Employees Unions and Implications for DC 37

On March 29th, 2016, the U.S. Supreme Court deadlocked on *Friedrichs vs. California Teachers Association*. This case challenged the right for public employees' unions to collect agency fees from public employees that have not formally joined the unions representing their job titles but still enjoy the contractual benefits negotiated by the unions they have not joined. That the court was temporarily limited to eight justices enabled a ruling in the union's favor to stand.

Nevertheless, this decision was only one of numerous legal challenges to public sector unions already in the pipeline. With the 2017 appointment of Neil Gorsuch to the Supreme Court, there are now five conservative votes on the Supreme Court.

The next decision with implications for public sector unions that came before the court following the Friedrichs case was the case of brought by Mark Janus, who decided to sue AFSCME Local 31 in the state of Illinois. The plaintiffs argued that requiring employees to pay union dues as a condition of their employment constituted a violation of their First Amendment rights by forcing them to financially support inherently political organizations with whom they disagree. There was little reason for public employees' unions to be optimistic about the outcome of this case. Once Neil Gorsuch was appointed, unions expected to lose.

Even though the loss for unions was anticipated, the implications of this decision will vary from union to union around the country. The initial significance of such a decision is a practical problem for all of them. Unions will continue to have the same responsibilities to represent and advocate for public employees, but will be forced to do so with less money. If workers have the freedom to stop paying for a service they can expect to get for free, many union

and public officials assume they will stop paying. Once unions lose access to a reliable flow of dues money, they will be less equipped to fulfill their functions, and they will suffer diminished effectiveness and credibility with their memberships. In other words, this decision will have potentially devastating implications for public sector unions.

While all of New York City's public employees' unions must contend with the implications of this ruling, DC 37 expected to be in an especially vulnerable position. Unlike unions that represent fire fighters or sanitation workers, the locals that represent members under the umbrella of DC 37 are spread out. There is overall a higher proportion of agency fee payers to members that have signed up for their full membership in DC 37. In 2014, that number sat at 28 thousand (Steier 2016). The effort required to reach these workers is greater. It requires a deeper commitment and more participation from the constituent locals. It requires a broad and deliberate strategy to shore up the strength and resources that the union needs to operate.

As the Executive Director, Henry Garrido identified this threat as Janus worked its way through the courts and he called for such efforts. He expected an unfavorable ruling and prioritized and publicized a union-wide effort to prepare for the outcome. Under his stewardship, the union has been working to achieve a much higher level of membership through signing up new members agency by agency and bringing people into the union (Steier 2016). He established an internal organizing department, pushed locals to prioritize signing up members, and canvassed campuses of public universities where employees move around making them harder to reach. These efforts have cut the number of non-members in half, but there are still thousands more, and not everyone has risen to the challenge. Garrido occupies a post that exists at the heart of DC 37's structural dilemmas. The issues over which such dilemmas emerge have had numerous iterations over the course of DC 37's history. For now, Garrido is the face of an organization, the

spokesperson for an organization, chief strategist and organizer and negotiator of an organization that needs all of its constituent locals and local leaders to get on deck—and he wields limited ability to get them there.

Opportunities and Challenges for DC 37 in the Policy Process

As an organization, navigating and at moments driving the dramatic changes in the landscape in which it exists, DC 37 has contended with a host of complex dilemmas that have yielded tremendous gains and troubling stagnation for its membership. They have had moments of profound and sweeping successes that have been meaningful for union members, their families, and New Yorkers more broadly. They have fought to keep public hospitals open that serve not only their members, but poor New Yorkers in need of healthcare. They have advocated and lobbied for affordable housing opportunities. They have used their pension funds to invest in or divest from causes that help or harm working people. During the fiscal crisis, their members' pension funds helped the city come back from the brink of financial ruin. DC 37 has no shortage of examples of ways in which their efforts have been in service to the quality of life of people among and beyond their ranks. Yet they have struggled to marshal the full strength of an organization of their size and breadth to achieve the kind of leverage and credibility that can withstand administrations that are not already friendly.

In pursuit of a broader understanding of how this union influences the public policy decisions made by elected officials and political appointees, it is useful to consider that DC 37's internal issues have had consequences for its effectiveness as an advocate for workers who not only want decent wages and work requirements, but want to consume good government services too. In a sense, Mayor de Blasio's administration has given the union some breathing room to figure out how to move forward. Bloomberg and Giuliani forced the union to operate defensively

in fighting against layoffs and job losses. With an administration in office that does not actively seek to beat them, their policy ideas have an audience, and their efforts can in fact shift.

Henry Garrido has been cast by veteran DC 37 staff and many longtime observers of New York City unions as DC 37's first real chance to transform itself since the 1980s. His efforts have indicated a sea change in the union's behavior from an organization that fights more narrowly for its contracts to an organization that sees itself more aligned with the city in which its members and their families are enmeshed. To date, his own outlook and his efforts as a leader have steered the union in a new direction in choosing issues and making arguments on behalf of people beyond their own ranks. His organizing efforts to bring agency fee payers into the union and to encourage locals to identify and foster rank-and-file activism have the potential to start to reverse internal alienation. Yet these efforts are coinciding with a massive legal threat to the union's financial solvency, and an internal structure that remains unchanged.

The equation for a public sector union to have a strong and unignorable position in policy-making vary in different cities and even within New York. But the components are likely include having a robust policy shop that produces good and innovative ideas for delivering public services and solving problems, a strong sense of unity amongst its ranks, a reliably politically engaged membership, and big numbers too.

At the moment, DC 37's influence is in large part connected to a perspective on the part of the mayor and his team that they are a source of some good ideas and that collaboration is a good thing. If confronted with an administration that is less interested in that kind of relationship, it is an open question whether the 51 locals of the council can and will come together as a unified force that will have built enough support in communities to convince them that the union's efforts are worthy of public backing. This is a tricky business given that so many years have

gone by in which the prevailing view, and indeed the practices for labor relations have been that the union must stay in its lane—a lane limited to and characterized by bread and butter numbers and percentages and obscure rules. DC 37 has the ability to generate tons of innovative ideas for addressing policy issues, both on a broader scale at the council level and perhaps even more so within specific public agencies. They may for the time being need to stay in their lane concerning formal collective bargaining, but their policy efforts certainly can widen the highway.

Those that posit the idea that members' interests are at odds with the interests of the public ignore the fact that public employees *are part of* the public. One in twenty-five New Yorkers are directly employed by the city. That number leaps when we consider how many New Yorkers are members of a family that relies on a public employee's income or benefits. DC 37 can be an obvious advocate for working New Yorkers and their families, and in many ways, they already have been. Yet their ability to be truly effective regardless of who sits in the mayor's chair has a lot to do with how the Delegates Council and the Executive Board of the union maneuver. The potential for the union to establish itself as a formidable policy player beyond a de Blasio tenure rests with buy-in from its own governing body to deepen its commitment to the unity of the entire organization, to minimize divisions fostered by the parochial interests of its many diverse locals, to fully commit to member engagement, and to continue to seek out the opportunities to broaden the beneficiaries of their efforts.

Chapter 3: The United Federation of Teachers

Prologue: Roots of Misunderstanding: The Fight over Control of I.S. 201

In 1958, the New York City Board of Education announced that it would construct a new junior high school in East Harlem. This would hopefully mitigate egregious overcrowding at Junior High School 120 and Junior High School 45 by opening a school north of 125th Street (Eisenberg, 1971). Schools in black neighborhoods, and certainly in Harlem, struggled to perform in a context of extreme inequities (Wasserman, 1970). Schools in poor neighborhoods typically contended not only with crowding, but with inexperienced teachers, scant resources, inadequate programming, and students who fell woefully behind grade-level benchmarks.

The 1954 *Brown vs. Board of Education* decision required massive school desegregation efforts around the country. New York City schools were segregated not based on laws but instead as a result of housing segregation in the neighborhoods that fed schools. Numerous citywide debates and flashpoints punctuated efforts to integrate the school system, but given that I.S. 201 did not yet exist, it should have presented an opportunity to avoid some of the overt problems in the system. After all, it was only an aspiration in 1958.

Locating the school was the first controversy to emerge in the planning for I.S. 201. Some members of the Harlem community worried that siting the school deeper in East Harlem would make it less likely to attract white students, whom they wanted because they would bring resources and support for their own children in the new school. White families, some thought, might feel more comfortable sending their children to the school if it were located on 125th Street near the Triboro Bridge. Nevertheless, by 1962, it was clear that the Board of Education had settled on a site at 127th Street and Madison Avenue—a cheaper location that was more firmly set in the East Harlem community (Eisenberg, 1971). This decision would be the first of many

that would undercut efforts to integrate the school or meet the concerns of Harlem parents.

Over the next four years, Harlem parents would press the Board of Education for assurances that the new school would address their demands for more resources, better facilities, good teachers, and relief from crowding. After deciding to locate the school in the less desirable spot, the school board attempted to placate Harlem parents by promising them that it would be a special school that would offer all kinds of superior programming (Ravitch, 1974). Still, many East Harlem parents worried that white families would be reluctant to send their children into a black neighborhood unless the school offered truly impressive resources. Even the building design for I.S. 201 displayed evidence of such worries—it was windowless.

As planning for I.S. 201 progressed, parents wanted to know exactly what kind of special programming the school would provide, but the Board gave them little indication that it would be any different than other Harlem schools. In 1966, the superintendent announced that I.S. 201 would be integrated by having half of the student body be comprised of Puerto Rican students and the other half black. The schools that parents were most worried about, where crowding was so bad that hundreds of children were forced to use an old annex for their school, would not feed students into the new school. Their failure to secure a better school for their children outraged parents at every turn. In a community meeting in July of 1966, a Columbia Professor of Social Work, Preston Wilcox, proposed that a committee of parents, community members, and professionals be elected to operate their community's schools. Wilcox's proposal would ultimately prompt Harlem parents to shift their strategy. If the Board did not prioritize offering their children a quality education, then they would take matters into their own hands.

Harlem parents began to insist on controlling their children's education. They created a Community Council to have the right to weigh in on curriculum, programs, and staffing. The

more they pushed for the Community Council to wield some influence, the more they confronted institutions that would repel their efforts. Shortly before I.S. 201 was slated to open its doors, conflict between the Board of Education and Harlem parents boiled over into a massive school boycott that would lay the groundwork for a citywide debate over how to govern schools and where to place power and accountability (Maier, 1987).

The principal chosen by the Board of Education to run I.S. 201 was the spark that ultimately set off the boycott. Stanley Lisser was a Jewish principal who personally recruited many of the school's teachers. Harlem parents had not opposed Lisser during the planning for the school, but just prior to 201's opening in September of 1966, the Board of Education rejected parents' demands for control. Stanley Lisser, in turn, sent a letter out to reassure Harlem parents that I.S. 201 would be a high-quality school. His letter seemed to position Lisser as deferential to the school board, not the parents. He would not be an ally in expanding their role in making school decisions. Without his support in their efforts, parents insisted on the right to approve hiring decisions and also wanted Lisser to resign (Eisenberg, 1971; Ravitch, 1974).

Having threatened to boycott the school's opening day, parents convinced the school board to delay the opening of 201 while their children were sent to neighboring schools in order to negotiate over the powers of the Community Council. While parents' boycott initially seemed to make some progress, they hit a snag. Teachers opposed receiving students at the other schools and voted with their feet by picketing at the Board of Education's headquarters instead of receiving 201 students at other sites. By doing so, teachers applied pressure for I.S. 201 to open despite the parents' efforts to keep it closed. Parents were finally getting some concessions, but caught in an unsustainable situation with the UFT, the Board of Education decided against bucking the teachers and opened the school.

The biggest concession achieved by the Community Council was Stanley Lisser's transfer from his post as principal. The Community Council was not only frustrated with his apparent deference to the school board, they also felt that the school should have a black principal. Parents wanted their children to see an adult who looked like them in a position of leadership that commanded respect. While the school was now to open with Lisser's deputy as interim principal, the UFT chapter of teachers was outraged that Lisser was transferred and the union threatened to respond in ways that the Board of Education was not prepared to stomach. The board rapidly backpedaled and reinstated Lisser before parents had the time to reestablish their boycott. 201 opened, Lisser was in—and the Community Council was left with very little meaningful power over their school.

The story of the UFT's resistance to efforts by Harlem parents to the establishment of I.S. 201 created a tricky set of dilemmas. Lisser recruited many 201 teachers who believed in him and he seemed to prioritize integrating the school and making it a source of pride (Wasserman, 1970). Teachers were caught between their employer and the communities they served. That the parents' grievances were initially unclear to the teachers reflected a missed opportunity for both parents and teachers alike. After all, teachers were only one rung up from parents on the ladder. Many teachers were asked to simply go along with all kinds of unorthodox arrangements to accommodate a conflict that affected them, but during which their interests and needs were being ignored. As an organization elected to defend the interests and rights of teachers, it is hardly surprising that the union leadership started to feel that they could not remain on the sidelines.

The teachers hired to work at 201 felt vulnerable. Many felt targeted by community members who wanted to have quality control over teachers as a sticking point in their fight with the Board of Education—a position rooted at least partially in their dissatisfaction with the

teachers whom they had already encountered (Eisenberg, 1971). Parents were already accustomed to their children having teachers who either had little experience or did not want to be in their schools and the parents wanted to make sure such problems were not replicated. I.S. 201 teachers had an immediate sense their position was precarious. Would 201, for which they had left other jobs, for which they had worked so hard to plan, even open? Would their jobs be safe? Who would be their principal if not Lisser? In the meantime, they were instructed by school administrators to meet their students in other sites without their materials, without their classrooms, and without a grasp of the future.

At the point of outright confrontation between the parents and the school board, the UFT cast their lot against Harlem parents. This position set the stage for later and larger conflicts between black communities and the UFT the following year at Ocean Hill-Brownsville. Three teachers' strikes would occur in a massive fight over community control of schools in experimental districts that the Board of Education set up in response to increasing demands by black parents that they have more power over their children's education. The teachers' union relentlessly undercut experiments in community control (Carter, 1971; Urofsky, 1970; Carter, 1971). The union helped to deny funding for experimental districts and ultimately compelled the city to experience their strikes to prevent experimental districts from transferring out teachers that they did not want.

The resulting conflicts inflicted wounds on the city from which it has not entirely recovered. Much has been written about the vitriolic controversy over community control and the strikes that took place at Ocean Hill-Brownsville in 1968 (Carter, 1971; Eisenberg, 1971; Gittell M. B., 1969; Maier, 1987; Ravitch, 1974; Urofsky, 1970; Wasserman, 1970). While this literature richly recounts these events, the I.S. 201 controversy remains a key reference point for two reasons

in shaping more recent labor relations and the UFT's influence on policy development. First, it created a breach between black New Yorkers and the UFT that continues to this day. The second reason this account is important has to do with the school reform to create a decentralized system of school governance that followed these massive teachers' strikes.

Looking at events at I.S. 201 is helpful in displaying how the UFT missed the opportunity to calibrate their efforts in a way that could have woven their interests with the interests of communities in which their members were enmeshed. They clearly had legitimate concerns about job security and due process issues regarding community decisions about who would work in community-controlled schools and who could be fired and why. Yet Al Shanker pursued a narrow strategy that preserved protections for teachers while displaying a profound insensitivity to the concerns of Harlem parents (Ravitch, 1974; Gittell M. B., 1969; Gittell M. , 1967). Parents were scarred by the UFT's tunnel vision. They described their take on the matter in a letter to Shanker:

You state that the teachers "have always complained of the apathy on the part of the community" towards the education of our children. Yet invariably when Negro and Puerto Rican parents attempt to find means to remedy their children's miseducation they are fought by the UFT. Your opposition to the transfer of experienced teachers to the ghetto; salary increments for teaching in special service schools; and now significant community involvement in the selection of staff all point to a consistent picture of UFT cynicism under the banner of professionalism and trade unionism.

We submit that the "major victory" won by the UFT and the "Heroic 201 Faculty" was to retain the license to continue to miseducate and destroy Black and Puerto Rican children of New York City without being accountable to anyone...As parents we believe in trade unions: but when unions fail to establish standards for their membership and merely fight to continue what has destructively destroyed hundreds of thousands of children, we question your motives. (Parent/Community Negotiating Committee for Intermediate School 201, Letter to Al Shanker, 1966)

The union won the fight over I.S. 201 as well as the broader fight over the community control

experiment in 1968. They knocked out the ability of experimental districts to succeed, but they had no other response to the issue of community control. The UFT had had a strong record of supporting civil rights causes leading up to these conflicts, but they never identified an alternative strategy that would protect the interests of teachers but would also speak to community demands for educational justice and equity.

In 1969, New York State passed a law decentralizing the operations of the New York City education system into thirty-two elected community school boards (Pellicano, 1985). Largely a response to ten years of chaos over city schools, the new law promised to democratize the system and make it more responsive to community demands (instead of having an unhappy mixture of centrally controlled and experimental districts). Each community school board would have the power to control budgeting, staffing, and programming and the voters would directly elect their members (Ravitch, 1974). The central Board would retain authority over high schools, but the city's elementary and middle schools would all be under the jurisdiction of local school district boards and superintendents.

While this decentralization plan was presented as an opportunity to open up the process, it had the opposite effect. Relatively few parents participated in the local school board elections, which came to be dominated by local vested interests, both political and educational. It became a corruption-laden system that was more receptive to patronage demands than the needs of children. For the next thirty-three years, the New York City public schools would become even harder to fix as a failed decentralization effort obscured the lines of accountability and thwarted vulnerable families that lacked the resources to bend decisionmakers to their needs. An overhaul of this system would not happen until 2002, when Mayor Michael Bloomberg took over.

