

BACKGROUND PAPER 95-3

**STATE EMPLOYEE
COLLECTIVE BARGAINING**

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STATE EMPLOYEE COLLECTIVE BARGAINING

INTRODUCTION

Proposals to authorize collective bargaining for state employees have been considered by the Nevada Legislature since the early 1970s. This background paper summarizes general information relating to state employee collective bargaining in other states. It also highlights the role of the legislature in states which authorize this type of bargaining, and it references the relevant legislative proposals in Nevada.

GENERAL INFORMATION CONCERNING STATE EMPLOYEE COLLECTIVE BARGAINING IN OTHER STATES

The following 28 states have enacted statutory provisions authorizing collective bargaining for state employees. One additional state, Indiana, has initiated state employee collective bargaining by Executive Order. Conversely, 21 states (including Nevada) do not authorize collective bargaining for state employees.

STATES HAVING STATUTORY PROVISIONS AUTHORIZING COLLECTIVE BARGAINING FOR STATE EMPLOYEES					
Alaska	Hawaii	Massachusetts	Nebraska	Ohio	Vermont
California	Illinois	Michigan	New Hampshire	Oregon	Washington
Connecticut	Iowa	Minnesota	New Jersey	Pennsylvania	Wisconsin
Delaware	Kansas	Missouri	New Mexico	Rhode Island	
Florida	Maine	Montana	New York	South Dakota	

In most of the 28 states authorizing state employee collective bargaining, the subjects of bargaining include wages, hours, and conditions of employment. The States of Delaware, Missouri, and Washington, however, limit bargaining to conditions of employment. Likewise, Kansas and South Dakota authorize bargaining only for hours and conditions of employment. Through its Executive Order, Indiana negotiates wages only after the end of the legislative session during which the legislature appropriates money for wages by agency but not by individual position.

North Carolina and Virginia have statutes or policies which expressly prohibit public sector collective bargaining, and four states (Arizona, Colorado, Mississippi, and West Virginia) have no laws addressing the topic. Although not authorizing collective bargaining for state employees, seven states (Arizona, Arkansas, Louisiana,

North Carolina, South Carolina, Utah, and West Virginia) have statutes or administrative procedures solely providing for some form of dues kickoff.

Attached as appendices are the following two charts providing relatively complete information concerning public sector collective bargaining in each state (in data of this complexity, a few inconsistencies may be noted):

- Appendix A, "State Public Sector Bargaining Statutes," compiled by the Public Service Research Foundation, August 1993.
- Appendix B, "State and Local Collective Bargaining Arrangements," compiled by the American Federation of State, County and Municipal Employees, AFL-CIO, October 1993.

Design or consideration of legislation concerning state employee collective bargaining must include several elements in addition to the "threshold" decisions relative to authorization and subjects of bargaining. Appendix C contains pages 3 and 4 from the Wisconsin Legislative Council Staff Brief 93-1 entitled "State Employee Collective Bargaining: Scope of Bargaining and Impasse Resolution Procedures in Wisconsin and Other States." These pages summarize state provisions relative to mediation and fact-finding, binding arbitration, and right to strike.

ROLE OF LEGISLATURE IN STATES WHICH AUTHORIZE COLLECTIVE BARGAINING FOR STATE EMPLOYEES

In addition to the previously referenced document, Wisconsin Legislative Council Staff has compiled Research Bulletin 94-1 entitled "Survey of Selected States Regarding Collective Bargaining Laws for State Employees and Experiences Under Those Laws." In this research effort, the staff surveyed 13 states which participate in state employee collective bargaining programs - four states that incorporate nonbinding impasse resolution procedures, six states providing for binding arbitration, and three states that authorize a limited right to strike.

The varying roles of the legislatures in these states is especially relevant. In five of the surveyed states, the legislature is specifically required to either approve or disapprove tentative agreements between the state and its represented employees (California, Connecticut, Maine, Minnesota, and Ohio). A sixth state, Michigan, only authorizes the legislature to reject tentative agreements. In seven states, however, the legislature plays no role in the collective bargaining and contract ratification process.

