

Does Increased Union Power Cause Pension Under-Funding in the Public Sector?*

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PRELIMINARY DRAFT

Abstract

This paper estimates the effect of variation in public-sector collective bargaining rights on benefits, contributions and funding levels in public-sector pension funds. From 1955 to today, these rights vary across states, over time, and across the five public-sector employee groups. We exploit changes in bargaining rights driven by either statutory changes or court order.

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1 Introduction

Unfunded public-sector pension obligations are the biggest fiscal challenge that many U.S. states (and cities) face in the coming decades: [Novy-Marx and Rauh \(2009\)](#) estimate that the aggregate funding gap for the largest state and municipal plans is above \$3 trillion. Where the funding gap is sufficiently large, it has culminated in municipal bankruptcy, and could conceivably culminate in a state's bankruptcy.¹ Pension under-funding is first and foremost a political economy problem that is best understood through the lens of models where politicians trade off the separate demands of Special Interest Groups (SIGs) and voters to maximize the probability of re-election ([Lindbeck and Weibull 1987](#), [Grossman and Helpman 1994](#), [Persson and Tabellini 2000](#), ch6,7).² Voters value lower taxes and balanced budgets (holding fixed the level of public service provision). Public-sector unions, the SIGs, negotiate for rents, of which there are two types, pensions benefits and wages.

From the politician's perspective, wage increases need to be financed by either taxes or debt, both of which voters dislike. The costs of pension benefits, by contrast, can be made to largely disappear from view. [Glaeser and Ponzetto \(2014\)](#) refer to this as the "shroudedness" of pension obligations. One source of shroudedness is that pensions can be what we refer to as *materially* under-funded: unrealistic actuarial assumptions can, for a while, lower the required contributions needed to fund tomorrow's benefits, and thus hide the true cost of promises of future benefits ([Mitchell and Smith 1994](#), p282 and footnote1, [Kelley 2014](#), p24).³ In the words of a member of the Society of Actuaries Pension Financing Task Force, "consistent low-balling of pension costs over the past two decades made it easy for elected officials and union representatives to agree on very valuable benefits, for very much smaller current pay concessions." ([Malanga, 2016](#)). A second source of shroudedness is that pensions can be *actuarially* under-funded: the employer can, without penalty, hold off on paying even the actuarially required contributions ([Brinkman,](#)

¹ Unlike federal social security, municipal and state benefit payments are legally binding commitments, and state laws make it almost impossible to renegotiate them outside of bankruptcy proceedings ([Burns, 2011](#); [Trusts, 2013](#)). No U.S. state defaulted since the 1840s, but according to [Anderson \(2013\)](#) there have been twenty-eight municipal bankruptcies between 2007 and 2013. These bankruptcies are never mono-causal, but pension obligations are almost always a core issue, as in Detroit in 2014 ([The Economist, 2014](#)).

² [Lindbeck and Weibull \(1987\)](#) includes bargaining explicitly while in [Grossman and Helpman \(1994\)](#), the politicians maximizes a utilitarian social welfare function that assigns differential weights to SIGs and voters. Note that these weights can be still be intuitively interpreted as the reduced form of a bargaining solution.

³ Because of unrealistic actuarial assumptions, researchers and rating agencies have concluded that the true aggregate funding gap is in excess of three times as large as the official actuarial funding gap ([Novy-Marx and Rauh, 2009](#)).

Coen-Pirani, and Sieg, 2018). The resulting actuarial funding gap is the officially reported one, but still stays under most voters' radar because it is not considered public debt despite the fact that legally binding obligations are being accrued (Brown and Dye, 2015; Munnell, Aubry, Cafarelli, et al., 2015).⁴

From the politician's perspective, pension promises are therefore a much more attractive concession to make to public-sector unions than wage increases. Former mayor of Houston, Lee P. Brown, for example once justified a largely unfunded pension benefit increase under his administration by the fact that "it was budget neutral", and that he did not "have the funds to give municipal employees the raises they deserved" (Boylan, 2016). Referring back to the class of models cited above, increasing the bargaining power of SIGs will increase the rents they can negotiate for, but as these rents increase, an increasing share of them has to be in the form of pension benefits that are unconstrained by short-run budgetary constraints.

In this paper, we test this hypothesis by using variation in the bargaining power of SIGs, i.e. in the public-sector unions' collective bargaining rights. Collective bargaining laws dictate the extent to which government employers are obligated to negotiate with unions on compensation and others conditions of employment, and they vary significantly across states, over time, and across the five large public-sector employment groups (state employees, police, fire-fighters, non-college teachers, other municipal workers). What is more, this breakdown corresponds well to the way public-sector pensions are organized since these are always unique to a state and commonly separately organized by employment group.

Fortunately, there is also an empirical basis for such an investigation: the *NBER Public Sector Collective Bargaining Law Data Set* measures public-sector collective bargaining rights from 1955 to 1986 by state and year, as well as by the five employment groups (Freeman and Valletta, 1988). Appendix B describes these data in detail. Unfortunately, the dataset is quite dated.⁵ We therefore extended this dataset to the present day, by first identifying the laws governing collective bargaining for each employment group in each state, and if the status quo differed from what it was at the end of the Freeman and Valletta (1988) data, or if the current law post-dates the end

⁴ Even if pensions obligations were listed as official debt, future taxes needed to finance them might be less salient than today's taxes to myopic voters, so that Ricardian Equivalence might fail even without the 'shroudedness'.

⁵ Kim Reuben partially extended the data to 1996. The update appears to have been subsumed into Freeman and Valletta (1988) on the NBER website, without a separate citation. One other extension is Sanes, Schmitt, et al. (2014), who provide a qualitative cross-sectional snapshot of present-day bargaining rights.

of that dataset, we used LexisNexis to identify and date the corresponding legal changes. We refer to the extended data as the *Public Sector Collective Bargaining Law Data Set*, or the ‘PSCBLD’. See [Appendix C](#) for a detailed documentation of this extension.

From the perspective of causal identification, there is a concern that states which grant more legal rights for collective bargaining may also be states where voters are inclined towards more generous compensation for public-sector workers. We address this concern in two ways: First, we follow recent work on “legal migration” in the legal literature by modeling the diffusion of legal precedents across states over time (see, e.g. [Funk and Mullen \(2018\)](#)). The resulting predicted panel-variation in collective bargaining rights isolates the expected pattern of legal diffusion from any state in any area of the law, and should thus be orthogonal to unobservable state-level trends in attitudes towards public-sector unions. Two, we focus only on legal changes due to case law or Attorney General opinion, and disregard changes due to statute change or gubernatorial Executive order because the latter two are initiated by elected officials who may be responding to changing voter preferences. See [Appendix C](#) for a detailed documentation of how to draw these distinctions.

There are two sources of public-sector pension data: The *Annual Survey of Public Pensions* (the ‘ASPP’) is based on self-reporting by pension plans to the U.S. Census, it goes back to 1957, and it contains measures of many of the factors that determine funding levels (annual benefits paid, employee contributions, employer contributions, investment returns, and membership information) but does not report on funding levels directly. The *Center for Retirement Research’s Public Plans Database* (the ‘CRR-PPD’) only goes back to 2001, but it contains more detailed information because it is based on pension plans’ official annual reports. By mapping plans in both the ASPP and the CRR-PPD to their respective occupational group classification, we are able to link them to the state-, group-, and year-specific legal environment in which the plans operated, as coded in the PSCBLD collective bargaining data.

A number of influential political economy theories model policies as being chosen by politicians who trade off the separate demands of special interest groups (SIGs) and voters, in order to maximize the probability of re-election ([Lindbeck and Weibull 1987](#), [Grossman and Helpman 1994](#), [Persson and Tabellini 2000](#), ch6,7). Instead of this binary distinction into SIGs and voters, one can also conceptualize all voters as interest groups that vary in their influence on the politi-

cian. Groups have more influence if they are better able to organize and ‘act collectively’ (Olson, 1965); if they are more homogenous in their political preference and only chose whether to “come out to vote” rather than whom to vote for (Glaeser, Ponzetto, and Shapiro, 2005); if they care more intensely about an issue (Bouton, Conconi, Pino, and Zanardi, 2014); or if they are better informed (Besley and Burgess, 2002; Adsera, Boix, and Payne, 2003; Strömberg, 2004; Ferraz and Finan, 2008; Glaeser and Ponzetto, 2014). We contribute to this literature by estimating the impact that stronger legal provisions for a group’s bargaining rights have on policies favoring that group.

We also contribute to a literature on the effects of public-sector collective bargaining. There is substantial evidence that private- and public-sector unions are able to bargain for increased wages and higher employment levels relative to their non-unionized counterparts (Hirsch and Rufolo, 1982; Freeman and Valletta, 1987; Zax and Ichniowski, 1988).⁶ However, there appears to be no previous work on the effect of collective bargaining rights on retirement benefits.⁷

Lastly, we add to the literature on the causes of public-sector pension under-funding (Grosskopf, Hayes, and Kennedy, 1985; Inman, 1985; Inman and Albright, 1987; Mitchell and Smith, 1994; Novy-Marx and Rauh, 2009; Burns, 2011; Mohan and Zhang, 2014; Munnell et al., 2015). The political-economy problems of pension under-funding are acknowledged by most observers, but empirical work on this is scant.⁸ Anzia and Moe (2016) shows that the presence of union representatives on plans’ boards correlates with worse funding ratios, and also provides an illustrative account of the bruising political battles surrounding efforts to make pension plans’ actuarial assumptions more realistic in Rhode Islands in 2011 and California in 2015. Causally identified evidence comes from Dippel (2019) who employs a regression discontinuity design around close mayoral elections to show that municipal pension benefits grow disproportionately under Democratic Party mayors, and argues that Democratic Party mayoral candidates use pension benefits to “bring out their base”, as suggested by theory (Glaeser et al., 2005).

⁶ There is a separate literature that studies the effect of *private*-sector unionization on wages and employment. Ashenfelter (1978) is one of the earliest seminal paper in this literature. There is also related literature that studies the rise of public-sector unionization and its causes (Freeman, 1986; Reder, 1988; Freeman and Han, 2012). Almost no public-sector employees were unionized until President Kennedy’s Executive Order 10988 recognized their right to do so in 1962.

⁷ Munnell, Aubry, and Quinby (2011) documents that there is correlation between union coverage and benefits, but union coverage does not measure collective bargaining power, and the paper does not attempt to estimate causal effects.

⁸ Rigorous studies on pension benefit funding have tended to focus on pensions’ fund management and on accounting practices since these have been more easily measurable contributors (Novy-Marx and Rauh, 2009, 2014a,b; Brown and Wilcox, 2009).

2 Background on Public-Sector Union Bargaining

2.1 Actuarial Accounting

To assess the funding status of a public pension plan, policymakers rely on the *Unfunded Actuarially Accrued Liabilities* (UAAL), a measure that captures the difference between a plan's assets and its discounted future benefit obligations to its pensioners and active members. Although the actuarial accounting that goes into calculating a plan's UAAL is more complicated, it can be broadly summarized (at time τ) by the following expression

$$\text{UAAL}_{i\tau} = \text{Assets}_{i\tau} - \sum_{t>\tau}^{\infty} \frac{\text{Benefits}_{it}}{(1 + \text{AAR}_i)^{t-\tau}}. \quad (1)$$

The AAR is the *Actuarially Assumed Return* on a plan's assets. With an increase in the AAR, future benefit obligations to pensioners are discounted further and the funding status appears more sound, a contentious point returned to in Section 2.2. Note that both past and future contributions do not appear directly in the expression (1). Past contributions by employers and employees and any returns on them are subsumed into the plan's current asset base. Future contributions and obligations are assumed to directly offset each other (backed up by actuarial accountant calculations), and neither appears in expression (1). In Defined Contribution (DC) plans, which dominate the private-sector, asset returns directly determine benefit payments and expression (1) always equals zero. In stark contrast, almost all municipal and state pension systems in the U.S. are *Defined Benefit* (DB) plans, where future benefit obligations are legally binding contracts independent of a plan's asset performance.

2.2 How Funding Gaps Emerge

A pension plan funding gap can occur for one of two separate but not independent 'political economy' reasons⁹: from *unrealistic actuarial assumptions*, as discussed in this section, and as an outcome of *special interest group politics*, as discussed in section 2.3. Unrealistic actuarial assumptions lead to underfunding by lowering the 'Actuarially Required Contributions' (ARC), which is

⁹ In addition, funding gaps can also open up because of variation in fund management since $\text{Assets}_{i\tau}$, i.e. the plan's assets at time τ are determined by the returns on past contributions. However, there is so much smoothing in actuarial return calculations of pension funds that short run variation in fund management performance is not a strong force in the data.

the level of contributions needed to cover future benefit obligations. In the short run, unrealistic actuarial assumptions do not substantially affect a plan's funding status because the UAAL (1) is calculated under the same erroneous assumptions; over time, however, they lead to sustained growth in funding gaps and significant jumps when assumptions are corrected. To provide more context on what unrealistic actuarial assumptions might entail, the following discusses how benefit expansions are linked to the calculation of actuarially required contributions (ARC).

Benefit Increases: Pension plan rules regarding benefits can be changed through any number of processes, including collective bargaining, changes in state statutes, and executive directives (see 2.3 for a full discussion). They can take many forms, but the simplest is an across-the-board increase in benefits, e.g. 10% higher benefits for all recipients. A more common form is "formula enhancements", where changes are made to the formula used to calculate retirement benefits for an employee. These formulas usually have two components: (1) a minimum age of retirement, and (2) a percentage that is applied to an employee's years of service and salary to determine his/her benefit level upon retirement. For example, consider the retirement formula "2 at 50," which means a worker can retire starting at age 50, and draw a pension that equals 2% of their last annual salary for every year of service.¹⁰ Put another way, if a police officer is part of a plan with this formula and has worked at the department since the age of 20, they could retire at age 50 and receive 60% of their last year's salary as a pension, or retire at age 65 and draw 90% of their last annual salary. Formula enhancements take the form of moving a "2 at 50" formula to a "3 at 50" formula, or a "3 at 55" formula to a "3 at 50" formula.

Actuarially required contributions (ARC): After benefit levels have been decided, the ARC are calculated by actuarial accountants and are, by definition, deemed adequate to cover obligations under the given actuarial assumptions. These assumptions are not determined by the accountants, however, and often fall to pension boards where they are heavily politicized choices (Greenhut 2009, 43, Anzia and Moe 2016, 9). As noted, one element of these assumptions is the expected rate of return on pension assets, the AAR. Most plans assume an AAR between 7 and 8 percent, but this is almost always higher than actual returns have been over the last decade (Wall

¹⁰Some plans consider the reference salary to be an average of employee's highest-earning years. Typically, employees receive their highest salaries at the end of their career so this variation does not meaningfully change retirement incentives.

[Street Journal, 2016](#)).¹¹ Another important assumption regards employee incentives to retire. Formula enhancements, in particular, should lead to earlier retirement choices by employees, which both increases the expected years of benefit payments and decreases the member's years of contributions (and thus, the asset base of the plan as well). Modeling adjustments in these incentives can be complex and actuarial estimations of ARC often fail to account for them, leading to 'blind spots' in the calculations ([Mitchell and Smith, 1994](#), 282).

Employee- and Employer-Contributions: Responsibility for the ARC is split between employers and employees – a setup that is an additional mechanism leading to the emergence of funding gaps. The employee portion of the ARC is drawn directly from paychecks and cannot be shirked. Public employers, on the other hand, are under no obligation to pay their portion of the ARC ([Brown and Dye, 2015](#); [Brinkman et al., 2018](#)). For this reason, under-paying contributions is an appealing way for local municipal governments, and feasibly state as well, to ease short-term budgetary pressure. Recent work has shown that a significant amount of pension under-funding may be caused by just such under-paying by employers ([Brown and Dye, 2015](#); [Munnell et al., 2015](#)). Importantly, although governments have flexibility in the short-run, pension obligations remain a legally binding commitment and future payments must be made when they are due.

2.3 The Role of Politics in Pension Benefits

Funding gaps, including those emerging from unrealistic actuarial assumptions, are tolerated and encouraged by government leaders because they are politically expedient. Large increases in the government burden are naturally unwelcome to politicians. Although pension obligations are inevitable in the long-term, government leaders may push for unrealistic actuarial assumptions to ease pressure in the short-run. For example, increasing the projected rate of return on assets (AAR), can mask growing funding gaps or make it can appear to maintain a constant funding status despite benefit increases. Indeed, pension boards have in the past neutralized the transmission from benefit expansion to the ARC by simultaneously increasing their AAR ([Mitchell and Smith 1994](#), footnote1, [Kelley 2014](#), 24, [Novy-Marx and Rauh 2011](#)). Eventually, if the actual rate

¹¹ A related issue is whether the practice of discounting future obligations at the expected rate of return on assets is appropriate. Logically, it is inconsistent to discount a stream of effectively 'risk-free obligations' at the rate of return of a risky portfolio of assets ([Novy-Marx and Rauh, 2009, 2011, 2014a,b](#); [Brown and Wilcox, 2009](#)). Yet, state laws sanction public-sector plans to do precisely this (while simultaneously prohibiting private-sector 401(k) plans from doing the same).

of return does not meet the higher AAR, the funding gap will grow.

Efforts to lower plans' AAR have been the most acrimonious battleground in the pension field in recent years, typically fought out between union representatives and treasury representatives on a plan's board. Lowering the AAR is consequential because it immediately opens up a gap in expression (1), which then immediately results in higher ARC for both employers and employees (Gillers, 2016). [The Economist \(2017\)](#) reports that the *National Association of State Retirement Administrators* estimates that cutting the AAR by 0.25 percentage points increases the required contribution rate of plans' active members (as a proportion of payroll) by two to three percentage points, so that "it is in no one's interest to make more realistic assumptions about returns." [Anzia and Moe \(2016\)](#) provide an illustrative account of the bruising political battles surrounding efforts to reduce the state pensions' AAR in Rhode Islands in 2011 and California in 2015.

As noted, in addition to adjusting actuarial assumptions for more pleasant funding gaps, public sector employees/local government leaders can also shirk their share of the ARC. Underfunded contributions are not accurately labeled as debt, despite the legal obligation to pay out future benefits, and instead are seen as "budget neutral". These two main features, among others, provide a system that allows politicians to ease financial concerns regarding public-sector pension debt when politically motivated to do so.

2.4 The Role of Special Interest Group Politics and Collective Bargaining

Unlike general government spending that may be governed by the median voter theorem, the political pressures for expenditure on public-sector pensions is more appropriately captured by models of special interest group politics. Special interest groups arise in political systems allowing targeted, selective transfers to narrowly-defined groups of beneficiaries.¹² They capitalize on the fact that the costs associated with these targeted transfers are spread out broadly over the population, minimizing individual costs and weakening opposition. In the standard framework provided by [Lindbeck and Weibull \(1987\)](#), political candidates maximize their probability of winning by making promises to various SIGs about redistribution policies. Politicians cater to groups that have the potential to swing elections in their favor, i.e. groups with "political clout". In recent work, "political clout" has taken on a number of interpretations, including a group's ability to

¹² See [Persson and Tabellini \(2000, ch.6, 7\)](#) for a thorough discussion.

understand complicated policies (and thus, accurately voting on them) (Strömberg, 2004) and a group's voter turnout rate (Glaeser et al., 2005).

Public-sector employee unions fit well into a model of SIG politics and politicians likely prefer to give them increased benefits to win votes, but unique elements of pension policies likely lead to outsized transfers to public employee unions. As section 2.2 makes clear, understanding the true burden and current funding status for pension plans is incredibly complex. This great degree of complexity creates an information asymmetry between voting groups. Ordinary taxpayers are ill-equipped to calculate and fully understand the full extent of agreements while unions, on the other hand, have leaders that can decipher this knowledge for their group, giving them the information advantage discussed in Strömberg (2004). Glaeser and Ponzetto (2014) refer to this problem as the “shroudedness” of pension obligations and show it can increase pension generosity.

Adding to this information asymmetry, pension obligations are not accurately labeled as debt in state and local government budgets. This is an important detail during the process of division of the ARC. Employee contributions are often determined by statute in state legislatures as a percentage of employee payroll. The employer contribution is therefore determined as a residual, i.e. the ARC minus employee contributions; however, practice frequently deviates from this principle. For example, a city may offer to pay part of the employee contribution knowing that this additional debt will still be viewed as “budget neutral” if they are unable to pay it immediately.¹³ Both of these features allow politicians to give large transfers to public-sector employee unions in an effort to win over their voters. Appendix A discusses why public sector unions accept the practice of under-funding pensions.

In any framework of SIG or pork-barrel politics, the strength of a group increases the level of transfers that they are able to extract. In the case of pensions, public employee union strength is inherently intertwined with their ability to collectively bargain. Although benefit levels can be determined by statute or by the executive,¹⁴ they are frequently set through collective bargaining. Collective bargaining laws, dictating the extent to which government employers are obligated, authorized, or prohibited from negotiating with employee unions, vary substantially across em-

¹³ This appears to be common in Ohio. See <https://www.politifact.com/ohio/statements/2011/sep/27/john-kasich/gov-john-kasich-says-leadership-public-unions-unwi/>

¹⁴ At the municipal level, this means the city council or the mayor. At the state level, this means the state legislature or the governor (Anzia and Moe, 2016, p.9).

employee groups, states, and over time (see section 3 for full discussion). Legal rights to collectively bargain not only strengthen union representatives' hand in negotiations, but also help unions grow.¹⁵ There is substantial evidence that private- and public-sector unions are able to bargain for increased wages and higher employment levels relative to their non-unionized counterparts (Ashenfelter, 1978; Freeman and Leonard, 1985; Zax and Ichniowski, 1988; Hirsch and Rufolo, 1982); however, there is no such work looking at the effect on pension benefits to our knowledge.

Within the collective bargaining framework, there is significant variation among employee groups regarding the level of government involved. State-employees naturally collectively bargain for pension benefits at the state level. If the public-sector employees are local employees, it can occur at either the state or local level. Police and fire-fighters mostly collectively bargain at the municipal level, and their pension plans are municipal pension plans. Teachers and other municipal employees mostly organize their pensions at the state level. Ultimately, how each employee group attains pension benefit increases depends on state laws governing collective bargaining.

3 Data on Public Sector Collective Bargaining Laws

The legal environment governing public-sector collective bargaining has evolved unevenly across the United States. In our dataset, which we refer to as the *Extended Public Sector Collective Bargaining Law Data Set (E-PSCBLD)*, we capture this varied evolution over three dimensions: time, space, and occupational group. Our main variable of interest measures the extent to which government employers are prohibited, allowed, or required to negotiate in good faith with registered public-sector employee unions. We track the changing legal environment in this way from 1955 to 2018, encompassing the entire period during which the movement for public-sector employee union rights emerged and expanded.

The foundation for the *E-PSCBLD* comes from the *NBER Public Sector Collective Bargaining Law Data Set (PSCBLD)* (Freeman and Valletta, 1988). The *PSCBLD* covers a dozen aspects of public-sector union laws, and varies by year, by state, and by five main public-sector employee groups: state employees, municipal police, municipal firefighters, non-college teachers, and other munic-

¹⁵Previous literature has measured union strength with membership. Both measures are suitable for this purpose; however, they both also suffer from the issue of endogeneity to pension outcomes (an issue we will address below). We chose collective bargaining laws because they offer a more comparable measure across regions and because policy recommendations from research on legal environment are much clearer than those from research using union size.

ipal employees. The laws covered in the *PSCBLD* fall broadly into five categories illustrating the rights afforded to public-sector unions, the central of which is ‘contract negotiation provisions’. This category contains our primary measurement of the legal environment, *collective bargaining rights*, which records the baseline ability of unions to bargain with government employers over wages and pensions. In some states, collective bargaining is prohibited outright, while for many states and occupational groups, collective bargaining is allowed and employers have an obligation to negotiate in good faith with union representatives. The other four categories covering the legal environment measured in *PSCBLD* pertain to ‘union recognition provisions’ ‘union security provisions’ ‘impasse procedures’ , and ‘striking’. In [Appendix B](#), we discuss the other categories in full detail; however, they are less relevant for our study of public-sector pension outcomes, and our empirical analysis will focus on *collective bargaining rights*.

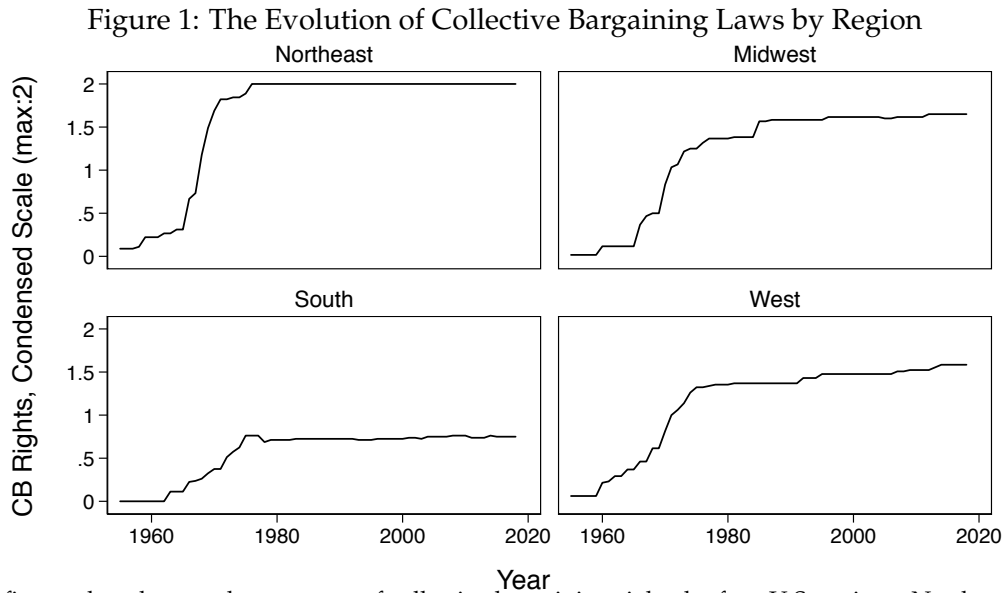
The main drawback of the *PSCBLD* is that it only covers the period 1955 to 1985, leaving it largely inadequate for analyzing public-sector pension outcomes through the present day.¹⁶ To address this, we extend the main series on *collective bargaining rights* through 2018 for all states and occupational groups. In doing so, we rely on state statutes, court records, and state attorney general reports. In addition to extending the data, we construct a new measure detailing the source of the law changes (i.e. by statute, by court case decision, or by attorney general opinion) at each instance throughout the entirety of the dataset. The process of extending the data as well full documentation of state-group-specific legal changes in collective bargaining rights are detailed in [Appendix C](#).

3.1 Variation in *E-PSCBLD*

Until the 1950s, almost no public-sector employees were unionized and the president of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) stated at the time that it was “impossible to bargain collectively with the government” ([Freeman, 1986](#), 41). This changed in 1962 when President Kennedy’s Executive Order 10988 recognized the right of federal workers to do so. Since then, public-sector unionization expanded rapidly across the country; however, this expansion hinged critically on state laws paving the way and there has been significant variation in this across states and over time ([Freeman, 1986](#); [Reder, 1988](#); [Freeman and Han,](#)

¹⁶ Since its publication, there has only been a modest update extending some aspects to 1996 by Kim Reuben.

2012).

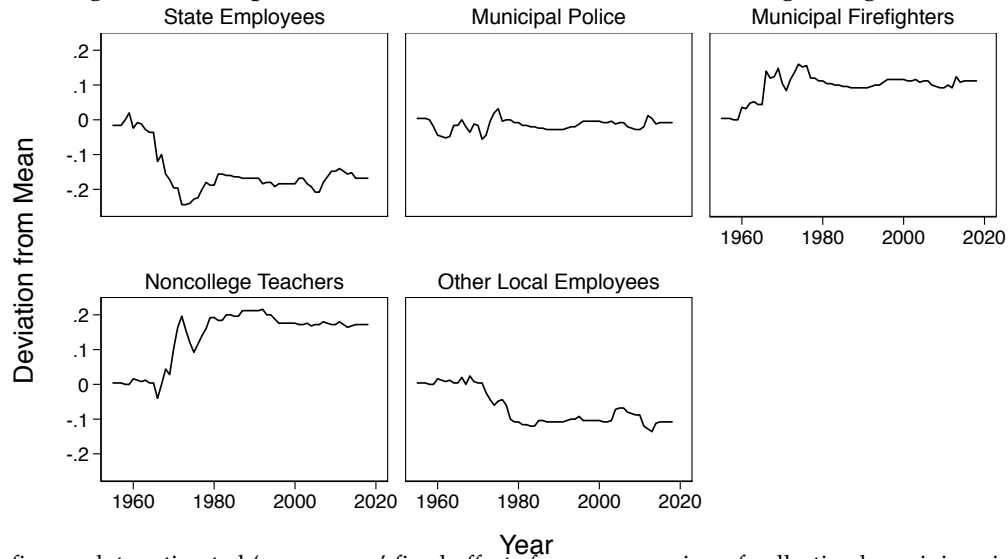


Notes: This figure plots the raw data average of collective bargaining rights by four U.S. regions: Northeast, Midwest, South, West. Some states have rolled back union rights in the post-1985 period. Although most went after secondary elements of collective bargaining (e.g. union shop and strike provisions), some rolled back collective bargaining rights entirely. These include Indiana State Employees (2005), Kentucky State Employees (2003, 2015), Oklahoma Other Municipal Employees (2011), and Texas Non-College Teachers (1993).