The UFT and Bloomberg:

The UFT did not support Michael Bloomberg in the 2001 mayoral election. It backed Comptroller Alan Hevesi in the Democratic primary and Democratic nominee Mark Green in the general election. Yet Bloomberg actively courted the UFT's cooperation with a clear desire to have its support in getting the state legislature, where unionized teachers wielded considerable influence, to grant him control of New York City schools.

Unlike the city's relations with unions whose members' jobs are not under state oversight, New York State looms large over the teachers' union. Because the State largely funds and regulates local public education, the union must be able to influence the Governor and legislature, even when the political winds are shifting. Depending on the leadership in the state legislature and who occupies the Governor's chair, the teachers' unions must make careful calculations about where they can exercise the most influence. In cases in which there is tension between state and city officials, the UFT also has to choose where to place their allegiances. While prior mayors tried and failed to acquire control of the schools, the Bloomberg team succeeded. He managed to persuade the teachers' union, led by Randi Weingarten, to use its strength in the state legislature to allow him to take control of schools.

Mayoral control of public schools is not common (Rogers, 2009; Henig and Rich, 2004). As recently as 2017, fewer than twenty cities had adopted mayoral control over their school systems. Boston led the effort to secure mayoral control of their schools in 1992, followed by Chicago in 1995, and Baltimore in 1997 (Shen, 2013). In New York City, governance of city schools had been decentralized for thirty-three years, taking on a variety of different arrangements that shifted and diffused accountability for decision-making between local districts, borough presidents, borough presidents' board appointees, and so on. When Bloomberg

sought control of the schools, it was run by the New York City Board of Education, comprised of seven members appointed by six different elected officials, but much authority was vested in the community school boards. Not only were the city's schools plagued by chronic underfunding and underperformance, but a structural wall insulated them from public accountability.

Marc Shaw: I came to work for Bloomberg and so I was the deputy mayor for operations/first deputy mayor for the first term. So, I worked with him for four years and did a major labor deal there with the teacher's union, which was probably, I think one of the biggest accomplishments I ever did in government. It was not because of the labor deal, but it was at the same time that I was doing that labor deal with the UFT [that] I was negotiating with the legislature in Albany to give mayoral control to the mayor.

The short version is that even though it's obviously not a subject of collective bargaining, given the power of the UFT in Albany, the only way mayoral control is going to happen is if I was at least sensitive to the teachers' union at the time and made sure they didn't kill it in Albany because they could have killed it.

I mean, in the simple world of Albanyland...the last three mayors tried to do mayoral control and failed. The Senate really doesn't care about it because it's a New York City issue for the most part; Senate was controlled by Republicans all those years, including at that point. And they don't really care-care about the issue, so the newly elected mayor, and at that point, the mayor was a Republican, basically was able to use his checkbook to get what he needed out of the Senate and so they weren't going to be a problem. But the Assembly was going to be a problem because that's where the UFT power was/is and there was, in my mind, there was no way to pull it off unless I found a way to mitigate their ability to stop it and I did that by negotiating a labor contract with them at the same time. And it worked. (Shaw, 2016)

From Shaw's perspective, he could succeed in these parallel negotiations by giving teachers the opportunity to earn more money. By adding extra working time to the school day, teachers would get a raise. By sweetening the pot for teachers, the Bloomberg team could neutralize any potential opposition from the union in the legislature and claim control over a school system that serves more than a million kids. One hand washes the other.

Reflecting on the advent of mayoral control in New York, Weingarten's successor Mike

Mulgrew, laid bare the fertile grounds for conflict sown into the policy change.

Mike Mulgrew: The reason the union supported [mayoral control] in the first place was the school boards were a mess. We were never going to have a great school system with 40 separate entities out there. Besides the scandals, there was also- always it was political connections in terms of financing for the schools, and what mayor would actually really want to fund the schools at a high level when they didn't get any decision-making power over them, and if the schools aren't doing well, they got blamed for it. So, it made no sense, the system we had....It was always going to be good districts and bad districts.

So, to get to the next place, which we as educators do believe in—we want a great school system, the support of having a central control and taking these local school boards' authority away was the right idea. The thing was the version of mayoral control was the most orthodox in the country, which I don't believe was the right version. There are many other versions of mayoral control around the country, but we had the most orthodox one.

Interviewer: What do you mean by that, orthodox?

Mike Mulgrew: It was completely autocratic; it was the mayor was literally in charge. Except for the contracts that he had to sign with the unions, he could do anything he wanted. There was no check and balance or questioning. New York City was the only place that went that far (Mulgrew, 2017).

There are numerous ways of interpreting how mayoral control happened in New York City. One interpretation would characterize the union as an exploited party bought off by a clever fledgling administration. Another interpretation is that the teachers' union was the real winner because it secured a clear line of authority with whom they could bargain and also got extra money for their members in an effort they already wanted to succeed. Randi Weingarten, president of the UFT at the time, described the effort to secure mayoral control as imperative because the public school system desperately needed stability (Weingarten, 2017). Both these interpretations have elements of truth, but the overall endeavor significantly drew the Bloomberg administration and the New York City teachers' union leadership together for a shared vision for meaningful accountability in a deteriorating school system.

Joel Klein is central to the twelve years that Mayor Bloomberg and the UFT negotiated their relationship. Hired as the Chancellor in 2002, Klein had little experience in the education world but had grown up in New York, graduated from Columbia and Harvard Law School, clerked for Supreme Court Justice Lewis Powell, and served as Assistant Attorney General for the Antitrust Division in the Clinton administration, when he was the chief prosecutor on the Microsoft case. He recalls being tapped for the job largely because of his outsider status and perspective and he stayed with it for eight years (Klein, 2014). Klein wanted to build a clear management structure within the Department of Education and rearrange its disorganized, irrational, and unaccountable qualities. He wanted to make mayoral control real. Yet the teachers' union contract placed limits on Klein's authority. His opposition to fixed pay scales, teacher tenure rules, and seniority rights cast him as a fierce adversary of the UFT—an organization that Klein viewed as a perpetual and frustrating barrier to the reforms he wished to accomplish. Under Klein's leadership, labor relations with the UFT were frequently arduous and even toxic. Consider the arbitrator's recollection of a fight over work time below.

Al Viani: After I left DC37, I went to OCB [the Office of Collective Bargaining] and became an independent arbitrator with the Arbitration Panel. When the teachers cut the deal to extend the length of the work day, there was a dispute as to how that should be done.

What happened was they couldn't agree...they couldn't agree on whether that 20 minutes a day should be converted into two 50-minute periods during the week or whether days would be 20 minutes longer. And whether half of that time was supposed to be for teacher development and training, and half of it for classroom time. And I can't remember who was on what side of the issue. But somehow, I got designated to arbitrate this dispute, and I knew nothing about it. And so, I hear that Randi Weingarten is coming in to testify, Jim Hanley [the Labor Commissioner] is coming in to testify. And...the chancellor [Joel Klein]. Joel Klein was coming in to testify. I said to myself, oh, shit. I better try to settle this thing.

...I talked to Hanley, and I said, "Do you have a problem, I'll try to see if I can mediate a settlement." And he says, "No," he hated all of that. He

hated it, especially under the Bloomberg administration...he hated to manage it. So, he says, "...Of course, try it." So, I have these sidebar mediations at night with the Board of Ed and Randi Weingarten. And the guy who was there, General Counsel, the chancellor's counsel, I can't remember his name. He was a big, tall guy out of corporate America. So, after 10 hours of mediation over maybe 3 or 4 days, about 30 people in the room, the parties reach an agreement as to how to resolve this problem. And don't ask me what the resolution was because I don't remember.

And so, the next morning, we had an arbitration meeting scheduled at the AAA, the American Arbitration Association, and somebody was going to write it up, and we're going to sign it. So, I get there at 10:00, the normal time to start this hearing. And Randi is there, and she said, "I want to get out of here by 11:00. I got a wedding in Rockland County to go to."

And this chancellor – the counsel is walking around the hallway, and Hanley isn't there. So, about 10:15, Hanley comes in. He's walking in, and the people are in the hallway. There are a lot of people there milling around waiting for this signing.

So, I see he walks down the hall, and he goes like this to me. And I know Hanley for 25 years before that. That's trouble.

So, I walk over, and I say, "What's going on?" And he says, "You're not going to believe it." I said, "What?" He says, "I'm in the car on the way up here, and I got a call on my cell phone. It's the chancellor. He's pissed off." I said, "What's he pissed off about?" Randi made some disparaging remarks about the chancellor on a totally unrelated issue that appeared in the *New York Times*.

And he doesn't want to do the deal.

So, I said, "Everybody was in the room last night. Everybody signed off on the deal. What the hell is going on?"

He says, "What can I tell you? ..." So, I said, "Do you have any problem if I try to see if I can get them back on track?" He said, "No." So, I go and I talk to the chancellor's counsel. He's a big, tall guy whose name I can never remember maybe because I had – anyway, I say to him, "What's the problem?" And he says, "Well, part of this deal on the teacher training aspect of it, there was an advising committee to make recommendations to the chancellor on the content of the training program for teachers. And it has teachers [on the panel]" –

So, I said, "Yeah, so, what's wrong with that?" "Well, they have teachers on this panel." And I said, "But these are all recommendations, they're not

even binding. They don't require you to do anything. They go to the chancellor, and he accepts them or he rejects them!"

Interviewer: What was the problem?

Al Viani: I said, "Why don't you go talk to – go make a call," I said. "Go make a call. Give me 10 minutes." Meanwhile, Randi is getting impatient, and she's sensing that something is going wrong. And she's going, "What's going on?" Hanley is there. They're all walking and milling around. So, he comes out of the room 10 minutes later, and he says, "Well, we considered it." And he says, and he goes like this. "We can't allow teachers to have any say about how to form educational policy."

And then, he sort of implies that he never made the deal in the first place. (Viani, 2017)

Klein's efforts to reorganize the Department of Education prioritized the collection and use of performance measures and increasing parental choice and competition across schools at the elementary, middle school, and high school levels. Data became increasingly consequential for decision-making about public education. Departmental decision-makers used test scores and numerical reports on attendance rates, graduation rates, and any other measurable variables to assess what was happening inside city schools and to decide what should happen next.

Simultaneously, charter schools proliferated. When charter schools succeeded, it seemed to confirm that unionized teachers and union work rules were the main problems with public schools, while ignoring the complex circumstances in which teachers work. These two roads—the increasing reliance on numbers and expanding the number of charter schools—both tended to marginalize the teachers' voices in analyzing schools' pressing needs. Klein frequently used mayoral control to circumvent the UFT's leverage, diminish its power, and stifle teachers' input.

Close observers of the Bloomberg years are frequently careful not to cast Bloomberg himself as ideologically opposed to unions. He regularly met with Randi Weingarten and signed contracts that increased public school teachers' wages 43 percent (Fertig, 2013). The teachers

rarely had overt conflict with the mayor, but Randi Weingarten and Joel Klein constantly expressed animosity toward each other. Other members of the Bloomberg administration shared Klein's belief that the teachers' union was not a legitimate advocate for education policy, and took union views with a grain of salt.

Interviewer: Did [Randi Weingarten, as President of the United Federation of Teachers] have in her mind policy issues? Did she have in her mind education policy things that she cared about and that she wanted to be reflected in what her dealings were with the city?

Marc Shaw: Yes. And I always hear those things. It's funny. I always hear those things as negative thoughts about her.

It goes back to while as management you have to negotiate and have relationships with the unions to work, the less say they have over actual policy the better off, from a management running the government perspective. Policy is supposed to be made by the executive and one of the problems is when you cut through all this stuff is that the unions have overplayed their cards in wanting to play in policy in a way that can sometimes backfire and I don't – it's where you get to abuse power and I don't think they should have that power. (Shaw, 2016)

Weingarten took a leap of faith in supporting the mayor's effort to secure control of the public school system because she thought there needed to be a fundamental change in how public education was functioning and managed. Yet once that control was secured, Weingarten confronted a chancellor and policy team that in her view ran the department in an autocratic manner, diminished the intricacies of schools, and roboticized teacher-student interactions with measurements that could never capture why schools or their pupils were struggling (Weingarten, 2017). Carmen Fariña, Mayor de Blasio's Schools Chancellor, who had a long career as a school administrator, echoed Weingarten's perspective. She agreed Joel Klein rejected the voice of the UFT.

Carmen Fariña: ...I was here for the prior administration. I was part of negotiations under prior administrations, including Bloomberg. The premise that all unions care about is the benefits package and the salaries, is not a perspective I've

ever had. I work with several union leaders from within the CSA, I've worked with about four of them. With the UFT, I worked with Randi Weingarten once a month because that was my job as deputy chancellor. I do think given the national mood that they were very clear that they wanted to impact policy...They wanted to be seen as change agents. Certainly, Randi wanted a lot of the same things I wanted as deputy chancellor, but the politics of the time did not allow any of that (Fariña, 2017).

The Bloomberg administration rolled out numerous reforms, with mixed results.

Standardized test scores and graduation rates gradually increased, though this did not always indicate greater college readiness or career readiness. During Bloomberg's three terms, 173 charter schools were opened, many of which were populated by minority and impoverished students and many public schools remained racially segregated (Pallas, 2013). The UFT did not endorse Bloomberg's third run for mayor, even though the election took place during contract negotiations. The talks failed to produce a contract for the remainder of Bloomberg's tenure. Wages had gone up on his watch, but the resulting climate for forming education policy was far from collaborative. If they were not in outright conflict, the teachers' union spent most of Bloomberg's three terms on the other side of the door, unable to force their way in.

Mayor de Blasio's Climate Change: There No Monopoly on Good Ideas

The Labor Commissioner Bob Linn and Budget Director Dean Fuleihan were confronted with an especially difficult problem regarding the UFT when they entered office. The Bloomberg administration refused to comply with the city's practice of pattern bargaining with the UFT in the wake of the Great Recession. Having awarded other city employees with two years of four percent raises in 2007, Bloomberg did not give the same increase to the teachers. Bloomberg asserted that the city could not afford it because the economic winds had shifted after 2008 (Fertig, 2013). (Since the 1970s, the city had stabilized labor relations by complying with pattern bargaining, in which it extended the results of its contract negotiations with one major union to

other unions.) When Bloomberg refused to honor that practice (and in the context of numerous other sources of tension), for five years the teachers were left to pursuing fact finding proceedings without a new contract.

Linn and Fuleihan felt that honoring the previous pattern with the teachers would be extremely expensive. If the city paid out those raises retroactively to the teachers and then settled even modest raises in subsequent years for everyone else, the city would face a major deficit that would erase its degrees of budgetary freedom (Parrott, 2017).

Bob Linn: When I got here, we then had the immediate problem of these two arbitrations and one fact-finding [panel] going forward where basically all the evidence was in. And the question was for the City, what do you do about that? Do you try and enter into the process and say, look let's stop the arbitration process? Let's start seeing whether we can mediate solutions? [That] was one possibility. Another, was that you just stay away from it, you say "look the result is not – you didn't do it, it was the last administration, so whatever was the result, we inherited and too bad, doesn't make life necessarily easy, but it's not our problem."

And the question was also, what to do about the fact that 150,000 employees had not received these two four percent increases the other 200,000 had? And, Bloomberg took the position that given the intervening fiscal crisis and all that took place, the city couldn't afford for the 150,000 that was done for the other 200,000. And, all of the fiscally responsible people we're talking to say we shouldn't pay those increases, because we can't afford it, there's no way, it's time to say no...

So, there was a lot of advice kind of swirling around, and my view... [it] seemed to me clear that the City had to solve it – first I had to intervene. I could not let the arbitrators decide without our involvement, because we were gonna live with it, that it was gonna have a direct impact on the full administration, if not years beyond...

My view was to go to all three panels and say, stop, we're here, a new administration is here, we are here to solve these problems, and we're here to work to find a solution we both can live with. And, that we don't want these things to go to decision, we would much prefer reaching a voluntary settlement with the unions.

...So, then started—really in February until March—intense negotiations, first with the teachers. We reached an initial deal with the teachers that

was nine years long, which I think was never [done] before. And the reason it was nine years long was because five years had already happened, and so now we were in the sixth year of the deal.

And so, negotiating a nine-year deal was a deal that would end in early [20]18, which is not so far off, and so, my thought was, let's not try and just settle the two years which was 2010 and 2011 or 11 and 12 depending on the contracts with the different dates, but let's then tack on a new seven-year deal. So, we were basically, solving the two final Bloomberg years...and then...put[ting] our stamp on a seven-year deal. And that nine-year deal would be the basis for the groups that represented the 150,000 that had not settled. And the seven-year part of it, would be the settlement that we then could apply to all 350,000 workers.

So, that was in fact done, and the answer to the two four percent increases was basically, spacing out over time...And, the huge back pay liability would be paid a little bit during that period of time and more of the back pay was paid in 19, 20 and 21, (these are fiscal years). Now, a lot of people are very critical, and say, oh, the city shouldn't have done it...And, as everyone now sees, it was totally affordable, because now we are budgeting, it's in our financial plan—those out years. And that it made doable, not only a settlement of those two fours, but it didn't wipe out every dollar the City had fixing those fours and made it possible for a modest seven-year settlement, as well. (Linn, 2017)

The de Blasio team accomplished a number of different goals in negotiating the outstanding issues with the UFT. They sent a message to the union that they were eager to change the tenor of relations and find ways to address issues that were important to the UFT. (Linn, 2017)

Carmen Fariña, a crucial voice in this process, came out of retirement to accept Bill de Blasio's appointment as Chancellor of the Department of Education (DOE) (Associated Press, 2013). As a teacher for 22 years, a principal for 10 years, a superintendent, and then Bloomberg's Deputy Chancellor for Teaching and Learning, she has a long view on New York's public school system and her experience earned a baseline credibility with the teachers' union.