The legislatures in two states (Florida and Michigan) may reduce the amount of any increases in compensation negotiated by the parties. Among the six states

participating in binding arbitration, the legislatures in two states (Connecticut and Minnesota) are authorized to reject arbitration awards. In two states with nonbinding procedures (Florida and New York), the legislatures may unilaterally impose a settlement if the parties reject nonbinding fact-finding recommendations.

The full texts of both Wisconsin research documents may be obtained through the LCB Research Library.

COLLECTIVE BARGAINING PROPOSALS IN NEVADA

The State of Nevada does not have provisions for state employee collective bargaining - either generally or for specific occupational categories.

Proposals to establish such a system have been considered by the Nevada Legislature as follows:

- 1973 Assembly Bill 418 (passed Assembly, not voted out of Senate committee) and Assembly Bill 548 (not voted out of Assembly committee).
- 1977 Senate Bill 242 (not voted out of Senate committee).
- 1979 Assembly Bill 137 (passed Assembly, not voted out of Senate committee).
- 1983 Assembly Bill 280 (passed Assembly, not voted out of Senate committee).
- 1991 Assembly Bill 130 (passed both houses of the Legislature, vetoed by the Governor). A copy of the veto message is included as Appendix D.
- 1993 Assembly Bill 130 from the 1991 Legislative Session (veto sustained) and Assembly Bill 252 (not voted out of Assembly committee).

CONCLUDING COMMENTS

As evidenced by the information provided in this background paper, the states are almost evenly split on the question of whether to authorize collective bargaining for state employees (29 states providing for this type of bargaining, 21 states not authorizing it).

Among the states providing for state employee collective bargaining, at least the following elements are addressed (again not in a unified or similar manner):

- Subjects of collective bargaining;
- Mediation and fact-finding;
- Use of binding arbitration;
- Right to strike; and
- The role of the legislature in the overall process.

This background paper is designed to provide Nevada legislators with information to assist in evaluating proposals concerning the "threshold" decision of whether to authorize state employee collective bargaining, as well as the items which should be addressed by any such proposal.