Figure 1 illustrates part of this variation in the legal environment by aggregating across groups and across states within regions of the U.S. In general, all regions moved towards increased bargaining rights over the years 1955-2018; however, states varied in the speed of law changes and in their final 'plateau' level. The Northeast region was an early leader in expanding collective bargaining rights and continues to have the highest levels. Meanwhile, states in the South were slow to adopt collective bargaining statutes and continue to have lower levels than the rest of the country. The West and Midwest regions both had moderate rates of legal change and reached a more middle-ground of present-day collective bargaining rights. Although the legal environment in all regions has been relatively steady since the mid-1980s, there has been a recent push-back against labor unions in some states and this is captured in our extended dataset (see e.g. Wisconsin's push for 'Right-to-Work' laws in 2010).

Although some states passed broad comprehensive laws changing collective action provisions across public-sector occupational groups, the legal environment for public sector unions generally shows significant variation across occupation groups. Figure 2 illustrates this varia-

Figure 2: Group Variation in Evolution of Collective Bargaining Laws



Notes: This figure plots estimated 'group-year' fixed effects from a regression of collective bargaining rights on year fixed effects, state fixed effects, and group-year fixed effects.

tion across groups using a model that absorbs state-year and year fixed effects (group-time fixed effects shown). Non-college teachers and municipal fire-fighters were groups that received expanded collective bargaining rights earlier than others, while state employees, municipal police, and other municipal workers were slow to receive expanded rights. These features of the data fit well-established narratives within the collective bargaining history. First, large and well-defined occupational groups such as teachers and fire-fighters are often framed as being the first that were able to coordinate an organized fight for union rights and likely held large political sway because of their size. Meanwhile, state employees and 'other municipal workers' are smaller and more loosely-defined groups that would have found it more difficult to organize and gather political power. Second, a common concern when expanding public-sector union rights has always been the interruption of vital public services. Due to this concern, police officers, serving perhaps the most vital of public employee roles, were frequently left out of early legislation (see e.g. Wisconsin in [Appendix C](#)). In our analysis, we will leverage the state, time, and group dimensions of variation in the legal environment to study their relation to the funding status of public-sector pension plan.

3.2 Instrumental Variation

In the *E-PSCBLD*, there are 256 documented changes in collective bargaining rights. Although understanding how the status of the laws evolved over the sample period is the most important feature of the dataset, our analysis will also take advantage of an additional dimension of the legal environment: the source of the change. The main concern when considering how the legal environment for public-sector collective bargaining relates to pension funding levels is endogeneity. Strong public support for certain worker groups could encourage politicians to both strengthen laws giving this group the right to collectively bargain and promote policies that provide more generous benefits for retired workers of this group. Understanding variation in the source of changes in the legal environment helps us to address this concern.

Of the 256 documented changes in collective bargaining rights, 182 are the result of changes in statutes, 33 are the result of a court decision, 32 are the result of an attorney general opinion, and 9 are the result of an executive order (by a governor). Statute changes and executive orders are likely to reflect changes in public opinion. Court decisions and attorney general opinions, on the other hand, provide adjustments to the interpretation of statutes already in place that do not explicitly mention a specific public employee group. As a result, changes to collective bargaining rights resulting from court decisions and attorney general opinions are unlikely to be the result of shifts in public opinion and we can exploit this to address issues of endogeneity.

4 Pension Plan Data

Financial information on public-sector pension plans comes from three principal sources: the U.S. Census' *Annual Survey of Public Pensions (ASPP)*, the *Historical Database on Public Employee-Retirement Systems (PERS)*, and from the Center for Retirement Research at Boston College's *Public Plans Data (PPD)*. The *ASPP* and *PERS*, when linked, provide a long-run view of the evolution of more than 1,500 state- and city-level pension plans' contributions, benefits, investment returns, and membership rates over the period 1957–2015. Unfortunately, this data does not include the main metric of pensions' funding gap, i.e. the UAAL. We augment this dataset with the *PPD*, which is a smaller sub-sample of pension plans and has a more limited scope (2001-2018), but provides much more detailed financial information, including the UAAL.

4.1 *Public Plans Data (PPD) Data: 2001 – 2018*

The *PPD* covers 190 of the largest pension plans: 114 state-run plans and 76 local-level plans.¹⁷ It includes over 100 detailed measures of pension plan financial status on an annual basis, including realized rates of return on assets; the AAR; and most importantly UAAL, the headline measure used by policymakers to understand a plan's funding status. Table 1 reports some descriptive statistics based on the CRC's *Public Plans Data*. Column 1 shows the evolution of actual five-year returns from 2001 (the constant term) to 2016. Next to it are the yearly mean returns. Because the model in column 1 is saturated in year and plan fixed effects, these means can be calculated deducting the year fixed effects from the constant, e.g. $0.031 = 0.099 - 0.068$ in 2003. The table reports 5-year returns because the specific earnings accounting of pension plans means that shorter-term returns of 1 or 3 years are uncorrelated with the actuarial value of assets (AVA) in the data. The patterns in column 1 clearly reflect the impact of the financial crisis but also the actuarial smoothing of returns as it is common in pension funds (Munnell et al., 2011).¹⁸

Column 2 shows the evolution of plans' AAR, i.e. the assumed long term return that is used to discount obligations. The yearly means display a glacially slow decrease in expected returns from an average of 8% in 2001 to an average 7.5% in 2016. As discussed section 2, the choice of AAR is a hot-button topic and the general consensus is that AARs far exceed actual returns earned by pension fund managers. This consensus is not borne out in this data to the degree that might be expected, as the average actual returns were in line or even exceeded the average AAR from 2013–2016. It is likely that this partly reflects the fact that the *PPD* includes only the largest plans which, tend to attract the best fund managers and generate the highest returns.

Column 3 relates changes in a plan's funding gap only to the actual return and the AAR, conditional on plan fixed effects. Both coefficients have the expected sign: Actual returns improve a plan's asset position, while a higher AAR means future obligations are more steeply discounted. Column 4 decomposes plans funding into only plan and year fixed effects. The associated yearly means of plans funding status show that there is an almost monotonic decline over the 2001–2016 period. The average fundedness in the *Public Plans Data* goes from 97% in 2001 to 70.4% in 2016.

¹⁷*PPD* documentation claims that the plans in the database cover 95 percent of state/local pension assets and members in the US.

¹⁸As a result of this smoothing, the financial crisis only becomes visible in the returns in 2009, and depresses returns until 2012, when the stock market had already robustly picked up again.

Table 1: Pension Plans' Fundedness 2001–2016

outcome:	(1)		(2)		(3)	(4)		(5)
	Return _{it}		AAR _{it}			% Funded		
	yearly mean		yearly mean			yearly mean		
Return _{it}					0.415***			0.486***
					[0.000]			[0.000]
AAR _{it}					15.420***			3.301**
					[0.000]			[0.026]
year: 2002	-0.049***	0.05	-0.000	0.08		-0.066***	-0.047***	0.904
	[0.000]		[0.950]			[0.000]	[0.000]	
year: 2003	-0.068***	0.031	-0.000**	0.08		-0.109***	-0.093***	0.861
	[0.000]		[0.011]			[0.000]	[0.000]	
year: 2004	-0.062***	0.037	-0.001***	0.079		-0.132***	-0.121***	0.838
	[0.000]		[0.001]			[0.000]	[0.000]	
year: 2005	-0.061***	0.038	-0.001***	0.079		-0.154***	-0.147***	0.816
	[0.000]		[0.000]			[0.000]	[0.000]	
year: 2006	-0.026***	0.073	-0.001***	0.079		-0.146***	-0.167***	0.824
	[0.000]		[0.000]			[0.000]	[0.000]	
year: 2007	0.020***	0.119	-0.001***	0.079		-0.128***	-0.176***	0.842
	[0.000]		[0.000]			[0.000]	[0.000]	
year: 2008	-0.015***	0.084	-0.001***	0.079		-0.165***	-0.181***	0.805
	[0.000]		[0.000]			[0.000]	[0.000]	
year: 2009	-0.072***	0.027	-0.001***	0.079		-0.215***	-0.207***	0.755
	[0.000]		[0.000]			[0.000]	[0.000]	
year: 2010	-0.067***	0.032	-0.002***	0.078		-0.234***	-0.230***	0.736
	[0.000]		[0.000]			[0.000]	[0.000]	
year: 2011	-0.058***	0.041	-0.002***	0.078		-0.248***	-0.244***	0.722
	[0.000]		[0.000]			[0.000]	[0.000]	
year: 2012	-0.079***	0.02	-0.003***	0.077		-0.268***	-0.255***	0.702
	[0.000]		[0.000]			[0.000]	[0.000]	
year: 2013	-0.036***	0.063	-0.004***	0.076		-0.265***	-0.274***	0.705
	[0.000]		[0.000]			[0.000]	[0.000]	
year: 2014	0.021***	0.12	-0.004***	0.076		-0.255***	-0.291***	0.715
	[0.000]		[0.000]			[0.000]	[0.000]	
year: 2015	-0.001	0.098	-0.004***	0.076		-0.254***	-0.274***	0.716
	[0.613]		[0.000]			[0.000]	[0.000]	
year: 2016	-0.029***	0.07	-0.005***	0.075		-0.266***	-0.268***	0.704
	[0.000]		[0.000]			[0.000]	[0.000]	
Constant	0.099***		0.080***		-0.434*	0.970***	0.707***	
	[0.000]		[0.000]		[0.084]	[0.000]	[0.000]	
# plan-fixed effects	170		170		170	256	170	
Observations	2,432		2,588		2,341	3,714	2,341	
R-squared	0.762		0.721		0.732	0.834	0.854	

Notes: (a) This table uses the CRC's *Public Plans Data*. Column 1 regresses plans' actual returns on year fixed effects. (Plan-fixed effects are included in all columns.) Column 2 regresses plans' AAR, i.e. the assumed long term return that is used to discount obligations, on year fixed effects. Column 3 relates changes in a plan's funding gap only to the actual return and the AAR, column 4 only to year fixed effects, and column 5 to both. 'Yearly means' report the outcomes' yearly means for the 3 models that are saturated in year and plan fixed effects, i.e. columns 1, 2, and 4, deducting the year fixed effects from the constant, e.g. $0.031 = 0.099 - 0.068$ in column 1 in 2003. (b) *p-values* are reported in square brackets, standard errors are clustered at the plan level, *** $p < 0.01$, ** $p < 0.05$, * $p < 0.1$.

This decline is halted only in 2006–2007 and 2013–2016 because of exceptionally high investment returns. In column 5 we ask whether most of this decline is explained by variation in actual and projected returns. The answer is ‘no’. While both are significant, their contribution to R-squared is easily trumped by the year fixed effects. The most likely explanation then for the patterns in columns 3–5 is that plans’ funding levels have been eroding from 2001–2016 because of the essentially unstoppable object that is unfunded pension obligations moving closer to ‘maturity’ as the baby-boomers are beginning to enter retirement.¹⁹

4.2 ASPP and PERS Data: 1957 – 2015

The *Annual Survey of Public Pensions (ASPP)*, and its predecessor, the *Historical Database on Public Employee-Retirement Systems (PERS)*, provide an annual survey of state- and locally-administered pension plan financial information, including revenues, expenditures, financial assets, and membership information. Plans included in the ASPP must have defined benefits, be sponsored by a unit of government recognized by the Census Bureau²⁰, and have a membership comprised of public employees compensated with public funds. Their sample includes a full census of public-sector pension plans every five years (years ending in ‘2’ and ‘7’). In the intervening years, only a sample of plans are included.²¹

Unlike the *PPD*, the merged *ASPP/PERS* data does not provide headline measures of plan funding status (UAAL); however, it does provide total benefits paid, total contributions, number of beneficiaries, and number of employees contributing. This distinction can be thought of as funding level stock (UAAL) vs. a flow (annual contributions and benefits). As shown in equation (1), there exists a theoretical mapping between benefits and contributions to the UAAL. Unfortunately, we are not privy to inside accounting information regarding future expected benefit commitments so we are unable to calculate UAAL for the *ASPP/PERS* data. From expression (1), we know that UAAL should be increasing in benefits and decreasing in contributions. It is this relationship that we will take advantage of in the historical panel by assuming underfunding to

¹⁹ The baby-boomers are commonly defined as the birth-cohorts from 1845–1864. Some of the baby-boomers’ very first birth cohort (i.e. 1845) could have entered ‘early retirement’ (aged 55) as early as 2001, the majority of public employees still retire at age 65, and we are yet to hit the peak of baby-boomer retirement.

²⁰This includes state governments as well as five types of local governments: county, municipal, township, school district, and special district.

²¹Starting in 2004, a new sample is selected every five years. Prior to 2004, there was a nonprobability sample.

be associated with more generous benefits per beneficiary relative to contribution per employee.

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Online Appendix

to

**“Does Increased Union Power
Cause Pension Under-Funding in the Public Sector? ”**

Appendix A How Valuable are Pension Promises When they are Underfunded?

This section provides an answer to the question why both public sector unions and politicians may favor unfunded pension benefit expansions.

Pension benefit and contribution setting may be best characterized as a bargaining process between a politician and a public-sector union representative, in which the politician maximizes votes from core supporters (union-members) and other voters, while the union representative can earn rents from union members for generating higher benefits, and from the politician for mobilizing political support. The politician can promise pension benefits to secure the political support of their core supporters. In practice, the blind spots in the ARC discussed in Section 2.1 above, in combination with misleading budget neutrality of letting actual employer-contributions fall behind their actuarially required levels, make pension promises a ‘shrouded’ benefit from the politician’s point of view: they can bring out their core supporters while keeping a balanced budget in the eyes of other voters. Many of these features are incorporated in the theory in [Glaeser and Ponzetto \(2014\)](#). For a discussion of the general class of models on the interaction between special-interest-groups and vote-maximizing politicians, see [Persson and Tabellini \(2000, ch.7\)](#).

One objection to such arguments is that the budget neutrality of unfunded pensions should not matter because home-buyers capitalize future tax obligations into property values ([Daly, 1969](#); [Brinkman et al., 2018](#)). However, empirical evidence that announcements of major adjustments in official funding levels of San Diego pensions reduced home prices ([MacKay, 2014](#)) suggests exactly that voters do not see the true under-funding of the pension plan if it is not officially announced to them. The reality of the ‘shroudedness’ of pension accounting means that most home buyers will not anticipate future taxes related to covering funding gaps.

If the ability to under-fund pensions is key to the ‘shroudedness’ of pension benefits, it also raises the question how union representatives and union members discount under-funded pension benefits relative to fully funded ones in practice. It is possible that there is no discount at all because under-funded benefits are still legally binding commitments. One caveat to that view is that even if all obligations end up being paid in full, many union members may belong to the tax base from which they are paid.²² However, this should be equally true of funded benefits. If, as suggested by [Inman \(1982\)](#), retired pensioners are more likely to move out of the tax base, then under-funding may actually be preferred.

There is also a separate question of how union members view biased actuarial assumptions (such as over-optimistic AARs), when these are likely to be eventually adjusted and lead to future increases in employee-paid actuarially required contributions. It seems probable that this scenario is not salient enough to impact the average union member’s views of their benefits, although it is likely to be very salient to the union representatives on pension boards. The narrative evidence of union representatives pushing for and defending unrealistically high AARs supports this characterization ([Greenhut, 2009](#); [Anzia and Moe, 2016](#)).

²² They may also be homeowners, and unfunded pension obligations may be capitalized into house prices ([Daly, 1969](#); [Glaeser and Ponzetto, 2014](#); [Brinkman et al., 2018](#)).

Appendix B Background on the other Dimensions of the Public Sector Collective Bargaining Law Data Set

Appendix B.1 NBER Public Sector Collective Bargaining Law Data Set

The first category of legal measures is contract negotiation provisions ([Online Appendix Table 1](#)), which includes *collective bargaining rights* (Freeman-Valletta numerical coding scheme and Reuben condensed coding scheme) and *scope of bargaining*. *Collective bargaining rights* defines the extent to which public sector employers are allowed to negotiate with employee unions. For some groups and states, collective bargaining is outright prohibited, while in most states and for most groups, collective bargaining is allowed and employers have an obligation to negotiate in good faith with union representatives. With the Freeman-Valletta methodology, this measure is finely divided up among six levels. Reuben condenses this scale down to three levels, as detailed in [Online Appendix Table 1](#). The other legal measure regarding contract negotiation provisions is the *scope of bargaining*. This variable details the extent to which employers and union members are allowed to negotiate on compensation.

The second legal category is union recognition provisions ([Online Appendix Table 2](#)), which includes *representation and election* and *term of recognition*. *Representation and election* details how union employees are represented in employment negotiations and how unions are formed. In some states, union leaders are exclusive representatives of employees, while in others this relationship is not exclusive. This variable also captures the extent to which the procedure for forming a public sector union is specified in the laws. Clearly-defined procedures are conducive to union formation. Specified election procedures typically include provisions for the following: initial petition for union certification (percentage necessary for acceptance), posted notices, timing of election, place of election, restrictions on who can vote, employer or employee organization non-interference, and runoff elections procedures. *Term of recognition* further details union formation by capturing the minimum period of time that a union is guaranteed to represent the employees before another union election can be called.

The third legal category is union security provisions ([Online Appendix Table 3](#)), which includes *agency shop*, *union members' dues checkoff*, *union shop*, and "*Right-to-Work*" law. The variables in this category capture the amount of power unions have in dues collection, union membership obligations, and employer hiring practices. *Agency shop* details the extent to which state law allows agreements between unions and employers requiring employees who do not join the union to pay union dues and fees. *Union members dues' checkoff* details whether union dues and fees can be regular deductions from paychecks rather than separate payments to the union by employees. *Union shop* regards agreements between unions and employers allowing employers to hire non-union members, but requiring these new employees to join the union within a certain amount of time. Finally, "*Right-to-Work*" law measures the presence of a state law prohibiting union shop and agency shop agreements.

The fourth legal category is impasse procedures ([Online Appendix Table 4](#)), which includes *mediation availability*, *fact-finding availability*, *arbitration availability*, *arbitration scope*, and *arbitration type*. The variables in this category pertain to the procedures in place to resolve negotiation impasses. When collective bargaining negotiations break down, there is a typical route for resolution, but how far down this route the law allows or requires differs by state and occupational group. The first step after an impasse is reached is *mediation* where a third-party mediator is hired to assist in reaching a compromise. If mediation fails, a third-party *fact-finder* can be hired to analyze the facts of the impasse and construct a recommendation for a compromise agreement. If fact-finding does not result in a solution, the process may enter *arbitration* where a third-party agent similar to a

fact-finder is hired and makes a recommendation, but this recommendation is binding. *Arbitration scope* and *arbitration type* detail the types of recommendations that the arbitrator issues.

The fifth legal category details laws pertaining to public sector employee strikes ([Online Appendix Table 5](#)) and includes *strike policy* (Freeman-Valletta coding scheme and Reuben condensed coding scheme). For most states and groups, laws are in place that prohibit public sector employees from striking; however, the extent of the penalties for strikes varies by state and group. In some instances, public sector employee strikes are permitted.

[Online Appendix Table 1](#) through [Online Appendix Table 5](#) also illustrate the coverage of previous datasets on this information. As we detail further in section 3, we reference two additional publications to aid in extending the *NBER PSCBLD*. The first is an extension of three Freeman-Valletta legal variables (*collective bargaining rights*, *“Right-to-Work” law*, and *strike policy*) through 1996 by Kim Reuben.²³ She also generates two new legal measures by condensing the coding scheme for *collective bargaining rights* and *strike policy*.

[Sanes et al. \(2014\)](#) provide another resource to aid in our extension by providing a cross-sectional snapshot of the legal environment in 2014. Their report, reviewing legal rights and limitations in the public sector, is easily mapped to the Freeman-Valletta and Reuben categorical coding schemes for all fifty states and the five main public sector occupational groups. The variables covered in their report are *collective bargaining rights*, *scope of bargaining*, and *strike policy*. The exact data availability for each legal measure from previous sources is detailed in the third column of [Online Appendix Table 1](#) through [Online Appendix Table 5](#) along with the source (FV is Freeman-Valletta, R is Reuben, and SS is Sanes-Schmitt).

²³Kim Reuben’s extension appears to have been subsumed into [Freeman and Valletta \(1988\)](#) on the *NBER* website, without a separate citation.

Table Online Appendix Table 1: Contract Negotiation Provisions

Legal Measure	Value	Previous Coverage
(1) Collective Bargaining Rights (Freeman-Valletta Method) <i>(rights)</i>	0 = Collective bargaining prohibited 1 = No provision 2 = Employer authorized but not required to bargain with union 3 = Right to present proposals 4 = Right to meet and confer 5 = Duty to bargain I (implied) 6 = Duty to bargain II (explicit)	FV: 1955-1986 R: 1955-1996
(2) Condensed Collective Bargaining Rights (Reuben Method) <i>(rights.c)</i>	0 = No provision or collective bargaining prohibited (i.e. 0 or 1 from <i>rights</i>) 1 = Employer authorized but not required to bargain with union or right to present proposals or right to meet and confer (i.e. 2, 3, or 4 from <i>rights</i>) 2 = Duty to bargain I (implied) or duty to bargain II (explicit) (i.e. 5 or 6 from <i>rights</i>)	R: 1955-1996 SS: 2014
(3) Scope of Bargaining <i>(scope)</i>	0 = Excludes compensation 1 = No provision 2 = Includes compensation	FV: 1955-1986 SS: 2014

Table Online Appendix Table 2: Union Recognition Provisions

Legal Measure	Value	Previous Coverage
(4) Representation and Election <i>(election)</i>	0 = Nonexclusive allowed or required 1 = No provision 2 = Exclusive; petition and election procedure not specified 3 = Exclusive; petition and election procedure specified	FV: 1955-1986
(5) Term of Recognition <i>(term)</i>	0 = No provision 1 = Any time after certification 2 = At least 12 months since last election 3 = At least 12 months since last election and previous collective bargaining agreement has expired 4 = At least 24 months since last election (may or may not include contract expiration)	FV: 1955-1986

Table Online Appendix Table 3: Union Security Provisions

Legal Measure	Value	Previous Coverage
(6) Agency Shop (<i>agency</i>)	0 = Agency shop prohibited 1 = No provision 2 = Agency shop negotiable 3 = Agency shop compulsory	FV: 1955-1986
(7) Union Members' Dues Checkoff (<i>dues</i>)	0 = Dues checkoff prohibited 1 = No provision 2 = Dues checkoff negotiable 3 = Dues checkoff compulsory	FV: 1955-1986
(8) Union Shop (<i>unionship</i>)	0 = Union shop prohibited 1 = No provision 2 = Union shop negotiable 3 = Union shop compulsory	FV: 1955-1986
(9) "Right-to-Work" Law (<i>rgtowork</i>)	0 = has a "right-to-work" law applying to public employees 1 = has no "right-to-work" law applying to public employees	FV: 1955-1986 R: 1955-1996

Table Online Appendix Table 4: Impasse Procedures

Legal Measure	Value	Previous Coverage
(10) Mediation: Availability <i>(mediate)</i>	0 = Specifically prohibited 1 = No provision 2 = Voluntary (both parties must consent) 3 = Discretionary: Administrative agency may initiate, either unilaterally or upon request of a party to impasse	FV: 1955-1986
(11) Fact-finding: Availability <i>(factfind)</i>	0 = Specifically prohibited 1 = No provision 2 = Voluntary (both parties must consent) 3 = Discretionary: Administrative agency may initiate, either unilaterally or upon request of a party to impasse	FV: 1955-1986
(12) Arbitration: Availability <i>(arbit)</i>	0 = Specifically prohibited 1 = No provision 2 = Voluntary (both parties must consent) 3 = Discretionary: Administrative agency may initiate, either unilaterally or upon request of a party to impasse	FV: 1955-1986
(13) Arbitration: Scope <i>(arbscope)</i>	0 = No provision 1 = Issues other than compensation 2 = All negotiable issues	FV: 1955-1986
(14) Arbitration: Type <i>(arbtype)</i>	0 = No provision 1 = Conventional 2 = Final offer-Issue basis 3 = Final offer-Package basis 4 = Any one of these types may be used	FV: 1955-1986

Table Online Appendix Table 5: Strike Policy Provisions

Legal Measure	Value	Previous Coverage
(15) Strike Policy (<i>strike</i>)	0 = Prohibited with penalties specified 1 = Prohibited with no penalties specified (discretion of court) 2 = No provision 3 = Permitted (with qualifications)	FV: 1955-1986 R: 1955-1996
(16) Condensed Strike Policy (Reuben Method) (<i>strike.c</i>)	0 = No provision or prohibited with penalties specified or prohibited with no penalties (discretion of court) (i.e. 0, 1, or 2 from <i>strike</i>) 1 = Permitted (with qualifications) (i.e. 1 from <i>strike</i>)	R: 1955-1996 SS: 2014

Appendix C Extending the *PCSBLD*

To build our *Extended Public Sector Collective Bargaining Law Data Set* (E-PSCBLD), we take a two-step approach. The first step is to extend the *collective bargaining rights* measure (see [Online Appendix Table 1](#)) to 2018. To do so, we compare the last observed record of the *collective bargaining rights* measure in the *PCSBLD* with the current version of the law for each state and occupational group. To aid us in identifying the present-day status of the legal environment, we reference a cross-sectional snapshot of present-day bargaining rights provided by [Sanes et al. \(2014\)](#), along with state statutes, court records, and state attorney general reports.

In addition to extending our *collective bargaining rights* measure to 2018, we also want to identify the source of the documented legal environment changes. Specifically, we want to distinguish changes brought about by statute changes, court case rulings, executive orders, and attorney general opinions. To identify the source of legal changes, we rely heavily on *Department of Labor, Summary of Public Sector Labor Relations Policies* reports (DOL reports), which cover collective bargaining rights across the 50 states for the same 5 occupational groups, but only provide snapshots in the years of the report. The DOL published 6 versions of this report in 1971, 1973, 1975, 1976, 1979, and 1981. To confirm the DOL report entries, we locate as many of the source documents as possible. Court cases and modern-day statutes were accessed from [Nexis Uni](#), while historical texts were examined in the UCLA library.

The following pages provide detailed case-by-case documentation on the history and source of law changes for the entirety of the *E-PSCBLD*. For each change in the legal environment, we provide the date of the change, the cause of the change (statute change, court case decision, executive order, or attorney general opinion), the relevant text from the change (if available), and the *condensed collective bargaining rights* codification associated with that change. We provide a concise description of the code history for each subgroup at the end of each subsection. When possible, we provide hyperlinks to relevant statutes and court cases available on [Nexis Uni](#)²⁴. In some cases, we were unable to view the exact text of statutes before and after a prospective change in the collective bargaining status. For these instances, which are all changes early in the dataset, we defer to the DOL reports in accounting for the source of code changes.

We also adjust the Freeman-Valletta scale to be monotonically ‘union-favoring’ where possible. In most cases, this involves simply switching the bottom two parts of the coding scheme (‘prohibited’ and ‘no provision’) for a legal variable (reflected in [Online Appendix Table 1 - Online Appendix Table 5](#)). We believe specific prohibition on many of these legal variables is less favorable for unions than no provision. The variables for which this switch is made are: *collective bargaining rights*, *scope of bargaining*, *representation and election*, *agency shop*, *union members’ dues checkoff*, *union shop*, *mediation availability*, *fact-finding availability*, and *arbitration availability*. We also adjusted the order of the “*Right-to-Work*” law so that 1 represents the absence of such a law since the law is unfavorable to union power. *Strike policy* was the last variable for which we adjusted the ordering, in this case by shifting ‘no provision’ above both ‘prohibited’ categories.

²⁴Requires subscription

Appendix C.1:
Detailed History of Collective Bargaining Law Changes

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1 Alabama

1.1 State Employees

No code changes from 1955 to 2018. The 2018 code for State Employees is 0.

1.2 Municipal Police

No code changes from 1955 to 2018. The 2018 code for Municipal Police is 0.

1.3 Municipal Firefighters

Statute Change (0 to 1) 1968 [Code of Ala. § 11-43-143 - Strikes; labor organizations](#)

(b) All fire fighters serving the state or any municipality in the state either as paid firemen or as volunteer fire fighters who comply with the provisions of this section are assured the right and freedom of association, self-organization and the right to join or to continue as members of any employee or labor organization which complies with this section, and shall have the right to present proposals relative to salaries and other conditions of employment by representatives of their own choosing. No such person shall be discharged or discriminated against because of his exercise of such right, nor shall any person or group of persons, directly or indirectly, by intimidation or coercion compel or attempt to compel any fire fighter or fireman to join or refrain from joining a labor organization. (Acts 1967, No. 229, p. 598.)

Change Summary Municipal Firefighters changed from 0 to 1 in 1968 by statute. The 2018 code for Municipal Firefighters is 1.

1.4 Non-College Teachers

Case Law Change (0 to 1) 1983 [Code of Ala. § 16-1-30 - Local boards of education; written educational policies.](#)

(b) The local board of education shall, upon the written recommendation of the chief executive officer, determine and establish a written educational policy for the board of education and its employees and shall prescribe rules and regulations for the conduct and management of the schools. Before adopting the written policies, the board shall, directly or indirectly through the chief executive officer, consult with the applicable local employees' professional organization. Input by the applicable professional organization shall be made in writing to the chief executive officer. Representatives of the professional organization shall be made known to the chief executive officer in writing by the professional organization's duly elected officers or their representative.

(Passed 1975)*

*Originally § 16-8-10, but was relisted as § 16-1-30 in 1995. The content was unchanged.

[Walker County Bd. of Education v. Walker County Education Asso., 431 So. 2d 948 Supreme Court of Alabama April 8, 1983 No. 81-245](#)

Section 16-8-10 only obligates the Board to meet and consult with those persons set out in the statute; it does not obligate the Board to reach any agreement, accept any proposals or negotiate any matter if it does not wish to do so. In fact, the Board was free to reject the proposals submitted to

it by the WCEA committee for any reason or for no reason, without committing an unfair labor practice or subjecting itself to any sanction. However, once the Board adopts a policy pursuant to statutory mandate the same remains in full force and effect to the extent it does not violate Alabama law until modified or amended by the Board in accord with the procedure set forth in § 16-8-10.

