

Patco strike essay sample

[Business](#), [Organization](#)



INTRODUCTION

This paper focuses on one of the remarkable days in the history of the United States in America that surely redefined the labor relations in that particular country (Schalch, 2006) when more than 12, 000 members of the Professional Air Traffic Controllers Organization or PATCO went on a strike. The paper shall include a brief historical background of the strike being covered. A part of the paper shall be devoted to the discussion of the legal implications wherein the laws that apply to the labor dispute shall be stated and discussed how they apply. Afterwards, the key participants in the labor shall be identified together with the different negotiating techniques that had been used to resolve the dispute. It is in relation with this that the final results of the negotiations and how these are being carried out shall be discussed in depth. Finally, the last part of this paper shall focus on the summarizing and restating everything that has been said in the paper to produce a conclusion of the labor dispute that has been discussed.

HISTORICAL BACKGROUND

Founded in December 1967, the Professional Air Traffic Controller Organization or simply, PATCO has a single purpose: to maintain a national cohesive organization that would represent the federal government's air traffic controllers, as mentioned by Seddon (1990). Before the establishment of this particular organization, different organizations stand for the air traffic controllers of the country which then included the Air Traffic Controller Association (ATCA) together with the National Association of Government Employees (NAGE). These organizations all play a part in voicing out the

opinions, feelings and complaints of the controllers. However, it was only in 1962 when President John F. Kennedy released Executive Order 10988, which then established the Professional Air Traffic Controller Organization or PATCO which would then represent all federal employees for the purposes of collective bargaining, as again mentioned by Seddon (1990).

Although perceived to be the Magna Carta for unions in the federal sector, Executive Order 10988 provide only a limited scope of bargaining and it left most unit determinations and unfair labor practices up to each cabinet level department head (Seddon, 1990). It is because of this flaw in the executive order that administrators were not forbidden to manipulate and penetrate the operations of these unions. As a result, President Richard Nixon, in October 1969 came up with Executive Order 11491 (Newman, 1987). Just like the first executive order that has been produced during the administration of John F. Kennedy, this particular law had its own flaws. In 1978, the aforementioned Executive Orders have been replaced by the so-called Civil Service Reform Act, CSRA. Seddon (1990) mentioned, that although this act was very significant as increased the rights of employees to participate in collective bargaining, it failed in increasing the aspects by which bargaining could be conducted. Examples of these include the following: (1) federal employee unions and their respective agencies were prohibited from bargaining over wages, (2) union security clauses were prohibited, such as the right to work, and finally, federal employees were prohibited from organizing strikes. These legislations further on developed into the establishment of the PATCO due to the increasing demand for air controllers.

The air traffic controllers and the agencies that are often associated with them remained a mystery to the government of the United States of America. Generally, all controllers were so used to being placed under pressure. These controllers were often military-bred and disciplined. Upon graduating from school, he serves in the Armed Services and then finally, works for the government of the United States of America. The establishment of the organization, as it has been previously mentioned was due to the fact that no single organization has been founded that would voice out the demands of the air traffic controllers (Newman, 1987).

The fourteen year existence of the Professional Air Traffic Controller Organization or PATCO produced a philosophy in the federal sector which is previously thought of as ridiculous yet belonged uniquely to the organization. They managed to stage strikes against the government of the United States of America which was often always seen as a revolutionary step. Seddon (1990) mentions three instances when the organization was able to call arms in order to show support for the other air traffic controllers. These events were the following: (1) 1968, Operation Air Safety, to show support for the controllers in Kansas City, (2) 1969- supporting five air traffic controllers in Baton rouge, and finally, (3) in 1981, which is often called as the organization's final contract dispute.

It was in August 3, 1981 when the members of the PATCO walked out of their jobs in their hopes to interrupt the transportation system of the United States (Newman, 1987). It is in doing so that the organization also wishes that the government would give what they are demanding for – higher

wages, a shorter work week and better retirement benefits (Manning, 2000; Grey, 2006) as a result of a contract dispute with the Federal Aviation Administration (Grey, 2006). After hearing about the strike, President Reagan enforced an ultimatum which demanded that the employees return to their work or otherwise, face termination (Manning, 2000).