APPENDIX A

STATE PUBLIC SECTOR BARGAINING STATUTES

Public Service Research Foundation
August 1993

STATE PUBLIC SECTOR BARGAINING STATUTES

STATE	STATUTE APPLICABILITY	LOCAL OPTION	ADMINISTRATIVE AGENCY	BARGAINING FORM		SUPERVISOR BARGAINING	UNION SECURITY					IMPASSE PROCEDURES				STRIKES		
				Meet and Confer	Collective Negotiation		Exclusive Representation	Dues Check Off	Maintenance of Membership	Agency Shop	Union Shop	Mediation	Fact Finding	Arbitration		Prohibited	Permitted*	Penalties
														Voluntary	Mandatory			
Alabama	se							X										
Alaska 1	pe	X ^b	X		X	X	X	X			X	X		X	X		X	
Alaska 2	t				X	X	X				X						X	
Arizona	ns																	
Arkansas	sge							X										
California 1	sge		X	X		X	X	X	X	X		X						
California 2	sge ⁱ			X												X		
California 3	ue		X	X			X	X	X			X	X					
California 4	lge			X		X	X	X		X		X				X		
California 5	se, ce				X		X	X	X	X		X	X			X		
Colorado	ns																	
Connecticut 1	sge		X		X	X	X	X		X		X	X	X		X		
Connecticut 2	t		X		X	X	X	X		X		X	X		X	X		
Connecticut 3	me		X		X	X	X	X		X		X	X		X	X		
Delaware 1	pe	X ^d	X		X	X	X	X				X		X ^e		X		
Delaware 2	t		X		X		X	X				X	X			X		X
Florida	pe		X		X		X	X				X	X			X		X
Georgia 1	sge															X		X
Georgia 2	ff	X		X		X	X						X			X		X
Hawaii	pe		X		X	X	X	X		X		X	X	X	X ⁱ		X	
Idaho 1	ff		X		X		X						X			X ^o		
Idaho 2	t		X		X		X					X	X					
Illinois 1	pe, ff		X		X		X	X		X		X	X		X ⁱ		X ^o	
Illinois 2	se		X		X		X	X		X		X	X	X				
Indiana	t		X		X		X	X				X	X	X		X		X
Iowa	pe		X		X		X	X				X	X	X		X		X
Kansas 1	pe	X ^d	X	X			X					X	X			X		
Kansas 2	t		X		X	X	X	X				X	X			X		
Kentucky 1	ff	X	X		X	X	X	X			X	X	X			X		
Kentucky 2	p				X	X					X					X		
Louisiana	pe							X										
Maine 1	sge		X		X	X	X					X	X	X ^h		X		
Maine 2	me, se		X		X	X	X					X	X	X ^h		X		
Maine 3	ue		X		X	X	X	X		X		X	X	X ^h		X		
Maine 4	je		X		X	X	X					X	X	X ^h		X		
Maryland 1	t		X		X	X	X	X				X	X			X		X
Maryland 2	se				X	X	X	X				X	X			X		X
Massachusetts	pe		X		X		X	X		X		X	X	X		X		X
Michigan	pe		X		X		X	X		X		X	X		X ⁱ	X		X
Minnesota	pe		X		X	X	X	X		X		X		X	X ^k	X ⁱ	X ⁱ	X
Mississippi	ns																	
Missouri	pe but t & p		X	X			X	X								X		X
Montana 1	pe		X		X		X	X		X		X	X	X	X ⁱ		X ^m	
Montana 2	n		X		X		X										X	
Nebraska 1	pe, t		X		X	X	X					X	X	X ⁿ		X		X
Nebraska 2	t	X		X			X						X	X ⁿ				

CRITIQUE
Friday, August 13, 1993

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STATE	STATUTE APPLICABILITY	LOCAL OPTION	ADMINISTRATIVE AGENCY	BARGAINING FORM		SUPERVISOR BARGAINING	UNION SECURITY					IMPASSE PROCEDURES				STRIKES		
				Meet and Confer	Collective Negotiation		Exclusive Representation	Dues Check Off	Maintenance of Membership	Agency Shop	Union Shop	Mediation	Fact Finding	Arbitration		Prohibited	Permitted*	Penalties
														Voluntary	Mandatory			
Nevada	lge, se		X		X	X	X	X				X	X		X	X		
New Hampshire	pe		X		X	X	X					X	X	X ^a		X		
New Jersey	pe		X		X	X	X	X		X		X	X	X	X ⁱ	X		
New Mexico	pe		X		X		X					X	X			X		X
New York	pe		X		X	X	X	X		X		X	X	X	X ⁱ	X		X
North Carolina	sg, t ^r							X										
North Dakota	t		X		X	X	X	X				X	X			X		X
Ohio	pe		X		X		X	X		X		X	X	X ^p		X ^o		
Oklahoma 1	p, ff		X	X		X	X					X	X	X		X		X
Oklahoma 2	se				X	X	X	X					X			X		X
Oregon	pe		X		X		X	X		X		X	X	X	X ⁱ	X ^o	X ^o	
Pennsylvania 1	p, ff		X		X		X		X	X				X		X		
Pennsylvania 2	pe		X		X	X	X	X	X	X		X	X	X	X ^p	X ^q	X ^q	
Rhode Island 1	sg		X		X	X	X	X		X			X		X	X		
Rhode Island 2	me		X		X		X					X		X ^h		X		
Rhode Island 3	ff		X		X	X	X								X	X		
Rhode Island 4	p		X		X	X	X								X	X		
Rhode Island 5	t		X		X		X	X		X		X		X		X		
South Carolina	sg							X										
South Dakota	pe		X		X		X	X				X				X		X
Tennessee	t				X		X	X				X	X			X		X
Texas	p, ff	X			X	X	X	X				X		X		X		X
Utah 1	pe							X										
Utah 2	t						X					X	X					
Vermont 1	sg		X		X	X	X			X	X	X	X			X		
Vermont 2	me		X		X		X	X		X	X	X	X	X			X	
Vermont 3	t				X	X	X					X	X	X			X	
Virginia	ns ^v																	
Washington 1	lge,p,cr		X		X	X	X	X		X	X	X	X ⁱ		X ⁱ	X		X
Washington 2	t		X		X	X	X	X		X		X	X			X		
Washington 3	ue		X		X		X	X			X					X		
Washington 4	ce		X	X		X	X	X		X		X	X					
West Virginia	ns																	
Wisconsin 1	sg		X		X	X	X	X	X	X		X	X			X		X
Wisconsin 2	lge		X		X		X	X		X		X		X		X ^a	X ^a	
Wyoming	ff				X		X								X			X