Change Summary: Non-College Teachers changed from 0 to 1 in 1983 by case law. The 2018 code for Non-College Teachers is 1.

1.5 Other Municipal Employees

No code changes from 1955 to 2018. The 2018 code for Other Municipal Employees is 0.

2 Alaska

2.1 State Employees

Statute Change (0 to 1) 1960 The 1971 DOL report cites ‘Ch 108, Laws of 1959’ and says public employers may collectively bargain for all public sector groups. The text of this law is unavailable, but we defer to the DOL report and codify as a statute change.

Statute Change (1 to 2) 1973 [Article 2. Public Employment Relations Act 1972](#)

[Alaska Stat. § 23.40.070 - Declaration of Policy](#)

*The legislature declares that it is the public policy of the state to promote harmonious and cooperative relations between government and its employees and to protect the public by assuring effective and orderly operations of government. These policies are to be effectuated by (1) **recognizing the right of public employees to organize for the purpose of collective bargaining**; (2) **requiring public employers to negotiate with and enter into written agreements with employee organizations on matters of wages, hours, and other terms and conditions of employment**; (3) **maintaining merit-system principles among public employees.** (§ 2 ch 113 SLA 1972)*

[Alaska Stat. § 23.40.080 - Rights of public employees](#)

Public employees may self-organize and form, join, or assist an organization to bargain collectively through representatives of their own choosing, and engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection. (§ 2 ch 113 SLA 1972)

[Alaska Stat. § 23.40.110 - Unfair Labor Practices](#)

*(a) A public employer or an agent of a public employer may not (1) interfere with, restrain, or coerce an employee in the exercise of the employee’s rights guaranteed in AS 23.40.080; (2) dominate or interfere with the formation, existence, or administration of an organization; (3) discriminate in regard to hire or tenure of employment or a term or condition of employment to encourage or discourage membership in an organization; (4) discharge or discriminate against an employee because the employee has signed or filed an affidavit, petition, or complaint or given testimony under AS 23.40.070 — 23.40.260; (5) **refuse to bargain collectively in good faith with an organization which is the exclusive representative of employees in an appropriate unit, including but not limited to the discussing of grievances with the exclusive representative.** (§ 2 ch 113 SLA 1972)*

Change Summary

State Employees changed from 0 to 1 in 1960 by statute. Then, from 1 to 2 in 1973 by statute. The 2018 code for state employees is 2.

2.2 Municipal Police

Statute Change (0 to 1) 1960

Same as [subsection 2.1.1](#)

Statute Change (1 to 2) 1973

Same as [subsection 2.1.2](#)

Change Summary

Municipal Police changed from 0 to 1 in 1960 by statute. Then, from 1 to 2 in 1973 by statute. The 2018 code for Municipal Police is 2.

2.3 Municipal Firefighters

Statute Change (0 to 1) 1960

Same as [subsection 2.1.1](#)

Statute Change (1 to 2) 1973

Same as [subsection 2.1.2](#)

Change Summary

Municipal Firefighters changed from 0 to 1 in 1960 by statute. Then, from 1 to 2 in 1973 by statute. The 2018 code for Municipal Firefighters is 2.

2.4 Non-College Teachers

Statute Change (0 to 1) 1960

Same as [subsection 2.1.1](#)

Statute Change (1 to 2) 1971 Multiple DOL reports cite a 1970 law ('Ch 18, Laws of 1970 as amended by Ch 43, Laws of 1971') as granting teachers the right to collectively bargain (i.e. employer duty to bargain). We were unable to locate the text of this law, but defer to the DOL report on this change. Teachers are currently covered under the statute in [subsection 2.1.1](#).

Change Summary

Non-College Teachers changed from 0 to 1 in 1960 by statute. Then, from 1 to 2 in 1971 by statute. The 2018 code for Non-College Teachers is 2.

2.5 Other Municipal Employees

Statute Change (0 to 1) 1960

Same as [subsection 2.1.1](#)

Statute Change (1 to 2) 1973

Same as [subsection 2.1.2](#)

Change Summary

Other Municipal Employees changed from 0 to 1 in 1960 by statute. Then, from 1 to 2 in 1973 by statute. The 2018 code for Other Municipal Employees is 2.

3 Arizona

3.1 State Employees

Executive Order Change (0 to 1) 2009 [Executive Order 2008-30 \(12/17/2008\)](#)

It is the intent of this Executive Order to ensure that a process exists for the State to expand the meet and confer process with employee organizations that can provide the State a source of employee input within the Executive Agencies with the goal of making State government more effective, efficient, reliable and accountable.

“Executive Agency” means the Governor’s cabinet level agencies, excluding the Department of Public Safety and the Arizona National Guard

“Qualified Agency Employee” means those employees within an Executive Agency where are listed in the Department of Administration State Service Personnel System...

The director of an Executive Agency shall meet on a regular and at least a quarterly basis with the Duly Elected Representative of the Qualified Agency Employees to confer about the Executive Agency’s policies and programs that will improve the Executive Agency’s cost effectiveness and quality of services it provides the public through collaborative efforts with the Executive Agency’s public employees.

Change Summary State Employees changed from 0 to 1 in 2009 by Executive Order. The 2018 code for State Employees is 1.

3.2 Municipal Police

Attorney General Opinion Change (0 to 1) 1975 [1974 Ariz. AG Opinion No 74-11 \(R-24\) May 20, 1974 Opinion By: GARY K. NELSON, Attorney General](#)

Our opinion is that a county may enter an agreement to consult and confer with a public employees’ union. However, the union may not be regarded as the exclusive representative of the union’s members, nor can the agreement preclude other negotiations or agreements between the county and individual employees. In addition, the consult and confer agreement may not delegate any authority to such a union or representative regarding employment, but may only be considered as a vehicle to insure informed governmental action.

Change Summary Municipal Police changed from 0 to 1 in 1975 by attorney general opinion. The 2018 code for Municipal Police is 1.

3.3 Municipal Firefighters

Attorney General Opinion Change (0 to 1) 1975 Same as [subsection 3.2.1](#)

Change Summary Municipal Firefighters changed from 0 to 1 in 1975 by attorney general opinion. The 2018 code for Municipal Firefighters is 1.

3.4 Non-College Teachers

Case Law Change (0 to 1) 1973 [Communications Workers of Am. v. Arizona Bd. of Regents, 498](#)

P2d 472. Court of Appeals of Arizona, Division One, Department A. June 26, 1972

On appeal, the court held that: (1) the Arizona constitution and statutes did not expressly authorize the Board to recognize and to bargain with unions or prohibit such action; (2) however, Ariz. Const. art. 11 and Ariz. Rev. Stat. § 15-724 were deemed to prohibit the Board from entering into a contract with a union which would deprive the Board of the power to make decisions mandated by Ariz. Rev. Stat. § 15-725(A); (3) the maintenance personnel of a public school did not have a right to strike; (4) the Little Norris-La Guardia Act, Ariz. Rev. Stat. § 12-1808 did not apply to units of government exercising governmental functions; and (5) hence, the Board could not be compelled to recognize the union.

Board of Educ. v. Scottsdale Educ. Ass'n, 1973 Ariz. LEXIS 344

... the Court has found no statute which prohibited or prohibits the Board from entering into collective negotiations with the plaintiff Association nor any statute which prohibited or prohibits the defendant Board from entering into an enforceable Agreement with the plaintiff Association acting on behalf of the teachers of the district.

Note: The two cases cited above held that collective bargaining is permissible. Collective bargaining is not expressly prohibited nor required, but is allowed.

Change Summary Non-College Teachers changed from 0 to 1 in 1973 by case law. The 2018 code for Non-College Teachers is 1.

3.5 Other Municipal Employees

Attorney General Opinion Change (0 to 1) 1975 Same as [subsection 3.2.1](#)

Change Summary Other Municipal Employees changed from 0 to 1 in 1975 by attorney general opinion. The 2018 code for Other Municipal Employees is 1.

4 Arkansas

4.1 State Employees

Attorney General Opinion Change (0 to 1) 1969 Multiple DOL reports cite a September 25, 1968

Attorney General Opinion as stating that state employers “may, but not required to bargain collectively”. We are unable to view the text of this opinion, but defer to the DOL report. A second Attorney General Opinion on September 19, 1972 reiterated this right and expanded it to all public employees.

[Ask librarian](#)

Change Summary State Employees changed from 0 to 1 in 1969 by attorney general opinion. The 2018 code for State Employees is 1.

4.2 Municipal Police

Case Law Change (0 to 1) 1969 [Ft. Smith v. Arkansas State Council, 245 Ark. 409 \(October 21, 1968\)](#)

In the absence of a statute to the contrary the cases have held almost without exception that a municipality or other political subdivision is under no duty (which we take to mean a legally enforceable duty) to bargain collectively with its employees about wages, hours, or working conditions....

Some cases have held that a municipality or school district may voluntarily engage in collective bargaining.

Change Summary Municipal Police changed from 0 to 1 in 1969 by case law. The 2018 code for Municipal Police is 1.

4.3 Municipal Firefighters

Case Law Change (0 to 1) 1969 Same as [subsection 4.2.1](#)

Change Summary Municipal Firefighters changed from 0 to 1 in 1969 by case law. The 2018 code for Municipal Firefighters is 1.

4.4 Non-College Teachers

Case Law Change (0 to 1) 1969 Same as [subsection 4.2.1](#)

Change Summary Non-College Teachers changed from 0 to 1 in 1969 by case law. The 2018 code for Non-College Teachers is 1.

4.5 Other Municipal Employees

Case Law Change (0 to 1) 1969 Same as [subsection 4.2.1](#)

Change Summary Other Municipal Employees changed from 0 to 1 in 1969 by case law. The 2018

code for Other Municipal Employees is 1.

5 California

5.1 State Employees

Statute Change (0 to 1) 1962

Cal Gov Code Chapter 10 - Public Employee Organizations
Cal Gov Code § 3501 - Definitions

(b) Except as otherwise provided in this subdivision, “public agency” means the State of California, every governmental subdivision, every district, every public and quasi-public corporation, every public agency and public service corporation, every public agency and public service corporation and every town, city, county, city and county and municipal corporation, whether incorporated or not and whether chartered or not. As used in this chapter, “public agency” does not mean a school district or a county board of education or a county superintendent of schools or a personnel commission in a school district having a merit system as provided by Chapter 3 (commencing with Section 13580) of Division 10 of the Education Code. (Added Stats.1961, c.1964, p.4141, §1.)

Cal Gov Code § 3505 - Conferences

The governing body of a public agency, or such boards, commissions, administrative officers or other representatives as may be properly designated by law or by such governing body, shall meet and confer with representatives of employee organizations upon request, and shall consider as fully as it deems reasonable such presentations as are made by the employee organizations on behalf of its members prior to arriving at a determination of policy or course of action. (Added Stats.1961, c.1964, p.4142, §1.)

Case Law Change (1 to 2) 1981 Note: In 1971, state employees were removed from Cal Gov Code §

3501 with the addition of Cal Gov Code Chapter 10.5 - State Employee Organizations. In 1977, Cal Gov Code Chapter 10.3 (State Employer-Employee Relations) was added and included Cal Gov Code § 3517.

Cal Gov Code § 3517

*The Governor, or his representative as may be properly designated by law, shall meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations, and shall consider fully such presentations as are made by the employee organization on behalf of its members prior to arriving at a determination of policy or course of action. “Meet and confer in good faith” means that **the Governor or such representatives as the Governor may designate, and representatives of recognized employee organizations, shall have the mutual obligation personally to meet and confer promptly upon request by either party and continue for a reasonable period of time in order to exchange freely information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation prior to the adoption by the state of its final budget for the ensuing year. The process should include adequate time for the resolution of impasses. Operative July 1, 1978.***

[Pac. Legal Found. v. Brown, 29 Cal. 3d 168 \(1981\)](#)

*The State Employer-Employee Relations Act (Gov C § 3512 et seq.), granting collective bargaining rights to state civil service employees, does not infringe on the gubernatorial veto power by **obligating the Governor***

and an exclusive representative of the employees to bargain in good faith, where nothing in the act purports to compel the Governor to agree to conditions that he would feel obligated to “blue pencil” or veto. Accordingly, no conflict with the veto power arises on the face of the statute.

Change Summary State Employees changed from 0 to 1 in 1962 by statute. Then, from 1 to 2 in 1981 by case law change. The 2018 code for State Employees is 2.

5.2 Municipal Police

Statute Change (0 to 1) 1962 Same as [subsection 5.1.1](#)

Case Law Change (1 to 2) 1995 Note: [Cal Gov Code § 3501](#) remained unchanged regarding local government employees. In 1968, the Meyers-Milias-Brown Act provided a more structured collective bargaining process for most local government employees. Although it placed a heavy burden on the government to recognize employee organizations and avoid impasses, the law maintained the “meet and confer” language.

Cal Gov Code § 3505 - Conferences; “meet and confer in good faith”

“Meet and confer in good faith” means that a public agency, or such representatives as it may designate, and representatives of recognized employee organizations, shall have the mutual obligation personally to meet and confer promptly upon request by either party and continue for a reasonable period of time in order to exchange freely information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation prior to the adoption by the public agency of its final budget for the ensuing year. The process should include adequate time for the resolution of impasses where specific procedures for such resolution are contained in local rule, regulation, or ordinance, or when such procedures are utilized by mutual consent. (Paragraph added in 1968 amendment.)

[Santa Clara County Counsel Attys. Assn. v. Woodside \(Cal. Mar. 31, 1994\), 7 Cal. 4th 525, 28 Cal. Rptr. 2d 617, 869 P.2d 1142, 1994 Cal. LEXIS 1215](#)

The duty of public agencies under the Meyers-Milias-Brown Act (Gov C § 3500 et seq.) to meet and confer in good faith regarding wages, hours, and other terms and conditions of employment with representatives of recognized employee organizations (Gov C § 3505) is a duty to bargain with the objective of reaching binding agreements between agencies and employee organizations over the relevant terms and conditions of employment. The duty to bargain requires the public agency to refrain from making unilateral changes in employees’ wages and working conditions until the employer and employee association have bargained to impasse, and this duty continues in effect after the expiration of any employer-employee agreement.

Change Summary Municipal Police changed from 0 to 1 in 1962 by statute. Then, from 1 to 2 in 1995 by case law change. The 2018 code for Municipal Police is 2.

5.3 Municipal Firefighters

Statute Change (0 to 1) 1960

Cal Gov Code § 1960 - Interference with right to join labor organization prohibited

Neither the State nor any county, any political subdivision, incorporated city, town, nor any other municipal corporation shall prohibit, deny or obstruct the right of firefighters to join any bona fide labor organization of their own choice. (Added by Stats.1959, c. 723, p.2711, § 1)

Cal Gov Code § 1961 - “Employees” Defined

As used in this chapter, the term “employees” means the employees of the fire departments and fire services of the State, counties, cities, cities and counties, districts, and other political subdivisions of the State. (Added by Stats. 1959, c. 723, p. 2711, §1.)

Cal Gov Code § 1962 - Right of employees to organize; right to strike or to recognize picket line

Employees shall have the right to self-organization, to form, join, or assist labor organizations, to 2018 grievances and recommendations regarding wages, salaries, hours and working conditions to the governing body... (Added by Stats.1959, c.723, p.2711, §1.)

Case Law Change (1 to 2) 1995 Same as [subsection 5.2.2](#)

Change Summary Municipal Firefighters changed from 0 to 1 in 1960 by statute. In 1995 it changed from 1 to 2 by case law change. The 2018 code for Municipal Firefighters is 2.

5.4 Non-College Teachers

Statute Change (0 to 1) 1962 Same as [subsection 5.1.1](#). Note: The statute exempts school districts ‘with a merit system’. We assume only a small portion of teachers are under such merit systems so this statute gives most teachers the rights dictated in the statute.

Statute Change (1 to 2) 1977

Cal Gov Code § 3543 - Rights of employees

(a) Public school employees shall have the right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations. Public school employees shall have the right to represent themselves individually in their employment relations with the public school employer, except that once the employees in an appropriate unit have selected an exclusive representative and it has been recognized pursuant to Section 3544.1 or certified pursuant to Section 3544.7, an employee in that unit shall not meet and negotiate with the public school employer.

Cal Gov Code § 3543.3 - Duty of employer to negotiate

A public school employer or such representatives as it may designate who may, but need not be, subject to either certification requirements or requirements for classified employees set forth in the Education Code, shall meet and negotiate with and only with representatives of employee organizations selected as exclusive representatives of appropriate units upon request with regard to matters within the scope of representation. Added Stats 1975 ch 961 § 2, operative July 1, 1976.

Change Summary Non-College Teachers changed from 0 to 1 in 1962 by statute. Then, from 1 to 2 in 1977 by statute. The 2018 code for Non-College Teachers is 2.

5.5 Other Municipal Employees

Statute Change (0 to 1) 1962 Same as [subsection 5.1.1](#)

Case Law Change (1 to 2) 1995 Same as [subsection 5.2.2](#)

Change Summary Other Municipal Employees changed from 0 to 1 in 1962 by statute. Then, from 1 to 2 in 1995 by case law change. The 2018 code for Other Municipal Employees is 2.

6 Colorado

6.1 State Employees

Executive Order Change (0 to 2) 2007 [Authorizing Partnership Agreements with State Employees](#) (Executive Order D02807 issued November 2, 2007)

*Pursuant to the authority vested in the Office of the Governor of the State of Colorado, I, Bill Ritter, Jr., Governor of the State of Colorado, hereby issue this Executive Order **authorizing partnership agreements with state employees.***

*“Covered Employee” means an individual who **is employed in the “personnel system of the state,”** as set forth in section 13 of article XII of the Colorado Constitution*

“Partnership Agreement” means an agreement arrived at through good faith discussions between the Governor’s Designee, on behalf of the Executive Branch, and representatives of the Certified Employee Organizations, on behalf of the employees.

*The Governor’s Designee and the representatives of Certified Employee Organizations have a **mutual obligation to negotiate, in good faith** at reasonable times and places, the terms of a Partnership Agreement.*
Change Summary State Employees changed from 0 to 2 in 2007 by executive order. The 2018 code for State Employees is 2.

6.2 Municipal Police

No code changes from 1955 to 2018. The 2018 code for Municipal Police is 0.

6.3 Municipal Firefighters

Statute Change (0 to 2) 2013 [C.R.S. 29-5-204 - Rights of Firefighters](#)

(1) Firefighters have the right to:

- (a) Organize, form, **join**, or assist **an employee organization** or to refrain from doing so;*
- (b) Negotiate collectively or address grievances through representatives of their own choosing;*
- (c) Engage in other concerted activity for the purpose of **collective bargaining** or other mutual aid or protection, if and to the extent that the activity is not prohibited by this part 2 or any other law of Colorado. (Entire part added, (SB 13-025), ch. 408, p. 2404, § 1, effective June 5, 2013.)*

[C.R.S. 29-5-208 - Obligation to negotiate in good faith](#)

*The public employer and the exclusive representative, through appropriate officials or their representatives, **have the authority and the duty to bargain collectively in good faith.** The obligation to bargain in good faith does not compel either party to agree to a proposal or make a concession. The obligation to bargain in good faith requires, upon request, the exchange of information possibly relevant to the terms and conditions of employment of the firefighters or the interpretation or application of the terms of any collective bargaining agreement. (Entire part added, (SB 13-025), ch. 408, p. 2406, § 1, effective June 5, 2013)*
Change Summary Municipal Firefighters changed from 0 to 2 in 2013 by statute. The 2018 code

for Municipal Firefighters is 2.

6.4 Non-College Teachers

Case Law Change (0 to 1) 1977 [Littleton Educ. Ass'n v. Arapahoe County Sch. Dist.](#), 191 Colo. 411 Supreme Court of Colorado August 23, 1976, Decided

We affirm the judgment declaring the particular agreement illegal. We do not adopt the court's ruling that, absent legislative authority, the board has no power to enter into collective bargaining agreements.

Note: While this case strikes down a bargaining agreement, the opinion makes clear that school boards have the authority to enter into collective bargaining agreements with representatives of their employees provided that the agreements do not conflict with existing laws governing the conduct of the state school system.

Change Summary Non-College Teachers changed from 0 to 1 in 1977 by case law. The 2018 code for Non-College Teachers is 1.

6.5 Other Municipal Employees

No code changes from 1955 to 2018. The 2018 code for Other Municipal Employees is 0.

7 Connecticut

7.1 State Employees

Statute Change (0 to 2) 1976 State Employee Relations Act (Conn. Gen. Stat Section 5-270 et seq.)

This was enacted in 1975.

Conn. Gen. Stat. § 5-270 - Collective bargaining. Definitions.

(a) “Employer” means the state of Connecticut, its executive and judicial branches, including, without limitation, any board, department, commission, institution, or agency of such branches or any appropriate unit thereof and any board of trustees of a state-owned or supported college or university and branches thereof, public and quasi-public state corporation, or authority established by state law, or any person or persons designated by the employer to act in its interest in dealing with employees, but shall not include the State Board of Labor Relations or the State Board of Mediation and Arbitration. (b) “Employee” means any employee of an employer, whether or not in the classified service of the employer, except elected or appointed officials other than special deputy sheriffs, board and commission members, disability policy specialists assigned to the Council on Developmental Disabilities, managerial employees and confidential employees.

Conn. Gen. Stat. § 5-271 - Rights of employees and representatives. Duty of fair representation

*(a) Employees shall have, and shall be protected in the exercise of **the right of self-organization, to form, join or assist any employee organization, to bargain collectively** through representatives of their own choosing on questions of wages, hours and other conditions of employment, except as provided in subsection (d) of section 5-272, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, free from actual interference, restraint or coercion.*

Conn. Gen. Stat. § 5-272 - Prohibited acts of employers and employee organizations.

*(a) **Employers** or their representatives or agents **are prohibited from:** (1) Interfering with, restraining or coercing employees in the exercise of the rights guaranteed in section 5-271 including a lockout; (2) dominating or interfering with the formation, existence or administration of any employee organization; (3) discharging or otherwise discriminating against an employee because he has signed or filed any affidavit, petition or complaint or given any information or testimony under sections 5-270 to 5-280, inclusive; (4) **refusing to bargain collectively in good faith with an employee organization** which has been designated in accordance with the provisions of said sections as the exclusive representative of employees in an appropriate unit; including but not limited to refusing to discuss grievances with such exclusive representative; (5) discriminating in regard to hiring or tenure of employment or any term or condition of employment to encourage or discourage membership in any employee organization; (6) refusing to reduce a collective bargaining agreement to writing and to sign such agreement; (7) violating any of the rules and regulations established by the board regulating the conduct of representation elections.*

Change Summary State Employees changed from 0 to 2 in 1976 by statute. The 2018 code for State Employees is 2.

7.2 Municipal Police

Statute Change (0 to 2) 1966 Conn. Gen. Stat. - Chapter 113 Municipal Employees

Conn. Gen. Stat. § 7-467 - Definitions

(1) *“Municipal employer” means any political subdivision of the state, including any town, city, borough, district, district department of health, school board, housing authority or other authority established by law, a private nonprofit corporation which has a valid contract with any town, city, borough or district to extinguish fires and to protect its inhabitants from loss by fire, and any person or persons designated by the municipal employer to act in its interest in dealing with municipal employees;*

(2) *“Employee” means any employee of a municipal employer, whether or not in the classified service of the municipal employer, except elected officials, administrative officials, board and commission members, certified teachers, part-time employees who work less than twenty hours per week on a seasonal basis, department heads and persons in such other positions as may be excluded from coverage under sections 7-467 to 7-477, inclusive, in accordance with subdivision (2) of section 7-471. (February 1965)*

Conn. Gen. Stat. § 7-468 - Rights of employees and representatives. Duty of fair representation.

(a) *Employees shall have, and shall be protected in the exercise of, **the right of self-organization, to form, join or assist any employee organization, to bargain collectively** through representatives of their own choosing on questions of wages, hours and other conditions of employment and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, free from actual interference, restraint or coercion.*

Conn. Gen. Stat. § 7-469 - Duty to Bargain Collectively

*The municipal employer and such employee organization as has been designated as exclusive representative of employees in an appropriate unit, through appropriate officials or their representatives, **shall have the duty to bargain collectively**. This duty extends to the obligation to bargain collectively as set forth in subsection (c) of section 7-470. (February, 1965, P.A. 159, S. 3.)*

Change Summary Municipal Police changed from 0 to 2 in 1966 by statute. The 2018 code for Municipal Police is 2.

7.3 Municipal Firefighters

Statute Change (0 to 2) 1966 Same as **subsection 7.2.1**

Change Summary Municipal Firefighters changed from 0 to 2 in 1966 by statute. The 2018 code for Municipal Firefighters is 2.

7.4 Non-College Teachers

Statute Change (0 to 2) 1966 Conn. Gen. Stat. - Chapter 166 Teachers and Superintendents

Conn. Gen. Stat. § 10-153a - Rights concerning professional organization and negotiations. Duty of fair representation. Annual service fees negotiable item.

(a) *Members of the teaching profession shall have and shall be protected in the exercise of the **right to form, join or assist, or refuse to form, join or assist, any organization for professional or economic improvement** and to negotiate in good faith through representatives of their own choosing with respect to salaries, hours and other conditions of employment free from interference, restraint, coercion or discriminatory practices by any employing board of education or administrative agents or representatives thereof in*

derogation of the rights guaranteed by this section and sections 10-153b to 10-153n, inclusive.
(1961, P.A. 562)

Conn. Gen. Stat. § 10-153d - Meeting between board of education and fiscal authority required. Duty to negotiate. Procedure if legislative body rejects contract.

*(b) The local or regional board of education and the organization designated or elected as the exclusive representative for the appropriate unit, through designated officials or their representatives, **shall have the duty to negotiate** with respect to salaries, hours and other conditions of employment about which either party wishes to negotiate. (February, 1965)*

Note: We could not access the 1965 version of this law. The 1971 DOL report says that this statute was passed in 1965 and that they include a "requirement to bargain collectively".

Change Summary Non-College Teachers changed from 0 to 2 in 1966 by statute. The 2018 code for Non-College Teachers is 2.

7.5 Other Municipal Employees

Statute Change (0 to 2) 1966 Same as **subsection 7.2.1**

Change Summary Other Municipal Employees changed from 0 to 2 in 1966 by statute. The 2018 code for Other Municipal Employees is 2.

8 Delaware

8.1 State Employees

Statute Change (0 to 2) 1966

Multiple DOL reports cite a 1965 law that defined a mutual obligation to bargain across all public-sector occupational groups. We are unable to find the text of this law, but defer to the DOL report on this change. Below is the current text governing public-sector collective bargaining, which confirms a 2018 code of 2.

Delaware Code - Title 19 Labor (Pts. I — IV) - Part I General Provisions (Chs. 1 — 19) - Chapter 13 Public Employment Relations Act (§§ 1301 — 1319)

[19 Del. C. § 1301 - Statement of policy.](#)

*It is the declared policy of the State and the purpose of this chapter to promote harmonious and cooperative relationships between public employers and their employees and to protect the public by assuring the orderly and uninterrupted operations and functions of the public employer. These policies are best effectuated by: (1) Granting to public employees the **right of organization** and representation; (2) **Obligating public employers and public employee organizations which have been certified as representing their public employees to enter into collective bargaining negotiations** with the willingness to resolve disputes relating to terms and conditions of employment and to reduce to writing any agreements reached through such negotiations; and (3) Empowering the Public Employment Relations Board to assist in resolving disputes between public employees and public employers and to administer this chapter.*

(Enacted, July 25, 1994)

[19 Del. C. § 1302 - Definitions](#)

(o) *“Public employee” or “employee” means any employee of a public employer except:*

- (1) *Any person elected by popular vote or appointed to office by the Governor;*
- (2) *Any person who is a prisoner or inmate or who is otherwise held in lawful custody by an agency of the State;*
- (3) *Any person appointed to serve on a board or commission;*
- (4) *Any employee, as defined in Chapter 40 of Title 14 of a public school employer, as defined in Chapter 40 of Title 14;*
- (5) *Any police officers and firefighters employed by the State or political subdivisions of the State or any agency thereof, or any municipal corporation, municipality, city or town located within the State or any agency thereof which, upon the affirmative legislative act of its common council or other governing body, has elected to come within Chapter 16 of this title, or which hereafter elects to come within Chapter 16 of this title. Any police officers and firefighters included in this subsection shall be subject to Chapter 16 of this title;*
- (6) *Confidential employees of the public employer; and*
- (7) *Supervisory employees of the public employer, provided however, that any supervisory position in a bargaining unit deemed to be appropriate prior to September 23, 1994, shall so continue, unless said unit is decertified in accordance with § 1311(b) of this title, or is modified in accordance with procedures authorized by § 1310(e) of this title.*

(p) *“Public employer” or “employer” means the State, any county of the State or any agency thereof, and/or any municipal corporation, municipality, city or town located within the State*

or any agency thereof, which upon the affirmative legislative act of its common council or other governing body has elected to come within the former Chapter 13 of this title or which hereafter elects to come within this chapter, or which employs 100 or more full-time employees.