Carmen Fariña: ...I will tell you—getting relationships going requires a lot of talk, a lot of talk in open meetings with a lot of people and a lot more talk with just the leader and myself one-on-one for breakfast somewhere where no one knows us. And I think you need everything. You need it all on the table. What are the things that you're going to stand for? But ultimately, no

system, and the mayor and I just discussed this the other day, is going to be able to move fast if there's not mutual respect and you're not spending all your energy yelling and screaming at each other...

I was also a member of the CSA [the union for principals and administrators]. So, I know how principals think, I know what I try to do, but I do think in New York City, and I'm going to limit myself because I don't think this is true nationally, both heads of both unions, had been either a teacher or a principal and really also wanted to enhance the professionalism. They're not always coming to you as a union leader, but as a member of a profession. And I think that's a real difference (Fariña, 2017).

Chancellor Fariña's view that education union officials take positions that reflect their roles both as labor leaders and as professionals is indicative of the de Blasio administration's dramatic pivot on the culture of the Department of Education. The new leadership approached union leaders with a fundamental recognition of the complexity of their interests. The UFT represents employees in many job titles, ranging from clerical workers to school psychologists, but the organization is centrally committed to the profession of teaching. Their publications, services, newsletters, and resources extend beyond the world of grievances, benefits, and compensation and into supporting educators.

The de Blasio administration signed a nine-year contract with the UFT that was not a resounding victory for all the unions involved in pattern bargaining. It set a pattern with fairly low raises for the more recent seven years, frustrating other unions in the Municipal Labor Committee. Yet the teachers' contract included new initiatives and new approaches to problems that both the DOE and the union were both eager to tackle (Fariña, 2017; Mulgrew, 2017). Areas of significant attention included a focus on professional development, a new approach to building career advancement and peer support through the teacher leadership program, a recalibrated approach to teacher evaluation, and an opportunity for schools to try out innovations by seeking exceptions to the collective bargaining agreement. These provisions reflected a

shared commitment to improving public schools by tugging on many different strands that would bolster teachers' skills and create opportunities and flexibility for individual and school-wide improvements.

Among the avenues where the city and the UFT work together, teacher leadership programs and the Progressive Redesign Opportunity Schools for Excellence program (in which schools vote for exceptions to the collective bargaining agreement to meet specific needs) warrants special attention. However, these are not flagship components of the de Blasio administration's education agenda. Mayor de Blasio staked his political capital on launching universal pre-kindergarten and Community and Renewal Schools, and these initiatives have received far more public attention and debate. The public debate over universal pre-kindergarten concerned how to fund the initiative. The debate over the Renewal Schools initiative has been about whether the program is throwing good dollars after bad, given the slow pace of academic improvement and the overall expense (Max, 2018).

Community Schools and Renewal Schools constitute a different approach to the group of schools in difficulty. They seek to make the school a place that offers more than classroom instruction by adding social supports, health supports, and community-based organization partnerships to help alleviate the challenges faced by students and their families. Launched in 2014, the rationale for community schools was the idea that for many high-need communities, health services, helping kids who need glasses get them, mental health support, or even adult and family supports such as legal services and housing assistance will be helpful for student learning (Office of the Mayor, 2015). In short, it is harder for children to learn when some of their basic needs are not being met. It is harder for families to help children learn when their basic needs are not being met as well. The Community School and Renewal School designations give schools

extra funds to do more for their kids.

Schools are Community Schools, though Community Schools are not necessarily Renewal Schools, and this distinction has become important for how the programs have been cast in the press. Renewal Schools are at the bottom of school performance citywide and are expected to demonstrate rapid improvements as a condition for staying open. While the de Blasio administration dramatically ramped up support for schools that are doing poorly, Renewal Schools must demonstrate progress toward strict standards or they will be merged or eliminated as they would have been under other administrations.

Supporters of the Community School model argued that blending low-performing Renewal Schools with the overall strategic approach of Community Schools would make the Community School model look bad when Renewal Schools failed to improve. The Community School model was always intended to be about more than academic achievement. Some Community Schools and Renewal Schools have been showing improvements, while others have foundered, forcing closures or mergers that they hoped to avoid (Shapiro, 2017).

While the Community and Renewal School programs have received mixed reviews, observers rate universal prekindergarten as an unqualified success, which the administration is seeking to expand into universal early childhood education for three-year-old children. The success on this important de Blasio campaign promise has at times been overshadowed by the political difficulties of its inception (Gonzalez, 2017). Governor Andrew Cuomo, who was running for reelection, rejected the new mayor's desire to fund the program with a new tax on high income families, which requires state approval. He did not want to raise taxes on wealthy New Yorkers in an election year (Kaplan M. M., 2014). Eventually, Cuomo approved state funds to pay for universal pre-kindergarten, but tied those funds to requirements that the city

assist charter schools in finding locations and increasing their funding allocations (Neuman, 2017).

It is important to note that the UFT was a supporter if not a partner in the mayor's efforts to launch universal pre-kindergarten and Community and Renewal Schools. More illustrative of labor-management relations during de Blasio's tenure are the Teacher Leadership initiative and PROSE Schools discussed below. State approval for mayoral control of the schools was also up for renewal twice during de Blasio's first term. Each time the state granted far shorter extensions of de Blasio's authority than Bloomberg was granted—first a one-year extension in 2016, and then a two-year extension in 2017, both when the UFT supported retaining mayoral control rather than scrapping it (Brighenti, 2017).

The union's cooperation was facilitated by the de Blasio administration's new approaches to attacking problems in schools. In some cases, such as universal pre-kindergarten, the administration's plans benefitted the union by swelling its ranks. More broadly speaking, the de Blasio administration has sought to expand what schools do, diversify how they do it, and take a more expansive approach to evaluating what constitutes improvement or success. This is far more consistent with education labor leaders' views about how to form nuanced policies for complex school institutions than the views of Mayor de Blasio's predecessors.

Avenues of Collaboration:

Mike Mulgrew and Chancellor Fariña both view the teacher leadership program as an example of tremendously successful teamwork. With its roots in conflict over merit pay, offering rewards to individual teachers has been controversial in New York City and elsewhere. Bloomberg's team attempted to implement a merit pay system, which the UFT worked to stop (United Federation of Teachers, 2015). Only a small pilot program was ultimately allowed, and it was useless in

improving student outcomes. Unions oppose merit pay because it relies on the promise that more money can motivate teachers to extract more success from their pupils, a notion that offends many who pursue a mission-driven approach to the teaching. Another problem teachers unions have with merit pay is that it fosters division and competition among teachers. Unions rely on solidarity to be strong advocates for their members. When teachers are in competition, or some receive benefits that others do not, that undermines solidarity. Perhaps even more important is that administrators may be arbitrary in awarding merit pay. How can they reasonably measure which teachers deserve financial reward? Some teachers work in tougher conditions where it is harder to achieve smaller improvements. Others work in high performing schools where they cannot reliably show improvement all the time. In the best of circumstances, merit pay presents numerous dilemmas regarding who deserves merit. In the worst, it can be a tool of favoritism and patronage. As a result, unions frequently oppose these programs.

The Department of Education and the UFT pursued a strategy toward teacher leadership that achieves some of the goals of merit pay while mitigating some of the concerns and flaws that the union opposed. The teacher leadership program uses a career ladder, rather than a formula based on standardized student assessments, to determine who gets extra cash (Fariña, 2017). It enshrines a joint structure for compensating effective teachers who take on extra responsibilities in the collective bargaining agreement, attaching the compensation to a meaningful difference in the content and orientation of some of their work:

The Union and DOE wish to create opportunities for exemplary teachers to remain in their title of teacher but to extend their reach and role through the establishment of Teacher Leadership positions including Master Teacher, Model Teacher, and Teacher Ambassador. A joint UFT-DOE Committee will be established for the Teacher Leadership Initiatives... The Joint Committee on Teacher Leadership Initiatives will meet on a monthly basis or on another mutually agreeable basis to discuss policy aspects of the Teacher Leadership Initiative such as: the focus for Teacher Leadership work; identification and

dissemination of best practices; professional development priorities and design; and research including focus groups and surveys to obtain feedback and ensure continuous improvement in implementation. The Joint Committee on Teacher Leadership Initiatives shall issue findings and proposed actions to the Chancellor and the UFT President. (2014 Contract Memorandum of Understanding, 2014)

The three classifications of leadership differ in function, level of responsibility, and compensation. Teacher Ambassadors can earn an extra \$7,500 for participating in an exchange program within schools that are paired to share instructional practices. Not only do Teacher Ambassadors teach temporarily in other schools, but they also take on some extra work time to work on the exchange of ideas and strategies between two schools. Master Teachers and Model Teachers take on extra work time too, albeit for different jobs. Model Teachers also earn an extra \$7,500 by serving as models for other teachers within their schools by offering instructional support to peers and opening their classrooms to serve as “laboratories” for other teachers. Master Teachers take on the most. They earn an extra \$20,000 per year for a much higher level of responsibility. Their responsibilities not only include serving as models for other teachers, they also work on developing broad based instructional support to other teachers, running study groups pertaining to various topics, and helping other teachers develop and achieve professional goals.

Fundamental to the Teacher Leadership initiative is the view that teachers have diverse skills and personal innovations and strategies worthy of building on. Further, such pathways not only incentivize high quality work through financial reward, but also offer teachers the opportunity to grow in their jobs and to branch out in new directions. The union and the DOE work together in administering the program, and such a joint effort

makes it more difficult for the program to become an exercise in management favoritism, or union favoritism for that matter.

The Progressive Redesign Opportunity Schools for Excellence (PROSE) is another example of union collaboration with the DOE. The creation of PROSE schools responds to a different angle of supporting innovation in public schools. If Teacher Leadership addresses improvements that can be achieved by strengthening the skills of individual teachers, PROSE creates an avenue for improvements in the collective efforts of the school (Dubin, 2017). The PROSE program allows schools to apply for permission to implement changes in their operations that would otherwise be against the rules of the collective bargaining agreement. In a sense, the PROSE program is a response to charter school advocates who argue that the union rules are too restrictive for meaningful changes in how schools function. With PROSE, schools can apply for exceptions to those rules in ways that are tailored for their populations. Changes can include all kinds of possibilities from scheduling class time or parent conferences differently, using different kinds of student assessments or teacher evaluations, or new ideas that have not yet been conceived. School personnel can use their insights into their own students to assess what kinds of changes may be helpful in overall school effectiveness.

There are a few components to the PROSE initiative worth mentioning. The first concerns how schools apply for PROSE in the first place. The decision to pursue an application requires the staff of a school to work together and collectively support the effort. Not only must a school show a track record of successful collaboration already, but they must choose areas of change that offer the potential for measurable improvements beyond traditional student assessments. Schools also must submit a budget

and be prepared to make a five-year commitment. Applications are submitted to a panel that is equally representative of the UFT and the DOE. If the application is approved, sixty-five percent of the UFT-represented members and the principal of the school must support the measure for it to be ratified (2014 Contract Memorandum of Understanding, 2014). In other words, teachers must be on board for changes to occur. The application process may seem arduous, but perhaps the significance of having these hurdles to clear is that the choice to pursue PROSE status sets a precedent for broad school cooperation.

As of January 2018, 155 schools participated in PROSE, but not many of them took full advantage of the flexibility the program offered. Most made modest scheduling adjustments or parent conference adjustments.

Carmen Fariña: ... I don't think that the things that we decided to get out of the [PROSE] contract were as exciting as I was hoping they would be. I thought we would really do more groundbreaking work. I think Michael [Mulgrew] would agree on this. But people are afraid of change. As much as we're offering the opportunity to make change, the staff has to agree to the change. The principal has to agree to the change and it's a lot of work. I mean, some of the PROSE are working on exciting things but I wouldn't say they are groundbreaking things and they aren't things certainly that caught on fire with a lot of the schools. I think going into this year some of the PROSE had a lot of promise. But again, teachers in and of themselves are not the most adventurous people. So, whereas Michael and I have encouraged this...you know, the jury's still [out]... (Fariña, 2017)

The Teacher Leadership program has generated much enthusiasm and teamwork between the UFT and DOE, while the PROSE effort has been slower to take off. The number of participating schools is quite small, though that number is steadily growing. If the program is allowed to continue under future administrations, the freedom PROSE offers may become more important during periods where the collective bargaining agreement is more restrictive. It is possible that part of the reason why schools have been less adventurous is because they do not feel suffocated by the existing contract. It is also possible that it just takes more time for teams to generate

bolder ideas, and so the program will look different in a few years than how it looks at the moment.

The New York City public school system serves 1.1 million kids and employs eighty thousand teachers. The schools are racially and economically diverse and serve many students with special needs. Some students have physical disabilities, and some have special developmental or emotional needs. Several thousand students are homeless. One size simply does not fit all kids in most school systems, but in this one, variety must rule the day.

Fundamental to labor relations during de Blasio's tenure has been an effort to work with the teachers' union to generate ideas, to promote sharing ideas, and to attempt all sorts of different strategies at different levels of the school system to create opportunities for student and school success. Not all of their efforts have been successful, and there is no shortage of examples for times the DOE has failed to resolve or respond to failing schools, teachers, or principals. Yet these failures exist in a context in which the overall strategy has been one of willingness to try things (Shorris, 2017). The 2014 contract with the UFT not only established wages and rules, it established a variety of experiments in education reform that incorporated the goals of labor and management into joint ventures.

Tone Deaf:

It is not surprise that the climate of relations between the UFT and City Hall has changed dramatically since the Bloomberg years. Though the UFT did not endorse de Blasio in the Democratic primary for his first term, he articulated a different attitude toward organized labor than his predecessors. That the UFT allowed its members to go without a contract for five years under Bloomberg was indicative of their expectation that a post-Bloomberg administration would give them a better deal. The UFT has failed to pick winners or stayed neutral in most of its

mayoral races going back thirty years, and yet its prospects for substantial influence over educational policy have been tightly tethered to the wishes of any given mayor, at least for the past fifteen.

These conditions would appear to call for the UFT to figure out a way to build more resilient leverage and influence than they seem to have done so far. While surveys instituted by the Bloomberg administration show that public school parents overwhelmingly feel positively about and trust their children's teachers, there is an important distinction between trusting individual teachers and trusting the teachers' union (New York City Department of Education, 2018). Michael Bloomberg managed to pigeonhole the UFT into exactly the most politically damaging spot for public employees' unions. He raised wages enough to cast NYC teachers as well-paid, while excluding them from meaningful policy debates. On Bloomberg's watch, the UFT was expensive and not particularly helpful for educational quality. While de Blasio has been an ally of the union, the union has not institutionalized basic changes such that a post-de Blasio mayor would not be able to replicate Bloomberg's strategy of marginalizing them once again.

School discipline policy created the first public crack in relations between the de Blasio administration and the UFT (Shapiro, 2016). In 2016, Mayor de Blasio moved to ban suspensions of students in Kindergarten, first, and second grades. The UFT (joined by the principals' union) opposed the measure, despite overwhelming evidence that suspensions disproportionately affect black and Hispanic students. Their opposition convinced the city to water down and create loopholes in the ban (Joseph, 2016). That this issue has distanced the mayor and the UFT is significant. During Bloomberg's tenure, the hottest issue was the proliferation of charter schools, many of which serve high poverty minority communities. For

numerous parents, charter schools have been an escape hatch from perpetually failing public schools (Chapman, 2014). These two seemingly unrelated conflicts have an important common thread, in that the union has taken a position in both cases that can be read as insensitive to how racial disparities affect educational access.

The issues of school discipline and the expansion of school charters are complex, and it is important to point out that charter school growth has been damaging to many minority and impoverished students. Nevertheless, the UFT has taken scorched earth aim at charter schools in ways that seem to alienate a swath of parents who are grateful for charter schools' existence because they respond to needs that have otherwise gone ignored (Chapman, 2014). The same can be said for the UFT's position on the issue of school discipline. It may be true that many vulnerable children are hurt by having disruptive students in their classrooms, but by and large suspensions are issued to black children more than anyone else.

Given the UFT's commitment to defending teaching as a profession and having a voice in education reform, in what contexts have their efforts succeeded or failed? Part of that consideration must account for some of the optics of their priorities and the potential political consequences of their decisions. For public employees' unions, public opinion can be especially important given that strikes are illegal and come with heavy consequences. Unlike private sector unions, their leverage is primarily political.

The UFT has a history of racial conflict with black communities in New York City dating back to the earliest periods of citywide collective bargaining for teachers. The New York City public school system teaches more than 300 thousand black children, a fact important to the union's recent positions and prospects for building support for their agenda. The UFT may be achieving a lot in terms of collaborating with the DOE on innovative educational improvements

in a hostile national environment, but their recent positions echo a past in which the UFT failed to appreciate the experiences of the population their members serve.

The UFT is Not a Social Movement Union, but the Chicago Teachers are Becoming One:

The UFT has 185,000 active and retired members. For twelve years, the union contended with an administration with whose vision of public education they fundamentally disagreed.