Statute Applicability Code

pe: all public employees

sg: state government employees

lge: local government employees

me: municipal employees

cr: correction officers

se: all school employees

t: teachers

ue: university employees

ce: community college employees

je: judicial employees

ff: fire fighters

p: police

n: nurses

ns: no statute

FOOTNOTES

- a. In the ten states where strikes are permitted, they are on a limited basis with employees judged essential to the public well-being generally prohibited from striking.
- b. Local jurisdictions may opt not to be covered by the statute.
- c. Only applies to state and public education employees.
- d. Mandatory for state government and others, optional for cities and counties employing less than 100 full time workers.
- e. Salary questions may not be arbitrated.
- f. Arbitration is only mandatory for fire fighters.
- g. Strikes prohibited during term of contract.
- h. Arbitration over wages and benefits is purely advisory.
- i. Arbitration is mandatory for police and fire fighters.
- j. Arbitration only applies to police, fire and medical workers.
- k. Arbitration is mandatory for essential workers, voluntary for nonessential personnel.
- l. Essential employees are prohibited from striking, others, including teachers, may opt to strike or submit to arbitration.
- m. Fire fighters are prohibited from striking.
- n. Arbitration is permitted for employees covered by the teacher statute.
- o. Strikes by police, firemen, prison and hospital guards, banned.
- p. Mandatory arbitration for workers who cannot strike.
- q. Court employees, prison and hospital guards may not strike.
- r. Applicable to uniformed employees.
- s. Strikes by police and fire fighters is prohibited, others may strike if permitted by prior, mutual agreement or both sides refuse to submit to final offer arbitration.
- t. Noncivil service employees.
- u. Prohibited after both sides submit to arbitration or after an award has been issued.
- v. Collective negotiations prohibited by law.

APPENDIX B

STATE AND LOCAL COLLECTIVE BARGAINING ARRANGEMENTS

American Federation of State, County and Municipal Employees
AFL-CIO
October 1993

STATE AND LOCAL COLLECTIVE BARGAINING ARRANGEMENTS ¹

<u>State</u>	<u>Employee Coverage</u>	<u>Bargaining Rights</u>	<u>Indep. Admin. Agency</u>	<u>Scope of Bargaining</u>	<u>Impasse Procedure</u>	<u>Right to Strike</u>	<u>Union Security</u>
Alabama	Firefighters	Meet & Confer	No	Wages & conditions of employment	None	Prohibited	
	Teachers	Meet & Confer	No	Conditions of employment	None		
Alaska	State and Local ²	Collective Bargaining	Yes & No ³	Wages, hours & conditions of employment	Mediation Arbitration*	Permitted**	Agency shop permitted (Statute)
	Teachers and Noncertificated School Empls.	Collective Bargaining	No	Cond. of Employ. (T.) Wages, hours & cond. of employ. (Noncert. Sc. Empls.)	Mediation Arbitration*	Permitted**	
Arizona ⁴	None						Dues checkoff (state)

¹ By statute, civil service law, constitution, charter, executive order and decisional law.
Table does not include de facto collective bargaining arrangements.