19 Del. C. § 1307 - Unfair Labor Practices

(a) **It is an unfair labor practice for a public employer** or its designated representative **to do any of the following:** (1) Interfere with, restrain or coerce any employee in or because of the exercise of any right guaranteed under this chapter. (2) Dominate, interfere with or assist in the formation, existence or administration of any labor organization. (3) Encourage or discourage membership in any employee organization by discrimination in regard to hiring, tenure or other terms and conditions of employment. (4) Discharge or otherwise discriminate against an employee because the employee has signed or filed an affidavit, petition or complaint or has given information or testimony under this chapter. (5) **Refuse to bargain collectively in good faith** with an employee representative which is the exclusive representative of employees in an appropriate unit, except with respect to a discretionary subject.

Change Summary State Employees changed from 0 to 2 in 1966 by statute. The 2018 code for State Employees is 2.

8.2 Municipal Police

Statute Change (0 to 2) 1966 Same as [subsection 8.1.1](#).

Note: § 1302 defines an exception for police officers or firefighters, but this separate [chapter](#) also entails collective bargaining rights (i.e. duty to bargain).

Change Summary Municipal Police changed from 0 to 2 in 1966 by statute. The 2018 code for Municipal Police is 2.

8.3 Municipal Firefighters

Statute Change (0 to 2) 1966 Same as [subsection 8.1.1](#)

Change Summary Municipal Firefighters changed from 0 to 2 in 1966 by statute. The 2018 code for Municipal Firefighters is 2.

8.4 Non-College Teachers

Statute Change (0 to 2) 1970 [14 Del. C. § 4001 - Statement of Policy](#)

*It is the declared policy of the State and the purpose of this chapter to promote harmonious and cooperative relationships between reorganized public school districts and their employees and to protect the public by assuring the orderly and uninterrupted operations and functions of the public school system. These policies are best effectuated by: (1) **Granting to school employees the right of organization and representation;** (2) **Obligating boards of education and school employee organizations which have been certified as representing their school employees to enter into collective bargaining negotiations with the***

willingness to resolve disputes relating to terms and conditions of employment and to reduce to writing any agreements reached through such negotiations; and (3) Establishing a public employment relations board to assist in resolving disputes between school employees and boards of education and to administer this chapter. 14 Del. C. 1953, § 4002; 57 Del. Laws, c. 298; 63 Del. Laws, c. 333, § 1.

14 Del. C. § 4007 - Unfair labor practices

(a) It is an unfair labor practice for a public school employer or its designated representative to do any of the following: (1) Interfere with, restrain or coerce any employee in or because of the exercise of any right guaranteed under this chapter. (2) Dominate, interfere with or assist in the formation, existence or administration of any labor organization. (3) Encourage or discourage membership in any employee organization by discrimination in regard to hiring, tenure or other terms and conditions of employment. (4) Discharge or otherwise discriminate against an employee because the employee has signed or filed an affidavit, petition or complaint, or has given information or testimony under this chapter. (5) Refuse to bargain collectively in good faith with an employee representative which is the exclusive representative of employees in an appropriate unit. 63 Del. Laws, c. 333, § 1.

Note: We could not find the date of passage. The 1979 DOL report says that 14 Del. C. § 4001 was passed in 1969 and included a 'duty to bargain'.

Change Summary Non-College Teachers changed from 0 to 2 in 1970 by statute. The 2018 code for Non-College Teachers is 2.

8.5 Other Municipal Employees

Statute Change (0 to 2) 1966 Same as **subsection 8.1.1**

Change Summary Other Municipal Employees changed from 0 to 2 in 1966 by statute. The 2018 code for Other Municipal Employees is 2.

9 Florida

9.1 State Employees

Statute Change (0 to 2) 1975 Florida Statutes - Title XXXI. Labor. (Chs. 435 — 452) - Chapter 447.

Labor Organizations. (Pts. I — II) - Part II. Public Employees. (§§ 447.201 — 447.609)

Fla. Stat. § 447.201 - Statement of Policy

The public policy of this state, and the purpose of this part, is to provide statutory implementation of s. 6, Art. I of the State Constitution, with respect to public employees; to promote harmonious and cooperative relationships between government and its employees, both collectively and individually; and to protect the public by assuring, at all times, the orderly and uninterrupted operations and functions of government. Nothing herein shall be construed either to encourage or discourage organization of public employees. This state's public policy is best effectuated by:

- (1) Granting to public employees the right of organization and representation;*
- (2) Requiring the state, local governments, and other political subdivisions to negotiate with bargaining agents duly certified to represent public employees;*
- (3) Creating a Public Employees Relations Commission to assist in resolving disputes between public employees and public employers; and*
- (4) Recognizing the constitutional prohibition against strikes by public employees and providing remedies for violations of such prohibition.*

Fla. Stat. § 447.501 - Unfair Labor Practices

(1) Public employers or their agents or representatives are prohibited from: (a) Interfering with, restraining, or coercing public employees in the exercise of any rights guaranteed them under this part. (b) Encouraging or discouraging membership in any employee organization by discrimination in regard to hiring, tenure, or other conditions of employment. (c) Refusing to bargain collectively, failing to bargain collectively in good faith, or refusing to sign a final agreement agreed upon with the certified bargaining agent for the public employees in the bargaining unit.

Note: The 1979 DOL report says that Fla. Stat. § 447.201 was passed in 1974, but we are unable to locate this version of the text (above is 2018 version) so we defer to the DOL on this change.

Change Summary State Employees changed from 0 to 2 in 1975 by statute. The 2018 code for State Employees is 2.

9.2 Municipal Police

Statute Change (0 to 2) 1975 Same as **subsection 9.1.1**

Change Summary Municipal Police changed from 0 to 2 in 1975 by statute. The 2018 code for Municipal Police is 2.

9.3 Municipal Firefighters

Statute Change (0 to 2) 1972 The 1973 DOL report cites a 1972 law ('ch. 72-275, 1972 L.'). In 1974,

this law was repealed and firefighter collective bargaining was covered under [Fla. Stat. § 447.201](#). Due to the short tenure of the Florida Firefighters Act, we are unable to view the text, but defer to the DOL reports on the 1972 change.

Fire Engineering Magazine: As a result of an act passed by the last legislature, Florida fire fighters are the first public employee group in the state to obtain the right to organize and bargain. The act supersedes a similar one affecting fire fighters in only a few counties. 11/01/1972 - [Source](#)

Change Summary Municipal Firefighters changed from 0 to 2 in 1972 by statute. The 2018 code for Municipal Firefighters is 2.

9.4 Non-College Teachers

Statute Change (0 to 2) 1975 Same as [subsection 9.1.1](#)

Change Summary Non-College Teachers changed from 0 to 2 in 1975 by statute. The 2018 code for Non-College Teachers is 2.

9.5 Other Municipal Employees

Statute Change (0 to 2) 1975 Same as [subsection 9.1.1](#)

Change Summary Other Municipal Employees changed from 0 to 2 in 1975 by statute. The 2018 code for Other Municipal Employees is 2.

10 Georgia

10.1 State Employees

No code changes from 1955 to 2018. The 2018 code for State Employees is 0.

10.2 Municipal Police

No code changes from 1955 to 2018. The 2018 code for Municipal Police is 0.

10.3 Municipal Firefighters

Statute Change (0 to 1) 1972 [O.C.G.A. § 25-5-4 - Right of firefighters to bargain collectively](#)

Firefighters shall have the right to bargain collectively with their respective corporate authorities and to be represented by a labor organization in such collective bargaining as to wages, rates of pay, hours, working conditions, and all other terms and conditions of employment. (Ga. L. 1971, p. 565, § 4.)

[O.C.G.A. § 25-5-6 - Obligation of corporate authority and agent to meet and confer in good faith; reduction of agreement to written contract; limitation as to duration of contract](#)

It shall be the obligation of the proper corporate authority and the bargaining agent to meet and confer in good faith within 30 days after receipt of a written notice from the bargaining agent of the request for a meeting for collective bargaining purposes. This obligation may include the duty to cause any agreement resulting from negotiations to be reduced to a written contract. No such contract shall exceed the term of one year. (Ga. L. 1971, p. 565, § 6.)

Change Summary Municipal Firefighters changed from 0 to 1 in 1972 by statute. The 2018 code for Municipal Firefighters is 1.

10.4 Non-College Teachers

Attorney General Opinion Change (0 to 1) 1967 The 1979 DOL report cites an attorney general opinion on September 1st 1966 which held that local school boards may meet and confer. The text of this opinion is unavailable, but we defer to the DOL reports for this change.

Case Law Change (1 to 0) 1975 [Chatham Assoc. of Educators, Teacher Unit, et al. v Board of Public Education for the City of Savannah and the County of Chatham, Decided March 7, 1974.](#)

*Without specific legislative authorization, a school board has no authority, by contract or otherwise, to delegate to others the duties placed on the board by the Constitution and laws of *808 Georgia. The trial judge correctly concluded that the contract and resolution were void, being illegal attempts by the board to delegate its powers and authority to provide the conditions of employment of its teachers and to determine the manner in which the public funds for the operation of the schools shall be allocated.*

Note: The court held that in the absence of legislative authority, a government body may not enter into a binding collective bargaining contract with a union; the collective bargaining contracts between school boards and unions are an illegal delegation of power and therefore void.

Change Summary Non-College teachers changed from 0 to 1 in 1967 by attorney general opinion.

Then, from 1 to 0 in 1975 by case law. The code for Non-College Teachers is 0.

10.5 Other Municipal Employees

No code changes from 1955 to 2018. The 2018 code for Other Municipal Employees is 0.

11 Hawaii

11.1 State Employees

Statute Change (0 to 2) 1971 Hawaii Revised Statutes - Chapter 89 Collective Bargaining in Public

Employment

[HRS § 89-1 - Statement of Policy](#)

*(b) The legislature declares that it is the **public policy of the State** to promote harmonious and cooperative relations between government and its employees and to protect the public by assuring effective and orderly operations of government. These policies are best effectuated by:*

- (1) **Recognizing the right of public employees to organize for the purpose of collective bargaining;***
- (2) **Requiring public employers to negotiate with and enter into written agreements with exclusive representatives on matters of wages, hours, and other conditions of employment, while, at the same time, maintaining the merit principle pursuant to section 76-1; and***
- (3) **Creating a labor relations board to administer the provisions of chapters 89 and 377.***
(L 1970, c 171, pt of § 2; am L 1985, c 251, § 2; am L 2000, c 253, § 92.)

[HRS § 89-13 - Prohibited practices; evidence of bad faith](#)

*(a) **It shall be a prohibited practice for a public employer or its designated representative willfully to***

- (1) **Interfere, restrain, or coerce any employee in the exercise of any right guaranteed under this chapter;***
- (2) **Dominate, interfere, or assist in the formation, existence, or administration of any employee organization;***
- (3) **Discriminate in regard to hiring, tenure, or any term or condition of employment to encourage or discourage membership in any employee organization;***
- (4) **Discharge or otherwise discriminate against an employee because the employee has signed or filed an affidavit, petition, or complaint or given any information or testimony under this chapter, or because the employee has informed, joined, or chosen to be represented by any employee organization;***
- (5) **Refuse to bargain collectively in good faith with the exclusive representative as required in section 89-9.***
(L 1970, c 171, pt of § 2; am imp L 1984, c 90, § 1; am L 1992, c 214, § 3; am L 2003, c 3, § 2.)

Change Summary State Employees changed from 0 to 2 in 1971 by statute. The 2018 code for State Employees is 2.

11.2 Municipal Police

Statute Change (0 to 2) 1971 Same as [subsection 11.1.1](#)

Change Summary Municipal Police changed from 0 to 2 in 1971 by statute. The 2018 code for Municipal Police is 2.

11.3 Municipal Firefighters

Statute Change (0 to 2) 1971 Same as [subsection 11.1.1](#)

Change Summary Municipal Firefighters changed from 0 to 2 in 1971 by statute. The 2018 code for Municipal Firefighters is 2.

11.4 Non-College Teachers

Statute Change (0 to 2) 1971 Same as [subsection 11.1.1](#)

Change Summary Non-College Teachers changed from 0 to 2 in 1971 by statute. The 2018 code for Non-College Teachers is 2.

11.5 Other Municipal Employees

Statute Change (0 to 2) 1971 Same as [subsection 11.1.1](#)

Change Summary Other Municipal Employees changed from 0 to 2 in 1971 by statute. The 2018 code for Other Municipal Employees is 2.

12 Idaho

12.1 State Employees

No code changes from 1955 to 2018. The 2018 code for State Employees is 0.

12.2 Municipal Police

Attorney General Opinion Change (0 to 1) 1960

The 1971 DOL report cites an attorney general opinion on March 18th 1959 which allows municipal employees to bargain collectively. The text of this opinion is unavailable, but we defer to the DOL report on this change.

Change Summary Municipal Police changed from 0 to 1 in 1960 by attorney general opinion. The 2018 code for Municipal Police is 1.

12.3 Municipal Firefighters

Attorney General Opinion Change (0 to 1) 1960 Same as [subsection 12.2.1](#)

Statute Change (1 to 2) 1971 Idaho Code § 44-1802 - Collective bargaining rights of firefighters – Representation by bargaining agent

The firefighters in any city, county, fire district or other political subdivision in the state of Idaho shall have the right to bargain collectively with their respective cities, counties, fire districts or political subdivisions and to be represented by a bargaining agent in such collective bargaining process as to wages, rates of pay, working conditions and all other terms and conditions of employment.
(1970, ch. 138, § 2, p. 333.)

Idaho Code § 44-1804 - Obligation of corporate authorities to bargain in good faith – Entering into written contract

It shall be the obligation of the city, county, fire district or other political subdivision through its proper corporate authorities or their designees, to meet and confer in good faith with the representative or representatives of the bargaining agent within ten (10) days after receipt of written notice from said bargaining agent of the request by the firefighters for a meeting for collective bargaining purposes. This obligation shall include the duty to cause any agreement resulting from negotiations between the bargaining agent and the proper corporate authorities to be reduced to a written contract.
(1970, ch. 138, § 4, p. 333; am. 1977, ch. 95 § 1, p. 200; am. 1996, ch. 206, § 1, p. 630.)

Change Summary Municipal Firefighters changed from 0 to 1 in 1960 by attorney general opinion. Then, from 1 to 2 in 1971 by statute. The 2018 code for Municipal Firefighters is 2.

12.4 Non-College Teachers

Attorney General Opinion Change (0 to 1) 1960 Same as [subsection 12.2.1](#)

Statute Change (1 to 2) 1972 Idaho Code § 33-1271 - School districts – Professional employees – Negotiation agreements

The board of trustees of each school district, including specially chartered districts, or the designated representative(s) of such district, is hereby empowered to and shall, upon its own initiative or upon the request of a local education organization representing a majority of the professional employees, enter into a negotiation agreement with the local education organization or the designated representative(s) of such organization.

(1) The parties to such negotiations shall negotiate in good faith on those matters specified in any such negotiation agreement between the local board of trustees and the local education organization. (1971, ch. 103, § 1, p. 223; am. 1977, ch. 309, § 1, p. 882; am. 1989, ch. 294, § 1, p. 722; am. 2011, ch. 40, § 1, p. 9; am. 2013, ch. 330, § 1, p. 862; am. 2018, ch. 219, § 1, p. 492.)

Note: We could not access the 1971 statute text, but the 1971 DOL report says that this version of the statute included a requirement to bargain collectively. **Change Summary** Non-College Teachers changed from 0 to 1 in 1960 by attorney general opinion. Then, from 1 to 2 in 1972 by statute. The 2018 code for Non-College Teachers is 2.

12.5 Other Municipal Employees

Attorney General Opinion Change (0 to 1) 1960 Same as **subsection 12.2.1**

Change Summary Other Municipal Employees changed from 0 to 1 in 1960 by attorney general opinion. The 2018 code for Other Municipal Employees is 1.

13 Illinois

13.1 State Employees

Executive Order Change (1 to 2) 1974 The 1979 DOL report cites an Executive Order in 1973 which gave State Employees collective bargaining rights and included a duty to bargain. We are unable to locate the text of this, but we defer to the DOL report.

Note: The *NBER Public Sector Collective Bargaining Dataset* reports that this group-state was already 1 in 1955, but we are unable to verify this.

Change Summary State Employees changed from 1 to 2 in 1974 by executive order. The 2018 code for State Employees is 2.

13.2 Municipal Police

Case Law Change (0 to 1) 1967 [Chicago Div. of Illinois Education Asso. v. Board of Education, 76 Ill. App. 2d 456. November 9, 1966](#)

The 1979 DOL report summarizes: cities may enter into collective bargaining agreements with employees. The court held that specific legislation is not required for public employees to bargain collectively.

Unknown Change (1 to 2) 1996 **Change Summary** Municipal Police changed from 0 to 1 in 1967 by case law. Then, from 1 to 2 in 1996. The 2018 code for Municipal Police is 2.

13.3 Municipal Firefighters

Case Law Change (0 to 1) 1967 Same as [subsection 13.2.1](#)

Unknown Change (1 to 2) 1996 Unable to identify change.

Change Summary Municipal Firefighters changed from 0 to 1 in 1967 by case law. Then, from 1 to 2 in 1996. The 2018 code for Municipal Firefighters is 2.

13.4 Non-College Teachers

Case Law Change (0 to 1) 1967 Same as [subsection 13.2.1](#)

Statute Change (1 to 2) 1985 Illinois Compiled Statutes - Chapter 115 Educational Labor Relations [115 ILCS 5/1 - Policy](#)

It is the public policy of this State and the purpose of this Act to promote orderly and constructive relationships between all educational employees and their employers. Unresolved disputes between the educational

employees and their employers are injurious to the public, and the General Assembly is therefore aware that adequate means must be established for minimizing them and providing for their resolution. Recognizing that harmonious relationships are required between educational employees and their employers, the General Assembly has determined that the overall policy may best be accomplished by (a) granting to educational employees the right to organize and choose freely their representatives; (b) requiring educational employers to negotiate and bargain with employee organizations representing educational employees and to enter into written agreements evidencing the result of such bargaining; and (c) establishing procedures to provide for the protection of the rights of the educational employee, the educational employer and the public.

(P.A. 83-1014. Certified December 27, 1983)

115 ILCS 5/10 - Duty to bargain

(a) An educational employer and the exclusive representative have the authority and the duty to bargain collectively as set forth in this Section. Collective bargaining is the performance of the mutual obligations of the educational employer and the representative of the educational employees to meet at reasonable times and confer in good faith with respect to wages, hours and other terms and conditions of employment, and to execute a written contract incorporating any agreement reached by such obligation, provided such obligation does not compel either party to agree to a proposal or require the making of a concession.

(P.A. 84-832. Certified December 27, 1983)

Change Summary Non-College Teachers changed from 0 to 1 in 1967 by case law. Then, from 1 to 2 in 1985 by statute. The 2018 code for Non-College Teachers is 2.

13.5 Other Municipal Employees

Case Law Change (0 to 1) 1967 Same as [subsection 13.2.1](#)

Statute Change (1 to 2) 1985 [5 ILCS 315/2 - Policy](#)

It is the public policy of the State of Illinois to grant public employees full freedom of association, self-organization, and designation of representatives of their own choosing for the purpose of negotiating wages, hours and other conditions of employment or other mutual aid or protection.

(Source: P.A. 83-1012. Date: Certified December 27, 1983)

5 ILCS 315/7 - Duty to bargain

A public employer and the exclusive representative have the authority and the duty to bargain collectively set forth in this Section.

Change Summary Other Municipal Employees changed from 0 to 1 in 1967 by case law. Then, from 1 to 2 in 1985 by statute. The 2018 code for Other Municipal Employees is 2.

14 Indiana

14.1 State Employees

Attorney General Opinion Change (0 to 1) 1970 The 1971 DOL report cites an Attorney General Opinion in 1969 (8/8/69) that gives all public employees the right to present proposals. The text of this opinion is unavailable, but we defer to the DOL report.

Executive Order Change (1 to 0) 2005 "Indiana Gov. Mitch Daniels marked his first full day in office on Jan. 11, 2005, by rescinding collective bargaining rights for the state's 25,000 employees." - [CQ Researcher](#)

Those include Mitch Daniels of Indiana, who ended collective bargaining by state workers by executive order" - [Source](#)

"In Indiana, only state workers were affected, not teachers or local municipal workers." - [Source](#)
Change Summary State Employees changed from 0 to 1 in 1970 by attorney general opinion. Then, from 1 to 0 in 2005 by executive order. The 2018 code for State Employees is 0.

14.2 Municipal Police

Attorney General Opinion Change (0 to 1) 1970 Same as [subsection 14.1.1](#). The 2018 is also confirmed by statutes below.

Indiana Statutes - Chapter 22 Meet and Confer for Public Safety Employees
[Burns Ind. Code Ann. § 36-8-22-2 - "Employee" defined](#)

*As used in this chapter, **employee** means a full-time employee of **police or fire department**. However, the term does not include an employee in an upper level policymaking position.*
(P.L.48-2007, § 1, eff. July 1, 2007)

[Burns Ind. Code Ann. § 36-8-22-8 - Right of employees to assemble and organize.](#)

(a) *All employees have the right to:*

- (1) *meet and freely assemble to discuss their interests as employees on the employees' own time;*
 - (2) *form an **employee organization** on the employees' own time; and*
 - (3) *join and assist an **employee organization**.*
- (P.L.48-2007, § 1, eff. July 1, 2007)

[Burns Ind. Code Ann. § 36-8-22-11 - Employer may not engage in certain conduct.](#)

*An employer **may not** do the following:*

- (1) *Interfere with, restrain, or coerce employees in the exercise of the rights guaranteed under this chapter.*
- (2) *Dominate, interfere with, or assist in the formation or administration of an employee organization, or contribute financial or other support to an employee organization. However, an employer may permit employees to meet and confer and represent employee interests during working hours*

without loss of time or pay.

(3) Discriminate in regard to hiring or conditions of employment to encourage or discourage membership in an employee organization.

(4) Discharge or otherwise discriminate against an employee because the employee has filed a complaint, an affidavit, or a petition or has given information or testified under this chapter.

(5) Refuse to meet and confer in good faith with an exclusive recognized representative.

(P.L.48-2007, § 1, eff. July 1, 2007)

Burns Ind. Code Ann. § 36-8-22-1 - Date chapter applies.

This chapter applies after December 31, 2007.

Change Summary Municipal Police changed from 0 to 1 in 1970 by attorney general opinion. The 2018 code for Municipal Police is 1.

14.3 Municipal Firefighters

Attorney General Opinion Change (0 to 1) 1970 Same as **subsection 14.1.1**

Change Summary Municipal Firefighters changed from 0 to 1 in 1970 by attorney general opinion. The 2018 code for Municipal Firefighters is 1.

14.4 Non-College Teachers

Attorney General Opinion Change (0 to 1) 1970 Same as **subsection 14.1.1**

Statute Change (1 to 2) 1974 The 1979 DOL cites statutes added in 1973 that gave collective bargaining rights to teachers and included a duty to bargain. These laws were repealed and recodified in 2005, but the content was not meaningfully changed. Below is the current recoded statute of the original 1973 statute.

Ind. Code Ann. § 20-29-6-1 - Duties and rights

(a) School employers and school employees shall:

(1) have the obligation and the right to bargain collectively the items set forth in section 4 of this chapter;

(2) have the right and obligation to discuss any item set forth in section 7 of this chapter; and

(3) enter into a contract embodying any of the matters listed in section 4 of this chapter on which they have bargained collectively.

Change Summary Non-College Teachers changed from 0 to 1 in 1970 by attorney general opinion. Then, from 1 to 2 in 1974 by statute. The 2018 code for Non-College Teachers is 2.

14.5 Other Municipal Employees

Attorney General Opinion Change (0 to 1) 1970 Same as **subsection 14.1.1****Change Summary** Other

Municipal Employees changed from 0 to 1 in 1970 by attorney general opinion. The 2018 code for Other Municipal Employees is 1.

15 Iowa

15.1 State Employees

Case Law Change (0 to 1) 1971 [State Board of Regents v. United Packing House Food and Allied Workers](#), 175 N.W. 2d 110. Supreme Court of Iowa. **February 10, 1970**, Filed. No. 53565

However, we can see no reason why the Regents, if they so desire, could not enter into one written contract with the union binding all members of the union agreeing to such representation as long as the terms of the contract are within the statutory authority of the board and contains no terms of employment which could not be included in a standardized contract for individual employees.

Note: The 1971 DOL report explains that this case allowed public employers to bargain collectively.

Statute Change (1 to 2) 1977 See [subsection 15.2.2](#). The 1975 DOL report states, “*the act becomes effective on July 1974, but provisions related to bargaining do not become effective until July 1, 1975 for Local, Police, Fire, and Teachers, and July 1, 1976 for the State.*”

Change Summary State Employees changed from 0 to 1 in 1971 by case law. Then, from 1 to 2 in 1977. The 2018 code for State Employees is 2.

15.2 Municipal Police

Case Law Change (0 to 1) 1971 Same as [subsection 15.1.1](#)

Statute Change (1 to 2) 1976 [Iowa Code § 20.8 - Public Employee Rights](#)

Public employees shall have the right to:

1. *Organize, or form, join, or assist any employee organization*
2. *Negotiate collectively through representatives of their own choosing*
3. *Engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection insofar as any such activity is not prohibited by this chapter or any other law of the state*
4. *Refuse to join or participate in the activities of employee organizations, including the payment of any dues, fees or assessments or service fees of any type.*

(C75, 77, 79, 81, § 20.8; 2017 Acts, ch 2, § 5, eff. Feb. 17, 2017.)

[Iowa Code § 20.16 - Duty to Bargain](#)

Upon the receipt by a public employer of a request from an employee organization to bargain on behalf of public employees, the duty to engage in collective bargaining shall arise if the employee organization has been certified by the board as the exclusive bargaining representative for the public employees in that bargaining unit.

(C75, 77, 79, 81, § 20.16.)

Note: The 1975 DOL report states, “*the act becomes effective on July 1974, but provisions related to bargaining do not become effective until July 1, 1975 for Local, Police, Fire, and Teachers, and July 1,*

1976 for the State.”

Change Summary Municipal Police changed from 0 to 1 in 1971 by case law. Then, from 1 to 2 in 1976 by statute. The 2018 code for Municipal Police is 2.

15.3 Municipal Firefighters

Case Law Change (0 to 1) 1971 Same as [subsection 15.1.1](#)

Statute Change (1 to 2) 1976 Same as [subsection 15.2.2](#)

Change Summary Municipal Firefighters changed from 0 to 1 in 1971 by case law. Then, from 1 to 2 in 1976 by statute. The 2018 code for Municipal Firefighters is 2.

15.4 Non-College Teachers

Case Law Change (0 to 1) 1971 Same as [subsection 15.1.1](#)

Statute Change (1 to 2) 1976 Same as [subsection 15.2.2](#)

Change Summary Non-College Teachers changed from 0 to 1 in 1971 by case law. Then, from 1 to 2 in 1976 by statute. The 2018 code for Non-College Teachers is 2.

15.5 Other Municipal Employees

Case Law Change (0 to 1) 1971 Same as [subsection 15.1.1](#)

Statute Change (1 to 2) 1976 Same as [subsection 15.2.2](#)

Change Summary Other Municipal Employees changed from 0 to 1 in 1971 by case law. Then, from 1 to 2 in 1976 by statute. The 2018 code for Other Municipal Employees is 2.

16 Kansas

16.1 State Employees

Statute Change (0 to 1) 1973 K.S.A. § 75-4324 - Employees' right to form, join and participate in employee organizations

Public employees shall have the right to form, join and participate in the activities of employee organizations of their own choosing, for the purpose of meeting and conferring with public employers or their designated representatives with respect to grievances and conditions of employment. Public employees also shall have the right to refuse to join or participate in the activities of employee organizations.

(L. 1971, ch. 264, § 4; **Effective March 1, 1972.**)

K.S.A. § 75-4327 - Public employee organizations; recognition and certification; membership; meet and confer; determination and certification of appropriate unit; rules and regulations; assessment of election costs.

*(b) Where an employee organization has been certified by the board as representing a majority of the employees in an appropriate unit, or recognized formally by the public employer pursuant to the provisions of this act, **the appropriate employer shall meet and confer in good faith** with such employee organization in the determination of conditions of employment of the public employees as provided in this act, and may enter into a memorandum of agreement with such recognized employee organization.*

(L. 1971, ch. 264, § 7; L. 1972, ch. 340, § 3; L. 1973, ch. 363, § 5; L. 1981, ch. 345, § 1; L. 1988, ch. 356, § 304; L. 2013, ch. 61, § 1; July 1.)

K.S.A. § 75-4333 - Prohibited practices; evidence of bad faith

(b) It shall be a prohibited practice for a public employer or its designated representative willfully to:

*(1) Interfere, restrain or coerce public employees in the exercise of rights granted in K.S.A. 75-4324, and amendments thereto; (2) dominate, interfere or assist in the formation, existence, or administration of any employee organization; (3) encourage or discourage membership in any employee organization, committee, association or representation plan by discrimination in hiring, tenure or other conditions of employment, or by blacklisting; (4) discharge or discriminate against an employee because such employee has filed any affidavit, petition or complaint or given any information or testimony under this act, or because such employee has formed, joined or chosen to be represented by any employee organization; (5) **refuse to meet and confer in good faith** with representatives of recognized employee organizations as required in K.S.A. 75-4327, and amendments thereto.*

(L. 1971, ch. 264, § 13; L. 2013, ch. 6, § 2; July 1.)

Change Summary State Employees changed from 0 to 1 in 1973 by statute. The 2018 code for State Employees is 1.

16.2 Municipal Police

Statute Change (0 to 1) 1973 Same as **subsection 16.1.1**

Change Summary Municipal Police changed from 0 to 1 in 1973 by statute. The 2018 code for

Municipal Police is 1.

16.3 Municipal Firefighters

Statute Change (0 to 1) 1973 Same as [subsection 16.1.1](#)

Change Summary Municipal Firefighters changed from 0 to 1 in 1973 by statute. The 2018 code for Municipal Firefighters is 1.