Mike Mulgrew: ...we had a mayor who basically believed that choice and competition and schools not working with each other to solve problems, schools actually in competition and fighting with each other, was a way to get to a better result, which meant that automatically we had the Hunger Games amongst our schools. So, that premise means that we have to accept that automatically a whole bunch of kids are going to lose. There's no way in hell we'd ever sit back and say that's a good idea, but he [Bloomberg] thought it was the way to run the school system, to automatically set up that some kids had to lose. (Mulgrew, 2017)

Economic inequality grew substantially during Bloomberg's tenure and he was accused of being a mayor for the rich. His administration constantly scored and measured the highly racially segregated public school system. Yet family income remained the best predictor of student performance on standardized tests (Costa, 2018). As the Bloomberg team closed schools, promoted charters, and increasingly balkanized the school system, the union could not quite nail down a message that would zero in on the substantive issues that students and teachers shared in a way that resonated more broadly.

While many of the trends in New York were happening in other major cities, the site that attracted the most national spotlight was the increasing eruption of conflict in Chicago. While New York and Chicago have many important differences, it is useful to reflect on the experience of the Chicago Teachers Union since 2008 to discern a different set of strategies deployed by a union under siege. Chicago teachers posit an interesting comparison to the UFT in that many of the challenges that brought them to a point of mass mobilization were emerging in New York

during the same period, and yet led to dramatically different paths for the union itself. All through the early 2000s, the assault on Chicago public schools ramped up with increased testing, school closures, charter school proliferation, and the vilification of teachers (Bruno, 2016). School buildings were falling apart and classrooms were overflowing with students, and yet much like the UFT under Mayor Bloomberg, the Chicago Teachers Union (CTU) was failing to generate an effective strategy to resist Mayor Daley's agenda to privatize and outsource public education (Uetrict, 2014).

Between 1997 and 2012, Chicago closed 87 schools, and fired everyone at an additional 24. More than 100 charter schools were opened during this same period. Like the challenge of charters in New York and other cities, charter schools in Chicago often attracted the highest performing or best-behaved kids, and they found ways to expel kids that were not up to their standards. Such practices accelerated the concentration of more challenging students in public schools that were increasingly crowded and underfunded.

Efforts to introduce merit pay and to tie teacher evaluations to student test scores were also taking root in Chicago, and when Rahm Emanuel took over as mayor in 2011, these strategies persisted. Emanuel also took aim at the length of the Chicago public school day. While the schools in Chicago by and large did not allow outdoor recesses due to safety concerns, the attack on the length of the day was framed as a shortcoming of teachers and cast them as lazy (Bruno, 2016).

The CTU, under the leadership of Marilyn Stewart did not produce much resistance to the mounting pressures on Chicago teachers. Relying on traditional bargaining practices over wages and benefits, contract enforcement, and top-down decision-making, the union failed to engage the membership in staving off attacks. In 2008, a small group of teachers began to gather as a

study group to think about what was happening to their education system, their union, and their communities. Jackson Potter, Jesse Sharkey, Karen Lewis, Norine Gutenkaust, and others began to read books together and attend meetings and hearings on school closures. Over time, their efforts to bring in more teachers to mobilize against threats to community schools grew. While their strategy to promote more member engagement with on-the-ground issues did not directly target the existing CTU leadership, their initial hope was to push the union to be more vigilant in organizing a deeper and broader member- and community-driven opposition to the direction the city government was taking the school system.

The Caucus of Rank-and-File Educators (CORE), the caucus the study group ultimately became, reached out to Chicago community and activist groups (Barlett, 2013). They formed a community board. Their efforts moved to contextualize the fights about school closures and charters in the larger narrative of educational equity, the failure of the city to deal with buildings that were falling apart, and the efforts of private interest groups to exploit vulnerable neighborhoods for profit. They showed up at every hearing for a new school closure and at every school that became vulnerable. They drew connections between the layoffs of union teachers and the growth of low-paid exploitative charter jobs that took more resources out of neighborhoods by taking good jobs away from working Chicagoans. Over time, their efforts to move the existing CTU leadership to pursue a mass mobilization strategy proved to be inadequate. Leaders of the caucus eventually decided to run for office.

When CORE took over leadership of the CTU in 2010, they did not dramatically change their approach to their activities. They continued to run a massive internal organizing campaign to mobilize members and strengthen connections with Chicago parents and activists. Given that the new leadership was approaching a contract fight, they worked on an organizing effort to

prepare to go up against the Emanuel administration.

CTU worked to stretch the boundaries of what they could ask for, while walking a tightrope of what they were legally allowed to bargain over. They dragged out their fights over the financial package to increase their leverage over issues that they had a less reliable claim to negotiate. When CPS sought to avoid wage hikes, the CTU offered to accept lower wage increases in exchange for the Chicago Public School system cancelling its business with the five major banks leading the foreclosure crisis in Chicago. They wanted to have CPS apply pressure to banks until they agreed to offer some foreclosure relief to at-risk households where their students and members lived, but CPS refused. Significantly, the CTU was consciously engaged in running a campaign that reached outward to parents and neighborhood organizations framing their efforts as a campaign for educational justice and school improvement and connecting that effort to other issues. These kinds of actions helped the union build strength and partnerships to make a strike threat more serious to the city, and when a strike was called, it made the strike more powerful.

In September of 2012, the CTU struck Chicago schools for a week. The strike had extensive support in the ranks and created an outpouring in the city of anger about the state of the schools, frustration about the power of corporations, and adamancy about the rights of union members. It was a massive strike of tens of thousands, and while for many it marked a major point of victory for labor, the contract eventually signed was not a resounding win for the union. The CTU was able to lower the weight that student test scores would have on teacher evaluations, and they were able to get merit pay dropped, as well as some enrichment teacher hires, but they also made some painful concessions. They accepted a reduction in pay for laid off teachers, and they could not put a stop to school closures (Kaplan D. , 2013).

The CTU strike has not ended the efforts of CPS to close schools or open charters or get rid of union teachers, and Chicago and New York are very different cities. Yet an important piece of this story is that only recently the CTU was fairly alienated from its own membership and from much of the city it served. It was not very long ago that decisions were made at top of the organization much like the functioning of the UFT. In New York, decisions are largely pumped out of the leadership, and union elections have all but coronated Mike Mulgrew, Randi Weingarten before him, and Sandy Feldman before her. The Unity Caucus runs for union office on a slate that is incredibly difficult to challenge, and the UFT relies far more heavily on lobbying, legislative work, and relationships between high level actors to achieve their goals. They have not set themselves up for mass organization, even though they were confronted with comparable conditions to the CTU for quite some time.

There is a Movement of Rank-and-File Educators (MORE) caucus in the UFT, and in the most recent union election they were able to win some seats in the union's governing body (Lewis, 2017). Their platform is very similar to the one with which CORE started out, but also similar to Chicago, their efforts have not dramatically altered the culture of existing leadership within the UFT, and leadership change appears a long way off. Further, their power on the Board is extremely limited given that the majority of the Executive Board is still comprised of members of the Unity caucus, and the majority controls who goes to state and national conventions to vote on state and national decisions. Voter turnout in union elections is quite low in the UFT, and this is likely a result of the structure of the union's constitution and winner-take-all system in which one slate wields the levers of control within the union upon victory (United Federation of Teachers, 2015). There has historically been very little drama to the election outcomes (Weiner, 2012). The Unity caucus, which was the caucus of Al Shanker, Sandra Feldman, Randi

Weingarten, and Michael Mulgrew has effectively squashed meaningful opposition within the union's leadership for sixty years.

The UFT wants to weigh in on decisions about public education. The union not only wants to have teachers be treated well and paid well, they also want their professional assessments about what works and does not work in classrooms to matter to elected officials and policy-makers. Currently, with an administration that wants to collaborate, they have had a lot of opportunities bring their ideas to fruition, and teachers do have ideas. There is not much reason to expect that with a less collaborative administration, they will not be right back where they were—circumvented.

The weight of the conflict at IS 201 and Ocean Hill Brownsville still hangs over the UFT. Some leaders have felt that weight more than others. Randi Weingarten suspects that the UFT would have struck against Bloomberg in 2005 if not for the damage the 1968 strikes inflicted on labor-community relationships (Weingarten, 2017). Chris Policano, who briefly worked in communications at the UFT described his recollection of Weingarten's thinking.

Chris Policano: ... I was unable to get the media to an event or conference that the teachers were announcing ... she wanted the press to hear her talk about Ocean Hill-Brownsville because she knew that – this was eight years ago – this was a big thing in her head that there had always been this schism, even the faint remnants of this schism, from Ocean Hill-Brownsville where she wanted to be the visionary who said, “We need to move past after all these years”...

She was giving this part of the speech and there was no one there to hear it because it was a Sunday in May and God knows what else was going on. I still remember to this day those paragraphs and thinking, “Randi really agonized over these paragraphs because Randi wanted to have a vision for the city.” So, as you talk about the greater good – and she's focused on education – but as you talk about these union leaders who care about some greater good and not about self-interest, I mean Randi's on that list. (Policano, 2016)

This weight of the 1968 strikes and the conflict between the union and black communities presents any observer of the union with a paradox regarding the UFT. On one hand, the union wants to distance itself from that history, but on the other, they seem to keep making decisions that make that history feel more proximate.

Not only did the UFT break with the mayor in 2016 on his support for a suspension ban for Kindergarten to 2nd graders, but in late January of 2018, the UFT refused to endorse a resolution offered by the MORE caucus in support of Black Lives Matter (Cook, 2018). They cast the rejection of the resolution as a rejection of a divisive position, though it is difficult to discern how divisive it would have been, especially in a school system of which fully a third of students are black. The UFT's ongoing responses to charter schools, the vast majority of which are concentrated in Harlem, East New York, Bedford Stuyvesant, Brownsville, and the South Bronx have largely been against co-locations of charter schools with public schools, demands for charter schools' financial transparency, and accusations of creaming the best students from public schools. While these grievances are clearly legitimate, the UFT's framing does not win the union any favor among the predominantly minority families that are grateful to have gotten their children spots in these schools, or the 50 thousand children that are currently on charter school waitlists.

In a sense, the UFT is an island. It has not truly promoted member activism within its ranks and it has not crafted a message that shows why the teachers' union is important beyond its ranks. It continues to take positions that fail to recognize clear issues of racial inequities that need and deserve attention. Indeed, the union has not sufficiently made the case that the UFT is good for New York—a case they could convincingly make. Parents do trust their children's teachers, and they can be expected to support an organization that gives those teachers voice in

the structure and nature of their children's education. Yet for now, despite the union's best intentions to strengthen public schools, to have supported and effective teachers, to problem-solve on issues of testing and curriculum, and to promote safe and equitable learning environments for kids, their successes have largely hinged on having a friendly administration rather than shoring up their internal organization and their capacity to mobilize or their public legitimacy as advocates for a precious public service. As past events have shown, every friendly administration ends.

Chapter 4: The New York City Patrolman's Benevolent Association

Prologue: The Long Impact of the Boston Police Strike

Until 1919, the American Federation of Labor refused to charter police unions (Slater, 2004). Police officers broke strikes, sometimes brutally. The function of policing frequently conflicted with actions taken by unions. Subsequently, many unionists harbored suspicions about police officers as fellow workers and rejected police as fellow members.

By their July Convention in 1919, the AFL received sixty-five requests for police union charters and that level of demand changed the minds of executive leadership and delegates alike. Police officers wanted union representation for the same reasons other workers wanted unions. By and large, police officers came from working class backgrounds. They worked long hours with few days off. Their wages were low. They worked in squalor. Their bosses disciplined officers arbitrarily and played favorites (Lyons, 1947). Nevertheless, the possibility of joining the AFL introduced a number of paradoxes about public employee unionism. Would police unions strike? Would they support fellow union locals who struck? What would happen if police were called upon to bring order during a general strike? How would officers resolve conflicts between their commitment to their unions and the responsibilities of public service?

In July of 1919, responding to the flood of police officers eager to fight for labor rights, the AFL overcame their ambivalence and chartered police union locals. Yet the open questions about how police unionism would evolve and what it would mean for the labor movement caused the Police Commissioner in Boston to respond swiftly. While the AFL chartered police unions all over the country in 1919, Commissioner Edwin Curtis sought to prevent his officers from joining the AFL by issuing a General Order banning them from affiliating with any organization outside the police department. When officers refused to comply, Commissioner

Curtis suspended seventeen freshly-minted union leaders. The next day, 1100 police officers walked off the job (1919 Boston Police Strike Project, 2018).

The Boston Police Strike was violent and expensive. In addition to extensive property damage from the crowds and looters, nine people were killed and hundreds more were injured. The Governor called in more than five thousand members of the State Guard and volunteers to restore order. The Police Commissioner fired all of the police officers that participated in the strike and could not be persuaded to reinstate them (Burpo, 1982).

Once the strike was over and the officers tossed out, the city of Boston needed to hire a new police force. While the department initially struggled to recruit new officers, they eventually raised the pay by twenty-five percent. The department also agreed to cover the costs of police uniforms. Ultimately, as the ranks slowly grew again, the new officers were notoriously tough on Boston picket lines throughout the 1920s. The AFL effectively stopped chartering police unions and the ones that had organized dissipated.

The Boston Police Strike was incredibly damaging to public employees for decades to come. Opponents of public sector unions repeatedly drew on the violent outburst that took place in Boston as justification for why public employees should not have the right to join unions, despite numerous examples of public employees organizing without such eruptions (Slater, 2004). Politicians and journalists cast the strike as a blow against public safety, and therefore as a strike against the public.

The chain of events during the Boston strike also anticipated later fissures between police officers and the rest of the labor movement. Boston's Central Labor Union (BCLU) consistently supported the police union effort and public employees' rights to organize and bargain, but they also feared where the conflict between the city and police officers might go. Leading up to the

strike, the BCLU expressed through letters and publications that police officers were workers, and as such had rights. Leaders of the BCLU and AFL both supported officers who wanted better working conditions and pay. Yet as the conflict between the Commissioner and the officers evolved and the press coverage argued that public employees' unions could harm the public, the BCLU tried to walk a tightrope between the police officers and a broader audience that worried about the implications of public employees organizing (Burpo, 1982).

The BCLU cast the police efforts to organize with the AFL as the less radical option, with the AFL being able to tamp down tensions and avoid the insurgency of a more radical union like the Industrial Workers of the World (IWW). While the BCLU wanted to help police officers, it faced a fundamental dilemma about the most prudent way forward. The BCLU was fearful of a backlash against organized labor if the conflict with police officers became too inflammatory, but police had a stronger chance at achieving recognition if the rest of the workers in the city of Boston supported them. The BCLU stated that if necessary they would call a general strike in support of the police, but when the police walked out, a general strike was never called. But the BCLU continued to support the strikers, sought to broker a deal, and offered financial assistance, even though police struck on their own.

It is impossible to measure the negative consequences of the Boston Police strike. Numerous public sector unions, in their attempts to gain recognition, promised not to use strikes, though such promises were typically insufficient to overcome the barriers to organizing. Either governments and citizens feared strikes so much that they refused to recognize public workers' unions, or workers feared that if they became too aggressive, they too would be fired like the Boston police. The consequence of taking the strike threat off the table was to diminish public

employees' unions leverage. Taken together, these challenges constituted a long minefield for public workers' unions generally and police officers especially.

As early as the 1890s, law enforcement officers had sought to improve their conditions of work through fraternal organizations. The Fraternal Order of Police and Police Benevolent Associations, among others, came to fruition largely to cover the burial costs of officers whose families could not otherwise afford a proper funeral. Fraternal organizations also lobbied legislative bodies for higher wages or shorter hours. In the years that followed the failed Boston Police strike, these organizations expanded in function and importance in ways that stalled union organization efforts around the country. Some of these groups in effect emulated unions without calling themselves unions. For others, their role was service and support-oriented. Police unions would not pick up steam again for formal collective bargaining rights for thirty years after the Boston strike, and when they did, many grew out of these fraternal organizations, including the local police union in New York.

Many police unions have not fully been attached to a broader labor movement. The Boston Police strike forced the dilemmas of police unionism out into the open and tested how police could navigate existing tensions between a broader labor movement and the government that employed them. In many ways, they have not resolved these dilemmas. Officers are workers who want to negotiate their terms of employment—but they are also the police.

The New York City Patrolman's Benevolent Association

Representing 24 thousand sworn officers, the New York City Patrolmen's Benevolent Association (PBA) is the largest local law enforcement union in the world. The New York City police force is so large that each rank has its own union. The Sergeants, Detectives, Lieutenants, and Captains all have separate unions negotiating for each rank. The PBA is the largest and

represents the lowest rank. While at times the various police unions share interests and work together, their interests often conflict. The paramilitary structure of the force also influences labor-management relations in law enforcement. Within the NYPD, management has literally risen through the ranks of the department, so leaders are very aware of the on the ground issues for officers in ways that public managers in other agencies may not be. While such a structure may not always produce a belief in the rank-and-file that their bosses care about their experiences, this structure undoubtedly contributes to the insularity of the police department. Such a structure blurs the boundaries between labor and management.