LEGAL IMPLICATIONS

The 1978 Civil Service Reform Act of 1978 is a law that applies to all labor organizations that give a voice too all employees belonging to all agencies of the executive branch of the Federal Government (U. S. Department of Labor, n. d.). The legislation of the CSRA in 1978 became very essential as it increased the role of the different organizations, such as the PATCO in collective bargaining. However, it still did not generally increased the terms by which collective bargaining could be conducted.

As noted in the historical background, there are several laws which led to the staging of the strike in February 1981. One of which is the Civil Service Reform Act which actually banned the federal employees from striking (Kelly, 2006). Due to the discontentment being faced at work, together with the stress that their job brings that often leads to the early retirement of almost ninety (90) percent of their colleagues, the group then decides to strike in their hopes that the government of the United States of America will grant what they are demanding for. As it has been already mentioned, these demands include the following: higher wages, shorter work week and better retirement benefits (Manning, 2000; Grey, 2006).

House Bill 1576 is another legal implication that would be essential to the discussion of the PATCO Strike. Introduced by Representative William Clay to be able to help with the air controllers, this bill could have been very important in the establishment of a separate schedule for the traffic air controllers, called for the FAA to negotiate on the wages with the collective bargaining agent of the controllers and finally, provided for adjustment of the salary schedule to reflect any collective bargaining agreement (Hurd & Kriesky, 1986). This bill, as mentioned by Hurd and Kriesky could have been very essential for the PATCO as it included provisions with regard to strikes (1986). It could have also allowed organizations such as PATCO to bargain with the government under the private sector rules. However, Hurd and Kriesky (1986) noted that the author of the same house bill introduced a revised version of HB 1576 known as HB 4332. This revised no longer included the provision on the automatic adjustment of the salary schedule subject to collective bargaining and disregarded the rights of the employees of the federal sector to strike.

KEY PARTICIPANTS

There were a number of participants who took an active role in the culmination of the events prior to 1981 which then led to the staging of the PATCO strike, the strike proper and the negotiations that eventually came to resolve the conflict. The key participants are the following: (1) the Professional Air Traffic Controllers or PATCO under the leadership of Robert Poli, the president of the Union, (2) the Reagan administration, and finally, (3) the Federal Aviation Administration or the FAA. The Professional Air

Traffic Controllers were without a doubt, the most important participants as they were the ones who walked out of their jobs in order to stage a strike through which they hope that the Federal Government would grant their demands. The two legal implications discussed, although significantly contributed to the strike were not just necessarily the only reasons why the air controllers walked out of their jobs on August 3, 1981 (Hurd & Kriesky, 1986). As it has been mentioned, the members of the PATCO became discontented with their salary and the length of their work hours due to the stressful nature of their job. It is because of this that Robert Poli, the president of the union began taking matters into his own hands, thereby playing a significant role in the conflict wherein the organization not just played a very important role but eventually significantly altered the history of the United States of America.

The preparations for the strike started in 1978 when the organization's president back then, John Leyden established a committee that shall take an active role in preparing for negotiations. Robert Poli was one of the members of the committee who planned for the legislative agenda which included public relations campaign and preparations for a strike, as the last resort. When Leyden was ousted from his position as the president of the PATCO in 1980, Robert Poli took over and from then on, focused his agendas on the preparation for the strike to ensure that a high percentage of the members of his organization would express an all out support for their initiatives.

Another key participant in this conflict is the administration of President Reagan. Upon hearing of the PATCO strike, the president appeared on a

press conference and there, gave his stern ultimatum for those who are participating in the strike (Manning, 2000). He ordered the controllers to go back to work within 48 hours or else, face termination due to the fact that the PATCO was already violating one of the provisions of their contracts: the no-strike clause. As expected, the strikers did not return to their work even after the 48-hour deadline. Being true to his word, president fired almost 13, 400 employees who did not adhere to his ultimatum. As a result of the conflict, President Reagan also banned the rehiring of PATCO strikers (Grey, 2006).