16.4 Non-College Teachers

Statute Change (0 to 2) 1971 Kansas Statutes - Chapter 72 Schools

[K.S.A. § 72-2219 - Professional employees' rights; representation of employees and school boards; negotiations.](#)

Professional employees shall have the right to form, join or assist professional employees' organizations, to participate in professional negotiation with boards of education through representatives of their own choosing for the purpose of establishing, maintaining, protecting or improving terms and conditions of professional service. Professional employees shall also have the right to refrain from any or all of the foregoing activities. In professional negotiations under this act the board of education may be represented by an agent or committee designated by it.

**(c) "Professional employee" means any person employed by a board of education in a position which requires a certificate issued by the state board of education or employed by a board of education in a professional, educational or instructional capacity, but shall not mean any such person who is an administrative employee and, commencing in the 2006-2007 school year, shall not mean any person who is a retirant from school employment of the Kansas public employees retirement system, regardless of whether an agreement between a board of education and an exclusive representative of professional employees that covers terms and conditions of professional service provides to the contrary.*

(L. 1970, ch. 284, § 2; July 1)

[K.S.A. § 72-2228 - Rights and duties of boards of education reserved; recognition and negotiation required; applicability of open meetings law, exceptions; strikes not authorized; adoption of agreements by reference.](#)

(a) Nothing in this act, or the act of which this section is amendatory, shall be construed to change or affect any right or duty conferred or imposed by law upon any board of education, except that boards of education are required to comply with this act, and the act of which this section is amendatory, in recognizing professional employees' organizations, and when such an organization is recognized, the board of education and the professional employees' organization shall enter into professional negotiations on request of either party at any time during the school year prior to issuance or renewal of the annual teachers' contracts. Notices to negotiate on new items or to amend an existing contract must be filed on or before March 31 in any school year by either party, such notices shall be in writing and delivered to the chief administrative officer of the board of education or to the representative of the bargaining unit and shall contain in reasonable and understandable detail the purpose of the new or amended items desired.

(L. 1970, ch. 284, § 11; L. 1977, ch. 248, § 12; L. 1980, ch. 220, § 8; L. 1986, ch. 269, § 1; July 1; L. 2015, ch. 92, § 13)

Change Summary Non-College Teachers changed from 0 to 2 in 1971 by statute. The 2018 code for Non-College Teachers is 2.

16.5 Other Municipal Employees

Statute Change (0 to 1) 1973 Same as **subsection 16.1.1**

Change Summary Other Municipal Employees changed from 0 to 1 in 1973 by statute. The 2018 code for Other Municipal Employees is 1.

17 Kentucky

17.1 State Employees

Executive Order Change (0 to 1) 2001

Former Democratic Governor Paul Patton established the Governor’s employee Advisory Council to assist in the collective bargaining process with state employees.

Executive Order Change (1 to 0) 2003

Former Republican governor Ernie Fletcher abolished the Governor’s Employee Advisory Council.

Executive Order Change (0 to 1) 2008

Governor Beshear re-institutes the GEAC.

Executive Order Change (1 to 0) 2015

Governor Matt Bevin issues Executive Order 1015-051 which re-abolishes the GEAC.

Governor Matt Bevin issues Executive Order 2015-051 which rescinds Gov. Beshear’s Executive Order 2008-471, which established the Governor’s Employee Advisory Council (GEAC). **The GEAC** was created to discuss issues pertaining to wages, hours and terms of employment for merit employees, but is non-value added given that the governor **has no power to extend negotiation** and collective bargaining rights to employees of the commonwealth. The merit system, along with the policies and procedures enacted through the Personnel Cabinet, provide sufficient protections and oversight of these issues and functions in a streamlined and efficient manner. Finally, a fifth order rescinds Beshear’s establishment of the Governor’s Employee Advisory Council to discuss wages, hours and terms of employment for merit employees. Bevin’s press release said this council serves no real purpose “given that **the Governor has no power to extend negotiation and collective bargaining rights**” to state employees.

Change Summary State Employees changed from 0 to 1 in 2001 by executive order. Then, from 1 to 0 in 2003 by executive order. Then, from 0 to 1 in 2008 by executive order. Then, from 1 to 0 in 2015 by executive order. The 2018 code for State Employees is 0.

17.2 Municipal Police

Statute Change (0 to 2) 1973

KRS § 78.470 - Collective bargaining authorized — Strikes prohibited.

Except as provided in KRS 336.130, in any county in the Commonwealth of Kentucky, which has a population of 300,000 or more and which has adopted the merit system, the county employees in the classified service as police may organize, form, join or participate in organizations in order to engage in lawful concerted activities for the purpose of collective bargaining or other mutual aid and protection, and to bargain collectively through representatives of their own free choice. Such employees shall also have the right to refrain from any or all such activities. Strikes by said members of any such collective bargaining unit shall be prohibited at any time.

(Enact. Acts 1972, ch. 297, § 2; 2017, ch. 1, § 10, effective January 9, 2017.)

Note: The 1981 DOL report says that this 1972 law constitutes a duty to bargain. An employer

duty to bargain is never explicitly laid out in more detail than provided, but we defer to the DOL report in interpreting this passage.

Change Summary Municipal Police changed from 0 to 2 in 1973 by statute. The 2018 code for Municipal Police is 2.

17.3 Municipal Firefighters

Statute Change (0 to 2) 1973 [KRS § 345.030 - Employees' right to organize for the purpose of collective bargaining](#)

(1) Firefighters of a city of the first class shall have, and shall be protected in the exercise of, the right of self-organization, to form, join, or assist any labor organization, to bargain collectively through representatives of their own choosing on questions of wages, hours, and other conditions of employment free from interference, restraint, or coercion. (2) Labor organizations designated by the State Labor Relations Board as the representative of the majority of firefighters in an appropriate unit or recognized by a public employer as the representative of the majority of employees in an appropriate unit shall be the exclusive representative for the employees of such unit for the purpose of collective bargaining with respect to rates of pay, wages, hours, and other conditions of employment. (3) Labor organizations recognized by a public employer as the exclusive representative or so designated in accordance with the provisions of this chapter shall be responsible for representing the interest of all firefighters in the unit without discrimination. (Enact. Acts 1972, ch. 120, § 4; 1990, ch. 144, § 2, effective July 13, 1990.)

[KRS § 345.040 - Duty to bargain collectively](#)

The public employer and such labor organization as has been designated as exclusive representative of firefighters in an appropriate unit, through appropriate officials or their representatives, shall have the authority and the duty to bargain collectively. This duty extends to the obligation to bargain collectively as set forth in subsection (3) of KRS 345.050.

(Enact. Acts 1972, ch. 120, § 5.)

Change Summary Municipal Firefighters changed from 0 to 2 in 1973 by statute. The 2018 code for Municipal Firefighters is 2.

17.4 Non-College Teachers

Attorney General Change (0 to 1) 1966 The 1971 and 1981 DOL reports cite an attorney general opinion on February 2nd 1965 that allows local school boards to enter into bargaining agreements at their discretion. (O.A.G 65-84). The text of this opinion is unavailable, but we defer to the DOL reports.

Change Summary Non-College Teachers changed from 0 to 1 in 1966 by attorney general opinion. The 2018 code for Non-College Teachers is 1.

17.5 Other Municipal Employees

Change Summary No code changes from 1955 to 2018. The 2018 code for Other Municipal Em-

ployees is 0.

18 Louisiana

18.1 State Employees

Attorney General Opinion Change (0 to 1) 1973 Multiple DOL report cite an Opinion of Special Council to the Attorney General on April 3rd 1972 stating:

In the absence of statutory policy, recognition of labor organizations by State agencies is not a question of law but rather of policy determination to be made administratively.

Change Summary State Employees changed from 0 to 1 in 1973 by attorney general opinion. Case law in 1990 reinforced the code of 1. The 2018 code for State Employees is 1.

18.2 Municipal Police

Attorney General Opinion Change (0 to 1) 1975 Multiple DOL reports cite an Office of the Attorney General Opinion (#74-413) on April 4, 1974 stating:

It is lawful for teachers and other public employees to engage in collective bargaining with their employers.

Change Summary Municipal Police changed from 0 to 1 in 1975 by attorney general opinion. The 2018 code for Municipal Police is 1.

18.3 Municipal Firefighters

Attorney General Opinion Change (0 to 1) 1975 Same as [subsection 18.2.1](#)

Change Summary Municipal Firefighters changed from 0 to 1 in 1975 by attorney general opinion. The 2018 code for Municipal Firefighters is 1.

18.4 Non-College Teachers

Attorney General Opinion Change (0 to 1) 1975 Same as [subsection 18.2.1](#)

Change Summary Non-College Teachers changed from 0 to 1 in 1975 by attorney general opinion. The 2018 code for Non-College Teachers is 1.

18.5 Other Municipal Employees

Attorney General Opinion Change (0 to 1) 1975 Same as [subsection 18.2.1](#)

Change Summary Other Municipal Employees changed from 0 to 1 in 1975 by attorney general opinion. The 2018 code for Other Municipal Employees is 1.

19 Maine

19.1 State Employees

Statute Change (0 to 2) 1975 M.R.S. Title 26, Ch. 9-B: State Employees Labor Relations Act

[26 M.R.S. § 979-B - Right of state employees or legislative employees to join or refrain from joining labor organizations; prohibition](#)

A person may not directly or indirectly interfere with, intimidate, restrain, coerce or discriminate against a state or legislative employee or a group of employees in the free exercise of their rights, given by this section, to voluntarily: 1. Join a union. Join, form and participate in the activities of organizations of their own choosing for the purposes of representation and collective bargaining or in the free exercise of any other right under this chapter; or...

(1973, c. 774, (NEW). 1997, c. 741, §4 (AMD). 1997, c. 741, §12 (AFF). 2007, c. 415, §6 (RPR).)

[26 M.R.S. § 979-D - Obligation to Bargain](#)

1. Negotiations. On and after January 1, 1975, it shall be the obligation of the public employer and the bargaining agent to bargain collectively. “Collective bargaining” means, for the purpose of this chapter, their mutual obligation:

A. To meet at reasonable times;

B. To meet within 10 days after receipt of written notice from the other party requesting a meeting for collective bargaining purposes, provided the parties have not otherwise agreed in a prior written contract;

C. To execute in writing any agreements arrived at, the term of any such agreement to be subject to negotiation but shall not exceed 3 years;

D. To participate in good faith in the mediation, fact finding and arbitration procedures required by this section; and

E. To confer and negotiate in good faith

(1973, c. 774, (NEW). 1975, c. 564, §§32-34 (AMD). 1979, c. 501, §3 (AMD). 1985, c. 289, (AMD). 1985, c. 785, §B117 (AMD). 1987, c. 33, (AMD). 1989, c. 596, §N4 (AMD). 1991, c. 622, §O9 (AMD). 1997, c. 741, §§6,7 (AMD). 1997, c. 741, §12 (AFF).)

Note: We could not access the earlier versions of these statutes to verify the exact wording in 1975; however, the 1981 DOL report says that the 1975 law included the language regarding a duty to bargain.

Change Summary State Employees changed from 0 to 2 in 1975 by statute. The 2018 code for State Employees is 2.

19.2 Municipal Police

Statute Change (0 to 2) 1970 M.R.S. Title 26, Ch. 9-A: Municipal Public Employees Labor Relations Law

[26 M.R.S. § 963 - Right of public employees to join or refrain from joining labor organizations](#)

A person may not directly or indirectly interfere with, intimidate, restrain, coerce or discriminate against a public employee or a group of public employees in the free exercise of their rights, given by this section, to voluntarily:

*1. Join a union. Join, form and participate in the activities of organizations of their own choosing for the **purposes of representation and collective bargaining** or in the free exercise of any other right under this chapter; or...*

(1969, c. 424, §1 (NEW). 2007, c. 415, §2 (RPR).)

26 M.R.S. § 965 - Obligation to Bargain

*1. Negotiations. It is the **obligation of the public employer and the bargaining agent to bargain collectively**. “Collective bargaining” means, for the purposes of this chapter, their mutual obligation:*

A. To meet at reasonable times;

B. To meet within 10 days after receipt of written notice from the other party requesting a meeting for collective bargaining purposes, as long as the parties have not otherwise agreed in a prior written contract. This obligation is suspended during the period between a referendum approving a new regional school unit and the operational date of the regional school unit, as long as the parties meet at reasonable times during that period;

*C. **To confer and negotiate in good faith** with respect to wages, hours, working conditions and contract grievance arbitration, except that by such obligation neither party may be compelled to agree to a proposal or be required to make a concession and except that public employers of teachers shall meet and consult but not negotiate with respect to educational policies; for the purpose of this paragraph, educational policies may not include wages, hours, working conditions or contract grievance arbitration.*

(1969, c. 424, §1 (NEW). 1969, c. 578, §§2-A,2-B (AMD) etc)

Note: We could not access the earlier versions of these statutes to verify the exact wording in 1975; however, the 1981 DOL report says that the 1975 law included the language regarding a duty to bargain.

Change Summary Municipal Police changed from 0 to 2 in 1970 by statute. The 2018 code for Municipal Police is 2.

19.3 Municipal Firefighters

Unknown Change (0 to 2) 1966

Change Summary Municipal Firefighters changed from 0 to 2 in 1966. The 2018 code for Municipal Firefighters is 2.

19.4 Non-College Teachers

Statute Change (0 to 2) 1970 Same as **subsection 19.2.1**

Change Summary Non-College Teachers changed from 0 to 2 in 1970 by statute. The 2018 code for Non-College Teachers is 2.

19.5 Other Municipal Employees

Statute Change (0 to 2) 1970 Same as [subsection 19.2.1](#)

Change Summary Other Municipal Employees changed from 0 to 2 in 1970 by statute. The 2018 code for Other Municipal Employees is 2.

20 Maryland

20.1 State Employees

Executive Order Change (0 to 1) 1996

[Maryland State Labor Relations Board Presentation](#)

July 1996: An Executive Order gave certain MD State Employees the right to bargain collectively with the State on issues dealing with wages, hours and working conditions.

Current code confirmed by statutes below.

Code of Maryland - State Personnel and Pensions - Division I. State Personnel - Title 3. Collective Bargaining

[Maryland Code STATE PERSONNEL AND PENSIONS § 3-301 - Rights of employee](#)

a) Employees subject to this title have the right to:

- (1) take part or refrain from taking part in forming, joining, supporting, or participating in any employee organization or its lawful activities;*
- (2) be fairly represented by their exclusive representative, if any, in collective bargaining;*
and
- (3) except as provided in §§ 3-303 and 3-305 of this subtitle, engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.*

[Md. STATE PERSONNEL AND PENSIONS Code Ann. § 3-306 - Unfair Labor Practices Prohibited](#)

(a) State. – The State and its officers, employees, agents, or representatives are prohibited from engaging in any unfair labor practice, including:

- (8) refusing to bargain in good faith; or*
 - (9) engaging in a lockout.*
- (1999, ch. 298, § 2; 2006, ch. 62; 2018, ch. 814.)*

Change Summary State Employees changed from 0 to 1 in 1996 by executive order. Then, from 1 to 2 in 2006 by statute. The 2018 code for State Employees is 2.

20.2 Municipal Police

No code changes from 1955 to 2018. The 2018 code for Municipal Police is 0.

20.3 Municipal Firefighters

No code changes from 1955 to 2018. The 2018 code for Municipal Firefighters is 0.

20.4 Non-College Teachers

Statute Change (0 to 2) 1970 The 1971 and 1976 DOL reports cite a Maryland statute (Sec. 160 Ch

405) that was passed in 1969. It included a duty for employers and employees to bargain collectively. The text of these statutes are unavailable, but we defer to the DOL reports on this change. The 2018 code is confirmed by the statute below.

Code of Maryland - Education - Division II. Elementary and Secondary Education - Title 6. Teachers and Other Personnel - Subtitle 4. Organizations of Certificated Employees

[Md. EDUCATION Code Ann. § 6-402=8 - Negotiations between employer and employee organization](#)

(c) Representatives to negotiate. (1) On request a public school employer or at least two of its designated representatives shall meet and negotiate with at least two representatives of the employee organization that is designated as the exclusive negotiating agent for the public school employees in a unit of the county on all matters that relate to:

(i) Salaries, wages, hours, and other working conditions, including procedures regarding employee transfers and assignments

(An. Code 1957, art. 77, § 160; 1978, ch. 22, § 2; ch. 713, § 2; 2000, ch. 176; 2002, ch. 287; 2010, chs. 324, 325; 2014, ch. 94, § 11; 2018, chs. 22, 29.)

Change Summary Non-College Teachers changed from 0 to 2 in 1970 by statute. The 2018 code for Non-College Teachers is 2.

20.5 Other Municipal Employees

No code changes from 1955 to 2018. The 2018 code for Other Municipal Employees is 0.

21 Massachusetts

21.1 State Employees

Statute Change (0 to 1) 1959 [Massachusetts Public Employee Collective Bargaining Law Guide \(Mass.gov\)](#)

In 1958, all public employees (except police officers) in Massachusetts are granted the right to join unions and to "present proposals" to public employers by M.G.L. c. 149, § 178D.

Statute Change (1 to 2) 1966 In 1965 "Municipal employees are granted the right to bargain about wages, hours, and terms and conditions of employment. M.G.L. c. 149, §§ 178G-N (repealing Chapter 40, § 4C)." - [Source](#)

Note: We could not find the text of this statute as it was repealed and replaced with a new collective bargaining law in 1973. However, the date is consistent with the code change. Although, the description of the statute does not include a duty to bargain so the code value is questionable. **Change Summary** State Employees changed from 0 to 1 in 1959 by statute. Then, from 1 to 2 in 1966 by statute. The 2018 code for state employees is 2.

21.2 Municipal Police

Statute Change (0 to 2) 1966 Same as [subsection 21.1.2](#)

Change Summary Municipal Police changed from 0 to 2 in 1966 by statute. The 2018 code for Municipal Police is 2.

21.3 Municipal Firefighters

Statute Change (0 to 1) 1959 Same as [subsection 21.1.1](#)

Statute Change (1 to 2) 1966 Same as [subsection 21.1.2](#)

Change Summary Municipal Firefighters changed from 0 to 1 in 1959 by statute. Then, from 1 to 2 in 1966 by statute. The 2018 code for Municipal Firefighters is 2.

21.4 Non-College Teachers

Statute Change (0 to 1) 1959 Same as [subsection 21.1.1](#)

Statute Change (1 to 2) 1966 Same as [subsection 21.1.2](#)

Change Summary Non-College Teachers changed from 0 to 1 in 1959 by statute. Then, from 1 to 2 in 1966 by statute. The 2018 code for Non-College Teachers is 2.

21.5 Other Municipal Employees

Statute Change (0 to 1) 1959 Same as [subsection 21.1.1](#)

Statute Change (1 to 2) 1966 Same as [subsection 21.1.2](#)

Change Summary Other Municipal Employees changed from 0 to 1 in 1959 by statute. Then, from 1 to 2 in 1966 by statute. The 2018 code for Other Municipal Employees is 2.

22 Michigan

22.1 State Employees

Statute Change (0 to 1) 1977 The 1979 DOL Report cites the Michigan State Employees Relations

Policy, Department of Civil Service, Sec 1 et seq. 8/20/1976. The text of this law is unavailable, but we defer to the DOL report in reporting that it included an employer duty to meet and confer.

Statute Change (1 to 2) 1981 The 1981 DOL Report cites the Michigan Civil Service Commission

Employee Relations Policy, Mich Const. Art. XI Sec. 1-101 et seq. (1980). The text of this law is unavailable, but we defer to the DOL report in reporting that it included an employer duty to bargain. Current law for state employees, detailed in section 22.2.1, supports a 2018 code of 2.

Change Summary State Employees changed from 0 to 1 in 1977 by statute. Then, from 1 to 2 in 1981 by statute. The 2018 code for State Employees is 2.

22.2 Municipal Police

Statute Change (0 to 2) 1966 [MCLS § 423.201 - Definitions; rights of public employees.](#)

(e) "Public employee" means an individual holding a position by appointment or employment in the government of this state, in the government of 1 or more of the political subdivisions of this state, in the public school service, in a public or special district, in the service of an authority, commission, or board, or in any other branch of the public service, subject to the following exceptions...

[MCLS § 423.209 - Public employees; rights; prohibited conduct; violation; civil fine](#)

(1) Public employees may do any of the following:

*(a) Organize together or form, join, or assist in labor organizations; engage in lawful concerted activities for the **purpose of collective negotiation or bargaining** or other mutual aid and protection; or negotiate or bargain collectively with their public employers through representatives of their own free choice.*

(b) Refrain from any or all of the activities identified in subdivision (a).

(Pub Acts 1947, No. 336, § 9, **as added by Pub Acts 1965, No. 379, imd eff July 23, 1965**; Pub Acts 2012, No. 349, effective March 28, 2013; Pub Acts 2014, No. 414, effective December 30, 2014.)

[MCLS § 423.210 - Prohibited conduct by public employer or officer or agent...](#)

(1) A public employer or an officer or agent of a public employer shall not do any of the following:

(e) Refuse to bargain collectively with the representatives of its public employees, subject to section 11.

(Pub Acts 1947, No. 336, § 10, **as added by Pub Acts 1965, No. 379, imd eff July 23, 1965**; amended by Pub Acts 1973, No. 25, imd eff June 14, 1973; Pub Acts 2012, No. 53, imd eff March 16, 2012; Pub Acts 2012, No. 349, effective March 28, 2013; Pub Acts 2014, No. 414, effective December 30, 2014.)

Note: We could not access the 1965 versions of the statutes above, but the amendment notes indicate that the post-1965 amendments do not make any relevant changes. The 1965 legislation included a duty to bargain.

Change Summary Municipal Police changed from 0 to 2 in 1966 by statute. The 2018 code for Municipal Police is 2.

22.3 Municipal Firefighters

Statute Change (0 to 2) 1966 Same as [subsection 22.2.1](#)

Change Summary Municipal Firefighters changed from 0 to 2 in 1966 by statute. The 2018 code for Municipal Firefighters is 2.

22.4 Non-College Teachers

Statute Change (0 to 2) 1966 Same as [subsection 22.2.1](#)

Change Summary Non-College Teachers changed from 0 to 2 in 1966 by statute. The 2018 code for Non-College Teachers is 2.

22.5 Other Municipal Employees

Statute Change (0 to 2) 1966 Same as [subsection 22.2.1](#)

Change Summary Other Municipal Employees changed from 0 to 2 in 1966 by statute. The 2018 code for Other Municipal Employees is 2.

23 Minnesota

23.1 State Employees

Unknown Change (0 to 1) 1966 Unable to identify change.

Statute Change (1 to 2) 1973 Multiple DOL reports cite M.S.A Ch 33 Sec. 179.61 et seq which was effective July 1st 1972. We were unable to find this version of the statute, but both DOL reports both say that the 1972 law includes a requirement to bargain.

Note: The 2018 text of the [statute](#) includes the duty to bargain. **Change Summary** State Employees changed from 0 to 1 in 1966. Then, from 1 to 2 in 1973 by statute. The 2018 code for State Employees is 2.

23.2 Municipal Police

Unknown Change (0 to 1) 1966 Unable to identify change.

Statute Change (1 to 2) 1973 Same as [subsection 23.1.2](#)

Change Summary Municipal Police changed from 0 to 1 in 1966. Then, from 1 to 2 in 1973 by statute. The 2018 code for Municipal Police is 2.

23.3 Municipal Firefighters

Unknown Change (0 to 1) 1966 Unable to identify change.

Statute Change (1 to 2) 1973 Same as [subsection 23.1.2](#)

Change Summary Municipal Firefighters changed from 0 to 1 in 1966. Then, from 1 to 2 in 1973 by statute. The 2018 code for Municipal Firefighters is 2.

23.4 Non-College Teachers

Unknown Change (0 to 1) 1968 Unable to identify change.

Statute Change (1 to 2) 1973 Same as [subsection 23.1.2](#)

Change Summary Non-College Teachers changed from 0 to 1 in 1968. Then, from 1 to 2 in 1973 by statute. The 2018 code for Non-College Teachers is 2.

23.5 Other Municipal Employees

Unknown Change (0 to 1) 1966 Unable to identify change.

Statute Change (1 to 2) 1973 Same as [subsection 23.1.2](#)

Change Summary Other Municipal Employees changed from 0 to 1 in 1966. Then, from 1 to 2 in 1973 by statute. The 2018 code for Other Municipal Employees is 2.

24 Mississippi

24.1 State Employees

No code changes from 1955 to 2018. The 2018 code for State Employees is 0.

24.2 Municipal Police

No code changes from 1955 to 2018. The 2018 code for Municipal Police is 0.

24.3 Municipal Firefighters

No code changes from 1955 to 2018. The 2018 code for Municipal Firefighters is 0.

24.4 Non-College Teachers

No code changes from 1955 to 2018. The 2018 code for Non-College Teachers is 0.

24.5 Other Municipal Employees

No code changes from 1955 to 2018. The 2018 code for Other Municipal Employees is 0.

25 Missouri

25.1 State Employees

Statute Change (0 to 1) 1966 Missouri Statutes - Chapter 105 Public Officers and Employees

[§ 105.510 R.S.Mo.](#) - Certain public employees may join labor organizations and bargain collectively — exceptions...

Employees, except police, deputy sheriffs, Missouri state highway patrolmen, Missouri National Guard, all teachers of all Missouri schools, colleges and universities, of any public body shall have the right to form and join labor organizations and to present proposals to any public body relative to salaries and other conditions of employment through the representative of their own choosing. No such employee shall be discharged or discriminated against because of his exercise of such right, nor shall any person or group of persons, directly or indirectly, by intimidation or coercion, compel or attempt to compel any such employee to join or refrain from joining a labor organization, except that the above excepted employees have the right to form benevolent, social, or fraternal associations. Membership in such associations may not be restricted on the basis of race, creed, color, religion or ancestry.

(L. 1965 p. 232 § 2; A.L. 1967 p. 192; A.L. 1969 S.B. 36.)

Change Summary State Employees changed from 0 to 1 in 1966 by statute. The 2018 code for State Employees is 1.

25.2 Municipal Police

Case Law Change (0 to 2) 2012 [Eastern Missouri Coalition of Police, Fraternal Order of Police,](#)

[Lodge 15 v. City of Chesterfield and Eastern Missouri Coalition of Police, Fraternal Order of Police, Lodge 15 v. City of University City](#) (Nos. SC 91736, SC 91737.) Decided: November 20, 2012

The cities of Chesterfield and University City separately appeal judgments entered against each city and in favor of the Eastern Missouri Coalition of Police, Fraternal Order of Police, Lodge 15 (the union). In each action, the trial court entered a declaratory judgment ordering the public employer to adopt collective bargaining procedures. In a consolidated opinion in the two cases, this Court holds that the right to organize and bargain collectively recognized in article I, section 29 inherently imposes a duty on each city to bargain collectively with the exclusive bargaining representative elected by its police officers and sergeants with a goal of reaching an agreement. University City and Chesterfield are not excused from carrying out this duty because the public employees represented by the union are not covered by the procedures codified in the public sector labor law, section 105.500, et seq., RSMo.1 Each city has the ability to establish a procedural framework for collective bargaining with its excluded employees if necessary to effectuate its duty. Nevertheless, because the cities may be able to meet their duty without establishing a framework, the trial courts erred in ordering them to do so. Consequently, this Court affirms the trial courts' declaration that the cities have a duty to bargain collectively but reverses the trial courts' judgments ordering them to establish any procedural framework. Furthermore, as authorized by Rule 84.14, this Court enters judgment ordering the cities to recognize the union as the collective bargaining unit for the cities' police officers and sergeants and to begin to meet and confer with the union for collective bargaining.

Change Summary Municipal Police changed from 0 to 2 in 2012 by case law. The 2018 code for

Municipal Police is 2.

25.3 Municipal Firefighters

Statute Change (0 to 1) 1966 Same as [subsection 25.1.1](#)

Change Summary Municipal Firefighters changed from 0 to 1 in 1966 by statute. The 2018 code for Municipal Firefighters is 1.

25.4 Non-College Teachers

Case Law Change (0 to 1) 2007 [Independence-Nat'l Educ. Ass'n v. Independence Sch. Dist., 223 S.W.3d 131](#) Supreme Court of Missouri May 29, 2007, Filed No. SC87980

Employees are granted the right to present proposals, through their representatives, to the employer. The employer is required to "meet, confer, and discuss" such proposals, and the results of this discussion are to be put in writing and presented to the appropriate administrative, legislative or other governing body in the form of an ordinance, resolution, bill or other form required for adoption, modification or rejection. Mo. Rev. Stat. § 105.520 (2000). The law makes clear that a public employer is not required to agree to anything.

Change Summary Non-College Teachers changed from 0 to 1 in 2007 by case law. The 2018 code for Non-College Teachers is 1.

25.5 Other Municipal Employees

Statute Change (0 to 1) 1966 Same as [subsection 25.1.1](#)

Change Summary Other Municipal Employees changed from 0 to 1 in 1966 by statute. The 2018 code for Other Municipal Employees is 1.