The New York City Patrolmen's Benevolent Association was founded in 1894 and the Wagner administration granted them the exclusive rights to bargain on behalf of the city's police officers in 1963. Like many police unions around the country, its roots as a fraternal organization has shaped the leaders' conception of the union's central tenets. While other public employees unions are overtly committed to serving the interests of a broader community outside their membership, the PBA frames their mission more narrowly. The website of the United Federation of Teachers claims that "as a trade union, we advocate for competitive salaries and workplace practices that advance our profession and the well-being of our members. As advocates for children and for the communities in which we work, we fight for the policies and resources to make all New York City public schools great." District Council 37 of AFSCME similarly sets its sights on fairly broad goals. Their website asserts that "DC 37 is about improving our members' lives on the job and in their communities. We believe social justice is a union issue." The PBA, by contrast, limits their goals to the specific interests of police officers:

The NYC PBA is a labor union that seeks to protect and advance its members rights and interests. Among other things, it negotiates their contract, which establishes compensation, benefits and working conditions, ensures fair treatment by the City and the NYPD, provides legal services and representation, and

administers their health and welfare benefits. The PBA also encourages legislation that helps its members and improves their families' lives, while it opposes legislation detrimental to them. (NYC PBA, 2018)

The PBA's stated mission does not embrace service to any constituency beyond union members and their families. It is not unusual for law enforcement unions to take a narrow view of their goals and responsibilities (Fleming, 2006). Contracts between police departments and unions are often limited to compensation and disciplinary policy. They often leave out the content of a police officer's work. Collective bargaining excludes the actual practices of law enforcement which are firmly considered within the domain of management's rights. The PBA does not seek to expand the scope of bargaining to include approaches to public safety, and union officials are quite clear that the union is not interested in wading into most of the policy debates regarding law enforcement (Flynn J. , 2016; Alejandro, 2017; O'Leary, 2016). The union's job is to advocate for strong compensation packages and strong legal protections for its membership.

While union officials have articulated a primarily hands-off attitude about public safety policy, there is no question that when they do choose to take a stand their interests and preferences have been quite determinative. For decades, the union managed to prevent the city from adopting a Civilian Complaint Review Board, and then prevented it from having teeth by limiting its authority and who would serve on it. They have deployed aggressive picket lines, advertising campaigns, legal action, and ballot initiatives in areas they felt were important. From the union's standpoint, the fights that they choose are not guided by what union officials view as good law enforcement policy—their fights are specifically about serving their members in the ways they have defined. While there are examples of other public employees' unions whose leaders conceive of their organizations as vehicles for articulating their members' perspectives

on public services, throughout much of the PBA's history, union officials have not subscribed to this kind of representation.

Jeremy Travis, the former president of John Jay College of Criminal Justice, who was not only Director of the National Institute of Justice (the research arm of the Department of Justice) but Deputy Commissioner for Legal Affairs within the NYPD, describes the position of the PBA as especially powerful because of the services police officers deliver:

Jeremy Travis: One thing that the [union]— whoever's representing the line officers — one issue that they have a unique position on is public safety... it's like a direct feed into the public consciousness...

Anything that has to do with public safety, by the nature of it, it's different with the UFT. It's just hard to get the public really on your side if you're the UFT. Or, if you're the sanitation workers. They have their ways, but there's nothing as direct as crime. If you go back in history a bit to the time where crime was going up in the city — '70s, '80's, — and you had the PBA leafleting LaGuardia [airport], telling tourists not to come to New York because this was the crime capital of America. It's not that they didn't want tourists to come to New York, they wanted to make a point that they needed more money or they needed more cops or whatever. They took advantage of this issue that goes right to the public's anxiety about security...

So, the police officer's union, by definition, has a platform that other unions don't have. A very powerful one. That puts them in a position of being able to generate a lot of attention — press attention, political support...

Interviewer: Do you think that the PBA — that the leadership of the PBA has views about policing? What is good policing?...

Jeremy Travis: I don't think that's their strength. That's certainly not how they get elected. You were talking before about what's happening in the city right now, there's the movement towards neighborhood policing. They're not opposed to it. I've never heard them be actively in support of it. They know this is the policy direction of this mayor and this police commissioner. If they were to talk to their members who are engaged in some of these initiatives, I think they'd find that they find it more rewarding and satisfying, but that's my bias...[But] that's not the way they come at this most of the time. (Travis, 2016)

In Travis's view, the PBA occupies a uniquely powerful position given the importance of safety, but the union does not use that power to more broadly influence decisions on how to police the city. He speculates that the political incentives of the union leadership are rooted elsewhere. New York City police officers make less money than police officers in many surrounding areas and the city is a more expensive place to live. The job can be stressful and risky. Compensation is a priority to PBA members, and it is a priority to which leaders respond.

Patrick Lynch was elected to lead the PBA in 1999. With the exception of Joseph Moran, who led the PBA from 1914 to 1938, he has held the position longer than any other president. His tenure is that much more impressive given that the PBA has only had formal recognition since 1963. The PBA had ten presidents between 1963 and when Lynch took office in 1999. Lynch won his election in a dramatic three-way race. He was the young insurgent reformer responding to the entrenched cronyism within the union that led to a wage-freeze under Mayor Giuliani that incensed police officers. Lou Matarazzo stepped down early after outrage exploded in the wake of that contract, leaving Doc Savage to run the union until a new election was held. As a member of the PBA leadership during the failed contract dispute, Savage was unable to overcome this handicap. Jimmy Higgins also ran for president in the 1999 election. He had been the recording secretary who was a critic of the deal that Matarazzo signed. Higgins could not credibly make the case as an outsider given that he also held elected office in the prior leadership, but his candidacy was also viewed in the ranks as a betrayal of the old guard by challenging it (Francescani, 1998).

Pat Lynch was 35 years old. He was a community affairs officer and union delegate from Brooklyn and he ran to break the union open and make it more transparent and more fiscally accountable to its membership. Between the wage freezes of the Matarazzo contract and a

financial scandal involving the PBA's former lawyers and their sales of insurance policies to police officers for financial kickbacks, Lynch was able to capitalize on the rank-and-file's desire for change (Alejandro, 2017; Flynn W. K., 1997). Since taking office, no serious challenge to his leadership has emerged.

The PBA's governing structure is arguably more penetrable than the structures of the UFT or the leadership of DC 37. The rank and file in 77 precincts around the city elect about 400 delegates. Those delegates nominate candidates to the 27-member Board of Directors. The membership at large elects candidates to the board for four-year terms. Board members work full time for the union and respond when officers are wounded or involved in shootings. To challenge the president, a candidate has to collect 25 signatures from the delegate body and the board to launch a campaign. After a candidate secures a nomination, it becomes exponentially harder for an insurgent campaign to win. An insurgent candidate has to build support in the ranks of 24,000 officers. While several candidates have secured nominations to challenge Pat Lynch, no one has truly threatened his re-election.

During his service, Lynch has settled the majority of contract disputes through arbitration. Consistently, the PBA has bucked the pattern set by other municipal unions to try for a better economic package (Steier, 2016). The PBA's resistance to pattern bargaining has been a sore point within the New York City labor movement and has frequently bred tensions with other union leaders in the Municipal Labor Committee.

Actors on all sides of labor relations in New York City agree that the PBA is an outlier union not only among all New York City municipal unions, but even among the uniformed labor groups. PBA officials are aware of this reputation and seem content with it. Consider the reflections of Jeremy Travis:

Jeremy Travis: ...if you were to say to...a thoughtful New Yorker that sees him or herself a friend of the labor movement and willing to stand up for the rights of workers against a management, almost irrespective of the issue, whether they would march in the streets with the PBA against the police commissioner? My guess is very few of those left-leaning progressives think that they should be marching in the streets with their brothers and sisters in the PBA because of the nature of the police.

Interviewer: ...I was framing the question in reverse – will the cops march in solidarity with the teachers?

Jeremy Travis: Faculty at CUNY, as you know, are represented by the PSC. By all measures, a pretty traditional, pretty left-leaning union that talks about global solidarity. They take a position on a policy issue about free tuition. So, they're right out there. Would they march in the streets with the PBA if the PBA was aggrieved by police management?

Think through the answer to the question. I think it says something about public sector unions, generally.

Interviewer: And, if there is a lack of solidarity overall, that lack of solidarity is not one directional. It's based on maybe a breakdown of trust?

Jeremy Travis: Has [trust] ever been there? Or was this all just our sort of a view of the way the world once was or should be—the way our grandparents told us about when they were on the picket line. (Travis, 2016)

Jeremy Travis poses an important question. Perhaps these divisions have been able to flourish because collective bargaining rights have not been threatened in New York City, but the PBA has kept its distance from many other labor groups in New York over many years and has tended to identify and be identified as distinct from the rest of municipal workers.

Politically, Lynch's strategy to resist the pattern and arbitrate with management (instead of coming to a voluntary settlement) has often allowed him to extract higher pay, but it also gives him political cover if his union fails to get more money. After all, the outcome can then be laid at the door of the arbitrator instead of the union's leadership. This strategy has a narrowing effect on the possibilities of how to resolve any given contract dispute, because it reduces the potential or incentive for generating new ideas or innovations on either side of the table in exchange for a

third party to decide. Numerous mayoral administrations have chosen to view collective bargaining processes as purely economic as well, making the PBA's economic focus congruent with the approach of management, but the effect has been to lock the parties into a fixed power struggle over a small set of variables.

Lynch, the PBA, and Bloomberg

Even though the PBA remains conservative in the scope of its efforts, this has certainly not led to harmonious labor relations. The PBA has had highly conflictual relationships with every mayoral administration for the past five administrations. The recent tensions with Mayor Bill de Blasio and the current climate of public scrutiny and criticism of policing practices easily obscures this enduring conflict. While press coverage of current conflict presents it as especially toxic, most of its elements are not new. The PBA has had continuous strife with one mayor after the next. Mayor de Blasio is simply no exception.

Rudy Giuliani's mayoralty has been highly associated with bolstering the police force given his pursuit of visible and aggressive law enforcement in the 1990s. Nevertheless, the PBA had an extraordinarily tense relationship with Giuliani after losing an arbitration battle over a contract that left the force with a two-year wage freeze (Vitale, 2008). The ruling was especially frustrating to police officers who felt that the mayor had increased expectations of them and their activity was making a big difference in reducing crime and enhancing the mayor's reputation. But they were forced to accept a contract that ignored their efforts. Shortly thereafter, during his brief stint as president of the PBA, Doc Savage was outspoken about how the aggressive police practices pushed by the Giuliani administration had negative consequences for police-community relations. He viewed public distrust of the police as a direct result of police policy practices over which cops had no control. City Hall dictated aggressive tactics. While the NYPD had begun to

adopt low-level crime fighting and broken windows policing before Giuliani was elected and before Bill Bratton was his police commissioner, PBA officials felt that the mayor issued them clear directives that asked more, did not compensate them, and compromised their relationships with communities (Greenhouse, 1997; Steier, 1999).

When Michael Bloomberg was elected in the immediate aftermath of 9/11, popular support for the NYPD first responders was at an all-time high. However, this climate did not prevent the PBA from having conflicts with Mayor Bloomberg. Police officers carried their ongoing frustration about their wages into the Bloomberg years. Wages in surrounding suburbs were higher and the PBA sought parity in order to prevent officers from leaving and working elsewhere. At a particularly low point, the union newsletter published law enforcement job listings in the suburbs. By 2005, the PBA arbitrated for a contract that resulted in wage increases for incumbent officers—but significantly lowered starting salaries for rookies. Starting salaries became a recruitment problem and were so low that the Police Academy struggled to fill a class. Throughout Lynch's tenure, arbitration would generally work out in his favor, officers were able to secure wage increases beyond what the city offered, and each victory only incentivized the strategy. The ultimate souring of relations with Bloomberg took root when Bloomberg went after year-end retirees' bonuses, frequently in the amount of about \$12 thousand. In the name of fiscal austerity, Bloomberg attempted to strip retired police officers of this benefit, even though the PBA had endorsed his candidacy in 2009.

While the crime rate in the city continued to drop during Bloomberg's tenure, the NYPD generated a great deal of controversy over its Stop and Frisk practices on Bloomberg's watch, especially in his third term. The astronomical rates at which the NYPD targeted young black males for stops and violations in the late 2010s polarized the city in which many people who

wanted law enforcement to protect them learned to fear it instead. In turn, the NYPD pointed to a shortage of staffing and a crisis of morale as officers confronted unrelenting criticism. (As crime fell, Bloomberg reduced the patrol headcount substantially.) At a time when terror threats and technological advances made public safety increasingly complex, new demands were placed on the department. At the same time, police practices became increasingly divisive and alienated young minority boys and their neighborhoods from law enforcement.

Mayor Bloomberg's challenges in his relationship with the PBA have not been widely discussed, and in fact have largely been papered over due to his known solidarity with the police on the issue of Stop and Frisk. Federal lawsuits that targeted the Bloomberg administration and the NYPD in their law enforcement tactics have given the illusion that his mayoralty was much friendlier with the police than it actually was. The lawsuits that challenged the constitutionality of Stop and Frisk put Bloomberg and the NYPD on the same side of the most visible debate over police policy. In fact, it was this very controversy, and Bill de Blasio's critique of the practice that helped strengthen his campaign for mayor following Bloomberg's three terms.

The Entanglements of Stop and Frisk, Quotas, Bloomberg, and the PBA

When Michael Bloomberg was elected in New York, police officers were already stopping people they suspected were engaged in suspicious behavior as one of their main tools of law enforcement. Street stops by police officers was legally upheld in *Terry v. Ohio* in 1968, when the US Supreme Court ruled that officers were allowed to briefly detain individuals whom they suspected were engaged in criminal activity but did not meet the threshold of probable cause. During Bloomberg's tenure, the number of occasions on which NYPD officers were conducting street stops increased by more than 600 percent from the year he took office. The numbers of people detained by police officers were staggering. When Bloomberg's tenure began, police

officers had conducted just under 100 thousand stops that year, and by 2011, that number approached 700 thousand (The Vera Institute of Justice 2013; NYCLU, 2011; Jacobson and King, 2013; Jacobson M. , 2001).

Police stops during Bloomberg's tenure disproportionately affected black and Latino males by huge margins and such stops rarely led to an arrest. According to the New York Civil Liberties Union report, "in 70 out of 76 precincts, black and Latinos accounted for more than half of the stops, and in 33 precincts they accounted for more than 90 percent of stops. In the 10 precincts with black and Latino populations of 14 percent or less, black and Latino New Yorkers accounted for more than 70 percent of stops in six of those precincts" (NYCLU 2011, David Floyd et al. v. the City of New York et al. 2013, The Vera Institute of Justice 2013). The clear majority of New Yorkers stopped by the police were minorities and they were innocent. Half of them were young people. Studies of the effects of Stop and Frisk police practices have not only demonstrated the demographic disparities, they have also shown damaging implications for young people and their attitudes toward law enforcement. So many young people have been subjected to repeated and aggressive police stops that they fear or distrust police officers. Many have said they would not seek help from police if they needed it, and at this point many would not or do not report crimes (The Vera Institute of Justice 2013).

The dramatic spike in the use of Stop and Frisk constituted such a jarring example of discriminatory police practices over the course of twelve years that not only did it become a defining issue in the mayoral campaign in 2013, but numerous lawsuits were filed to put brakes on the practice. The two major class action lawsuits that would wind up having the widest implications were filed in 2008 and 2012. The plaintiffs in *Floyd, et al. v. City of New York* filed in 2008 alleged that their fourth and fourteenth amendment rights were being violated by the

NYPD. Plaintiffs argued that minority New Yorkers were being subjected to illegal searches claiming officers did not have the reasonable suspicion required to conduct them. Secondly, the stark disparities between rates of stops of white and stops of minority New Yorkers constituted a violation of the Equal Protection clause by having disparate impact on racial minorities (David Floyd et al. v. the City of New York et al., 2013). The second case, filed in 2012, *Ligon v. City of New York* challenged the constitutionality of Operation Clean Halls, a program that allowed police officers to patrol apartment buildings. This program subjected thousands of New Yorkers to stops and arrests by police officers in their own homes and in buildings of their friends and families supposedly for trespassing (Jaenean Ligon et al. v. the City of New York et al. , 2012).

It is important to take note of these federal cases for a few reasons when considering the role of the PBA in public policy. Police officers gave crucial testimony in the *Floyd* case by blowing the whistle on the NYPD use of illegal quota systems. Officers Adrian Schoolcraft and Adhyl Polanco both offered evidence that they were expected to comply with quotas, compelling officers to hit certain targets regarding the numbers of stops, summonses, and arrests made per month (David Floyd et al. v. the City of New York et al., 2013). The blowback experienced by these officers for coming forward about the use of illegal quotas was extraordinary, and the position and role of the PBA regarding the use of quotas is a crucial area of inquiry that will follow.

Secondly, these two lawsuits led Judge Shira Scheindlin to issue landmark decisions that found in favor of the plaintiffs and imposed a Federal Monitor to oversee reform in the NYPD to ensure that police would no longer engage in making hundreds of thousands of unconstitutional stops per year. Initially, Mayor Bloomberg announced that he would appeal these decisions (Steier, 2013). However, having run his campaign on a platform of strong opposition to Stop and

Frisk, Bill de Blasio was elected as the next mayor and he dropped the appeal. In a move widely interpreted as a defense of discriminatory police practices, the PBA filed a motion at the US Second Circuit Court of Appeals to try to intervene (Fredericks, 2017). The union leadership wanted the appeal to move forward because they felt that allowing the decisions to stand effectively harmed the reputation of police officers and locked the union out of playing a role in implementing reforms, but their effort to keep the appeal alive failed. Despite the nuances of labor issues at play for the union, the optics of such a move fed the reputation that the PBA was attempting to dispel—that police officers are racist and that their union is a formidable institutional obstacle to reform.