The Federal Aviation Administration or FAA is another important participant in the conflict. They were essential to the negotiations between the government and the PATCO even before the strike of August 3, 1981. Pels (1995) in her article mentioned that the relationship of PATCO and the FAA could not be characterized as one of the best ever since the establishment of the former in 1968. Six months before the strike, Poli and the other members of the PATCO demanded for a wage increase, shorter work week and better retirement programs for their employees in their negotiation with the FAA. Hurd and Krieky (1986) mentions that the failure of the FAA management in increasing the relationship between the management and their employees' organization also contributed so much to why the PATCO went on a strike.

NEGOTIATING TECHNIQUES

In the hopes of the government of the United States of America to quell down the results brought about by the strike of the members of the Professional Air Traffic Controllers Organization, several negotiating

techniques had been used. According to Hurd and Krierky (1986) the administration of then President Ronald Reagan made use of three strategies that was seen to be very efficient in minimizing the effects of the strike. These strategies had been very essential to the airlines and the airports who were already losing much of their profits as the FAA ordered them to cut down their scheduled flights to about fifty (50) percent (Manning, 2000). However, the actions of Reagan's administration also intensified the hostile collective bargaining environment back then, as stated by Hurd and Krierky (1986). The first of these strategies was the signing of a contract with the law firm Morgan, Lewis and Bockius to help the government in negotiating with the strikers. The firm employed has been known for its noncompromising approach to labor negotiations (Hurd and Krierky, 1986). At the same time, they are also notoriously known as the "union buster," as once again mentioned by Hurd and Krierky (1986).

Another strategy employed by Regan was the hiring of J. Lynn Helms to head the Federation of Aviation Control or FAA. The latter is also the president of Piper Aircraft and was also known to have built the FAA based on an anti-union reputation. This then became connected with the third and last strategy which had been essential in quelling down the strikers. The FAA made efforts to revise and strengthen a so-called strike contingency plan secretly. This plan is said to be developed even during the presidency of Carter. This plan basically allowed the different airlines to schedule a certain number of flights even during a strike. At the same time, it also allowed the airlines to cancel their flights whenever they think that it is necessary.

This plan was endorsed in preparation for a strike. However, the members of the Professional Air Traffic Controllers Organization have not been informed. It is because of this that they continued on with their strike without the knowledge of the plan that the Reagan administration devised. In an interview with the chief negotiator of the PATCO, as mentioned in the article of Hurd and Krieky (1986), the organization would have reevaluated their strike plan if they only knew that efforts had been made to make sure that the actions of the latter could not paralyze the system.

The greatest action that the President has done was seen in the ultimatum that he has given in his press conference, the same day that the strike broke out. As it has been mentioned, President Regan called for the workers to go back to their jobs within forty eight hours; otherwise, they shall be forced to leave their jobs. The PATCO strikers, then unaware of the revisions made in the strike contingency plan just ignored the president's ultimatum and went on with their picketing activities rather than go back to work. Undoubtedly, the aforementioned strategies, employed by the Reagan administration were legal and perfectly acceptable if the goal was to severely weaken or eliminate PATCO (Hurd and Krieky, 1986).

DISPUTE RESOLUTION

The aforementioned techniques were all successful, as it has been mentioned, in resolving the conflict and problems related with the strike of the PATCO. The contingency plan of the FAA functioned smoothly, thus preventing the strike from damaging the system. In the same manner, the

strikers were not able to gain much support from the public who has already sided with the businesses who had been greatly affected by the strike.

Generally, the leaders of the PATCO strike were jailed after failing to adhere to the ultimatum of President Reagan. The Justice Department of the United States went on with cases against seventy-five air traffic controllers. After a week or so, more than 1000 air controllers went back to their jobs as they know that their strike is already futile due to the contingency plan that the FAA came up with.

RESOLUTION IMPLEMENTATION

President Reagan prohibited the rehiring of air traffic controllers who had been involved in the strike. As a result, by August 17, 1981, the FAA immediately began accepting new applicants to fill up the positions of those who had been involved in the strike and refused to go back to work. It is also because of this that by October 22, 1981, the Federal Labor Relations Authority then decertified PATCO and established the NATCA or the National Air Traffic Controllers, a new union that would be representing the newly hired air traffic controllers which was then certified only on June 19, 1987 (Schalch, 2006).

