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Engineering TIMES

May 2005

Unions Seek To Add PEs, Other Professionals to Their Ranks

By Danielle Boykin
 Staff Writer

In January, the Bureau of Labor Statistics reported yet another decline in the percentage of workers who are members of unions. From 2003 to 2004 the percentage declined to 12.5% from 12.9%, continuing the steady drop that has taken place since 1983, the first year comparable data are available.

As unions continue to lose members, it's not surprising that the nation's largest umbrella union, the AFL-CIO, is taking steps to bolster its membership roster and find its niche in the 21st century workplace. From March 14-16, the AFL-CIO held a meeting in Crystal City, Virginia, about expanding its recruitment efforts, but not among the traditional union workers on assembly lines and in the construction trades. The focus of this meeting was to organize professionals, including engineers, scientists, professors, actors, and others.

The meeting was held by the AFL-CIO's Department of Professional Employees, which is aiming to change the public perception that unions are for blue-collar workers. According to DPE, 50% of union members are white-collar workers and more than four million professional, technical, and administrative support workers are members of an affiliated union.

Since the 1930s, the engineering profession has wrangled with the issue of collective bargaining. NSPE founder David Steinman was opposed to it, and in 1935 he wrote how the united action of the profession was the engineer's protector from exploitation, discrimination, inadequate compensation, restrictions on rights of practice, and unprofessional competition. The profession, he wrote, could also improve employment conditions, increase demand for services, raise fees and salaries, and build up public appreciation for the engineer.

Today, NSPE's Professional Policy 109 says collective bargaining "is not the desirable, effective or appropriate mechanism to achieve the objectives of professional employment practices." The policy, however, does not preclude participation in a sounding board-a non-bargaining



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association of engineers-or other form of discussion or communication between representatives of employees and employers. The policy also says that the Society "will continue to seek a means whereby all engineers may perform effectively as a team without division between management and employee categories and will seek to develop changes in pertinent laws, regulations and ordinances toward this end."

In the case of engineers employed by public agencies, Professional Policy 109 recognizes that laws governing collective bargaining may not allow engineers to remain outside a collective bargaining unit. In such cases, engineers are encouraged to affiliate with a separate and independent organization in which they can participate to the extent consistent with the NSPE Code of Ethics. In cases in which engineering employees of public agencies are included within a larger collective bargaining unit, they may participate in its affairs to the extent consistent with the Code of Ethics. (See below for other NSPE positions on labor organizations and employer-employee relations.)

Concern in Illinois

The Illinois Society of Professional Engineers is one NSPE state society that has dealt recently with the union issue. Brittan Bolin, legislative director for ISPE, knows about the AFL-CIO's interest in organizing professionals, but she has also heard the concerns of ISPE members about efforts to organize engineers and engineering technicians.

Last year, ISPE had to focus on stopping legislation, supported by Local 150 of the International Union of Operating Engineers that would have negatively affected the Illinois Professional Engineering Practice Act. One bill stated that individuals could not be prohibited from joining or assisting labor unions or taking part in other activities related to collective bargaining. The bill also stated that a professional engineering company could not be prohibited from obtaining work that was previously performed by a competitor who lost the job due to a labor dispute.

Another bill opposed by ISPE would have required PEs, their employees, project representatives, and vehicles to be "clearly identified" whenever they are on a project site. It would have become a violation of the PE Act to hide, conceal, or attempt to deceive another by failing to clearly identify oneself and one's vehicle while on the site. Both bills failed to be enacted.

"PEs are concerned because they have seen unions organize technicians who are often employed by professional engineers," she says. "From a business aspect, they have had concerns about that. Additionally, they are concerned that if they are organizing technicians, they'll be organizing engineers tomorrow."

ISPE continues to watch out for legislation that could encroach on the Illinois PE Act while keeping the lines of communication open with the unions. "ISPE certainly recognizes the right to organize, but it's such unknown and uncharted territory for professionals to be organized," says Bolin. "There are engineers in Illinois who are in unions, but it's such a small percentage."

Adapting to Change

The 21st century has brought with it new challenges for workers that unions are attempting to address. Andy Banks, director of organization for the International Federation of Professional and Technical Engineers receives many calls each week from engineers in software and high-tech industries, as well as in electrical and some in civil engineering. "Offshoring, overtime pay, and healthcare cuts are really big issues for them," he says.

Despite the interest, Banks believes that there is a lack of understanding about what unions do. "The U word brings up all sorts of images, but once the managers and corporate heads realize that we are a different type of union, it all seems to work out," he says.

Despite the decline in the number of union members, Banks thinks there will continue to be a permanent place for union activity for the foreseeable future. "I think in the next five to 10 years we are going to make a breakthrough on the issue of overtime for professionals and we are going to have major trend setting resolutions from important groups of engineers," he says.

Professional Engineer Charles Bofferding has seen how an effective union can protect the interests of engineers and other technical professions. When the Boeing Company was considering outsourcing the writing of technical manuals to overseas companies in June 2003, the union helped its members step up to the challenge and organize.

"I stood in front of our people and said, 'Now we can just stomp our feet and say that we don't like outsourcing and these are our jobs so stop it, but no one will care,'" says Bofferding, executive director the Society of Professional Engineering Employees in Aerospace and a former career Boeing employee.