There is a more complex set of factors regarding the PBA’s position on compliance with summons, ticket, and arrest quotas than is challenged in these specific lawsuits. The policy issues of quotas and of illegal stops are related, but they are distinctive issues. It is important to describe the contours of these issues to generate a richer appreciation for the role of the PBA for its members and the city regarding some of most hotly contested debates about law enforcement.

While union officials have said that influencing substantive law enforcement policy debates is beyond their role, there is one exception that they point to—their opposition to the NYPD’s use of quotas in meeting what they call “productivity targets”. The PBA has articulated this opposition in a variety of ways over several years, but this stated opposition is specifically to numerical targets. Regarding the legal battle over Stop and Frisk, quotas were referred to by witnesses in the *Floyd* lawsuit as an explanation for subjecting New Yorkers to so many unconstitutional stops and served as evidence that stops were not based on reasonable suspicion but instead based on officers’ need to hit their numbers. Yet in this context, the PBA did not come out in opposition to the use of Stop and Frisk as a tool. After all, officers want to retain the

discretion to make stops when they feel a stop is warranted, and the union reliably opposes threats to officers' ability to deploy any tools at their disposal to do their jobs (Flynn J. , 2016).

Part of the confusion regarding these issues pertains to the politics of the moment in which the lawsuits and the mayoral races were happening. While police officers were not huge fans of Mayor Bloomberg, the officers themselves were the face of his law enforcement policies, and taken together, they were entangled by the political and legal attacks from numerous candidates and organizations across the city. As bedfellows in this context, the internal debate over quotas was peripheral. The controversy over the abuse of Stop and Frisk under Bloomberg's tenure and Police Commissioner Ray Kelly's stewardship trained the spotlight on a facet of law enforcement practices that distorted the views of the union on both the issue of quotas and the issue of Stop and Frisk simultaneously. In order to explore how the PBA has dealt with this pair of issues, especially given their tendency to prefer keeping their portfolio narrow, it will be useful to look at what kinds of actions the PBA has taken to deal with the quota practices within the NYPD—the only policy preference union officials claimed to care about.

The PBA's Mercurial Efforts on Quotas

John Flynn has been a Trustee of the PBA since 1997. In this role, he not only works in contract enforcement, he is also a political director for the union and a Vice President in the National Association of Police Officers (NAPO). Having served as a union staffer during three different mayors, he lays out how he conceives of the Stop and Frisk debate from the union's standpoint.

John Flynn: I think most people never understood our input in to it...the stop and frisk issue. We were the first ones to sue the department over Stop and Frisk...because we saw it was becoming a numbers game, rather than a tool.

...we were saying it is unfair to the public, and it was making it harder for the police officer on the street to interact... We had said if the community likes the police you can solve and stop a lot of crimes that way, as opposed

to being antagonistic. And Stop and Frisk was always just another tool in the toolbelt to be used...It became: “we want ten 250s* from every police officer on patrol tonight.” (Flynn J. , 2016)

Flynn’s conception of how Stop and Frisk became a problem was in how it was folded into the categories of targets that officers were expected to meet to comply with quotas in the police department. Not only were officers expected to write certain numbers of tickets, issue summonses and make a minimum number of arrests, they also were expected to make a certain number of stops as well. That quotas existed in the NYPD long after laws were passed banning their use has been an open secret in the city for a long time. The department itself has consistently denied their use, even when confronted with overwhelming evidence to the contrary.

As recently as March of 2016, the PBA released results of a member survey they conducted in preparation for a contract fight. Despite the fact that the New York State Labor law banning quotas was expanded in 2010, fully 89 percent of over 6 thousand respondents said that they still had quotas imposed on them at work (McLaughlin, 2016). In the wake of the *Floyd* and *Ligon* decisions in 2013, the PBA President Pat Lynch published an opinion in the *Daily News* titled “The Real Fix for Stop-and-Frisk.” He argued that problems with the abuse of Stop and Frisk were a direct result of staffing shortages in the department and management’s effort to deal with those shortages by imposing illegal quotas on officers. Lynch argued that “quotas are the worst possible way to try to produce more effective policing. They risk turning officers into automatons and fuel predictable, pervasive distrust between cops and communities” (Lynch, 2013). In no uncertain terms, members of the union have said that quotas continued to plague the department in violation of the law, and the leader of their union has stated why quotas are so dangerous.

* Police officers must fill out UF 250 forms when they conduct street stops.

The PBA's public resistance to the imposition of quotas on police officers pre-dates Patrick Lynch as the union's president. Doc Savage served as the PBA's interim President in 1999 after Louis Matarazzo stepped down in the wake of losing a contract fight. Before losing his election to Lynch, Savage spoke out against ticket and summons quotas in April of 1999 and he encouraged officers to protest the policy by using their discretion in writing tickets and essentially conducting a slowdown. Before Savage, PBA President Louis Matarazzo sued the NYPD in 1998 over quotas (Louis Matarazzo, as President of the Patrolmen's Benevolent Association of the City of New York et al. v. Howard Safir, as Police Commissioner of the City of New York et al., 1999). The PBA argued that Commanding Officers in two separate precincts denied police officers meal breaks as punishment for failure to meet a quota. The PBA brought an Article 78 proceeding against the NYPD but lost. The decision cited the failure of the union to demonstrate a quota by failing to prove what number of tickets were actually expected and in what time frame officers were expected to issue them.

Two points are worthy of highlighting about union's actions regarding quotas. First, their statements that they oppose quotas have appeared at various points in the press. They have taken some action on this issue in court, and they have taken some action on this issue in Albany by supporting the expansion of Labor Law 215a in 2010 which bans quotas statewide (NY Bill Jacket, 2010 S.B. 2956, Ch. 460, 2010). However, these actions have not compared to the union's behavior on other issues where their intention has clearly been to make a lot of noise. They have not demonstrated on the issue of quotas or picketed. There has not been a "blue flu" or slowdown on this issue at least in the past twenty years, a period in which the problem has intensified. The union's strategy for resisting quotas has been primarily through making statements and filing some grievances. Given that the issue of quotas has been so far reaching,

has lasted so long, and is a stated policy problem for the union, it is surprising that their efforts have not been more inclusive of the membership itself.

Secondly, the strongest attempts to push back against the NYPD's quota policy have actually come from members and has come in the form of litigation mostly pursued by individual officers who secured independent counsel. Though there are some, there are a precious few examples of cases in which the union was an active participant or ally of an officer fighting back. Many of the officers who have stepped forward on the quota policy have lost their cases. Many have been made pariahs for coming forward at all.

The Quota Fight

In June of 2005, the PBA went to arbitration over the performance evaluation of Police Officer David Velez. Officer Velez was working at the 75th precinct, where he had been stationed since he finished his training in 1993. During his employment at the 75th precinct, he received numerous awards and recognitions for his service. He worked the midnight shift, and in 13 years on the job he was never late for work and he was never out sick. In 2003, Michael Marino became the Commanding Officer at the precinct. He established a rigid quota system with which officers were expected to comply under threat of low performance reviews. Each month, officers were expected to write 3 parking tickets, 3 moving violations, 3 quality of life or criminal summons, 2 stops resulting in UF 250s, and 1 arrest (The New York City Patrolmen's Benevolent Association v. the City of New York and the New York City Police Department, 2006) .

Commanding Officer Marino sent his Sergeants a checklist to inform how they completed performance evaluations of police officers they supervise. Sergeant Andrew Cunningham was the direct supervisor of Officer Velez and thought highly of him. Velez

consistently scored well on his reviews leading up to December of 2003, and according to Sergeant Cunningham, consistently brought in a high number of arrests, most of which were felonies. Sergeant Cunningham gave Officer Velez a good review, but his review was not consistent with Commanding Officer Marino's checklist. When Sergeant Cunningham's review was submitted to Lieutenant Hilbert, Police Officer Velez's overall performance score was lowered to reflect his failure to write the requisite number of tickets. Commanding Officer Marino stood by the lowered score, nullifying Sergeant Cunningham's review.

Performance reviews matter to police officers. They not only can affect an officer's confidence and morale on the job, they also have practical implications whereby an officer's ability to secure promotions or detail assignments can be derailed due to low evaluations. Officer Velez was a model officer by all other standards but had not met CO Marino's targets. Sergeants in the 75th precinct testified that Velez was not the only officer to suffer penalties for this reason, and that other officers had even been transferred as a consequence of failing to write enough tickets.

An important detail about this arbitration is that it was filed in 2005, prior to the expansion of the state law in 2010 that bans the enforcement of quotas. At the time of Officer Velez's case, Labor Law 215a stated that officers could not be discriminated against solely as a result of failure to meet a ticket quota for traffic violations. This language meant first that the quotas pertaining to arrests and stops were technically still legal and could not be considered in the case. Secondly, it meant that the union needed to prove that Velez was otherwise deserving of a good review, which they did. Police Officer Velez won his arbitration, and the result was that officers in the 75th precinct were granted the right to appeal low performance evaluations if failing to meet quotas was the reason they were scored poorly.

This victory for Police Officer Velez did not help Officer Christopher Whitehead. Officer Whitehead also worked in the 75th precinct under CO Marino's command. Just like Officer Velez, Whitehead was given his first poor evaluation in January of 2004, and he was put on Performance Monitoring (*Christopher Whitehead v. City of New York*, 2012). CO Marino called Officer Whitehead into his office for a meeting regarding his failure to meet the ticket quota, at which point Officer Whitehead pointed out that he was rarely assigned to patrol, foreclosing many opportunities to meet Marino's quotas. At this point, CO Marino threatened Officer Whitehead with termination if he did not comply. Over the course of 2004 and 2005, Officer Whitehead remained on Performance Monitoring and voiced his opposition to quotas to his supervisors. When the PBA filed a grievance on behalf of Officer Velez, Officer Whitehead was asked to testify. While he was never actually called to do so, his supervisors were aware of Officer Whitehead's cooperation, including Michael Marino. When Velez won his arbitration, Officer Whitehead appealed his own performance review, but his appeal was denied by the new Commanding Officer. When Officer Whitehead received his denial, he was told he could appeal it, but by this point Michael Marino had already been promoted to Deputy Chief and would be the one to oversee his appeal. Officer Whitehead didn't bother trying.

In the coming years, Christopher Whitehead was subjected to *de facto* demotions and poor assignments. He was subjected to constant pressure to show more "activity." When he did so, he was given better assignments, and when he did not, he was penalized. Eventually, Officer Whitehead took the Sergeant's Exam and scored 58th out of 671 applicants, but his low evaluations prevented him from his getting his promotion. Even when other applicants with lower scores and criminal offenses on their records were promoted, Officer Whitehead was not. Officer Whitehead sued Michael Marino and the NYPD in federal court on the grounds that he

was retaliated against for speaking out against the quota system, and further for speaking out against a system that itself was illegal. The union was not the plaintiff, Officer Whitehead was, and he lost his case. The court ruled that because he spoke out against the quotas within his workplace, his speech was not protected. Furthermore, because the court dismissed the federal claims, they would not intervene in the state law issue—the violation of Labor Law 215a that banned quotas in the first place. The union played no discernible role in Christopher Whitehead’s federal case.

Adrian Schoolcraft is perhaps the most famous example of an officer stepping forward on the issue of quotas. In 2010, Officer Schoolcraft leaked recordings to the *Village Voice* that he made during his employment at the 81st precinct covering the period between June of 2008 and October of 2009 (Rayman, 2010). His story began in 2006 with his failure to meet quotas in the 81st precinct, and his subsequent low performance rating. As a decorated veteran of the U.S. Navy, and the son of a police officer, he joined the NYPD in 2002. He received awards for his performance in the department in 2006 and in 2008. However, when Deputy Inspector Steven Mauriello became Officer Schoolcraft’s Commanding Officer in 2006, Schoolcraft began to observe and experience sweeping pressure within the precinct to meet numerical targets and show “activity.” Officers were repeatedly threatened with transfers, shift changes, poor evaluations, and denials of overtime. Officers were instructed to meet these targets even when they lacked reasonable suspicion of criminal activity (Adrian Schoolcraft v. the City of New York et al., 2010).

Schoolcraft failed to meet his quotas, and when his employee evaluation suffered, he challenged it. He notified his superiors that he intended to appeal his performance review in February of 2009 and in so doing, a campaign of intimidation began. He was brought into a

meeting filled with his superiors and instructed not to appeal. He was informed of other officers who were terminated or transferred because of appealing their reviews. A poster was placed on his locker that said, “IF YOU DON’T LIKE YOUR JOB THEN MAYBE YOU SHOULD GET ANOTHER JOB.” In April, Officer Schoolcraft was instructed to meet with a psychologist for an exam, and when he informed the doctor of both the rampant quotas and massive crime data manipulation going on in his precinct, he was stripped of his badge and his gun. His appeal of his review was mysteriously closed, and when he reached out repeatedly to the union, the PBA told him they could not help him (Adrian Schoolcraft v. the City of New York et al., 2010).

Officer Schoolcraft was isolated by his superiors and was given the nickname “house mouse” in his precinct. Other officers were threatened and intimidated for speaking with him. When he ultimately reported the crime data manipulation and the quota violations to the Internal Affairs Bureau (IAB), detectives from IAB started leaving him messages at his precinct giving implicit notice to his superiors that he had reported them. His superiors dramatically increased threats to his safety, showed up at his home, put him in handcuffs, and put him in a psych ward for six days against his will to mar his credibility and silence him. Noteworthy here is that while Steven Mauriello was Officer Schoolcraft’s CO, by this time, given his promotion, Michael Marino was Deputy Chief of Brooklyn North, and was Steven Mauriello’s superior. The same official that oversaw the penalties inflicted on Officer Velez and Officer Whitehead in the 75th precinct was one of the officers that showed up at Officer Schoolcraft’s home. Officer Schoolcraft would go on to sue the city, settle, and leave his job. His tapes became crucial evidence in the *Floyd* lawsuit challenging Stop and Frisk (Adrian Schoolcraft v. the City of New York et al., 2010; Dwyer, 2012; Rayman, 2010).

“The NYPD Tapes” that Officer Schoolcraft recorded were published in the *Village*

Voice in May of 2010 (Rayman, 2010). In June, a bill sponsored by State Senator Eric Adams (a former police officer) passed the State Senate unanimously, and by August was signed into law by Governor Patterson (Adams, 2018). The expansion of Labor Law 215a was dramatic. Prior to the expansion, 215a banned discrimination against an employee *solely* for failing to meet ticket and traffic violation quotas. As a result, if police departments could offer a credible argument that there were other explanations for disciplining or otherwise changing how they treated an employee, they were off the hook. The expansion in 2010 broadened the language to state that an employee could not be discriminated against in whole or in part for failing to meet a quota, and not just quotas for tickets—but arrest, summons, and stop and frisk quotas were banned as well. The change outlaws in the broadest possible terms specific examples of retaliation against officers for not meeting quotas.

At the time, Mayor Bloomberg wrote a letter to the Governor firmly opposing the expansion of the quota ban. His letter not only opposed the changes to the law, it did so in such emphatic terms that it demonstrated Bloomberg's fundamental belief in quotas as an important tool of public management. It showed that Bloomberg even opposed the limited ban that already existed.

For an employee whose function it is to issue parking tickets, a measurement clearly relevant to job performance is the number of summonses issued over the course of a reasonable period of time.

Present law has at times been interpreted as a prohibition against just such a measurement. We reject this interpretation of present law as contrary to public policy and public safety. If there are no parameters for work performance, public employers are less able to distinguish between good and poor performers. In fact, employees themselves suffer if they lack guidance regarding what constitutes acceptable job performance, and are given no goals reflecting the relative importance of job tasks. Consequently, public employers must develop reasonable performance goals reflecting institutional experience, public need, and changing conditions, so that the work is performed and the employer may identify employees who are underperforming or need assistance.

Therefore, existing law injects confusion into a clear management prerogative and casts doubt upon exactly the kind of productivity measurements that are necessary to hold public employees accountable for performance. However, at least the existing law is limited to purported quotas for the issuance of summonses for traffic violations only. (Bloomberg, 2010)

One of the most important implications of using quotas is that doing so has the very effect Mayor Bloomberg articulated in his letter. Quotas become management's way of communicating the importance of job tasks (Smoot, 2016). When the NYPD placed a premium on arrests or revenue-seeking tickets, the NYPD sent a clear message about what kind of police work is valued. When less antagonistic or more collaborative ways of promoting public safety within communities do not count toward a quota, that shows officers that such efforts are unimportant.

The PBA submitted a letter to the Governor as well. Their letter urged the Governor to sign the bill. In fact, the union cited Officer Schoolcraft's tapes and Officer Velez's 2006 arbitration in making the case that such a law was needed to prevent officers from feeling pressure to go against their instincts, values, and their training in pursuit of "productivity."

This law will provide a mechanism to defend police officers who perform their duties consistent with their training, but are disciplined for not meeting a quota. It will also provide support for police officers so that they will not feel compelled to increase the number of arrests and summons by taking actions inconsistent with the law and their training in those precincts in which quotas are expected. This will reduce the pressure to conduct activities solely to increase volume in order to make a precinct's numbers look good. (Tramontano, 2010)

The union conveyed to the Governor their belief that quotas incentivized arbitrary policing and even unlawful actions. Governor Patterson signed the law despite Mayor Bloomberg's opposition, opposition of the New York State Police, and the New York State Conference of Mayors and Municipal Officials. Even with its passage, NYPD officers continued to be subjected to quotas anyway.