The PATCO strikers remained in jail, without the hopes that they would soon be returning to their jobs as air traffic controllers. It was only during the presidency of Bill Clinton that this prohibition was finally lifted, thus allowing the PATCO Strikers of 1981 to return to their jobs as air traffic controllers.

CONCLUSION

The government of the United States of America had so much to learn from the PATCO strike. There were several reasons why the Professional Air Traffic Controllers Organization or simply, PATCO decided to go on a strike with one being the legislation of certain bills and acts that although promised the federal sector employees with more rights, prohibited them from striking. The PATCO has long been fighting for higher wages, shorter week hours and a better retirement package due to the stressful nature of their work, but both the FAA and the federal government turned a deaf ear on their requests.

Three very important participants played a very important role in this conflict – the PATCO, of course, the administration of President Reagan and finally, the FAA. It was the administration of President Reagan together with the FAA that devised strategies that obviously resolved this conflict. These strategies were however, criticized because of the overkill it has supposedly done on the strikers.

The conflict ended with Reagan terminating 13, 000 or so employees and banning them from being rehired by the FAA. It is because of this that the FAA also started acquiring new applicants to fill up the positions of those who had been terminated. Finally, these all culminated with the establishment of the NATCA, as replacement of the PATCO in voicing out the opinions and needs of the air traffic controllers.

In August

1981,

President

Ronald

Reagan fired

thousands of

unionized

air-traffic

controllers

for illegally

going on

strike, an

event that

marked a

turning point

in labor

relations in

America,

with lasting

repercussion

s. In the

decades

before 1981,

major work

stoppages

averaged

around 300

per year;

*today, that
number is
fewer than
30. A look at
key events
before the
strike, and
after:*

1968: The
Professional
Air Traffic
Controllers
Organization
is created.

February
1981: New
contract
negotiations
open
between
PATCO and
the Federal
Aviation
Administratio
n, which

employs the
air-traffic
controllers.

Citing safety
concerns,

PATCO calls

for a

reduced 32-

hour work

week, a \$10,

000 pay

increase for

all air-traffic

controllers

and a better

benefits

package for

retirement.

Contract

negotiations

with the FAA

stall.

Aug. 3,

1981: About

13, 000

PATCO

members go

on strike

after

unsuccessful

contract

negotiations.

In doing so,

the union

technically

violates a

1955 law

that bans

strikes by

government

unions.

(Several

government

unions had

previously

declared

strikes

without

penalties.)

President

Ronald
Reagan
declares the
PATCO strike
a “ peril to
national
safety” and
orders the
controllers
back to
work.

Reagan
warns that
striking is
illegal for
public
employees,
and that
anyone who
does not
return to
work within
48 hours will
be
terminated.

A federal
judge finds
PATCO
President
Robert Poli
to be in
contempt of
court, and
the union is
ordered to
pay a \$1,
000 fine for
each day its
members are
on strike.

About 7, 000
flights are
canceled.

Aug. 5,
1981: Most
striking air-
traffic
controllers
are fired.

Reagan bans

them from

ever being

rehired by

the FAA.

They are

initially

replaced by

controllers,

supervisors

and staff

personnel

not

participating

in the strike

and in some

cases, by

military

controllers.

Aug. 17,

1981: The

FAA begins

accepting

applications

for new air-

traffic

controllers.

Oct. 22,

1981: The

Federal

Labor

Relations

Authority de-

certifies

PATCO.

Later, new

air-traffic

controllers,

hired in the

wake of the

strike,

organize a

new union to

represent

them, the

National Air

Traffic

Controllers

Association.

June 19,

1987: NATCA

is certified as
the sole
bargaining
unit for air-
traffic
controllers
employed by
the FAA.

Aug. 12,
1993:
President
Clinton ends
the
prohibition
on rehiring
any air-
traffic
controller
who went on
strike in
1981. (To
date, the
FAA has
rehired
about 850

PATCO

strikers.)

Oct. 3, 1996:

Congress

passes the

Federal

Aviation

Reauthorizati

on Act,

which

codifies

NATCA's

ability to

bargain

collectively

with the FAA

for wages

and

personnel

matters.

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