² Coverage unless local legislative body opts out.

³ State: Alaska Labor Relations Agency
Local: Department of Labor

⁴ Some cities and counties have enacted comprehensive ordinances under which they may negotiate wages.

* See attached binding interest arbitration table.

**See attached right to strike table.

<u>State</u>	<u>Employee Coverage</u>	<u>Bargaining Rights</u>	<u>Indep. Admin. Agency</u>	<u>Scope of Bargaining</u>	<u>Impasse Procedure</u>	<u>Right to Strike</u>	<u>Union Security</u>
Arkansas	None						Dues checkoff (state)
California	State Civil Service & Dept. of Education Teachers	Meet & Confer ⁵	Yes	Wages, hours & conditions of employment	Mediation	Permitted ^{6**}	Agency shop permitted (Statute)
	Local ⁷	Meet & Confer	No	Wages, hours & conditions of employment	Mediation	Permitted ^{6**}	Agency shop permitted (Statute)
	Employees of School & Com- munity College Districts	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Factfinding	Permitted ^{6**}	Agency shop permitted (Statute)
	Employees of U. of C. Hast- ings College of Law, Cal. St. Univ. & Colleges	Meet & Confer ⁵	Yes	Wages, hours & conditions of employment	Mediation Factfinding	Permitted ^{6**}	Maintenance of member- ship permitted (Statute)
Colorado ⁸	None						

⁵ In practice, employees have collective bargaining rights.

⁶ Permitted under a May 13, 1985 State Supreme Court ruling.

⁷ Some cities and counties have enacted comprehensive ordinances which provide for an independent administrative agency and an impasse procedure.

⁸ Some cities and counties have charter amendments providing for collective bargaining. Also c.b. rights for mass transit employees (continuation of c.b. rights prior to acquisition).

** See attached right to strike table.

<u>State</u>	<u>Employee Coverage</u>	<u>Bargaining Rights</u>	<u>Indep. Admin. Agency</u>	<u>Scope of Bargaining</u>	<u>Impasse Procedure</u>	<u>Right to Strike</u>	<u>Union</u>
Connecticut	State	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Factfinding Arbitration*	Prohibited	Agency shop automatic (statute)
	Local	Collective bargaining		Wages, hours & conditions of employment	Mediation Factfinding Arbitration*	Prohibited	Agency shop in contracts
	Teachers	Collective bargaining	Yes	Wages & conditions of employment	Mediation Factfinding Arbitration*	Prohibited	Agency shop permitted (Statute)
Delaware	State & Local ⁹	Collective bargaining	No	State: Conditions of employment only All others: Wages, hours and conditions of employment	None	Prohibited	Agency shop in contracts
	Teachers	Collective bargaining	Yes	Conditions of employment	Mediation Factfinding	Prohibited	
	Police Officers & Firefighters	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Factfinding	Prohibited	
District of Columbia	All	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Arbitration ¹⁰	Prohibited	Agency shop permitted (Statute)

⁹ A municipality, city or town with fewer than 100 employees must elect to come under the Act. The state and counties are covered.

¹⁰ Compulsory binding arbitration for compensation; PERB may impose procedures of its choice for terms and conditions.

*See attached binding interest arbitration table.

<u>State</u>	<u>Employee Coverage</u>	<u>Bargaining Rights</u>	<u>Indep. Admin Agency</u>	<u>Scope of Bargaining</u>	<u>Impasse Procedure</u>	<u>Right to Strike</u>	<u>Union Security</u>
Florida	All	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Factfinding	Prohibited	
Georgia	Firefighters ["] (pop. +20,000)	Meet & confer	No	Wages, hours & conditions of employment	Factfinding	Prohibited	
	State					Prohibited	
Hawaii	All	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Factfinding Arbitration*	Permitted**	Agency shop automatic (Statute)
Idaho	Firefighters	Collective bargaining	No	Wages & conditions of employment	Factfinding		
	Teachers	Collective bargaining	No	Wages & conditions of employment	Mediation Factfinding		

["] Coverage only if the municipality opts to be covered by the Act.

