

A BRIEF HISTORY OF
DUKE
EMPLOYEES LOCAL 77
AFSCME, AFL-CIO



by Peter Brandon and Nancy Park

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THE SOUTHERN STUDENT ORGANIZING COMMITTEE is an association of young, concerned Southerners dedicated to social change.

WE WISH TO JOIN with other individuals and groups in building a democratic society predicated on peace and racial and sexual equality; a society in which every person is guaranteed physical well-being and the opportunity to develop to the fullest extent his native abilities.

SSOC AFFIRMS THE RIGHT of each individual to participate in the decision-making processes in those social, economic, and political areas which directly influence his life. We envision a world dedicated to free speech and unfettered inquiry; a community of love and cooperation in an economy of abundance.

SSOC WAS FOUNDED in the belief that the fulfillment of this vision will require radical changes in many of America's present institutions and prevailing attitudes. We will continually seek new avenues to encourage these transformations.

SSOC was founded in the belief that the South has special problems which create difficulties--and opportunities--for a Southern movement for social change; SSOC will devote a substantial proportion of its resources to the solution of these problems. We also believe that the South possesses valuable traditions, in both black and white cultures, which will enable Southerners to make a unique contribution to a truly democratic America.

--PREAMBLE
SSOC Constitution

For fifteen years, Oliver Harvey, a night janitor at Duke University, has been seeking ways to gain wage increases and improve working conditions at Duke. Harvey is an exceptionally intelligent and perceptive man with a sense of social conscience and tremendous courage. Perhaps in a more democratic society, he would have been a university president rather than a university janitor.

For years, all efforts to raise wages were in the form of petition campaigns among the employees, supported by editorializing in the campus newspaper. There was no organized long-range effort to win a contract or any of the collective bargaining rights millions of American workers consider absolute necessities.

The atmosphere at Duke is discouraging to such efforts. Although the University seeks to maintain and increase its standing as a leading educational institution, the trustees of the University look upon the school as a personnel factory for upper management in Southern industry. Trustees from Burlington Mills, Haines, and other leading southern firms have a vested interest in preserving the traditional Southern upper class norms at Duke.

Each year a few students recognized the hypocrisy of the beautiful paternal factory that teaches enlightenment but practices humiliation. Each year a few talked with Harvey and a few other vocal Negro service employees and learned of the crushing wage rates and work loads that Negroes must bear. They realized that though there was no official policy of discrimination and humiliation, the University continued to employ local red necks in supervisory positions. Thus, since there was no central personnel policy, these supervisors were free to exercise complete control over the employees. There was no seniority system to govern lay-off or promotion, no established hierarchy to go through with grievances, and no policy making power in the hands of personnel department directors.

Late in 1964 another petition campaign was started. Harvey and other active employees, with the help of some students, got the signatures of most service employees and several thousand Duke students. The petition was presented to the Administration. There was no response. The group decided it was time to form a permanent organization seeking the attention of the University.

An independent union was formed in February, 1965, called the Duke Employees Benevolent Society. The organization had an immediate effect. The University announced pay raises for the near future and participated in discussions with representatives of the Union, including its attorney, Floyd McKissick, then National Chairman of CORE and a Durham lawyer. The University did make one significant change in its position. From prior insistence that all was well with Duke employees, administration representatives admitted that there were problems. However, they insisted that changes would be made as the Administration saw fit and would not be affected by an association of employees.

The administration underscored this point in July when the new raises came through. At the same time a job classification system was started setting up several different pay scales for service employees. The power to determine who got what rate was left to the supervisors. Instead of weakening the strength of the Union, which by this time had nearly half the service employees signed up, the obvious punitive possibilities of such a system served to anger the employees and increase the Union's strength.

When the Benevolent Society was formed, it was determined not to affiliate with a national union. The history of racism in unions in Durham determined this decision. But during the summer, as union strength grew and as it became obvious that it was time to organize for a real fight with the university, it also became obvious that the resources of experienced union people and funds were needed. The campus is spread out geographically and so are the employees, making organization difficult. The University had plenty of money to spend on union busting and the union needed pro-labor resources not to be busted.

Peter Brandon, an organizer for the Amalgamated Meat-Cutters Union had been involved with the Benevolent Society from its early days. Students who had helped form the Benevolent Society had also helped the meat-cutters organize several poultry plants in the area and there were close ties between Brandon's work and the civil rights work that many students and McKissick had been involved in for years. Brandon was asked to seek a national union that would not over control the local and that would not set up the segregated pattern of organization that had been the practice in Durham for years.

As a result of the search, the Benevolent Society affiliated with the American Federation of State, County, and Municipal Employees, AFL-CIO as Local 77. Affiliation began on September 1, 1965, with the understanding that the national would finance operations for three months, supporting a small office and Brandon as organizer. The support agreement was to be renewable. AFSCME is an organization of 300,000 public and semi-public employees that has a different kind of orientation from most national unions. Locals or councils of locals in AFSCME have a great deal of freedom from national control and set their own policies so long as they follow the national constitution.

During September and October, Brandon organized department meetings to build up Union strength. Stewards were elected or volunteered from most departments and the strength of the Union became tremendous. In the hospital, where there are 1200 Negro employees, 900 union buttons were being worn and strike fever was in the air.