When Boeing put together teams to look into the concern about outsourcing, SPEEA worked with the company to place union members on these teams, says Bofferding, who shared his experiences at the AFL-CIO meeting in March.

In the end, the union was able to express its concerns to management, and the decision was made in May 2004 to not outsource the work because, as Bofferding says, "it would have affected the quality of services, our customers, and possibly our reputation."

Bofferding doesn't think that PEs and other technical professionals should shy away from unions. "If there's a process out there that's going to define my wages, work hours, working conditions, and allow for talks about the constraints around my operation as a professional inside the company," Bofferding says, "don't I want a professional voice in the process when it comes to making these decisions? Otherwise you end up with a suboptimized solution."

"If professionals don't bring together their own voices and use it in a strong, constructive, and protective way then this is a

[blow] to our profession," he says. "It's a part of our professional responsibility to give voice to our perspective, not only in the things that affect us as individuals, but affect our industry, the products that we build, and our profession."

Great Benefits, But...

NSPE member Louise Doyle has seen the pros and cons of union membership during her 20 years as a government civil servant. As a professional engineer with the Westchester County Health Department in New York, she is automatically a union member as part of her employment.

"There's not a big clamor for me to get out of the union particularly as it relates to the bargaining for health benefits, sick time, personal time, and all of the leave," she says. "The union has been really helpful when it comes to getting us great benefits."

There are some drawbacks to being in a union as well. The bureaucracy sometimes ties her hands on how she can manage her staff. "There is very limited ability for me as a manager to reward those who are doing a good job and going above and beyond what is expected," says Doyle, who is also limited in when and how she can terminate someone.

Doyle also finds that the union, which represents 4,000 employees from laborers up to professional white-collar employees, can't always effectively address the issues that are critical to her. "It's hard to negotiate a contract where on my end I'm not looking for dollars or a 3% raise where other [employees] at a much lower salary scale for them, the dollars are much more important," she says. "But for me, besides my health benefits, I'd like to see language in the contract about professional development days so that I can attend conferences and get my hours."

Bofferding does realize that not every engineering firm, company, or organization is suited for union activity. There should be criteria to determine if union participation is needed. "If the company is so small that everyone can sit down and talk to each other than I think you can make a good argument about not really needing a union and you in fact have a good effective voice," he says. "But once the company gets so big that it has a labor relations or a [human resources] group and there's a need to institutionalize a voice for the employers, then the employees also need to institutionalize their voice." If union membership continues its steady decline, professional engineers should be prepared to deal with the hard sell from union organizers; however, whether unions can overcome the longstanding antipathy and distrust many engineers have of them remains to be seen.

NSPE's Positions on Workplace Issues

While NSPE's position on collective bargaining is explained in Professional Policy 109, the Society has two other statements on labor organizations and employer-employee relations.

Professional Policy 110

This policy states that a group of engineers employed by the same employer may, when necessary, form a separate and independent organization of engineering employees for the purpose of engaging in discussions with their employer.

These discussions shall be on the basis outlined in NSPE Professional Policy 27, which states that the employer has a responsibility to treat engineering employees as professional individuals, and the operations of such an organization should follow the principles in Professional Policy 109 on collective bargaining.

Professional Policy 110 further states that "it would be appropriate for such an organization to be affiliated with state societies, chapters or state or local practice divisions under conditions agreeable to the applicable group or groups. Such organization should be a fully autonomous affiliate rather than an integral part of an NSPE organization. It should have its own constitution, bylaws, and dues structure such that no monies are exchanged between such organization and NSPE or any of its state societies, chapters, or practice divisions."

Position Statement 1744

NSPE's position statement on "Labor Organizations and an Engineer's Obligation to the Public" addresses situations where individuals working on behalf of engineers are members of the same labor organization that also represents employees of an entity being overseen by the engineer.

Position Statement 1744 says that such an arrangement may interfere with the independent judgment and discretion required of the engineers and their subordinates to insure the protection of the public health, safety, and welfare. The position statement continues as follows:

"Labor organization bylaws and rules generally require members to pledge primary loyalty and allegiance to the labor organization and its members. The disparity between the obligations of these individuals to both the union and the public can create severe conflicts that may interfere with the engineer's primary obligation to protect the public health, safety, and welfare.

In addition, labor organizations sometimes sanction members who report other member misconduct, even though the reporting member had an employment duty to do so. The existence of the potential impact of such censure can place additional pressure on an employee leading to a compromise of the decision-making process during the performance of engineering-related services. Relying upon engineering-related determinations made by these subordinates create situations that can negatively affect the engineer's ethical and legal responsibilities including independent judgment and discretion, necessary to protect public health and safety. In many jurisdictions, knowledge of such violations of the law may also impose a legal obligation on engineers to report the professional misconduct.

Engineers, either individually or through their subordinates, should not be placed in a position of reviewing the work of

other entities when the employees of both are represented by the same labor organization. This interferes with the engineer's obligation to practice in a professional and ethical manner. In addition, collective bargaining agreements that, in conjunction with the practice of engineering, may impact the public health, safety, and welfare should not contain any provision that penalizes any employee for reporting the improper actions or the unacceptable conduct of any other party."

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