*See attached binding interest arbitration table.

**See attached right to strike table.

State	Employee Coverage	Bargaining Rights	Indep. Admin. Agency	Scope of Bargaining	Impasse Procedure	Right to Strike	Union Security
Illinois	State & Local ¹²	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Factfinding Arbitration*	Permitted**	Agency shop permitted (Statute)
	Education Employees	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Factfinding	Permitted**	Agency shop permitted (Statute)
Indiana	Teachers	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Factfinding Arbitration*	Prohibited	
	State Employer (Executive Order)	Collective bargaining	Yes	Wages, hours & conditions of employment	None	Prohibited	None
Iowa	All	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Factfinding Arbitration*	Prohibited	Maintenance of Membership (State) (State Reorgan. Act)
Kansas	State & Local	Meet & confer	Yes	State: Hours & conditions of employment only All others: Wages, hours & conditions of employment	Mediation Factfinding	Prohibited	
	Teachers	Duty to bargain	No	Wages, hours & conditions of employment	Mediation Factfinding	Prohibited	

¹² Not applicable to units of local government employing less than 35 employees, except with respect to bargaining units existing on the effective date of the Act.

*See attached binding interest arbitration table.

**See attached right to strike table.

<u>State</u>	<u>Employee Coverage</u>	<u>Bargaining Rights</u>	<u>Indep. Admin. Agency</u>	<u>Scope of Bargaining</u>	<u>Impasse Procedure</u>	<u>Right to Strike</u>	<u>Union Security</u>
Kentucky ¹³	Firefighters ¹⁴ (pop. +300,000)	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Factfinding	Prohibited	Agency shop permitted (Statute)
	Police ¹⁵ (pop. +300,000)	Collective bargaining	No	Wages, hours & conditions of employment	None	Prohibited	
Louisiana	None						Dues checkoff (all)
Maine	State	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Factfinding Arbitration*	Prohibited	Agency shop in contracts
	Local & Teachers	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Factfinding Arbitration*	Prohibited	Agency shop in contracts
	University Employees	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Factfinding Arbitration*	Prohibited	Agency shop permitted (Statute)

¹³ Some cities and counties have enacted comprehensive ordinances providing for collective bargaining.

¹⁴ Population of 300,000 or more or any city that petitions to be included under the Act.

¹⁵ County population of 300,000 or more and has adopted the merit system.

*See binding interest arbitration table.

<u>State</u>	<u>Employee Coverage</u>	<u>Bargaining Rights</u>	<u>Indep. Admin. Agency</u>	<u>Scope of Bargaining</u>	<u>Impasse Procedure</u>	<u>Right to Strike</u>	<u>Union Security</u>
Maryland ¹⁶	Teachers	Collective bargaining	No	Wages, hours & conditions of employment	Mediation Factfinding	Prohibited	Agency shop permitted in some counties (Statute) ^{16.5}
	Non-certificated School Employees	Collective bargaining	No	Wages, hours & conditions of employment	Mediation Factfinding	Prohibited	Agency shop permitted in some counties (Statute) ^{16.5}
	Park & Planning Commission Police Officers	Collective bargaining	No	Wages, hours & conditions of employment	Mediation Factfinding	Prohibited	Agency shop permitted (Statute)
Massachusetts	All	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Factfinding Arbitration*	Prohibited	Agency shop permitted (Statute)
Michigan	State ¹⁷	Collective bargaining	No	Wages, hours & conditions of employment (excl. merit)	Mediation Factfinding	Prohibited	Agency shop permitted (CSC Rules)
	Local	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Factfinding Arbitration*	Prohibited	Agency shop permitted (Statute)
Minnesota	All	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Arbitration*	Permitted**	Agency shop permitted (Statute)

¹⁶ Dues checkoff for state employees.