26 Montana

26.1 State Employees

Statute Change (0 to 2) 1974 [39-31-103, MCA - Definitions](#)

(10) *“Public employer” means the state of Montana or any political subdivision thereof, including but not limited to any town, city, county, district, school board, board of regents, public and quasi-public corporation, housing authority or other authority established by law, and any representative or agent designated by the public employer to act in its interest in dealing with public employees. Public employer also includes any local public agency designated as a head start agency as provided in 42 U.S.C. 9836.*

(En. Sec. 2, Ch. 441, L. 1973)

[39-31-201, MCA - Public employees protected in right of self-organization.](#)

*Public employees shall have and shall be protected in the exercise of the **right of self-organization, to form, join, or assist any labor organization, to bargain collectively** through representatives of their own choosing on questions of wages, hours, fringe benefits, and other conditions of employment, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection free from interference, restraint, or coercion.*

(En. Sec. 3, Ch. 441, L. 1973; amd. Sec. 1, Ch. 244, L. 1974; R.C.M. 1947, 59-1603(1))

[39-31-305, MCA - Duty to bargain collectively — good faith.](#)

(1) *The public employer and the exclusive representative, through appropriate officials or their representatives, have the **authority and the duty to bargain collectively. This duty extends to the obligation to bargain collectively in good faith** as set forth in subsection (2).*

(2) *For the purpose of this chapter, **to bargain collectively is the performance of the mutual obligation of the public employer or the public employer’s designated representatives and the representatives of the exclusive representative to meet at reasonable times and negotiate in good faith** with respect to wages, hours, fringe benefits, and other conditions of employment or the negotiation of an agreement or any question arising under an agreement and the execution of a written contract incorporating any agreement reached. The obligation does not compel either party to agree to a proposal or require the making of a concession.*

(3) *For purposes of state government only, the requirement of negotiating in good faith may be met by the submission of a negotiated settlement to the legislature in the executive budget or by bill or joint resolution. The failure to reach a negotiated settlement for submission is not, by itself, prima facie evidence of a failure to negotiate in good faith.*

((1)En. Sec. 4, Ch. 441, L. 1973; Sec. 59-1604, R.C.M. 1947; (2), (3)En. Sec. 5, Ch. 441, L. 1973; amd. Sec. 1, Ch. 36, L. 1975; amd. Sec. 1, Ch. 97, L. 1975; amd. Sec. 2, Ch. 384, L. 1975; Sec. 59-1605, R.C.M. 1947; R.C.M. 1947, 59-1604, 59-1605(3), (4); amd. Sec. 1512, Ch. 56, L. 2009.)

Note: We could not access the 1973 version of the statute text. The 1976 DOL report says that the 1973 version of these statutes included a duty to bargain collectively.

Change Summary State Employees changed from 0 to 1 in 1974 by statute. The 2018 code for State Employees is 2.

26.2 Municipal Police

Statute Change (0 to 2) 1974 Same as [subsection 26.1.1](#)

Change Summary Municipal Police changed from 0 to 2 in 1974 by statute. The 2018 code for Municipal Police is 2.

26.3 Municipal Firefighters

Statute Change (0 to 2) 1974 Same as [subsection 26.1.1](#)

Change Summary Municipal Firefighters changed from 0 to 2 in 1974 by statute. The 2018 code for Municipal Firefighters is 2.

26.4 Non-College Teachers

Statute Change (0 to 2) 1972 The 1973 DOL report cites H.B. 455 passed in 1971 which required school boards to engage in collective bargaining with teachers. Unfortunately, because teachers were then included in [39-31-103 MCA](#), this bill was repealed and the text is unavailable so we defer to the DOL report.

Change Summary Non-College Teachers changed from 0 to 2 in 1972 by statute. The 2018 code for Non-College Teachers is 2.

26.5 Other Municipal Employees

Statute Change (0 to 2) 1974 Same as [subsection 26.1.1](#)

Change Summary Other Municipal Employees changed from 0 to 2 in 1974 by statute. The 2018 code for Other Municipal Employees is 2.

27 Nebraska

27.1 State Employees

Statute Change (0 to 2) 1970 Stat. of Nebraska - Ch. 48 Labor - Article 8 Commission of Industrial Relations (§§ 48-801 - 48-842) (Industrial Relations Act of 1969)
[R.R.S. Neb. § 48-801 - Terms, defined](#)

(11) Public employee includes any person employed by a public employer;

(12) Public employer means the State of Nebraska or any political or governmental subdivision of the State of Nebraska except the Nebraska National Guard or state militia;

(Laws 1947, c. 178, § 1, p. 586; Laws 1967, c. 303, § 1, p. 823; Laws 1967, c. 304, § 1, p. 826; Laws 1969, c. 407, § 1, p. 1405; Laws 1972, LB 1228, § 1; Laws 1985, LB 213, § 1; Laws 1986, LB 809, § 2; Laws 1993, LB 121, § 294; Laws 2007, LB 472, § 1; Laws 2011, LB 397, § 1.)

[R.R.S. Neb. § 48-837 - Public employees; employee organization; bargaining.](#)

Public employees shall have the right to form, join, and participate in or to refrain from forming, joining, or participating in any employee organization of their own choosing. Public employees shall have the right to be represented by employee organizations to negotiate collectively with their public employers in the determination of their terms and conditions of employment and the administration of grievances arising thereunder.

(Laws 1969, c. 407, § 7, p. 1410; Laws 1986, LB 258, § 7; Laws 1986, LB 1250, § 4; Laws 1987, LB 661, § 29.)

Note: We could not access the 1969 version of the statute, but defer to the 1971 DOL report which says the 1969 text included a requirement to bargain collectively.

Change Summary State Employees changed from 0 to 2 in 1970 by statute. The 2018 code for State Employees is 2.

27.2 Municipal Police

Statute Change (0 to 2) 1970 Same as [subsection 27.1.1](#)

Change Summary Municipal Police changed from 0 to 2 in 1970 by statute. The 2018 code for Municipal Police is 2.

27.3 Municipal Firefighters

Statute Change (0 to 2) 1970 Same as [subsection 27.1.1](#)

Change Summary Municipal Firefighters changed from 0 to 2 in 1970 by statute. The 2018 code for Municipal Firefighters is 2.

27.4 Non-College Teachers

Statute Change (0 to 1) 1968 The 1971 DOL report cites H.B. 485 passed in 1967 that allows school

boards and teachers to meet and confer. The text of this law is unavailable.

Statute Change (1 to 2) 1987 R.R.S. Neb. § 81-1373 - Bargaining units; created; other employee units.

(1) For the purpose of implementing the state employees' right to organize for the purpose of collective bargaining, there are hereby created twelve bargaining units for all state agencies except the University of Nebraska, the Nebraska state colleges, and other constitutional offices. The units shall consist of state employees whose job classifications are occupationally and functionally related and who share a community of interest. The bargaining units shall be:

(k) Teachers, which unit is composed of employees required to be licensed or certified as a teacher; (Laws 1987, LB 661, § 5; Laws 1988, LB 684, § 2; Laws 1989, LB 247, § 13; Laws 1992, Third Spec. Sess., LB 14, § 26; Laws 2003, LB 85, § 4; Laws 2011, LB 397, § 22.)

R.R.S. Neb. § 81-1377 - Negotiation of labor contracts

(1) The Chief Negotiator or any other employer-representative and the exclusive collective-bargaining agent for employees under the Chief Negotiator's or employer-representative's jurisdiction shall bargain and negotiate labor contracts in good faith and reasonably in advance of the budget-making process.

(4) The obligation to negotiate in good faith shall not compel the Chief Negotiator or any other employer-representative or the exclusive collective-bargaining agent to agree to a proposal or make a concession. (Laws 1987, LB 661, § 9; Laws 2018, LB 791, § 3.)

Change Summary Non-College Teachers changed from 0 to 1 in 1968 by statute. Then, from 1 to 2 in 1987 by statute. The 2018 code for Non-College Teachers is 2.

Note: Statutes covered in [subsection 27.1.1](#) (part of the Industrial Relations Act of 1969) do include teachers; however, a court ruled ([Sidney Education Ass. v. School Dist., 189 Neb. 540 \(January 26, 1973\)](#)) that the Nebraska Teacher's Professional Negotiations Act (TPNA) (sections 79-1287 to 79-1295) took precedent:

Unquestionably, the provisions of TPNA make collective negotiations under that legislative enactment discretionary with District. Just as clearly, collective negotiations are permissive under that act [Industrial Relations Act]. What the Legislature did was give the TPNA the first opportunity to adjust any differences between certificated employees and Class III, IV, and V school districts. When the provisions of TPNA were exhausted without settlement, then the Industrial Relations Act became operative as to those school districts.

Based on this court ruling, we maintain the "meet and confer" (code of 1) status for teachers until the 1987 reform. This is consistent with the DOL reports.

27.5 Other Municipal Employees

Statute Change (0 to 2) 1970 Same as [subsection 27.1.1](#)

Change Summary Other Municipal Employees changed from 0 to 2 in 1970 by statute. The 2018 code for Other Municipal Employees is 2.

28 Nevada

28.1 State Employees

Statute Change (0 to 2) 2019 Nevada Senate Bill 135 Provides for collective bargaining by state employees. (BDR 23-650)

2019 NV S.B. 135

Title 23 of NRS governs public employment. This bill authorizes collective bargaining between the State and certain state employees. Sections 2, 27, 28 and 48 of **this bill expands the powers and duties of the Local Government Employee-Management Relations Board to include hearing and deciding certain disputes between the State and certain state employees.** Section 46 of this bill changes the name of the Local Government Employee-Management Relations Board to the Government Employee-Management Relations Board to conform to this change in duties. Existing law requires the Local Government Employee-Management Relations Board annually to assess a fee for the support of the Board against each local government employer. (NRS 288.105) Section 23 of this bill additionally requires the renamed Government Employee-Management Relations Board annually to assess a similar fee against each agency or other unit of the Executive Department of State Government. **Section 24 of this bill authorizes certain state employees to organize and join labor organizations,** or refrain from engaging in that activity, and, as applicable, to engage in collective bargaining through exclusive representatives. Jun 02, 2019

*Senate bill 135 expands provisions relating to the Local Government Employee Relations Board to include state employees. This means provisions that require the local board to negotiate and bargain in good faith extend to state employees.

Change Summary State Employees changed from 0 to 2 in 2019 by statute. The 2018 code for State Employees is 2.

28.2 Municipal Police

Statute Change (0 to 2) 1970 [Nev. Rev. Stat. Ann. § 288.140](#) - Right of employee to join or refrain from joining employee organization; exceptions; discrimination by employer prohibited; limitations on nonmember acting on own behalf; membership of law enforcement officer.

1. It is the right of every local government employee, subject to the limitations provided in subsections 3 and 4, to join any employee organization of the employee's choice or to refrain from joining any employee organization. A local government employer shall not discriminate in any way among its employees on account of membership or nonmembership in an employee organization. (1969, p. 1377; 2011, ch. 477, § 6, p. 2900.)

[Nev. Rev. Stat. Ann. § 288.150](#) - Negotiations by employer with recognized employee organization: Subjects of mandatory bargaining; matters reserved to employer without negotiation; reopening of collective bargaining agreement during period of fiscal emergency; termination or reassignment of employees of certain schools.

1. Except as otherwise provided in subsection 4 and NRS 354.6241, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the

mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

(1969, p. 1377; 1971, p. 1503; 1975, p. 919; 1983, p. 1622; 1987, ch. 324, § 1, p. 743; 1987, ch. 640, § 1, p. 1496; 1987, ch. 665, § 1, p. 1607; 1989, ch. 48, § 34(1), p. 104; 1989, ch. 550, § 1, p. 1165; 2011, ch. 379, § 19.7, p. 2295; 2011, ch. 477, § 6, p. 2901)

Note: We could not access the specific 1969 version of this statute; however, the 1971 DOL report says that the 1969 text of this statute included the requirement to bargain collectively.

Change Summary Municipal Police changed from 0 to 2 in 1970 by statute. The 2018 code for Municipal Police is 2.

28.3 Municipal Firefighters

Statute Change (0 to 2) 1970 Same as [subsection 28.2.1](#)

Change Summary Municipal Firefighters changed from 0 to 2 in 1970 by statute. The 2018 code for Municipal Firefighters is 2.

28.4 Non-College Teachers

Statute Change (0 to 2) 1970 Same as [subsection 28.2.1](#)

Change Summary Non-College Teachers changed from 0 to 2 in 1970 by statute. The 2018 code for Non-College Teachers is 2.

28.5 Other Municipal Employees

Statute Change (0 to 2) 1970 Same as [subsection 28.2.1](#)

Change Summary Other Municipal Employees changed from 0 to 2 in 1970 by statute. The 2018 code for Other Municipal Employees is 2.

29 New Hampshire

29.1 State Employees

Unknown Change (0 to 1) 1958 Unable to identify change.

Statute Change (1 to 2) 1970 The 1971 DOL report cites Ch 98C, State Code, passed in 1969 which requires collective bargaining for state employees. The text of this law is unavailable, but we defer to the DOL report on this change.

Change Summary State Employees changed from 0 to 1 in 1958 by statute and then from 1 to 2 in 1970, again by statute. The 2018 code for State Employees is 2. In 2018, State Employees are covered by [Ch. 273-A Public Employee Labor Relations \(§§ 273-A:1 — 273-A:17\)](#), which maintains a code of 2.

29.2 Municipal Police

Note: The code for Municipal Police in New Hampshire was already 1 in 1955 in the FV dataset.

Statute Change (1 to 2) 1973 The 1973 DOL report cites “Ch 64, 1972” which gives police the right to bargain collectively and requires employers to bargain. The text of this law is unavailable, but we defer to DOL report on this change.

Change Summary Municipal Police changed from 1 to 2 in 1973 by statute. The 2018 code for Municipal Police is 2. In 2018, Municipal Police are covered by [Ch. 273-A Public Employee Labor Relations \(§§ 273-A:1 — 273-A:17\)](#), which maintains a code of 2.

29.3 Municipal Firefighters

Note: The code for Municipal Firefighters in New Hampshire was already 1 in 1955 in the FV dataset.

Statute Change (1 to 2) 1976 New Hampshire Rev. Stat. - Ch. 273 A Public Employee Labor Relations (§§ 273-A:1 — 273-A:17)

[RSA 273-A:1 - Definitions](#)

“Public employer” means the state and any political subdivision thereof, the judicial branch of the state, any quasi-public corporation, council, commission, agency or authority, the state community college system, and the state university system.

(1975, 490:2. 1977, 437:1. 1983, 270:1, eff. Aug. 17, 1983. 2001, 170:1, 2, eff. Jan. 1, 2002. 2007, 107:1, eff. June 11, 2007. 368:1, eff. September 15, 2007. 2011, 159:1, I, eff. August 8, 2011. 2014, 13:1, 2, eff. July 13, 2014.)

[RSA 273-A:3 - Obligation to Bargain.](#)

It is the obligation of the public employer and the employee organization certified by the board as the exclusive representative of the bargaining unit to negotiate in good faith. “Good faith”

negotiation involves meeting at reasonable times and places in an effort to reach agreement on the terms of employment, and to cooperate in mediation and fact-finding required by this chapter, but the obligation to negotiate in good faith shall not compel either party to agree to a proposal or to make a concession.

(1975, 490:2. 1977, 437:2. 1979, 374:3. 1985, 39:1, eff. June 8, 1985. 1998, 205:1, eff. Aug. 17, 1998. 2013, 244:1, eff. September 22, 2013.)

Change Summary Municipal Firefighters changed from 1 to 2 in 1976 by statute. The 2018 code for Municipal Firefighters is 2.

29.4 Non-College Teachers

Note: The code for Non-College Teachers in New Hampshire was already 1 in 1955 in the FV dataset.

Statute Change (1 to 2) 1976 Same as [subsection 29.3.1](#)

Change Summary Non-College Teachers changed from 1 to 2 in 1976 by statute. The 2018 code for Non-College Teachers is 2.

29.5 Other Municipal Employees

Note: The code for Other Municipal Employees in New Hampshire was already 1 in 1955 in the FV dataset.

Statute Change (1 to 2) 1976 Same as [subsection 29.3.1](#)

Change Summary Other Municipal Employees changed from 1 to 2 in 1976 by statute. The 2018 code for Other Municipal Employees is 2.

30 New Jersey

30.1 State Employees

Statute Change (0 to 2) 1969 New Jersey Stat. - Chapter 13A Employer-Employee Relations Act (§§

34:13A-1 — 34:13A-43)

N.J. Stat. § 34:13A-3 - Definitions

(c) The term “employer” includes an employer and any person acting, directly or indirectly, on behalf of or in the interest of an employer with the employer’s knowledge or ratification, but a labor organization, or any officer or agent thereof, shall be considered an employer only with respect to individuals employed by such organization. This term shall include “public employers” and shall mean the State of New Jersey, or the several counties and municipalities thereof, or any other political subdivision of the State, or a school district, or any special district, or any authority, commission, or board, or any branch or agency of the public service.

(L. 1968, c. 303, § 7; amended 1974, c. 123, § 4; 1982, c. 103, § 1; 1996, c. 115, § 4; 2003, c. 119, § 2, eff. July 1, 2003; 2005, c. 161, § 2, eff. July 19, 2005; 2005, c. 380, § 1, eff. Jan. 12, 2006.)

N.J. Stat. § 34:13A-5.3 - Employee organizations; right to form or join; collective negotiations; grievance procedures

Except as hereinafter provided, public employees shall have, and shall be protected in the exercise of, the right, freely and without fear of penalty or reprisal, to form, join and assist any employee organization or to refrain from any such activity; provided, however, that this right shall not extend to elected officials, members of boards and commissions, managerial executives, or confidential employees, except in a school district the term managerial executive shall mean the superintendent of schools or his equivalent, nor, except where established practice,

A majority representative of public employees in an appropriate unit shall be entitled to act for and to negotiate agreements covering all employees in the unit and shall be responsible for representing the interest of all such employees without discrimination and without regard to employee organization membership. Proposed new rules or modifications of existing rules governing working conditions shall be negotiated with the majority representative before they are established. In addition, the majority representative and designated representatives of the public employer shall meet at reasonable times and negotiate in good faith with respect to grievances, disciplinary disputes, and other terms and conditions of employment. Nothing herein shall be construed as permitting negotiation of the standards or criteria for employee performance.

(L. 1968, c. 303, § 7; amended 1974, c. 123, § 4; 1982, c. 103, § 1; 1996, c. 115, § 4; 2003, c. 119, § 2, eff. July 1, 2003; 2005, c. 161, § 2, eff. July 19, 2005; 2005, c. 380, § 1, eff. Jan. 12, 2006.)

Note: We could not access the 1968 version of this statute, but the 1971 DOL report says that the 1968 text included the requirement to bargain.

Change Summary State Employees changed from 0 to 2 in 1969 by statute. The 2018 code for State Employees is 2.

30.2 Municipal Police

Statute Change (0 to 2) 1969 Same as **subsection 30.1.1**

Change Summary Municipal Police changed from 0 to 2 in 1969 by statute. The 2018 code for Municipal Police is 2.

30.3 Municipal Firefighters

Statute Change (0 to 2) 1969 Same as [subsection 30.1.1](#)

Change Summary Municipal Firefighters changed from 0 to 2 in 1969 by statute. The 2018 code for Municipal Firefighters is 2.

30.4 Non-College Teachers

Statute Change (0 to 2) 1969 Same as [subsection 30.1.1](#)

Change Summary Non-College Teachers changed from 0 to 2 in 1969 by statute. The 2018 code for Non-College Teachers is 2.

30.5 Other Municipal Employees

Statute Change (0 to 2) 1969 Same as [subsection 30.1.1](#)

Change Summary Other Municipal Employees changed from 0 to 2 in 1969 by statute. The 2018 code for Other Municipal Employees is 2.

31 New Mexico

31.1 State Employees

Attorney General Change (0 to 1) 1972 The 1971 DOL report cites an Attorney General Opinion on April 14th, 1971 that allows state employees to bargain collectively. The text of this opinion is unavailable, but we defer to the DOL report on this change.

Change Summary State Employees changed from 0 to 1 in 1972 by attorney general opinion. The 2018 code for State Employees is 1.

31.2 Municipal Police

Case Law Change (0 to 1) 1966 [IBEW, Local Union No. 611 v. Town of Farmington, 405 P.2d 233.](#)

[Supreme Court of New Mexico. August 23, 1965. No. 7694](#)

Overview - The town acquired the electric utility from a private company and operated the plant since its acquisition. The town's electrical employees were formerly employees of the private utility working under a collective bargaining agreement, which was continued by the town for about three years when a new collective bargaining agreement was entered into between the town and the union. The union gave timely notice of its desired to make certain changes, and negotiations were in progress when the union filed a declaratory judgment action to test the town's right to so contract. The district court declared that the town had legal authority to enter into a prior legal agreement with the union respecting hours, wages, and working conditions of its members. **The court held that the town had authority to enter into the collective bargaining agreement with the union** respecting its employees engaged in the operation of the electrical utility. The court determined that the town had the authority, pursuant to N.M. Stat. Ann. § 14-19-13 (1953), to have a civil service or merit system, but that it did not have any rules and regulations in place that were adopted by the town's personnel board.

Note: The 1976 DOL report summarizes the case: "bargaining is permitted to the extent that civil service laws do not preempt the scope of negotiation"**Statute Change (1 to 2) 1992** [N.M. Stat. Ann.](#)

[§ 10-7E-2 - Purpose of act](#)

The purpose of the Public Employee Bargaining Act [10-7E-1 NMSA 1978] is to guarantee public employees the right to organize and bargain collectively with their employers, to promote harmonious and cooperative relationships between public employers and public employees and to protect the public interest by ensuring, at all times, the orderly operation and functioning of the state and its political subdivisions. Laws 2003, ch. 4, § 2 and by Laws 2003, ch. 5, § 2.

[N.M. Stat. Ann. § 10-7E-5 - Rights of public employees](#)

Public employees, other than management employees and confidential employees, may form, join or assist a labor organization for the purpose of collective bargaining through representatives chosen by public employees without interference, restraint or coercion and shall have the right to refuse any such activities.

[N.M. Stat. Ann. § 10-7E-19 - Public employers; prohibited practices.](#)

A public employer or his representative **shall not**: A. discriminate against a public employee with regard to terms and conditions of employment because of the employee's membership in a labor organization; B. **interfere with**, restrain or coerce a public employee in the exercise of a **right guaranteed pursuant to the Public Employee Bargaining Act** [10-7E-1 NMSA 1978]; C. dominate or interfere in the formation, existence or administration of a labor organization; D. discriminate in regard to hiring, tenure or a term or condition of employment in order to encourage or discourage membership in a labor organization; E. discharge or otherwise discriminate against a public employee because he has signed or filed an affidavit, petition, grievance or complaint or given information or testimony pursuant to the provisions of the Public Employee Bargaining Act [10-7E-1 NMSA 1978] or because a public employee is forming, joining or choosing to be represented by a labor organization; F. **refuse to bargain collectively in good faith with the exclusive representative**; G. refuse or fail to comply with a provision of the Public Employee Bargaining Act [10-7E-1 NMSA 1978] or board rule; or H. refuse or fail to comply with a collective bargaining agreement.

Note: The Public Employee Bargaining Act passed in 1992. However, it contained a 7 year sunset provision and was revoked in 1999. Four years later in 2003, New Mexico re-passed the new version of PEBA mentioned above. (Haubert-Barela 358) The 1996 codes of 1 may be incorrect depending on if the old PEBA required public employers to bargain.

Change Summary Municipal Police changed from 0 to 1 in 1966 by case law. Then, from 1 to 2 in 1992 by statute. Then, from 2 to 1 in 1992 due to a sunset provision in the 1992 statute. Then, from 1 to 2 in 2003 when the 1992 statutes were renewed. The 2018 code for Municipal Police is 2.

31.3 Municipal Firefighters

Case Law Change (0 to 1) 1966 Same as [subsection 31.2.1](#)

Statute Change (1 to 2) 1992 Same as [subsection 31.2.2](#)

Change Summary Municipal Firefighters changed from 0 to 1 in 1966 by case law. Then, from 1 to 2 in 1992 by statute. Then, from 2 to 1 in 1992 due to a sunset provision in the 1992 statute. Then, from 1 to 2 in 2003 when the 1992 statutes were renewed. The 2018 code for Municipal Firefighters is 2.

31.4 Non-College Teachers

Case Law Change (0 to 1) 1966 Same as [subsection 31.2.1](#)

Statute Change (1 to 2) 1992 Same as [subsection 31.2.2](#)

Change Summary Non-College Teachers changed from 0 to 1 in 1966 by case law. Then, from 1 to 2 in 1992 by statute. Then, from 2 to 1 in 1992 due to a sunset provision in the 1992 statute. Then, from 1 to 2 in 2003 when the 1992 statutes were renewed. The 2018 code for Non-College Teachers is 2.

31.5 Other Municipal Employees

Case Law Change (0 to 1) 1966 Same as [subsection 31.2.1](#)

Statute Change (1 to 2) 1992 Same as **subsection 31.2.2**

Change Summary Other Municipal Employees changed from 0 to 1 in 1966 by case law. Then, from 1 to 2 in 1992 by statute. Then, from 2 to 1 in 1992 due to a sunset provision in the 1992 statute. Then, from 1 to 2 in 2003 when the 1992 statutes were renewed. The 2018 code for Other Municipal Employees is 2.

32 New York

32.1 State Employees

Statute Change (0 to 2) 1968 New York Laws Service - Article XIV Public Employees' Fair Employment Act (§§ 200 — 215)

[NY CLS Civ S § 200 - Statement of policy](#)

*The legislature of the state of New York declares that it is the public policy of the state and the purpose of this act to promote harmonious and cooperative relationships between government and its employees and to protect the public by assuring, at all times, the orderly and uninterrupted operations and functions of government. These policies are best effectuated by (a) **granting to public employees the right of organization and representation**, (b) **requiring the state, local governments and other political subdivisions to negotiate with, and enter into written agreements with employee organizations representing public employees which have been certified or recognized**, (c) **encouraging such public employers and such employee organizations to agree upon procedures for resolving disputes...***

(Add, L 1967, ch 392, § 2; amd, L 1969, ch 24, § 1, eff April 1, 1969.)

[NY CLS Civ S § 201 - Definitions](#)

6. (a) *The term “government” or “public employer” means (i) the state of New York, (ii) a county, city, town, village or any other political subdivision or civil division of the state, (iii) a school district or any governmental entity operating a public school, college or university, (iv) a public improvement or special district, (v) a public authority, commission, or public benefit corporation, (vi) any other public corporation, agency or instrumentality or unit of government which exercises governmental powers under the laws of the state, or (vii) in the case of a county sheriff’s office in those counties where the office of sheriff is an elected position, both the county and the sheriff, shall be designated as a joint public employer for all purposes of this article.*

(Add, L 1967, ch 392, § 2, eff Sept 1, 1967; and, L 1969, ch 24, § 10; L 1971, ch 503, §§ 1-4, eff June 17, 1971; L 1971, ch 504, § 1, eff Aug 16, 1971; L 1972, ch 818, § 1; L 1973, ch 382, § 6; L 1974, ch 283, § 1, eff May 6, 1974; L 1974, ch 587, § 1, eff May 29, 1974; L 1977, ch 677, §§ 1, 2, eff Sept 2, 1977; L 1977, ch 678, § 1; L 1977, ch 817, § 2, eff Aug 5, 1977; L 1981, ch 814, § 1; L 1984, ch 297, § 1, eff June 27, 1984; L 1989, ch 769, §§ 1, 2, eff Sept 26, 1989; L 1992, ch 606, § 1, eff Aug 23, 1992; L 1993, ch 722, § 2, eff Nov 24, 1993; L 2000, ch 597, § 1, eff Dec 20, 2000.)

Change Summary State Employees changed from 0 to 2 in 1968 by statute. The 2018 code for State Employees is 2.

32.2 Municipal Police

Statute Change (0 to 2) 1968 Same as [subsection 32.1.1](#)

Change Summary Municipal Police changed from 0 to 2 in 1968 by statute. The 2018 code for Municipal Police is 2.

32.3 Municipal Firefighters

Statute Change (0 to 2) 1968 Same as [subsection 32.1.1](#)

Change Summary Municipal Firefighters changed from 0 to 2 in 1968 by statute. The 2018 code for Municipal Firefighters is 2.

32.4 Non-College Teachers

Statute Change (0 to 2) 1968 Same as [subsection 32.1.1](#)

Change Summary Non-College Teachers changed from 0 to 2 in 1968 by statute. The 2018 code for Non-College Teachers is 2.

32.5 Other Municipal Employees

Statute Change (0 to 2) 1968 Same as [subsection 32.1.1](#)

Change Summary Other Municipal Employees changed from 0 to 2 in 1968 by statute. The 2018 code for Other Municipal Employees is 2.

33 North Carolina

33.1 State Employees

[N.C. Gen. Stat. § 95-98](#)

Any agreement, or contract, between the governing authority of any city, town, county, or other municipality, or between any agency, unit, or instrumentality thereof, or between any agency, instrumentality, or institution of the State of North Carolina, and any labor union, trade union, or labor organization, as bargaining agent for any public employees of such city, town, county or other municipality, or agency or instrumentality of government, is hereby declared to be against the public policy of the State, illegal, unlawful, void and of no effect.

(1959, c. 742.)

Change Summary Collective bargaining is illegal (or no statute) for entirety of 1955 to 2018.

33.2 Municipal Police

See [section 33.1](#).

Change Summary Collective bargaining is illegal (or no statute) for entirety of 1955 to 2018.

33.3 Municipal Firefighters

See [section 33.1](#).

Change Summary Collective bargaining is illegal (or no statute) for entirety of 1955 to 2018.

33.4 Non-College Teachers

See [section 33.1](#).

Change Summary Collective bargaining is illegal (or no statute) for entirety of 1955 to 2018.

33.5 Other Municipal Employees

See [section 33.1](#).

Change Summary Collective bargaining is illegal (or no statute) for entirety of 1955 to 2018.

