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STATEMENT

of the

PUBLIC EMPLOYEE DEPARTMENT, AFL-CIO

before the

SUBCOMMITTEE ON CIVIL SERVICE, POST OFFICE AND GENERAL SERVICES
COMMITTEE ON GOVERNMENTAL AFFAIRS
U.S. SENATE

on

S. 1440
NON SMOKERS RIGHTS ACT OF 1985

October 8, 1985

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This statement is to submit the views of the Public Employee Department (PED), AFL-CIO, to the Subcommittee on Civil Service, Post Office and General Services of the Senate Governmental Affairs Committee on S. 1440, the Nonsmokers Rights Act of 1985. The legislation will have a direct impact on the nearly one and one-half million federal and postal employees represented by twenty-four international unions affiliated with our Department.

At the urging of two of the PED's affiliated unions, who were strongly opposed to the bill, we recently sought recommendations from other member unions on what action, if any, the Department should take on S. 1440. Responses were unanimously opposed to the bill, and we have attached copies of those responses for the Subcommittee's information and consideration.

The primary concern with this bill is that it infringes on the collective bargaining process. We believe that smoking policies are best determined through collective bargaining on a case-by-case basis. Only in this way can the specific concerns of individual parties involved and local workplaces affected be addressed. S. 1440 disallows this approach, imposing arbitrary and inflexible rules for the across-the-board establishment of smoking restrictions.

By threatening the collective bargaining system, the proposed legislation has the very real potential for wreaking havoc with labor relations in the federal sector, as well as setting a dangerous precedent for similar problems in the state and local sectors.

More specifically, we are concerned that the legislation makes no attempt to protect workers' rights. Indeed, it undermines the principle of employee rights, giving arbitrary powers to management.

The legislation has been introduced at a time when many of the existing structures to protect workers' rights already have been eroded. In the past five years there has been turmoil at the Department of Labor. Protections provided under the National Labor Relations Act have been diminished considerably. And the role of the Office of Personnel Management to protect the rights of federal workers has become virtually non-existent. S. 1440 would jeopardize one of the few remaining effective means of support for workers' rights in the resolution of on-the-job disputes -- the grievance system. Arbitrary management decisions, on both sides of the smoking issue, would burden the system with unnecessary disputes, overloading it to the point of ineffectiveness.

In conclusion, we are opposed to S. 1440 because it infringes on the collective bargaining process, imposing arbitrary work rules irrespective of the specific concerns of individual workers and worksites. We believe workplace smoking policies are best determined through the established process of collective bargaining on a case-by-case basis.