Some counties and cities have enacted comprehensive ordinances providing for collective bargaining.

^{16.5} Some counties provide automatic agency shop by ordinance.

¹⁷ Under state civil service rules and regulations.

*See attached binding interest arbitration table.

**See attached right to strike table.

State	Employee Coverage	Bargaining Rights	Indep. Admin. Agency	Scope of Bargaining	Impasse Procedure	Right to Strike	Union Security
Mississippi	None						
Missouri	All (except police and teachers)	Meet & confer	No	State: Condi- tions of emp- loyment only All others: Wages & condi- tions of emp- loyment (Determined by parties)	None	Prohibited	
Montana	All (except nurses)	Collective bargaining	No	Wages, hours & conditions of employment	Mediation Factfinding Arbitration*	Permitted**	Agency shop permitted (Statute)
	Nurses	Collective bargaining	No	Wages, hours & conditions of employment	None	Permitted**	
Nebraska	All (except teachers)	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Factfinding Arbitration*	Prohibited	
	State	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Factfinding (Binding)	Prohibited	
	Teachers	Meet & confer	No	Conditions of employment	Factfinding		
Nevada	Local (includes teachers)	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Factfinding Arbitration*	Prohibited	

*See attached binding interest arbitration table.

**See attached right to strike table.

<u>State</u>	<u>Employee Coverage</u>	<u>Bargaining Rights</u>	<u>Indep. Admin. Agency</u>	<u>Scope of Bargaining</u>	<u>Impasse Procedure</u>	<u>Right to Strike</u>	<u>Union Security</u>
New Hampshire	All	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Factfinding Arbitration*	Prohibited	Agency shop in contracts
New Jersey	All	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Factfinding Arbitration*	Prohibited	Agency shop permitted (Statute)
New Mexico	All	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Factfinding	Prohibited	Agency shop in contracts
New York	All ²⁰	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Factfinding Arbitration*	Prohibited	Agency shop automatic for state, automatic for local (Statute)
North Carolina	None					Prohibited	Dues checkoff
North Dakota ²¹	Teachers	Collective bargaining	No	Wages, hours & conditions of employment	Mediation Factfinding	Prohibited	

²⁰ Local governments can adopt their own procedures for the regulation of public employee labor relations provided they are "substantially equivalent" to the Taylor Act. This was done in New York City.

²¹ State Mediation Act covers all public employees.

*See attached interest arbitration table.

<u>State</u>	<u>Employee Coverage</u>	<u>Bargaining Rights</u>	<u>Indep. Admin. Agency</u>	<u>Scope of Bargaining</u>	<u>Impasse Procedure</u>	<u>Right to Strike</u>	<u>Union Security</u>
Ohio	All	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Factfinding ²² Arbitration*	Permitted**	Agency shop permitted (Statute)
Oklahoma ²³	Teachers & Non-Certified School Employees	Collective bargaining	No	Conditions of employment	Factfinding	Prohibited	
	Police & Firefighters	Collective bargaining	Yes	Wages, hours & conditions of employment	Arbitration ²⁴		Prohibited
Oregon	All	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Factfinding Arbitration*	Permitted**	Agency shop permitted (Statute)
Pennsylvania	All	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Factfinding Arbitration*	Permitted**	Agency shop permitted (Statute)

²² Factfinding recommendations can only be rejected by a 3/5 vote of either total membership of the union or the legislative body.

²³ Some cities have enacted comprehensive ordinances providing collective bargaining rights.

²⁴ Although called arbitration, corporate authorities are authorized but not required to adopt the majority opinion of the arbitration panel.

*See attached binding interest arbitration table.