34 North Dakota

34.1 State Employees

North Dakota Century Code - Ch. 34-11.1 Public Employees Relations Act (§§ 34-11.1-01 — 34-11.1-08)

[N.D. Cent. Code, § 34-11.1-03](#)

No employee may be denied the right to be a member of an organization of employees or be intimidated or coerced in a decision to communicate or affiliate with an organization. Public employees have the right to request payroll deduction of dues for membership in an organization of employees.

(S.L. 1985, ch. 380, § 3.)

Note: Although the law provides for public sector employee organizations, it provides no statutes regarding collective bargaining.

Change Summary No code changes from 1955 to 2018. The 2018 code for State Employees is 0.

34.2 Municipal Police

See [section 34.1](#).

Change Summary No code changes from 1955 to 2018. The 2018 code for Municipal Police is 0.

34.3 Municipal Firefighters

See [section 34.1](#).

Change Summary No code changes from 1955 to 2018. The 2018 code for Municipal Firefighters is 0.

34.4 Non-College Teachers

Statute Change (0 to 2) 1970 North Dakota Century Code - Ch. 15.1-16 Teacher Representation and Negotiation (§§ 15.1-16-01 — 15.1-16-21)

[N.D. Cent. Code, § 15.1-16-13](#)

1. The board of a school district or its representatives and the representative organization or its representatives shall, if requested by either entity, meet at reasonable times and negotiate in good faith regarding:

- a. The terms and conditions of employment.*
- b. Employer-employee relations.*
- c. Formation of a contract, which may contain a provision for binding arbitration.*
- d. The interpretation of an existing contract.*

(S.L. 2001, ch. 181, § 4; 2015, ch. 147, § 2, eff August 1, 2015.)

Note: Multiple DOL report cite H.B. 175 (passed in 1969), which requires school employers to collectively bargain with teachers. We are unable to find the text of the original law, but defer to

the DOL reports on this change. The above statute text shows the current form of the law.

Change Summary Non-College Teachers changed from 0 to 2 in 1970 by statute. The 2018 code for Non-College Teachers is 2.

34.5 Other Municipal Employees

See [section 34.1](#).

Change Summary No code changes from 1955 to 2018. The 2018 code for Other Municipal Employees is 0.

35 Ohio

35.1 State Employees

Statute Change (0 to 2) 1985 Ohio Revised Code - Ch. 4117: Public Employees' Collective Bargaining (§§ 4117.01 — 4117.24)

[ORC Ann. 4117.01 - Definitions](#)

(B) *“Public employer” means the state or any political subdivision of the state located entirely within the state, including, without limitation, any municipal corporation with a population of at least five thousand according to the most recent federal decennial census; county; township with a population of at least five thousand in the unincorporated area of the township according to the most recent federal decennial census; school district; governing authority of a community school established under Chapter 3314. of the Revised Code; college preparatory boarding school established under Chapter 3328. of the Revised Code or its operator; state institution of higher learning; public or special district; state agency, authority, commission, or board; or other branch of public employment. “Public employer” does not include the nonprofit corporation formed under section 187.01 of the Revised Code.*

(140 v S 133 (Eff 4-1-84); 142 v H 171 (Eff 7-1-87); 142 v H 439 (Eff 3-17-89); 146 v S 19 (Eff 9-8-95); 146 v H 200 (Eff 9-21-95); 146 v H 167 (Eff 11-15-95); 146 v S 230 (Eff 10-29-96); 147 v H 215 (Eff 6-30-97); 147 v S 130 (Eff 9-18-97); 147 v H 408 (Eff 10-1-97); 147 v S 229 (Eff 9-16-98); 149 v H 675. Eff 12-13-2002; 150 v H 516, § 1, eff. 12-30-04; 151 v S 124, § 1, eff. 6-27-05; 151 v H 530, § 101.01, eff. 6-30-06; 151 v H 162, § 1, eff. 10-12-06; 153 v H 1, § 101.01, eff. 7-17-09, 10-16-09; 2011 HB 1, § 1, eff. Feb. 18, 2011; 2011 HB 153, § 101.01, eff. Sept. 29, 2011; 2015 hb64, § 101.01, effective September 29, 2015.)

[ORC Ann. 4117.03 - Public employee rights; collective bargaining with employees of county boards of election prohibited.](#)

(A) *Public employees have the right to:*

(1) *Form, join, assist, or participate in, or refrain from forming, joining, assisting, or participating in, except as otherwise provided in Chapter 4117. of the Revised Code, any employee organization of their own choosing;*

(2) *Engage in other concerted activities for the purpose of collective bargaining or other mutual aid and protection;*

(3) *Representation by an employee organization;*

(4) *Bargain collectively with their public employers to determine wages, hours, terms and other conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement, and enter into collective bargaining agreements; 140 v S 133.*

(Eff 4-1-84; 150 v H 262, § 1, eff. 5-7-04; 151 v H 66, § 101.01, eff. 9-29-07; 152 v H 119, § 130.02, eff. 9-29-07; 2011 SB 171, § 1, eff. June 30, 2011; 2011 HB 153, § 101.01, eff. Sept. 29, 2011.)

[ORC Ann. 4117.11 - Unfair labor practice.](#)

(A) *It is an unfair labor practice for a public employer, its agents, or representatives to:*

(5) *Refuse to bargain collectively with the representative of his employees recognized as the exclusive representative or certified pursuant to Chapter 4117. of the Revised Code; 140 v S 133.*

(Eff 4-1-84.)

Change Summary State Employees changed from 0 to 2 in 1985 by statute. The 2018 code for State Employees is 2.

35.2 Municipal Police

Statute Change (0 to 2) 1985 Same as [subsection 35.1.1](#)

Change Summary Municipal Police changed from 0 to 2 in 1985 by statute. The 2018 code for Municipal Police is 2.

35.3 Municipal Firefighters

Statute Change (0 to 2) 1985 Same as [subsection 35.1.1](#)

Change Summary Municipal Firefighters changed from 0 to 2 in 1985 by statute. The 2018 code for Municipal Firefighters is 2.

35.4 Non-College Teachers

Case Law Change (0 to 1) 1976 [Dayton Classroom Teachers Ass'n v. Dayton Bd. of Education, 41 Ohio St. 2d 127. Supreme Court of Ohio February 19, 1975, Decided No. 74-141](#)

*The members of the association filed grievances regarding working conditions. The board refused to allow the matter to go to arbitration contrary to the parties' agreement. The trial court entered summary judgment in favor of the board finding that the agreement was unlawful. On appeal from the appellate court's modification, **the court held that, based on Ohio Rev. Code Ann. §§ 3313.17 and 3319.08, the board had been granted broad discretionary powers in its role as manager and employer. The court determined that the board was vested with authority to negotiate and enter into a collective bargaining agreement with its employees.** The court noted that arbitration was favored, and it found that there was no statutory prohibition against the arbitration clause in the parties' agreement. Therefore, the court rejected the board's contention that the clause was invalid and unenforceable. The court ruled that the board was obligated to arbitrate any grievance arising under the contract where the grievance involved the application of a valid contractual term. The court indicated that the arbitrator could not make any decision that was inconsistent with the terms of the agreement.*

Note: The 1979 DOL report cites this case as giving the Board of Education the authority to negotiate and enter into collective bargaining contracts.

Statute Change (1 to 2) 1985 Same as [subsection 35.1.1](#)

Change Summary Non-College Teachers changed from 0 to 1 in 1976 by case law. Then, from 1 to 2 in 1985 by statute. The 2018 code for Non-College Teachers is 2.

35.5 Other Municipal Employees

Statute Change (0 to 2) 1985 Same as [subsection 35.1.1](#)

Change Summary Other Municipal Employees changed from 0 to 2 in 1985 by statute. The 2018 code for Other Municipal Employees is 2.

36 Oklahoma

36.1 State Employees

Change Summary No code changes from 1955 to 2018. The 2018 code for State Employees is 0.

36.2 Municipal Police

Statute Change (0 to 2) 1972 Oklahoma Statutes - Title 11. Cities and Towns - Chapter 1. Municipal

Code (§§ 1-101 — 56-110) - Collective Bargaining (Arts. LI — LVI) - Article LI. Fire and Police Arbitration (§§ 51-101 — 51-113)

[11 Okl. St. § 51-103](#)

A. Firefighters and police officers in any municipality shall have the separate right to bargain collectively with their municipality and to be represented by a bargaining agent in such collective bargaining with respect to wages, salaries, hours, rates of pay, grievances, working conditions and all other terms and conditions of employment.

(Laws 1977, HB 1100, c. 256, § 51-103, eff. July 1, 1978.)

Note: Multiple DOL report cite Oklahoma Statutes §548.1 to 548.14 (1971) as granting collective bargaining rights to police and firefighters, including a requirement to bargain. The text of the original statute is unavailable, but the 1979 DOL report confirms that it was recodified into the statute above in 1977.

Change Summary Municipal Police changed from 0 to 2 in 1972 by statute. The 2018 code for Municipal Police is 2.

36.3 Municipal Firefighters

Statute Change (0 to 2) 1972 Same as [subsection 36.2.1](#)

Change Summary Municipal Firefighters changed from 0 to 2 in 1972 by statute. The 2018 code for Municipal Firefighters is 2.

36.4 Non-College Teachers

Statute Change (0 to 2) 1972 [70 Okl. St. § 509.2 - Employee Organizations-Recognition-Appropriate Unit-Qualifications-Bargaining Representatives-Persons Desiring Not to be Represented](#)

A. The board of education shall recognize an employee organization designated by an election of the employees in an appropriate bargaining unit as the exclusive representative of all the employees in such unit. The members of an employee organization shall be employees as defined in paragraphs 1, 2 and 3 of this subsection and Section 1-116 of this title. The recognition of such employee organization shall be made by the board no later than fourteen (14) days after the election. Any person who desires not to be represented by any organization may so state in writing to his or her board of education. Appropriate bargaining units are defined as follows; however, such definition shall not be construed, of itself, as requiring that bargaining units engage in bargaining or act to disengage from bargaining.

(Laws 1971, HB 1325, c. 325, § 2; Amended by Laws 1978, HB 1115, c. 221, § 1, emerg. eff. April 24, 1978; Amended by Laws 1982, HB 1824, c. 102, § 1; Amended by Laws 1986, SB 583, c. 130, § 1, emerg. eff. April 14, 1986; Amended by Laws 1989, SB 198, c. 260, § 1;)

70 Okl. St. § 509.6 - Meetings With Representatives—Good Faith Negotiations

Once an organization has been recognized, the board of education or its duly designated representative must meet with the duly designated representative of the organization and within sixty (60) days shall complete an agreement outlining negotiation procedures. The board of education and the representatives of the organization must negotiate in good faith on wages, hours, fringe benefits and other terms and conditions of employment. One-time incentive pay and one-time retention incentive pay for returning a second year shall not be subject to a negotiated agreement. To negotiate in good faith shall mean both parties must be willing to consider proposals in an effort to find a mutually satisfactory basis for agreement and must be willing to discuss their respective contract proposals. If either party objects to the other's contract proposals, the objecting party must support its objections with rationale.

(Laws 1971, HB 1325 c. 325, § 6; Amended by Laws 1986, SB 583, c. 130, § 3, emerg. eff. April 14, 1986; Amended by Laws 1986, SB 186, c. 293, § 1; Amended by Laws 1994, HB 1932, c. 319, § 5, eff. September 1, 1994; Amended by Laws 2015, HB 1521, c. 56, § 2, eff. November 1, 2015.)

Note: We could not access the 1971 version of this statute, but the 1971 DOL report confirms that the 1971 version included the requirement to bargain collectively.

Change Summary Non-College Teachers changed from 0 to 2 in 1972 by statute. The 2018 code for Non-College Teachers is 2.

36.5 Other Municipal Employees

Statute Change (0 to 2) 1972 Local government employees originally included in §548.1 to 548.14 (1971), but were removed in 1977 restructuring of the law (effective 7/1/1978). The text of the original statutes is unavailable, but multiple DOL reports confirm this.

Statute Change (2 to 0) 1978 Local government employees originally included in §548.1 to 548.14 (1971), but were removed in 1977 restructuring of the law (effective 7/1/1978). The text of the original statutes is unavailable, but multiple DOL reports confirm this.

Statute Change (0 to 2) 2004 [Oklahoma Municipal Employee Collective Bargaining Act, 2003](#)

[OK. SB 1529 - became §§ 51-200 to 51-220](#)

Municipal employees may:

1. *Organize, or form, join, or assist any employee organization;*
2. *Negotiate collectively through representatives of their own choosing; and*
3. *Engage in other concerted activities for the purposes of collective bargaining or other mutual aid or protection insofar as any the activity is not prohibited by this act or any other law of this state.*

A. The municipal employer and an employee organization which is the exclusive bargaining representative shall meet at reasonable times, including meetings reasonably in advance of the municipality's budget-making process, to negotiate in good faith with respect to wages, hours, and other terms and conditions of employment exclusive of retirement programs established pursuant to Section 903

of Title 74 of the Oklahoma Statutes. The municipal employer shall negotiate only with the exclusive bargaining representative on matters contained in this act. Such obligation to negotiate in good faith does not compel either party to agree to a proposal or make a concession. Neither the municipal employer nor the exclusive bargaining representative shall be required to negotiate over any matter that is inconsistent with state law and the parties may negotiate and reach agreement with regard to the matter only if it is understood that the agreement with respect to the matter cannot become effective unless the applicable law is amended by the Legislature.

(Effective November 1, 2004; approved by the Governor April 6, 2004.)

Statute Change (2 to 0) 2011 §§ 51-200 to 51-220. Repealed by Laws 2011, c. 131, § 1, effective Nov.

1, 2011

Change Summary Other Municipal Employees changed from 0 to 2 in 1972, 2 to 0 in 1978, 0 to 2 in 2004, and 2 to 0 in 2011, all by statute. The 2018 code for Other Municipal Employees is 0.

37 Oregon

37.1 State Employees

Statute Change (0 to 1) 1964 ORS § 243.710 - **1963** c.579 § 2; **repealed by 1969** c.671 § 1 (243.711 enacted in lieu of 243.710) ORS § 243.730 - 1963 c.579 § 3; 1973 c.536 § 3; **renumbered 243.662.**

Note: See next section.

Statute Change (1 to 2) 1970 ORS § 243.662 - Rights of public employees to join labor organizations.

Public employees have the right to form, join and participate in the activities of labor organizations of their own choosing for the purpose of representation and collective bargaining with their public employer on matters concerning employment relations.

Formerly 243.730.

ORS § 243.656 - Policy Statement

(6) It is the purpose of ORS 243.650 to 243.782 to obligate public employers, public employees and their representatives to enter into collective negotiations with willingness to resolve grievances and disputes relating to employment relations and to enter into written and signed contracts evidencing agreements resulting from such negotiations. It is also the purpose of ORS 243.650 to 243.782 to promote the improvement of employer-employee relations within the various public employers by providing a uniform basis for recognizing the right of public employees to join organizations of their own choice, and to be represented by such organizations in their employment relations with public employers

Note: The original statute was passed in 1963 as a code of 1. They were then repealed and recodified in 1969. The 1969 version of the statute included a new definition of collective bargaining that maps to a code of 2.

Change Summary State Employees changed from 0 to 1 in 1964 by statute. Then, from 1 to 2 in 1970 when these statutes were repealed and recodified.

37.2 Municipal Police

Statute Change (0 to 1) 1964 Same as **subsection 37.1.1**

Statute Change (0 to 2) 1970 Same as **subsection 37.1.2**

Change Summary Municipal Police changed from 0 to 1 in 1964 by statute. Then, from 1 to 2 in 1970 when these statutes were repealed and recodified.

37.3 Municipal Firefighters

Statute Change (0 to 1) 1964 Same as **subsection 37.1.1**

Statute Change (0 to 2) 1970 Same as **subsection 37.1.2**

Change Summary Municipal Firefighters changed from 0 to 1 in 1964 by statute. Then, from 1 to 2 in 1970 when these statutes were repealed and recodified.

37.4 Non-College Teachers

Statute Change (0 to 1) 1964 Same as [subsection 37.1.1](#)

Statute Change (0 to 2) 1970 Same as [subsection 37.1.2](#)

Change Summary Non-College Teachers changed from 0 to 1 in 1964 by statute. Then, from 1 to 2 in 1970 when these statutes were repealed and recodified.

37.5 Other Municipal Employees

Statute Change (0 to 1) 1964

Same as [subsection 37.1.1](#)

Statute Change (0 to 2) 1970 Same as [subsection 37.1.2](#)

Change Summary Other Municipal Employees changed from 0 to 1 in 1964 by statute. Then, from 1 to 2 in 1970 when these statutes were repealed and recodified.

38 Pennsylvania

38.1 State Employees

Statute Change (0 to 2) 1971 [P.S. § 1101.301 - Definitions](#)

(1) ***“PUBLIC EMPLOYER” means the Commonwealth of Pennsylvania, its political subdivisions including school districts and any officer, board, commission, agency, authority, or other instrumental-ity thereof and any nonprofit organization or institution and any charitable, religious, scientific, literary, recreational, health, educational or welfare institution receiving grants or appropriations from local, State or Federal governments but shall not include employers covered or presently subject to coverage under the act of June 1, 1937 (P.L. 1168), as amended, known as the “Pennsylvania Labor Relations Act,” the act of July 5, 1935, Public Law 198, 74th Congress, as amended, known as the “National Labor Relations Act.”***

(2) ***“PUBLIC EMPLOYEE” or “EMPLOYEE” means any individual employed by a public employer but shall not include elected officials, appointees of the Governor with the advice and consent of the Senate as required by law, management level employes, confidential employes, clergymen or other persons in a religious profession, employes or personnel at church offices or facilities when utilized primarily for religious purposes and those employees covered under the act of June 24, 1968 (Act No. 111), entitled “An act specifically authorizing collective bargaining between policemen and firemen and their public employers; providing for arbitration in order to settle disputes, and requiring compliance with collective bargaining agreements and findings of arbitrators.”***

(Act 1970-195 (S.B. 1333), P.L. 563, § 301, **approved July 23, 1970**, eff. in 90 days.)

[43 P.S. § 1101.401 - Employee Rights](#)

It shall be lawful for public employes to organize, form, join or assist in employe organizations or to engage in lawful concerted activities for the purpose of collective bargaining or other mutual aid and protection or to bargain collectively through representatives of their own free choice and such employes shall also have the right to refrain from any or all such activities, except as may be required pursuant to a maintenance of membership provision in a collective bargaining agreement.

(Act 1970-195 (S.B. 1333), P.L. 563, § 401, **approved July 23, 1970**, eff. in 90 days.)

[43 P.S. § 1101.1201 - Unfair practices by public employers and employe organizations; acts prohibited](#)

(a) Public employers, their agents or representatives are prohibited from:

(1) Interfering, restraining or coercing employes in the exercise of the rights guaranteed in Article IV of this act.

(2) Dominating or interfering with the formation, existence or administration of any employe organization.

(3) Discriminating in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any employe organization.

(4) Discharging or otherwise discriminating against an employe because he has signed or filed an affidavit, petition or complaint or given any information or testimony under this act.

(5) Refusing to bargain collectively in good faith with an employe representative which is the exclusive representative of employes in an appropriate unit, including but not limited to the discussing of grievances with the exclusive representative.

(Act 1970-195 (S.B. 1333), P.L. 563, § 1201, approved **July 23, 1970**, eff. in 90 days.)

Change Summary State Employees changed from 0 to 2 in 1971 by statute. The 2018 code for State Employees is 2.

38.2 Municipal Police

Statute Change (0 to 2) 1969 [43 P.S. § 217.1 - Right to Bargain](#)

Policemen or firemen employed by a political subdivision of the Commonwealth or by the Commonwealth shall, through labor organizations or other representatives designated by fifty percent or more of such policemen or firemen, have the right to bargain collectively with their public employers concerning the terms and conditions of their employment, including compensation, hours, working conditions, retirement, pensions and other benefits, and shall have the right to an adjustment or settlement of their grievances or disputes in accordance with the terms of this act.

(Act 1968-111 (S.B. 1343), P.L. 237, § 1, **approved June 24, 1968**, eff. immediately.)

[43 P.S. § 217.2 - Effort to Settle Disputes](#)

It shall be the duty of public employers and their policemen and firemen employes to exert every reasonable effort to settle all disputes by engaging in collective bargaining in good faith and by entering into settlements by way of written agreements and maintaining the same.

(Act 1968-111 (S.B. 1343), P.L. 237, § 2, **approved June 24, 1968**, eff. immediately.)

Change Summary Municipal Police changed from 0 to 2 in 1969 by statute. The 2018 code for Municipal Police is 2.

38.3 Municipal Firefighters

Statute Change (0 to 2) 1969 Same as [subsection 38.2.1](#)

Change Summary Municipal Firefighters changed from 0 to 2 in 1969 by statute. The 2018 code for Municipal Firefighters is 2.

38.4 Non-College Teachers

Statute Change (0 to 2) 1971 Same as [subsection 38.1.1](#)

Change Summary Non-College Teachers changed from 0 to 2 in 1971 by statute. The 2018 code for Non-College Teachers is 2.

38.5 Other Municipal Employees

Statute Change (0 to 2) 1971 Same as [subsection 38.1.1](#)

Change Summary Other Municipal Employees changed from 0 to 2 in 1971 by statute. The 2018 code for Other Municipal Employees is 2.

39 Rhode Island

39.1 State Employees

Statute Change (0 to 1) 1959 [R.I. Gen. Laws § 36-11-1 - Right to organize – Bargaining representatives](#)

(a) State employees, except for casual employees or seasonal employees, shall have the right to organize and designate representatives of their own choosing for the purpose of collective bargaining with respect to wages, hours, and other conditions of employment. State employees, as used in this chapter, shall include employees and members of the department of state police below the rank of lieutenant.

(b) The representatives of state employees are hereby granted the right to negotiate with the chief executive or his or her designee (appointed, elected, or possessing classified status) on matters pertaining to wages, hours, and working conditions.

(c) The chief executive or his or her designee (appointed, elected, or possessing classified status) is hereby authorized and required to recognize an organization designated by state employees for the purpose of collective bargaining as the collective bargaining agency for its members.

(P.L. 1958, ch. 178, § 1; P.L. 1966, ch. 147, § 1; P.L. 1970, ch. 116, § 1; P.L. 1972, ch. 277, § 1; P.L. 1980, ch. 356, § 1.)

Note: We were unable to access the original version of this law.

Statute Change (1 to 2) 1967

[R.I. Gen. Laws § 36-11-1 - Right to organize – Bargaining representatives](#)

See [section 39.1.1](#). The 1966 revision strengthened the statute and gave state employees the right to collectively bargain (2).

Note: We are able to confirm that the code for State Employees is 2 in 1967. Although we cannot see the exact text of the 1958 original statute, the revision history and 1967 version of the text makes us confident in claiming that the law went from 0 to 1 in 1959 and 1 to 2 in 1967.

Change Summary State Employees changed from 0 to 1 in 1959 by statute. Then, from 1 to 2 in 1967 by statute. The 2018 code for State Employees is 2.

39.2 Municipal Police

Statute Change (0 to 2) 1964 [R.I. Gen. Laws § 28-9.2-4 - Right to organize and bargain collectively](#)

The police officers in any city or town have the right to bargain collectively with their respective cities or towns and be represented by an organization in the collective bargaining as to wages, rates of pay, hours, working conditions, and all other terms and conditions of employment.

(P.L. 1963, ch. 54, § 1.)

Change Summary Municipal Police changed from 0 to 2 in 1964 by statute. The 2018 code for Municipal Police is 2.

39.3 Municipal Firefighters

Statute Change (0 to 2) 1962 [R.I. Gen. Laws § 28-9.1-4 - Right to organize and bargain collectively](#)

The fire fighters in any city or town have the right to bargain collectively with their respective cities or towns and be represented by a labor organization in the collective bargaining as to wages, rates of pay, hours, working conditions, and all other terms and conditions of employment.

(P.L. 1961, ch. 149, § 1.)

Change Summary Municipal Firefighters changed from 0 to 2 in 1962 by statute. The 2018 code for Municipal Firefighters is 2.

39.4 Non-College Teachers

Statute Change (0 to 2) 1967 [R.I. Gen. Laws § 28-9.3-2 - Right to organize and bargain collectively](#)

(a) The certified teachers in the public school system in any city, town, or regional school district have the right to negotiate professionally and to bargain collectively with their respective school committees and to be represented by an association or labor organization in the negotiation or collective bargaining concerning hours, salary, working conditions, and all other terms and conditions of professional employment.

(b) For purposes of this chapter, "certified teachers" means certified teaching personnel employed in the public school systems in the state of Rhode Island engaged in teaching duties, including support personnel whose positions require a professional certificate issued by the state department of education and personnel licensed by the department of health; or other non-administrative professional employees.

(P.L. 1966, ch. 146, § 1; P.L. 1981, ch. 418, § 1; P.L. 1990, ch. 366, § 1; P.L. 1998, ch. 193, § 1; P.L. 2009, ch. 374, § 1; P.L. 2009, ch. 383, § 1; P.L. 2010, ch. 301, § 2; P.L. 2011, ch. 124, § 2; P.L. 2011, ch. 133, § 2; P.L. 2011, ch. 265, § 6)

Change Summary Non-College Teachers changed from 0 to 2 in 1967 by statute. The 2018 code for Non-College Teachers is 2.

39.5 Other Municipal Employees

Statute Change (0 to 2) 1968 [R.I. Gen. Laws § 28-9.4-3 - Right to organize and bargain collectively](#)

(a) The municipal employees of any municipal employer in any city, town, or regional school district shall have the right to negotiate and to bargain collectively with their respective municipal employers and to be represented by an employee organization in the negotiation or collective bargaining concerning hours, salary, working conditions, and all other terms and conditions of employment.

(P.L. 1967, ch. 44, § 1; P.L. 2009, ch. 374, § 2; P.L. 2009, ch. 383, § 2; P.L. 2010, ch. 301, § 3; P.L. 2011, ch. 124, § 3; P.L. 2011, ch. 133, § 3)

Change Summary Other Municipal Employees changed from 0 to 2 in 1968 by statute. The 2018 code for Other Municipal Employees is 2.

40 South Carolina

40.1 State Employees

There are no statutes governing public-sector collective bargaining. In 1978, an attorney general opinion deemed it illegal and a court decision confirmed this in 2000.

[Attorney General Opinion: 1978 WL 35136 \(S.C.A.G.\)](#)

It is therefore the opinion of this Office that the City of Rock Hill cannot enter into a collective bargaining agreement with its public employees.

[Branch v. City of Myrtle Beach ex rel. Attorney Gen. of South Carolina, 340 S.C. 405 \(May, 15, 2000\)](#)

Unlike private employees, public employees in South Carolina do not have the right to collective bargaining.

Change Summary No code changes from 1955 to 2018. The 2018 code for State Employees is 0.

40.2 Municipal Police

See [section 40.1](#).

Change Summary No code changes from 1955 to 2018. The 2018 code for Municipal Police is 0.

40.3 Municipal Firefighters

See [section 40.1](#).

Change Summary No code changes from 1955 to 2018. The 2018 code for Municipal Firefighters is 0.

40.4 Non-College Teachers

See [section 40.1](#).

Change Summary No code changes from 1955 to 2018. The 2018 code for Non-College Teachers is 0.

40.5 Other Municipal Employees

See [section 40.1](#).

Change Summary No code changes from 1955 to 2018. The 2018 code for Other Municipal Employees is 0.

41 South Dakota

41.1 State Employees

Statute Change (0 to 1) 1970 South Dakota Codified Loaws - Title 3 Public Officers and Employees

(Chs. 3-1 - 3-24) - Ch. 3-18 Public Employees' Labor or Employee Organizations (§§ 3-18-1 — 3-18-18)

S.D. Codified Laws § 3-18-1 - “Public employees” defined.

The words “public employees” as used in this chapter shall mean any person holding a position by appointment or employment in the government of the state of South Dakota or in the government of any one or more of the political subdivisions thereof, or in the service of the public schools, or in the service of any authority, commission, or board, or any other branch of the public service. The term does not include:

- (1) Elected officials and persons appointed to fill vacancies in elective offices and members of any board or commission;*
 - (2) Administrators except elementary and secondary school administrators, administrative officers, directors, or chief executive officers of a public employer or major divisions thereof as well as chief deputies, first assistants, and any other public employees having authority in the interest of the public employer to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other public employees, or the responsibility to direct them, or to adjust their grievances, or to effectively recommend such action, if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment;*
 - (3) Students working as part-time employees twenty hours per week or less;*
 - (4) Temporary public employees employed for a period of four months or less;*
 - (5) Commissioned and enlisted personnel of the South Dakota national guard; and*
 - (6) Judges and employees of the unified court system;*
 - (7) Legislators and the full-time and part-time employees of the legislature or any state agency that statutorily is directed by the legislative branch.*
- (SL 1969, ch 88, § 1, subdiv 1; 1978, ch 35, § 1; 1982, ch 41.)*

S.D. Codified Laws § 3-18-2 - Rights of public employees relating to labor organizations — Designation of representatives — Penalty for discrimination against employees exercising rights — Good faith negotiations required — Intimidation prohibited.

Public employees shall have the right to form and join labor or employee organizations, and shall have the right not to form and join such organizations. Public employees shall have the right to designate representatives for the purpose of meeting and negotiating with the governmental agency or representatives designated by it with respect to grievance procedures and conditions of employment and after initial recognition by the employer, it shall be continuous until questioned by the governmental agency, labor or employee organization, or employees, pursuant to § 3-18-5. The negotiations by the governmental agency or its designated representatives and the employee organization or its designated representatives shall be conducted in good faith. Such obligation does not compel either party to agree to a proposal or require the making of a concession but shall require a statement of rationale for any position taken by either party in negotiations. It shall be unlawful for any person or group of persons, either directly or indirectly to intimidate or coerce any public employee to join, or refrain from joining, a labor or employee organization.