At the same time that the Duke Local was gaining strength and some power (a walkout of maids in October was totally successful) another Local that had been formed at the same time as 77 began to affect the Duke situation. The service employees in the public schools in Durham had organized at about the same time and in the same way as the Duke employees. Negotiations for affiliation with AFSCME had been simultaneous for the two organizations and Brandon was also responsible for organizing among the school employees numbering about 250. McKissack and other civil rights activists in Durham also participated in the organization of the school employees.

The school employees had an even more difficult situation than the Duke employees. The Durham City School Board was unwilling to give any concessions, be they concessions directly to the Union or concessions disguised as independent decisions. There were to be no raises, no changes in working conditions, and no discussions. Late in October the School employees went on strike.

Brandon, McKissick, Duke students, members of Local 77, the Negro community and the liberal white community concentrated their attention on the school employees situation through the six weeks of the strike. When the strike ended early in December, a number of points had been won from the school board, but the women who had worked in the school cafeteria system were locked out of their jobs. Many of them were returned to work in the weeks that followed and the others found other jobs -- most of them better jobs -- but the publicity effect of the lock-out plus the fact that little attention had been paid to the workers at Duke during the strike period, served to seriously weaken the Union there. Strike credibility was gone and the position of the Union in negotiations with management was weakened.

Since Duke University is not covered by the Taft-Hartley Act and employees cannot claim the services of the NLRB to investigate unfair labor practices, the only way Local 77 can win anything from the University is through its own continuing strength. The Local's weakened position at the end of the strike, plus the practical impossibility of building the union during the Christmas holidays, presented a very discouraging picture to the leadership of the Union as the new year began. A small raise came from the University on January 1, plus a reduction in work hours. A grievance procedure was announced too, that was closely patterned after one suggested by the Union but lacking the final most important step, final impartial arbitration of grievances. These benefits also served to weaken the Union, giving the impression of employer benevolence.

The granting of the grievance procedure and its major fault, turned out to be the remaking of the Union. At the beginning of the year, two long time employees of the West Campus dining hall were laid off. Both were active union members and one was a steward. They were laid off without notice or reason while other employees with less time in service to the dining halls were retained. The women immediately began to take their case through the newly established grievance procedure. The first two steps, appeal to their supervisor and department head, got them nowhere, except to clearly establish in the minds of everyone concerned, that the lay offs were arbitrary and totally without regard to the quality of work or years of service of the two women.

The Union sent out fact sheets on the two cases to the faculty, seeking their support. Here was a very specific and clear cut human case of injustice. The faculty responded. Letters and queries began going to the Administration. But still, when the case went to the third step of the grievance procedure, the women were turned down. Employees in the dining halls were growing uneasy. People in supervisory positions were making sweeping triumphant statements that "those women will never work here again." Finally, after some last minute changes in procedure

that delayed proceeding to the final step of the grievance procedure, the women's cases were heard by the University personnel policy committee.

During the committee hearings, union representatives were promised full explanation of the decision of the committee whatever the decision might be. A week later, the women received their letters of judgment. One was returned to work, one was not. No explanation was given for either decision.

So far as the dining hall employees were concerned, this clinched the Union. Seeing a woman back at work whom the supervisors had said would never return, put the Union in a position of power in everyone's eyes. And, seeing the facts of the two cases, not supported by any justification from the University, clearly indicated to faculty and students that the union had a reason for existence and that it must hold a position from which it could speak with some authority to defend employees against arbitrary acts by employers so accustomed to having the final word that they failed still to recognize the demagoguery of their position.

A number of grievances have been taken through the procedure since then. Several have been won and those that were not were treated courteously and with full explanation of employee misunderstandings. None have gone past the third step of the grievance procedure, but the fact that there is still one woman not back at work and that there has been no explanation of this, causes her absence to stand as a constant reminder that the system isn't fair yet.

Although the University has seen some light so far as grievances are concerned, it still hasn't admitted that a democratic process would work out best for all concerned. The Union submitted a proposed contract to the University last fall. It stands ready to discuss the provisions of the contract and to compromise, at any time. Recently, the faculty advised the submission of another proposal to the University.

Duke has always said it would not be fair to grant recognition to a Union that was not truly representative of the employees. The Union has replied that it wishes to represent only those employees who voluntarily join the Union and leaves to the University the decision of whether or not it will extend to all employees, unilaterally, any agreements made between the Union and the University. So, to emphasize its willingness to prove its representative quality, the Union proposed to the University that a Union representation election be held to determine whether or not the employees do truly wish union representation. The Union has agreed that should it lose, it will cease activity on the campus. Should it win, it asks the university to demonstrate its good faith and willingness to live with the Union by granting payroll deduction of dues, thus insuring the economic viability of the Union but not making any changes in employee policy. This would be left to post-election negotiations.

The University has had the proposal for three weeks. It is assumed, with some justification by the Union, that the real holdup for recognition lies with the trustees of the University who are far more entrenched

in the traditions of Southern power lines than the administrators of the University. The trustees held a special meeting recently for unannounced reasons.

The Union has, in the past few weeks made known to its friends in the labor and civil rights movements that it is playing its last card with the University. Without an election or some other form of recognition from the University, the Union can go no further, nor can it retreat. A number of national organizations have indicated that they will carry the ball should the Administration grant no quarter to the Union. They have indicated this to the University administration as well. Perhaps with the understanding that Local 77 is of interest to more than just the employees of Duke University, the Administration of the University will convince the trustees that more than the relinquishment of a small amount of power is at stake now, but rather, that there is also the relinquishment of the University's privacy so far as its treatment of employees is concerned.

April, 1966

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