In 2011, the PBA filed a grievance on behalf of Rajinder Singh (The City of New York

and the New York City Police Department, *Petitioners v. The New York City Patrolmen's Benevolent Association*, 2011). Officer Singh was retaliated against for not meeting quotas by being separated from his career-long partner. Singh solicited help from his union delegate, who notified the Commanding Officer that his actions were illegal, and Singh was reunited with his partner. However, the very next day, they were separated once again. When the CO was asked for an explanation for the separation, he just refused to offer one.

In 2012, Officer Stephen Gerwer was fired. He had chosen a different route. A 19-year veteran of the 122nd precinct in Staten Island, he came under pressure to meet quotas but did not want to issue summonses and tickets to innocent people. Gerwer did not want to be transferred from his precinct, a threat issued by commanding officers to apply pressure. Gerwer wrote reports of fake tickets to avoid harming innocent people and as a result in 2011 he was charged with falsifying public records. Gerwer was fired from the police department because of these charges. He sued in federal court to fight his termination, but he lost (*Stephen Gerwer v. Raymond Kelly*, 2013).

Officer Craig Matthews filed his case in February of 2012 (*Craig Matthews v. the City of New York et al.*, 2012). He worked out of the 42nd precinct for 14 years. In 2008, his precinct established a color-coding system and a point system to sort which officers were meeting their Stop and Frisk, arrest, and summons quotas, and which officers were not. In 2009, Officer Matthews spoke to his supervisors to voice his opposition to the quotas. He continued to voice his opposition on four separate occasions to his superiors through 2011. He was subjected to many of the same penalties that other officers faced. He was personally humiliated by supervisors, separated from his partner, threatened by one of his superiors directly, and put in dangerous positions where he was assigned to prisoner transport and deprived of backup. On one

occasion, he was left alone to process 13 prisoners.

Officer Matthews was represented by the New York Civil Liberties Union in his lawsuit in which he claimed a First Amendment violation had taken place because he was targeted for speaking out. Initially, Officer Matthews lost his case too. The court ruled that because reporting misconduct was an official job duty of police officers, Officer Matthews was just doing his job when he raised his opposition to quotas. For this reason, his fate was similar to that of Officer Whitehead. His speech was not protected as if he had spoken out publicly. Interestingly, in Officer Matthews' case, the PBA filed an Amicus Brief supporting his appeal to the Second Circuit. Though the union declined to help Officer Matthews prior, their brief articulated their view that should the court's decision be upheld, it would serve to have a chilling effect that would prevent police officers from coming forward to report misconduct given that they would expose themselves to in-house retaliation and would be deprived of Constitutional protections (Brief Amicus Curiae of the Patrolmen's Benevolent Association of the City of New York Inc. in support of the Plaintiff-Appellant Craig Matthews, *Craig Matthews v. City of New York*, 2013). The Second Circuit reversed the district court's decision enabling Officer Matthews to have greater success. He settled his case in 2015, but the city never admitted wrongdoing in the settlement (Mathias, 2015).

Another officer, Adhyl Polanco, is part of an ongoing class action lawsuit against the city (*Edreweene Raymond et al, Plaintiffs v. the City of New York and the New York City Police Department*, 2015). Officer Polanco joined the NYPD in 2005 and worked for the 41st precinct. He was a vocal opponent of quotas and was also denied requested days off, given poor assignments, and given poor performance reviews. Alongside officer Polanco, a group of minority police officers have all added stories of being subjected to quotas and have added that

their opposition is also based on their view that meeting quotas is especially discriminatory for racial minorities, and that management targets minority officers for heightened retaliation. Their lawsuit claims a violation of the 14th Amendment Equal Protection clause, but the union has had nothing to do with it.

While each of the class members has a story similar to the officers' stories told above, these officers have taken it upon themselves to come together, share their accounts in public, make a documentary, and do television and newspaper interviews about the quota issue (Sonenstein, 2015). Adhyl Polanco is comforted by having finally found a group of which he can be a part. Initially, he was totally isolated. In the wake of his initial efforts to speak out, he received a flood of phone calls from officers offering their support to him privately (Polanco, 2018). However, few actually came forward publicly because they feared paying the very price he paid. Polanco feels that the more officers come forward, the safer they will be, but so many have families to support that they are simply too worried about retaliation. This would seem like a natural opportunity for the union to intervene, but Polanco never felt that the PBA ever offered an avenue open to him for protection. Like Officer Schoolcraft, Polanco made recordings. In one of his recordings you can hear the quotas being announced at roll-call in his precinct by his union delegate (Murphy, 2013). According to Officer Polanco, the union not only failed to protect him, but his union delegates were openly complicit in the quota policy. Further, numerous delegates actively participated in his isolation, punishment, and suspension. When Polanco found a community willing to work together and fight back against these practices, it was not his union.

Union Members Have Led from Behind

The PBA has not had a coherent strategy regarding their opposition to quotas in the police department. They have brought grievances, but they have not publicized them. They supported

Craig Matthews' case, but it has been 20 years since the union itself was the plaintiff. Union lawyers have not assisted numerous officers who have not sued with union lawyers.

At the same time, the PBA supported the anti-quota law passed in 2010 and PBA President Lynch has published statements about the dangers of quotas. Taken together, it is difficult to nail down exactly what the leadership of the PBA truly thinks about the imposition of quotas on officers, and what the union leadership's role should be in the debate about their existence and their use.

In January of 2017, New York City agreed to pay up to \$75 million dollars in a settlement for a class action lawsuit brought by civilians filed in 2010. Led by plaintiff Sharif Stinson, plaintiffs claimed that they were issued summonses and tickets without cause by NYPD officers who were trying to meet quotas (Sharif Stinson et al. Plaintiffs v. City of New York et al., Defendants, 2012). Not only did the plaintiffs win their case, but as part of their settlement, NYPD Commissioner James O'Neill sent out notifications to the entire department banning quotas, subjecting supervisors who relied on them to disciplinary action and providing instructions for how to report their use to the Internal Affairs Bureau (O'Neil, 2017). Significantly, this outcome was the result of a civilian lawsuit, not union advocacy.

Perhaps one explanation for this lack of coherence is because the union itself is not comfortable with efforts to organize and strategize around a policy issue pertaining to service delivery. With its roots as a fraternal organization and its tendency to stick to economic issues, fighting back against quotas falls outside the usual parameters for an organization that tries to keep their goals simple. For skeptics that view the union as negligent on the issue, it is clear that the union has done some work and taken some action on the problem. It is also clear that they have not been as energetic as some of their members have wanted them to be. When the union

leadership fights for higher pay and better benefits, they know they have universal support in their ranks, and that with each contract fight they will either win or they will lose. Once the union ventures into more nuanced conflicts on public safety policy, measures of success or failure become murkier.

Surely some police officers do not mind quotas at all. In fact, quotas offer a clear baseline protection for officers who want specific metrics to hit in order for managers to leave them alone. But for those who do mind, resistance to quotas within the rank-and-file is not based on a straightforward set of factors. For some officers, quotas are a problem because they are racist. For some officers, quotas are a problem because they strip officers of some measure of discretion and convey a lack of trust. For some, their existence diminishes a large portion of the work officers do beyond issuing citations or making arrests because those tasks do not garner officers professional rewards. While there is indication that the ranks have diverse responses to this issue, quotas have been around for a very long time, and have governed so much of the way precincts work that it is difficult to imagine an alternative reality. Most of the PBA union officials themselves were police officers that complied with quotas in the NYPD during their own careers.

While the PBA and the NYPD are notoriously insular, the police department has diversified a lot over time. As of 2018, the NYPD is 51 percent white, 27 percent Hispanic, 15 percent Black, and 7 percent Asian (The NYC Civilian Complain Review Board, 2018). It seems prudent for union officials to anticipate the ways that a more diverse police force may evolve in what they want and expect from union representatives—especially during a climate of crisis in police-community relations in cities all over the United States. In the last five years, this crisis has placed policy debates over police practices in the public eye. This is a moment when police unions could potentially play an important role in reform.

While the leadership of the PBA has spoken out about quotas as a toxic problem in police work, it has been members of the rank and file who have taken on the burden of drawing the spotlight—at great personal cost—to the ways that productivity targets result in discriminatory policing. Among these police officers, some have resisted privately, and some have been outspoken. But all of them have resisted quotas on moral grounds. They are street level bureaucrats working to mitigate the consequences of a bad policy. The PBA may not have viewed itself as the obvious flagbearer for this fight—perhaps because such an effort represents a profound deviation from their trodden path. Nevertheless, officers who have been coming forward make a compelling case that union members are in search of ways to influence policies with which they disagree—and not because of how much it pays them or what it costs them.

Chapter 5: Conclusion

“By rights, New York should have destroyed itself long ago, from panic or fire or rioting or failure of some vital supply line in its circulatory system or from some deep labyrinthian short circuit.”

—E.B. White, *Here is New York*

The Limitations of Union Influence on Policy in New York:

New York City is a huge city that depends on incredibly complicated systems to function. This is a fertile environment for public workers’ organizations to serve as the most compelling cases for their importance—not just for union members, but for the communities in which they work and live.

The three major unions examined in this study all have had limited leverage over policy debates, although their leverage is limited for different reasons. DC 37 struggled with longstanding structural dilemmas in its internal governance, which makes it hard to build robust solidarity and engagement within its ranks. The PBA has focused its attention on money and benefits and abstained from weighing in on law enforcement policy, even when its members had policy views they wanted to articulate. They are the largest law enforcement union in the country and minorities make up fully half of their members. Their commitment to focusing on compensation during a period in which the city and the nation are entangled in a fraught and pressure-packed conflict over police practices has left their own members to fend for themselves when they speak out. While the UFT supported and advocated for teachers and public schools, their strategies often fail to rise above what appear to be their immediate interests. Regardless of whether they have good reasons for their positions, they are weakened by community suspicions of their motives and actions—something which applies to all three unions. None has convinced the communities they serve that they should throw their weight behind union-led policy initiatives.

Together, these limitations have enabled mayors to determine how much access union leaders have to real decision-making. When they have preferred to disregard union perspectives in policy discussions, they have done so.

Mayor Bill de Blasio took a decidedly different approach to labor relations than his predecessors. His initiatives did not take the form of generous increases in compensation, but rather opened the door to union participation in problem-solving and decision-making. This gave union leaders greater opportunity to make their policy views heard regarding how to move forward on new programs or how to fix broken ones. This opportunity has led to some meaningful collaboration, innovation, and effort. For example, the efforts to improve public schools through launching Teacher Leadership programs and Renewal and PROSE schools reflect this collaboration. Similarly, DC 37 has spearheaded efforts to ‘contract-in’ services pertaining to technology to replace the use of some contractors that have been exorbitantly expensive.

While these are examples of how unions and the de Blasio administration have worked together in innovative ways, they do not include the numerous smaller iterations of problem-solving that happen daily in delivering public services. This administration also oversees and sets the tone for deputies, agency heads, and negotiators, and they are by and large open to the thoughts and views of the workforce’s representatives.

Regardless of how much the current administration displays an interest in cooperating and collaborating with unions, the unions and the workers they represent will outlast the administration. New York City may well elect future mayors with less sympathetic views towards unions. New York State certainly elected governors and State legislatures less supportive of organized labor. This dissertation has shown how the current Mayor has worked

differently with union leaders than prior ones, but it also highlights how unions struggle to produce and generate support for their policy agendas whether they have an ally in City Hall or not.

Compared to earlier mayors who were less labor-friendly, this study focused on a period that was distinctively hospitable for unions. Certainly, city government and city employees have areas of conflict, but the city's unions have not been forced to defend their right to exist for more than half a century. This does not diminish the intensity of conflict that has occurred on many fronts over the years, but these conflicts are firmly located in the realm of compensation disputes or labor policy disputes pertaining to education, law enforcement, and social services.

Prior to Bill de Blasio's election, Republican mayors served continuously for two decades, even though registered Democrats outnumber Republicans five to one in New York City (Mollenkopf 2013, Mollenkopf and Emerson 2001). Unions failed to coalesce around a candidate that would have supported their interests more than Rudy Giuliani or Michael Bloomberg in every one of these elections. It is beyond the scope of this project to speculate on what might have happened if the city's unions coalesced around candidates, they simply didn't. The Working Families Party, an independent political party founded in New York in 1998 by progressive unions and community groups, has served as the most overt political effort to herd the New York City labor movement cats, but they have not succeeded either. The cleavages in progressive politics within the labor movement have prevented public employees' unions from securing reliable electoral influence over the city's Executive.

Whether and how unions convince their members to vote is not their only source of power over elected officials. They can demonstrate and rally, they can use the press to influence the general public, they can use the courts, and ultimately, they can withhold their labor. These

tools can all help unions to advance their interests, but they also can backfire if unions have not made their case beyond their ranks that their motives are legitimate, and their ideas are better than those of their opponents.

Insofar as unions are able to lobby, litigate, and organize around policy preferences concerning issues their members work on—they do not always do enough, they do not always do a good job, and at times they may not do anything at all. Sometimes, unions have even taken damaging positions and made gross errors in judgement. When it comes to putting together and articulating a set of policy preferences, union leaders find themselves in considerably rougher waters than they do when pursuing wage increases or benefit packages. The economic component to labor negotiations tends to be less divisive for union memberships. While there are cases in which various elements to compensation packages can offer some perks to union members that others miss out on, by and large members can all agree on and expect their leaders to secure decent wages and benefits.

Generating a common set of policy objectives can be a fraught process for unions. How do leaders determine an agenda that is capable of garnering support internally and externally? Some unions struggle with this because they represent a wide range of members with competing and even conflicting interests. Some struggle with this process because they are seeking to minimize internal dissent. Some fail to engage this process because they calculate that it is not a valuable or appropriate use of their efforts, leaving choices to management.

In cities and states around the country, public employees' unions are defending their roles against those that say they are too powerful, those that say they drive down the quality of public services, or those that say they recklessly drive up the costs for taxpayers. In New York City, where unions have arguably been much stronger and more resourceful than in other cities and

where public-sector unions have managed to withstand administrations that have been more hostile, these unions have still been hamstrung by their own political fragmentation. Further, their collective inability to articulate their value to *consumers* of public services has weakened their capacity to consistently influence policy decisions.

While there are clearly differences in how public-sector unions contend with the formation of policy agendas and their strategies to achieve their objectives, their members are responsible for policy implementation. Some public servants work on more complicated problems than others. Some may have more pronounced opinions on their work product than others. Yet public employees tend to have extremely detailed knowledge of the ins and outs of their workplaces, whether the services they provide can be improved, and what kinds of barriers exist that create challenges for their effectiveness at work. The process of collective bargaining and the platform that unions can provide to their members to speak on issues in public schools, hospitals, or police precincts can make a significant difference in our government's ability to respond to our needs.

Relationships Matter:

Personal relationships among and between various players matter a great deal in these narratives. While the informants for this study had different opinions on numerous issues, they showed consensus on one point. Actors from both sides of the table, with experience spanning multiple mayoral administrations and even multiple union leaderships, saw interpersonal dynamics as crucial to how the city and its workforce interact. Almost every informant said that positive relationships or personal animosities made a big difference in whether the two parties could tackle and overcome serious challenges, or whether small issues could become literal deal-breakers. Perhaps the most articulate person on this point is Bob Linn, the current New York

City Labor Commissioner. Linn served as Labor Commissioner under Ed Koch's mayoralty starting in 1983 as a young man and then returned thirty years later for a second term.

Bob Linn: So, I'll tell you one good story, because you're on your way out... Which is a Victor Gotbaum story, which was in the 80s. I reached my first major settlement with DC 37 and Victor Gotbaum, and he was brutal in that process. He was on the radio, and I one day came in and hear him saying "what do you expect when the Mayor gives a boy a man's job?" And so, he was brutal in that conversation, and once we reached a deal he had forgotten to ask for something across the table. Which was maybe one million dollars, which is in the city scheme not a huge amount of money, and he said "Bob, you forgot to solve this" and I said, "Victor you never asked for it." And he couldn't bear to concede that he had made a mistake, so he just came after me, and I basically, well I promptly hung up on him. And then got into this huge war – because my view was, I didn't want to go back and tell the Mayor and the Budget Director that the deal was going to cost more, just a little bit more, but it had to cost a little bit more... And, in fact, we had this huge battle, in which the Mayor Koch came to my side...

And then, Al Viani, who was [Gotbaum's] Deputy who's very, I don't know if you know him – Al and I eventually—he came and said "Bob we can solve this," and we figured out a solution...

One of the things I'm most sorry [about] when I think of the mistakes I made back then was when Victor called in agony over this issue. I should have said "Victor we'll solve it. Don't worry. We'll find a solution to solve it, and we will figure it out." Back then, we didn't have the relationship with each other and I didn't have the wisdom to say, this was really important from a relationship vantage point and one needs to solve problems like this. And, you can't yoke things because you didn't do X, I won't do Y. If something was reasonable on the merits, and this on the merits was something that did make some sense to deal with... yet I made it in to a huge battle...

But, there was no need to do that, it seems to me that wisdom comes from picking your battles appropriately and solving the things you can solve.

Interviewer: Like marriage.