(SL 1969, ch 88, § 7, subdiv 2; 1970, ch 26, § 1; 1973, ch 31; 1974, ch 33; 1980, ch 24, § 48.)

Note: The 1971 DOL report says that the 1969 statutes were revised in 1970 to add the employer duty to bargain. We are unable to locate the text of both iterations (1969 and 1970) of the statute to verify this was the point when the duty to bargain was added, but we defer to the DOL report on this change. Based on this, in 1969 the law allowed collective bargaining (code of 1), with the 1970 revision adding the employer duty to bargain (code of **Statute Change (1 to 2) 1971** See [section](#)

[41.1.1.](#)

Change Summary State Employees changed from 0 to 1 in 1970 by statute. Then, from 1 to 2 in 1971 by statute. The 2018 code for State Employees is 2.

41.2 Municipal Police

Statute Change (0 to 1) 1970 Same as subsection [41.1.1](#)

Statute Change (1 to 2) 1971 Same as subsection [41.1.2](#)

Change Summary Municipal Police changed from 0 to 1 in 1970 by statute. Then, from 1 to 2 in 1971 by statute. The 2018 code for Municipal Police is 2.

41.3 Municipal Firefighters

Statute Change (0 to 1) 1970 Same as [subsection 41.1.1](#)

Statute Change (1 to 2) 1971 Same as [subsection 41.1.2](#)

Change Summary Municipal Firefighters changed from 0 to 1 in 1970 by statute. Then, from 1 to 2 in 1971 by statute. The 2018 code for Municipal Firefighters is 2.

41.4 Non-College Teachers

Statute Change (0 to 1) 1970 Same as [subsection 41.1.1](#)

Statute Change (1 to 2) 1971 Same as [subsection 41.1.2](#)

Change Summary Non-College Teachers changed from 0 to 1 in 1970 by statute. Then, from 1 to 2 in 1971 by statute. The 2018 code for Non-College Teachers is 2.

41.5 Other Municipal Employees

Statute Change (0 to 1) 1970 Same as [subsection 41.1.1](#)

Statute Change (1 to 2) 1971 Same as [subsection 41.1.2](#)

Change Summary Other Municipal Employees changed from 0 to 1 in 1970 by statute. Then, from 1 to 2 in 1971 by statute. The 2018 code for Other Municipal Employees is 2.

42 Tennessee

42.1 State Employees

Change Summary No code changes from 1955 to 2018. The 2018 code for State Employees is 0.

42.2 Municipal Police

Change Summary No code changes from 1955 to 2018. The 2018 code for Municipal Police is 0.

42.3 Municipal Firefighters

Change Summary No code changes from 1955 to 2018. The 2018 code for Municipal Firefighters is 0.

42.4 Non-College Teachers

Statute Change (0 to 2) 1979 The 1981 DOL report cites Tenn. Code Ch 570, Sec 49-5501 et sec (1978) which includes a duty to bargain. The text of this law is unavailable. The 2018 code is confirmed by the statute below.

Tennessee Code - Title 49 Education - Chapter 5 Personnel - Part 6 Professional Educators Collaborative Conferencing Act of 2011

[Tenn. Code Ann. § 49-5-602](#)

(2) "Collaborative conferencing" means the process by which the chair of a board of education and the board's professional employees, or such representatives as either party or parties may designate, meet at reasonable times to confer, consult and discuss and to exchange information, opinions and proposals on matters relating to the terms and conditions of professional employee service, using the principles and techniques of interest-based collaborative problem-solving;
(Acts 2011, ch. 378, § 1.)

Compiler's Notes. Acts 2011, ch. 378, § 4 provided that nothing in the act shall be construed to abridge or impair a contract or agreement governing terms and conditions of professional service entered into by a board of education and a recognized professional employees' organization under the Education Professional Negotiations Act before June 1, 2011. Any such contract or agreement shall remain in full force and effect until the expiration of the contract or agreement.

Change Summary Non-College Teachers changed from 0 to 2 in 1979 by statute. The 2018 code for Non-College Teachers is 2.

42.5 Other Municipal Employees

Change Summary No code changes from 1955 to 2018. The 2018 code for Other Municipal Employees is 0.

43 Texas

43.1 State Employees

Change Summary No code changes from 1955 to 2018. The 2018 code for Other Municipal Employees is 0.

43.2 Municipal Police

Statute Change (0 to 2) 1974 The 1979 DOL report cites H.B 185 (V.A.C.S Art. 5154c-1) as passed in 1973 which allows police and firefighters to organize and bargain collectively. The 1979 DOL report says that this bill included an obligation to bargain collectively. The text of this bill is unavailable. The 2018 code is confirmed by the statute below.

Texas Statutes & Codes - Local Government Code - Title 5 Matters Affecting Public Officers and Employees (Subts. A — C) - Subtitle C Matters Affecting Public Officers and Employees of More Than One Type of Local Government (Chs. 171 — 180) - Chapter 174 Fire and Police Employee Relations (Subchs. A — G) - Subchapter A General Provisions (§§ 174.001 — 174.020)

[Tex. Local Gov't Code § 174.002](#)

(b) The policy of this state is that fire fighters and police officers, like employees in the private sector, should have the right to organize for collective bargaining, as collective bargaining is a fair and practical method for determining compensation and other conditions of employment. Denying fire fighters and police officers the right to organize and bargain collectively would lead to strife and unrest, consequently injuring the health, safety, and welfare of the public.

(Enacted by Acts 1993, 73rd Leg., ch. 269 (H.B. 752), § 4, effective September 1, 1993.)

Change Summary Municipal Police changed from 0 to 2 in 1974 by statute. The 2018 code for Municipal Police is 2.

43.3 Municipal Firefighters

Statute Change (0 to 2) 1974 Same as [subsection 43.2.1](#)

Change Summary Municipal Firefighters changed from 0 to 2 in 1974 by statute. The 2018 code for Municipal Firefighters is 2.

43.4 Non-College Teachers

Unknown Change (0 to 1) 1968 Unable to identify change.

Statute Change (1 to 0) 1993 [Tex. Gov't Code § 617.002 - Collective Bargaining by Public Employees](#)

[Prohibited](#)

(a) An official of the state or of a political subdivision of the state may not enter into a collective bargaining contract with a labor organization regarding wages, hours, or conditions of employ-

ment of public employees. Enacted by Acts 1993, 73rd Leg., ch. 268 (S.B. 248), § 1, **effective September 1, 1993.**

*The statute above contradicts the legislation cited for Police and Firefighters of Texas. It seems this statute applies to everyone EXCEPT Police and Firefighters. **Change Summary** Non-College Teachers changed from 0 to 1 in 1968. Then, from 1 to 0 in 1993 by statute. The 2018 code for Non-College Teachers is 0.

43.5 Other Municipal Employees

Change Summary No code changes from 1955 to 2018. The 2018 code for Other Municipal Employees is 0.

44 Utah

44.1 State Employees

Attorney General Opinion Change (0 to 1) 1961 Multiple DOL reports cite an Attorney General

Opinion in 1960 that says that states may not engage in collective bargaining but employees may join unions and **present proposals**. (O.A.G. 60-003. 1/20/60). The text of this opinion is unavailable, but we defer to the DOL report on this change.

Change Summary State Employees changed from 0 to 1 in 1961 by attorney general opinion. The 2018 code for State Employees is 1.

44.2 Municipal Police

Attorney General Opinion Change (0 to 1) 1945 Multiple DOL reports cite an Attorney General

Opinion in 1945 that says local governments, police departments, fire departments, and school districts **may bargain collectively**. (O.A.G. 10-1-45). The text of this opinion is unavailable, but we defer to the DOL report on this change.

Change Summary Municipal Police changed from 0 to 1 in 1961 by attorney general opinion. The 2018 code for Municipal Police is 1.

44.3 Municipal Firefighters

Attorney General Opinion Change (0 to 1) 1945 Same as [subsection 44.2.1](#)

Statute Change (1 to 2) 1975 Utah Code - Title 34 Labor in General (Chs. 1 — 55) - Chapter 20a Fire

Fighters' Negotiations (§§ 34-20a-1 — 34-20a-9)

[Utah Code Ann. § 34-20a-3](#) - Fire fighters' right to bargain collectively

Fire fighters have the right to bargain collectively about wages, hours, and other conditions of employment with corporate authorities and to be represented in such negotiations by a bargaining representative chosen by such fire fighters.

(L. 1975, ch. 102, § 3. Enacted by Chapter 102, 1975 General Session)

[Utah Code Ann. § 34-20a-5](#) - Corporate authority duty

It is the duty of any corporate authority to meet and collectively bargain in good faith with the bargaining representative within 10 days after receipt of written notice from such representative that it represents a majority of the employees in the bargaining unit. No collective bargaining agreement shall be executed for a period of more than two years. Each bargaining agreement shall contain a no-strike clause.

(L. 1975, ch. 102, § 5.)

Case Law Change (2 to 1) 1977 [Salt Lake City v. International Ass'n of Firefighters](#), 563 P.2d 786,

[1977 Utah LEXIS 1122 \(Utah 1977\)](#).

The Utah Fire Fighters' Negotiations Act is unconstitutional because it provides for a delegation of legislative power and creates a commission to perform municipal functions contrary to Utah Const., Art. VI, Sec. 28; further, the provisions for binding arbitration are not severable from the act as a whole.

*The act is sequential in nature, commencing with negotiations concerning specific subject matter and culminating in arbitration of all unresolved issues. The **provisions for arbitration are an integral part of the act, which cannot be severed without interfering with the underlying legislative purpose, viz., the resolution of employment disputes. The concept of binding arbitration is wholly interdependent with the other provisions of the act.***

As a result of the case, the entire act was ruled unconstitutional.

Change Summary Municipal Firefighters changed from 0 to 1 in 1961 by attorney general opinion.

Then, from 1 to 2 by statute. Then, from 2 to 1 by case law. The 2018 code for Municipal Firefighters is 1.

44.4 Non-College Teachers

Attorney General Opinion Change (0 to 1) 1945 Same as [subsection 44.2.1](#)

Change Summary Non-College Teachers changed from 0 to 1 in 1961 by attorney general opinion.

The 2018 code for Non-College Teachers is 1.

44.5 Other Municipal Employees

Attorney General Opinion Change (0 to 1) 1945 Same as [subsection 44.2.1](#)

Change Summary Other Municipal Employees changed from 0 to 1 in 1961 by attorney general opinion. The 2018 code for Other Municipal Employees is 1.

45 Vermont

45.1 State Employees

Statute Change (0 to 2) 1970 Vermont Statutes - - Title 3, Executive - Part 1 Generally - Ch. 27 State

Employees Labor Relations Act

3 V.S.A. § 902 - Definitions

(2) *"Collective bargaining" or "bargaining collectively" means the process of negotiating terms, tenure, or conditions of employment between the State of Vermont, the Vermont State Colleges, the University of Vermont, or the Department of State's Attorneys and Sheriffs and representatives of employees with the intent to arrive at an agreement that, when reached, shall be reduced to writing.*

(3) *"Collective bargaining unit" means the employees of an employer, being either all of the employees, the members of a department or agency, or such other unit or units as the Board may determine are most appropriate to best represent the interest of employees.*

(4) *"Employee" means a State employee as defined by subdivision (5) of this section except as the context requires otherwise.*

(5) *"State employee" means any individual employed on a permanent or limited status basis by the State of Vermont, the Vermont State Colleges, the University of Vermont, or the State's Attorneys' offices, including permanent part-time employees, and an individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, but excluding an individual...*

(Added 1969, No. 113, § 1; amended 1971, No. 193 (Adj. Sess.), § 5, eff. April 3, 1972; 1975, No. 152 (Adj. Sess.), § 1; 1977, No. 109, §§ 4, 4a, 33(e); 1987, No. 177 (Adj. Sess.), § 2; 1993, No. 227 (Adj. Sess.), § 27; 1997, No. 92 (Adj. Sess.), §§ 1, 2; 2003, No. 156 (Adj. Sess.), § 15; 2013, No. 37, § 1; 2017, No. 81, § 3, eff. June 15, 2017.)

3 V.S.A. § 903 - Employees' rights and duties; prohibited acts

(a) *Employees shall have the right to self-organization; to form, join, or assist employee organizations; to bargain collectively through representatives of their own choice, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection, and shall also have the right to refrain from any or all such activities, except as provided in subsections (b) and (c) of this section, and to appeal grievances as provided in this chapter.*

(Added 1969, No. 113, § 1; amended 1971, No. 193 (Adj. Sess.), § 6; 1993, No. 227 (Adj. Sess.), § 28; 2013, No. 37, § 2.)

Note: We could not access the 1969 version of these statutes. The 1971 DOL report indicates that the 1969 text requires state employers to bargain collectively, so we defer to it on this change.

Change Summary State Employees changed from 0 to 2 in 1970 by statute. The 2018 code for State Employees is 2.

45.2 Municipal Police

Statute Change (0 to 2) 1968 The 1971 DOL report cites Act No. 198 passed in 1967 which gives

local employees the right to bargain collectively and requires employers to negotiate. This law was recodified in 1973 and below is this version of the text.

Vermont Statutes - Title 21. Labor - Ch. 22 Vermont Municipal Labor Relations Act
21 V.S.A. § 1721 - Purpose

This chapter shall be known as the Vermont Municipal Employee Relations Act. It is the purpose and policy of this chapter to prescribe the legitimate rights of both municipal employees and municipal employers in their relations with each other; to provide orderly and peaceful procedures for preventing the interference by either with the legitimate rights of the other; to protect the rights of individual employees to self-organization; to allow individuals to form, join, or assist employee organizations and to bargain collectively; to define and proscribe practices on the part of employee organizations and municipal employers which are harmful to the general welfare; and to protect the rights of the public in connection with labor disputes.

(Added 1973, No. 111, § 1. **Formerly** § 1701, relating to purpose, was derived from 1967, No. 198, § 29.)

21 V.S.A. § 1722 - Definitions

(12) *"Municipal employee" means any employee of a municipal employer, including a municipal school employee or a professional employee as defined in subdivision 1502(11) of this title, except:*

- (A) *elected officials, board and commission members, and executive officers;*
- (B) *individuals employed as supervisors as defined by section 1502 of this title;*
- (C) *individuals who have been employed on a probationary status;*
- (D) *confidential employees as defined in this section;*
- (E) *certified employees of school districts, except as otherwise provided in section 1735 of this title.*

(13) *"Municipal employer" means a city, town, village, fire district, lighting district, consolidated water district, housing authority, union municipal district, or any of the political subdivisions of the State of Vermont which employs five or more employees as defined in this section.*

21 V.S.A. § 1726 - Unfair labor practices

(a) *It shall be an unfair labor practice for an employer:*

- (5) *To refuse to bargain collectively in good faith with the exclusive bargaining agent.*

Change Summary Municipal Police changed from 0 to 2 in 1968 by statute. The 2018 code for Municipal Police is 2.

45.3 Municipal Firefighters

Statute Change (0 to 2) 1968 Same as **subsection 45.2.1**

Change Summary Municipal Firefighters changed from 0 to 2 in 1968 by statute. The 2018 code for Municipal Firefighters is 2.

45.4 Non-College Teachers

Statute Change (0 to 2) 1968 Same as **subsection 45.2.1**

Change Summary Non-College Teachers changed from 0 to 1 in 1968 by statute. The 2018 code for

Non-College Teachers is 2.

45.5 Other Municipal Employees

Statute Change (0 to 2) 1968 Same as [subsection 45.2.1](#)

Change Summary Other Municipal Employees changed from 0 to 2 in 1968 by statute. The 2018 code for Other Municipal Employees is 2.

46 Virginia

46.1 State Employees

Change Summary No code changes from 1955 to 2018. The 2018 code for State Employees is 0.

46.2 Municipal Police

Attorney General Opinion Change (0 to 1) 1963 Multiple DOL reports cite an Attorney General

Opinion on July 30, 1962 that allows public employers to bargain collectively with all local government employees, including firemen, police, and teachers. We are unable to locate the text of this opinion, but defer to the DOL reports on this change.

Case Law Change (1 to 0) 1978 [Commonwealth v. County Bd.](#), 217 Va. 558 Supreme Court of Virginia. January 14, 1977. Record No. 761421

The record Virginia history of public employee collective bargaining is persuasive, if not conclusive, that the general assembly, the source of legislative intent, has never conferred upon local boards, by implication or otherwise, the power to bargain collectively and that express statutory authority, so far withheld, is necessary to confer the power.

Note: The 1979 DOL report summarizes the decision as, “*absent enabling legislation, local governments and school boards may not negotiate or enter into binding contracts; public employers have no implied power to bargain.*”

Change Summary Municipal Police changed from from 0 to 1 in 1963. Then, from 1 to 0 in 1978 by case law. The 2018 code for Municipal Police is 0.

46.3 Municipal Firefighters

Attorney General Opinion Change (0 to 1) 1963 Same as [subsection 46.2.1](#)

Case Law Change (1 to 0) 1978 Same as [subsection 46.2.2](#)

Change Summary Municipal Firefighters changed from from 0 to 1 in 1963. Then, from 1 to 0 in 1978 by case law. The 2018 code for Municipal Firefighters is 0.

46.4 Non-College Teachers

Attorney General Opinion Change (0 to 1) 1963 Same as [subsection 46.2.1](#)

Case Law Change (1 to 0) 1978 Same as [subsection 46.2.2](#)

Change Summary Non-College Teachers changed from from 0 to 1 in 1963. Then, from 1 to 0 in 1978 by case law. The 2018 code for Non-College Teachers is 0.

46.5 Other Municipal Employees

Attorney General Opinion Change (0 to 1) 1963 Same as [subsection 46.2.1](#)

Case Law Change (1 to 0) 1978 Same as [subsection 46.2.2](#)

Change Summary Other Municipal Employees changed from from 0 to 1 in 1963. Then, from 1 to 0 in 1978 by case law. The 2018 code for Other Municipal Employees is 0.

47 Washington

47.1 State Employees

Statute Change (0 to 2) 1968 Annotated Revised Code of Washington - Title 41 Public Employment, Civil Service, and Pensions (Chs. 41.04 — 41.80) - Chapter 41.56 Public Employees' Collective Bargaining (§§ 41.56.010 — 41.56.950)

Rev. Code Wash. (ARCW) § 41.56.030 - Definitions.

(11) *“Public employee” means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to (i) the executive head or body of the applicable bargaining unit, or (ii) any person elected by popular vote, or (iii) any person appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (d) who is a court commissioner or a court magistrate of superior court, district court, or a department of a district court organized under chapter 3.46 RCW, or (e) who is a personal assistant to a district court judge, superior court judge, or court commissioner. For the purpose of (e) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.*

(12) *“Public employer” means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter, or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge’s designee of the respective district court or superior court.*

(2019 c 280 § 1; 2018 c 253 § 6; (2018 c 253 § 5 expired July 1, 2018); 2017 3rd sp.s. c 6 § 808; 2015 2nd sp.s. c 6 § 1; 2011 1st sp.s. c 21 § 11; 2010 c 296 § 3; 2007 c 184 § 2; 2006 c 54 § 2; 2004 c 3 § 6; 2002 c 99 § 2. Prior: 2000 c 23 § 1; 2000 c 19 § 1; 1999 c 217 § 2; 1995 c 273 § 1; prior: 1993 c 398 § 1; 1993 c 397 § 1; 1993 c 379 § 302; 1992 c 36 § 2; 1991 c 363 § 119; 1989 c 275 § 2; 1987 c 135 § 2; 1984 c 150 § 1; 1975 1st ex.s. c 296 § 15; 1973 c 131 § 2; 1967 ex.s. c 108 § 3.)

Rev. Code Wash. (ARCW) § 41.56.040 - Right of employees to organize and designate representatives without interference.

No public employer, or other person, shall directly or indirectly, interfere with, restrain, coerce, or discriminate against any public employee or group of public employees in the free exercise of their right to organize and designate representatives of their own choosing for the purpose of collective bargaining, or in the free exercise of any other right under this chapter.

(1967 ex.s. c 108 § 4.)

Rev. Code Wash. (ARCW) § 41.56.100 - Authority and duty of employer to engage in collective bargaining — Limitations — Mediation, grievance procedures upon failure to agree.

(1) *A public employer shall have the authority to engage in collective bargaining with the exclusive bargaining representative and no public employer shall refuse to engage in collective bargaining with the exclusive bargaining representative. However, a public employer is not required to bargain collectively with any bargaining representative concerning any matter which by ordinance, resolution, or charter of*

said public employer has been delegated to any civil service commission or personnel board similar in scope, structure, and authority to the board created by chapter 41.06 RCW.

(2010 c 235 § 801; 1989 c 45 § 1; 1975 1st ex.s. c 296 § 21; **1967** ex.s. c 108 § 10.)

Change Summary State Employees changed from 0 to 2 in 1968 by statute. The 2018 code for State Employees is 2.

47.2 Municipal Police

Statute Change (0 to 2) 1968 Same as [subsection 47.1.1](#)

Change Summary Municipal Police changed from 0 to 2 in 1968 by statute. The 2018 code for Municipal Police is 2.

47.3 Municipal Firefighters

Statute Change (0 to 2) 1968 Same as [subsection 47.1.1](#)

Change Summary Municipal Firefighters changed from 0 to 2 in 1968 by statute. The 2018 code for Municipal Firefighters is 2.

47.4 Non-College Teachers

Statute Change (0 to 2) 1968 Same as [subsection 47.1.1](#)

Change Summary Non-College Teachers changed from 0 to 1 in 1968 by statute. The 2018 code for Non-College Teachers is 2.

47.5 Other Municipal Employees

Statute Change (0 to 2) 1968 Same as [subsection 47.1.1](#)

Change Summary Other Municipal Employees changed from 0 to 2 in 1968 by statute. The 2018 code for Other Municipal Employees is 2.

48 West Virginia

48.1 State Employees

Attorney General Opinion Change (0 to 1) 1963 The 1975 DOL report cites an Attorney General Opinion (06/29/1962) as saying employers in all public-sector occupation groups “*may negotiate and sign written agreements, but final decision is subject to and may be unilaterally changed by employer.*” We are unable to locate the text of this opinion, but defer to the DOL report on this change.

Change Summary State Employees changed from 0 to 1 in 1963 by attorney general opinion. The 2018 code for State Employees is 1.

48.2 Municipal Police

Attorney General Opinion Change (0 to 1) 1963 Same as [subsection 48.1.1](#)

Change Summary Municipal Police changed from 0 to 1 in 1963 by attorney general opinion. The 2018 code for Municipal Police is 1.

48.3 Municipal Firefighters

Attorney General Opinion Change (0 to 1) 1963 Same as [subsection 48.1.1](#)

Change Summary Municipal Firefighters changed from 0 to 1 in 1963 by attorney general opinion. The 2018 code for Municipal Firefighters is 1.

48.4 Non-College Teachers

Attorney General Opinion Change (0 to 1) 1963 Same as [subsection 48.1.1](#)

Change Summary Non-College Teachers changed from 0 to 1 in 1963 by attorney general opinion. The 2018 code for Non-College Teachers is 1.

48.5 Other Municipal Employees

Attorney General Opinion Change (0 to 1) 1963 Same as [subsection 48.1.1](#)

Change Summary Other Municipal Employees changed from 0 to 1 in 1963 by attorney general opinion. The 2018 code for Other Municipal Employees is 1.

49 Wisconsin

49.1 State Employees

Statute Change (0 to 2) 1967 Multiple DOL reports cite WSA Ch III Sec. 111.80 as passed in 1966 as granting state employees the right to bargain collectively (i.e. an employer duty to bargain). The statute was reformulated in 1971 and has been adjusted in minor ways since then. We are unable to locate the 1966 version of the text, but we defer to the DOL reports on this change. Below, we list the current version.

Wisconsin Annotated Statutes - Regulation of Industry (Chs. 101 — 114) - Chapter 111. Employment Relations (Subchs. I — V) - Subchapter V State Employment Labor Relations (§§ 111.81 — 111.94)

[Wis. Stat. § 111.81 - Definitions](#)

(7) “Employee” includes:

(a) **Any state employee** in the classified service of the state, as defined in s. 230.08, except limited term employees, sessional employees, project employees, supervisors, management employees and individuals who are privy to confidential matters affecting the employer-employee relationship, as well as all employees of the commission.

(8) “**Employer**” means the state of Wisconsin.

(1971 c. 270; 1975 c. 238; 1977 c. 196; 1981 c. 112; 1983 a. 160, 189, 538; 1985 a. 29, 42; 1989 a. 31; 1993 a. 492; 1995 a. 27, 324; 1997 a. 35; 2001 a. 16; 2003 a. 33 ss. 1987m, 1988m, 9160; 2009 a. 28; 2011 a. 10, 32; 2013 a. 20 ss. 2365m, 9448; 2013 a. 166; 2015 a. 55.)

[Wis. Stat. § 111.82 - Rights of Employees](#)

Employees have the right of self-organization and the right to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing under this subchapter, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection. Employees also have the right to refrain from any or all of such activities. A general employee has the right to refrain from paying dues while remaining a member of a collective bargaining unit.

(1971 c. 270; 1995 a. 27; 2011 a. 10.)

Change Summary State Employees changed from 0 to 2 in 1967 by statute. The 2018 code for State Employees is 2.

49.2 Municipal Police

Statute Change (0 to 2) 1972

Wisconsin Statutes - Regulation of Industry (Chs. 101 — 114) - Ch. 111. Employment Relations (Subchs. I — V)- Subch. IV Municipal Employment Relations (§§ 111.70 — 111.77)

[Wis. Stat. § 111.70 - Municipal Employment](#)

(1) *Definitions:*

(a) “**Municipal employer**” means any city, county, village, town, metropolitan sewage district, school district or any other political subdivision of the state.

(b) "Municipal employe" means any employe of a municipal employer except city and village policemen, sheriff's deputies, and county traffic officers.

*(2) Rights of Municipal Employes: **Municipal employes shall have the right of self-organization, to affiliate with labor organizations of their own choosing and the right to be represented by labor organizations of their own choice in conferences and negotiations with their municipal employers or their representatives on questions of wages, hours and conditions of employment, and such employes shall have the right to refrain from any and all such activities.***

(Passed in 1959; 1961 statute text shown, underlined phrase removed in 1971)

Note: Municipal Police were originally exempt from the statute giving other municipal employees the right to bargain, but were added in 1971 revision.

Change Summary Municipal Police changed from 0 to 2 in 1972 by statute. The 2018 code for Municipal Police is 2.

49.3 Municipal Firefighters

Statute Change (0 to 2) 1960 See [subsection 49.2.1](#)

Change Summary Municipal Firefighters changed from 0 to 2 in 1960 by statute. The 2018 code for Municipal Firefighters is 2.

49.4 Non-College Teachers

Statute Change (0 to 2) 1960 See [subsection 49.2.1](#)

Change Summary Non-College Teachers changed from 0 to 1 in 1960 by statute. The 2018 code for Non-College Teachers is 2.

49.5 Other Municipal Employees

Statute Change (0 to 2) 1960 See [subsection 49.2.1](#)

Change Summary Other Municipal Employees changed from 0 to 2 in 1960 by statute. The 2018 code for Other Municipal Employees is 2.

50 Wyoming

50.1 State Employees

Change Summary No code changes from 1955 to 2018. The 2018 code for State Employees is 0.

50.2 Municipal Police

Change Summary No code changes from 1955 to 2018. The 2018 code for Municipal Police is 0.

50.3 Municipal Firefighters

Statute Change (0 to 2) 1966 Wyoming Statutes - Title 27 Labor and Employment (Chs. 1 — 15) -

Ch. 10 Collective Bargaining for Fire Fighters (§§ 27-10-101 — 27-10-109)

[Wyo. Stat. § 27-10-102 - Right to collective bargaining and representation by bargaining agent.](#)

The fire fighters in any city, town or county shall have the right to bargain collectively with their respective cities, towns or counties and to be represented by a bargaining agent in such collective bargaining as to wages, rates of pay, working conditions and all other terms and conditions of employment. (Laws 1965, ch. 197, § 2; W.S. 1957, § 27-266.)

Change Summary Municipal Firefighters changed from 0 to 2 in 1966 by statute. The 2018 code for Municipal Firefighters is 2.

50.4 Non-College Teachers

Attorney General Opinion Change (0 to 1) 1978 Wyoming Statutes - Title 21 Education (Chs. 1 —

24) - Ch. 3 School Districts in General (Arts. 1 — 5)- Article 1. In General (§§ 21-3-101 — 21-3-133)

[Wyo. Stat. § 21-3-111 - Powers of boards of trustees.](#)

(a) The board of trustees in each school district within the state may:

(i) Sue and be sued in the name by which the district is designated;

(ii) Acquire, hold, convey, lease, rent, and manage property, real and personal, for the benefit of the school district in the name by which the district is designated, either alone or jointly with another public or private agency, institution, person, or corporation. This includes leasing of real property under W.S. 21-15-112;

(iii) Enter into agreements with any public or private agency, institution, person, or corporation for the performance of acts or furnishing of services or facilities by or for the school district;

1978 Wyo. Op. Att’y Gen. 157 (1978)

Accordingly, W.S. 21-3-111(a)(iii) empowers the school board to enter into a collective bargaining agreement with its employees if it chooses to do so. It may therefore recognize a labor organization as the exclusive bargaining agent for purposes of representing certain classes of employees in negotiating wages and other terms and conditions of employment, but it need not do so.

Change Summary Non-College Teachers changed from 0 to 1 in 1978 by attorney general opinion.

The 2018 code for Non-College Teachers is 1.

50.5 Other Municipal Employees

Change Summary No code changes from 1955 to 2018. The 2018 code for Other Municipal Employees is 0.