Bob Linn: Exactly like marriage. (Linn 2017)

When Mayor de Blasio met with Bob Linn to ask him to take the post of Labor Commissioner for the second time so long after his first, they agreed that they wanted the city's approach to unions to serve as the counterargument to the Scott Walkers of the world (Linn 2017). The de Blasio administration's approach to labor relations has been to identify opportunities for the city and the unions to collaborate and to build from those points of agreement to work on more challenging and conflictual areas. This approach has been helpful in building some amount of trust, even in cases where leaders do not like the current Labor Commissioner. Several union leaders had positive feelings about the longtime Labor Commissioner Jim Hanley, but dynamics between the Labor Commissioner and union leaders is only part of puzzle.

The Office of Labor Relations chiefly negotiates the economic packages for the city while agency heads weigh in on most of the aspects pertaining to specific areas of work. The friction between UFT leader Randi Weingarten and Chancellor Joel Klein was toxic and largely resulted in the exclusion of the voices of teachers from decisions affecting schools. The affinity between Human Resources Administration Commissioner Steve Banks and SSEU 371 President Anthony Wells has led to a high level of cooperation regarding reforms in social services. The trust of the union leadership has helped the Commissioner secure buy-in from employees on changes he wants to make. The union feels secure that their wishes and views are considered in policy changes.

The importance of interpersonal relationships contradicts the idea that institutional motivations solely predict the character of municipal labor relations. More factors are at play. Labor organizations are diverse, and they have more complicated interests and goals than simply extracting the most expensive contracts. Over time, the areas and issues that each of the

organizations and their respective leaderships has cared about have evolved. They have each had more than their fair share of conflict with mayors and commissioners and these conflicts have been about more than money or how hard their members have to work. The dynamics between union staff and city officials affects how actors view each other's intentions, how they attribute blame during periods of conflict, and if and how they compromise.

A note on the project's limitations:

As Riccucci's article on public sector unions pointed out in 2011, researching and writing about public sector labor relations has many challenges. One of the biggest limitations of this project is the difficulty of generalizing from its findings. The laws that govern labor relations in other states and cities differ a great deal and those differences in the rules of engagement shape the specific cultures and strategies of the unions and employers. For this reason, a deep analysis of labor relations in New York City may not apply to the dynamics of labor relations in other places. At the same time, this analysis remains substantively important because it unpacks what is going on in the country's largest, most important, and most heavily unionized city.

Another important limitation of this study is that it has not accounted for labor relations during many critical earlier periods in the city's history. In the wake of the fiscal crisis, Ed Koch had significant high and low points with the city's unions that led to practices that are still prevalent. My study has focused instead on the current administration and its predecessor. This period is most relevant to current national debates and litigation regarding the rights and operations of public employees' unions. Useful insights could be derived from closer scrutiny of the Koch years and the Dinkins and Giuliani years, but it is more relevant to understand how that foundation is playing out today.

A related challenge in conducting research for this study concerned the nature and level of access to various actors for interviews and materials. Unions are frequently quite careful about whether they are willing to offer access to outsiders to report on their inner-workings. As democratic organizations that rely on solidarity and engagement for their leverage, how members and the outside world perceive unions is important for their effectiveness. While leadership and high-level staffers were generous with their time and cooperation, much like New York City elected officials, union leaders and staffers are political figures who would like to control the narrative. For this reason, specific actors did not always grant access and when they did, what they had to say had to be qualified by their political considerations.

A compelling difference among the unions studied here is the level of member activism in union elections and how union leaders contend with highly engaged or highly disaffected memberships. My research focused on the relevant elites as they described their responsibilities and their organizational goals. Yet experiences and outlooks of elected union leaders differ from those of the rank-and-file who go to work every day for the city. This project has not accounted for the extent to which union members feel that union leaders accurately and energetically represent their policy views. Taking stock of how the rank-and-file view the functions of their unions was beyond the scope of this project but would help give shape to how union leaders arrive at their agendas in the first place.

Taken together, these challenges offer a roadmap to how this project can be extended in the future to account for labor relations during prior administrations in more detail and to deepen the inquiry into the rank-and-file perspectives. Future scholarship to extend the breadth and depth of analysis regarding how unions affect policy debates about public services will become increasingly important. This dissertation's completion coincides with the U.S. Supreme Court's

decision to strike down public sector unions' rights to collect agency fees from public employees who have not signed up for full union membership. This decision has set in motion a process that will have massive financial consequences for unions. It will compel them to work harder to prove their value to union members and to defend themselves against campaigns intended to break them down.

In Defense of Public Sector Collective Bargaining:

In the United States, there have been perpetual multilateral assaults on unions. Some of these assaults have come in the form of individual employers intimidating their workers. Some have come in the form of right wing and conservative groups lobbying for anti-union legislation or funding anti-union litigation. Some attacks are launched by managers and owners within single companies and some are launched by groups of employers within towns and cities. Some attacks have been paid for by corporation-funded foundations at state levels and some at national levels. Attacks on unions have been most effective in private industry so far, and now efforts to destroy workers' organizations have ramped up for government employees.

The field of conflict and rules of engagement are different for public and private employers and workers. Pursuing profits gives management a true north star in the private sector. There may be variation regarding labor issues from industry to industry around the margins, but businesses seek to generate profit. Private employers have straightforward motives for resisting unions. The same is not true for public employers. The political processes that determine what government provides for people and the distribution of collective goods and services are sites of deeper and more complex dilemmas. How do we deal with failing public schools? Do we close them, or do we give them more support? How should we contend with homelessness? It costs taxpayers money to shelter people, it costs money to house people, and it costs money to arrest

people. In short, cheaper solutions are not always the clear solutions for governments and for taxpayers. Labor-management relations in government is necessarily different.

Researchers have dedicated herculean efforts to understanding and documenting the implications of the decline of organized labor. These efforts have included examining the economic implications for the country or for individual families. Researchers have focused on the changing nature of work and of the workplace, and some have focused on political and electoral implications as well (Milkman and Ott 2014; Moody 2007; MacDonald 2017; Goldfield 1987; Wheeler 2002; Rosenfeld 2014).

Significantly, this dissertation has not focused attention on details of the various legal challenges to public employees' unions—even while the research for this project began at the time of the filing of the *Friedrichs* case and its completion has taken place alongside the Supreme Court's consideration and ruling in the *Janus* case. The *Janus* ruling has forced fiercely contested debates about public employees' rights and power to bargain into the spotlight. Much of the press attention about *Janus* describes the decision as a dramatic blow to public sector workers. But the *Janus* decision was coming for a long time. The idea that the ruling will lead to a massive crisis in public sector labor belies that fact that in many ways and in many places the crisis had already happened.

Public employees' unions have often failed to deploy deep organizing strategies and approaches to their work that engage the interplay of members as workers and as community members. They have often failed to work these programs even though they are the obvious actors to do so—their members distribute our most basic public goods. While this failure is significant, it is important to contextualize it. The unions that represent public employees did not decide on their own to narrow their focus. For many, it was the poison pill labor leaders swallowed as a

condition to gain the right to bargain at all. In other words, unions have frequently been blocked from bargaining over anything that does not concern employee compensation and then they have been publicly raked over the coals for seeming to only care about money.

Activist scholars like Jane McAlevey, Stephen Lerner, and Joseph McCartin have drawn much needed attention to how unions must work harder to widen their imagination and their efforts to bargain for the common good (Bader 2018, McCartin 2018, Bargaining for the Common Good Network n.d.). They have urged unions to deepen their attachments in terms of lasting and genuine worker engagement, and to stop choosing mobilization as a substitute for bottom-up organization (McAlevey 2016). What distinguishes this project is that it seeks to highlight that many unions already do bargain for the common good, but they often fail to describe their efforts in those terms. For those unions that do not, their failure to do so is not a reason for them to be eliminated, it is an argument for them to change.

In New York State and in New York City, elected officials have passed legislation and signed agreements to defend unions from some of the potential harms of the Janus decision (Bredderman 2018, Durkin 2018). Public employees' unions will be given access to workers when they are hired in order to introduce them to their organizations and encourage them to join. Unions will be given employee names and will be informed of which workers have signed up for membership and which employees have not. They will be relieved from granting non-union workers full access to all of the advantages of joining their unions without paying dues. The immediate cooperation at the city and state levels to help the unions manage this ruling is based on numerous public managers' views that collective bargaining in New York is valuable, and it is worth preserving. In fact, the Mayor indicated as much in the Amicus brief filed for the City of

New York on behalf of public sector unions in the Janus case (Brief for the City of New York as Amicus Curiae in Support of Respondents, *Mark Janus v. AFSCME Local 31* 2018).

In New York City, the implications of the Janus ruling will be mitigated by willing partners in government. But even with this current collaboration, steps taken by management are insufficient to deal with the real work that lies ahead for these unions. They do have to work harder to make their value evident. Part of that work includes engaging their members' views about the services workers deliver, seeing their organizations as the relevant vehicle to communicate those views, and refusing to shroud those efforts in 'bargainable' terms that obscure their intentions.

This study deliberately sought to take a different view of the role of unions than others by focusing on urban policy. It situates the role of public employees' organizations in decision-making that affects how public services are provided to city residents. And it asks why those of us who may not be union members or public managers should care about public employee unions, for better or for worse.

An increasing number of state and local governments will work to dismantle public employees' unions. Unions are blamed for budget shortfalls. They are painted as obstacles to reform. In many places, they have been and will be forced to manage with less money while collecting dues will become more arduous. As we watch public sector unions unravel around the country, it seems prudent to be mindful of what we are giving up.

Consider the reflections of Susan Panepento, Board Chair and Director of New York City's Office of Collective Bargaining. For more than fifty years, the OCB has functioned as an independent and neutral agency dedicated to resolving disputes between the city's workers and their managers.

Susan Panepento: ...at the most basic level, unions are a representative, a voice no different than our congressmen are a voice for citizens who live in a certain geographic area or a parent is a voice for a child. And in any interaction, whether it's your interaction with your family about where you're going to go on vacation or it's your interaction at a town hall meeting about whether your congressman votes for healthcare amendments, to me, there's nothing bad about the conversation.

People can be abusive. Individual players can make mistakes, but the actual having of a conversation in order to solve a problem is a good thing, and all the players involved can learn something from that conversation. So, unions' primary role in this country was to improve terms and conditions of employment. And...let's think of it anew, if management accepted unions as being also just a voice of the workers in the workplace beyond those terms and – the money – and used them as a conversation, I don't ...see the bad...

There are numerous instances that I've been involved in a mediation context where as a mediator, you're going between both sides and you're presented with an initial problem, but then once you're talking to both sides and you're kind of peeling away the onion, you're realizing that there's – oh, yeah, the problem has been framed as this onion, but at its core, there's a common little thread here.

Interviewer: ...So, if I understand what you're saying correctly, if we ever are having a debate about whether we should have collective bargaining, it's really a misguided debate because even if you're eliminating collective bargaining, you're never eliminating the problems that collective bargaining is there debating. You're just eliminating the [ability of] people that are articulating the problems from being able to point them out.

Susan Panepento: ...I guess that's what I'm saying. *And* I'm saying that... if unions as a voice for the workers are what's wrong – [and you] take them out of the equation, what are you left with? You're left with workers who are still going to want some input into their terms and conditions of employment... (Panepento 2017)

This study suggests we need to take Panepento's view a step further. Not only would eliminating public sector collective bargaining fail to eliminate the problems which unions bring to the bargaining table, but eradicating them would make these problems worse, imposing a greater cost on those who vote for, pay taxes to, and consume the services government workers deliver.

Labor-management relations are by nature paradoxical. Both sides have interests that are in direct opposition to one another, while at the same time both sides have a shared interest in the success of their work. Union leaders have spoken out on policy issues in profoundly important ways. They have advocated improving our public services in ways that only those with intimate knowledge of our systems can. Leaders are fluent around these issues because in most cases, they themselves were public employees. The leaders of the three unions analyzed in this study all started off on the shop floor. Michael Mulgrew was a high school teacher in Brooklyn for twelve years before heading the UFT. Patrick Lynch was an NYPD officer for 15 years in the 90th precinct before leading the PBA. Henry Garrido worked as a city auditor in the Department of Education before directing DC 37. They all represent workers who have direct experience implementing public policies, frequently giving them unique insights on whether services are meeting public needs. After all, public employees' unions represent public servants. Public servants strive to keep us safe, teach our children, and help us when we lose our jobs or need a place to live. To make this statement is not to romanticize public service, but to define it. Public employees have created organizations to bargain on their behalf to offer them some protection from exploitation and to help them earn decent wages to support themselves—but they are also people who need good schools and safe neighborhoods.

Unions give workers a voice to articulate new approaches to issues, to warn against problematic ideas, to resist policies that they know to be wasteful or abusive, and to teach us about the advantages or drawbacks of policies or services. Without the protections unions offer, it is safe to assume that we would lose many of these benefits. It requires courage for employees to speak up or out on the job even in the best of circumstances. Without unions (and *even* sometimes with them), workers have plenty of reason to fear material consequences for

challenging the status quo, so they keep their mouths closed. When they do, the rest of us do not get hear what they have to say.

APPENDIX A:

INTERVIEW PROTOCOLS

Interview Questions: Informants with Union Affiliation

- What's is your current title, if any?
- What other positions have you occupied in your professional life that have informed your view on issues pertaining to municipal labor relations?
- Which people/agencies are your primary points of contact in your dealings with the city government?
- Would you say one side is more likely to get in touch than the other? If so, which one?
- What would you say are the most frequent reasons for your interactions?
- How would you describe your interactions? Collaborative? Conflictual?
- Are there policy issues of interest or concern to your membership about which you reach out to the agencies or elected officials you work with? Can you give me some examples?
- Are there different strategies you deploy to influence the decisions of local officials? How do you decide which strategies to use?
- Are the issues of interest likely to differ depending on who is in City Hall? If so, how?
- Have you had more or less success with the current mayor than others you may have worked with in the past? In which ways? Why do you think there are/are not differences?
- Can you give me a sense of the kinds of policy issues you have had concerns about most recently? What are they? Are there new factors that have created new problems? Or would you say that there has been a lot of continuity in the kinds of issues that you have been working on?

- What would you say your greatest successes have been in terms of exerting influence over policy direction that affects your membership? How did you exercise your influence? Why do you think you were successful?
- In what areas have you found it more difficult to exert influence? Why do you think you have struggled?
- What would you consider to be the ideal working relationship with the agencies and city officials with which you work/bargain? Can you describe to me times that you have felt closer to that ideal? Times when you felt further away?
- Can you describe your political endorsement process? I'm not only interested in how you decide who you are supporting, but also how you decide how much effort you put behind any given endorsement?
- The most recent mayor was elected by and large without much organized support from organized labor, and without the endorsements of the major municipal unions. Do you believe that has had any effect on relationships? Do you have a plan for your endorsements and campaign activities in the next election cycle yet?
- Do you have much contact with other municipal unions in making decisions about political activities? Can you describe how that contact might look?
- Are there some organizations that you collaborate with more than others? Are there some that you clash with more than others? What are the factors that you think affect your relationships with other unions?
- Are there policy areas where you see yourself as allied with other unions? If so, what are they? What about the reverse? Are there areas in which you find yourself in conflict with other organizations? Can you give me some examples?

- Do you think the quality and character of your relationships with other unions has an effect on your relationships with the city? In what ways?
- Do you think city officials view your organization as a partner in decision-making or as a constituency or an interest group? In other words, do you find yourself in the position of helping to make policy decisions, or are you more frequently in the position of reacting to decisions that have already been made?
- Would you say that your answer to the above question has varied over time, varied depending on the issue, or varied depending on the mayor?

Interview Questions: Informants with City Government Affiliation

- What's is your current title, if any?
- What other positions have you occupied in your professional life that have informed your view on issues pertaining to municipal labor relations?
- Which people/departments are your primary points of contact in your dealings with municipal unions?
- Would you say one side is more likely to get in touch than the other? If so, which one?
- What would you say are the most frequent reasons for your interactions?
- How would you describe your interactions? Collaborative? Conflictual?
- Are there policy issues of interest or concern to the administration/your agency about which you reach out to the municipal unions you work with? Can you give me some examples?
- Do you have different strategies you deploy to influence the views/preferences/reactions of local union leaders? How do you decide which strategies to use?
- Are the issues of interest likely to differ depending on who is in City Hall? If so, how?

- Have you had more or less success working with the city's unions than others who have held your position in the past? In which ways? Why do you think there are/are not differences?
- Can you give me a sense of the kinds of policy issues you have had concerns about most recently? What are they? Are there new factors that have created new problems? Or would you say that there has been a lot of continuity in the kinds of issues that the city is concerned about?
- What would you consider to be the ideal working relationship with the unions with which you work/bargain? Can you describe to me times that you have felt closer to that ideal? Times when you felt further away?
- The current mayor was elected by and large without much organized support from organized labor, and without the endorsements of the major municipal unions. Do you believe that has had any effect on relationships? Do you have any concern about acquiring these endorsements for the next cycle?
- When you work with municipal unions, do you tend to deal with them each separately? Or do you reach out to unions as a group?
- Are there some organizations that you collaborate with more than others? Are there some that you clash with more than others? What are the factors that you think affect your relationships with each union?
- Are there policy areas where you see yourself as allied with the unions? If so, what are they? What about the reverse? What are the policy areas in which you have the greatest disagreements?

- Do you view the unions as a partner in decision-making or as a constituency or an interest group? In other words, do you find yourself in the position of reaching out to the unions to make policy decisions, or are you more frequently in the position of reporting to them decisions that have already been made?
- Would you say that your answer to the above question has varied over time, varied depending on the issue, or varied depending on the mayor? Can you describe the variation?

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