**See attached right to strike table.

<u>State</u>	<u>Employee Coverage</u>	<u>Bargaining Rights</u>	<u>Indep. Admin. Agency</u>	<u>Scope of Bargaining</u>	<u>Impasse Procedure</u>	<u>Right to Strike</u>	<u>Union Security</u>
Rhode Island	State	Collective bargaining	Yes	Wages, hours & conditions of employment	Factfinding Arbitration*	Prohibited	Agency shop mandatory (Statute)
	Local	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Arbitration*	Prohibited	Agency shop in contracts
	Firefighters	Collective bargaining	Yes	Wages, hours & conditions of employment	Arbitration*	Prohibited	
	Police	Collective bargaining	Yes	Wages, hours & conditions of employment	Arbitration*	Prohibited	
	Teachers	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Arbitration*	Prohibited	Agency shop mandatory (Statute)
South Carolina ²⁵	None						
South Dakota	All	Collective bargaining	No	<u>State:</u> Hours & conditions of employment <u>only</u> <u>All others:</u> Wages, hours & conditions of employment	Conciliation	Prohibited	

²⁵ Automatic payroll deduction for dues to SC State Employees Assn.--revoked if group "resorts" to collective bargaining or encourages its members to strike.

*See binding interest arbitration table.

<u>State</u>	<u>Employee Coverage</u>	<u>Bargaining Rights</u>	<u>Indep. Admin. Agency</u>	<u>Scope of Bargaining</u>	<u>Impasse Procedure</u>	<u>Right to Strike</u>	<u>Union Security</u>
Tennessee ²⁶	Teachers	Collective bargaining	No	Wages & conditions of employment	Mediation Factfinding	Prohibited	
Texas	Police ²⁷ & Firefighters ²⁷	Collective bargaining	No	Wages, hours & conditions of employment	Mediation Arbitration*	Prohibited	
	Teachers	Meet & confer	No	Conditions of employment	None	Prohibited	
Utah ²⁸	None					Prohibited	Dues checkoff (local)
Vermont	State	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Factfinding	Prohibited	
	Local	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Factfinding Arbitration*	Permitted**	Agency shop permitted (Statute)
	Teachers	Collective bargaining	No	Wages & conditions of employment	Mediation Factfinding		

²⁶ Dues checkoff for state employees.

²⁷ Coverage only in cities, towns and political subdivisions where collective bargaining has been approved by a majority of the voters.

²⁸ Some cities have enacted ordinances providing for collective bargaining.

*See attached binding interest arbitration table.

** See attached right to strike table.

State	Employee Coverage	Bargaining Rights	Indep. Admin. Agency	Scope of Bargaining	Impasse Procedure	Right to Strike	Union Security
Virginia	None					Prohibited	
Washington	State ²⁹	Collective bargaining	No	Conditions of employment	None	Prohibited	Agency shop permitted (State Civil Service Law)
	Local ³⁰	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Factfinding Arbitration*	Prohibited	Agency shop permitted (Statute)
	Teachers	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Factfinding	Prohibited	Agency shop permitted (Statute)
	Academic Employees (community colleges)	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation	Prohibited	Agency shop permitted (Statute)
West Virginia	None						Dues checkoff (all)

²⁹ By state civil service law and executive order.

³⁰ Also covers state patrol officers but they may not bargain wages.

*See attached binding interest arbitration table.

<u>State</u>	<u>Employee Coverage</u>	<u>Bargaining Rights</u>	<u>Indep. Admin. Agency</u>	<u>Scope of Bargaining</u>	<u>Impasse Procedure</u>	<u>Right to Strike</u>	<u>Union Security</u>
Wisconsin	State	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Factfinding	Prohibited	Agency shop permitted (Statute)
	Local	Collective bargaining	Yes	Wages, hours & conditions of employment	Mediation Factfinding Arbitration*	Permitted**	Agency shop permitted (Statute)
Wyoming	Firefighters	Collective bargaining	No	Wages & conditions of employment	Arbitration*		

*See attached binding interest arbitration table.

**See attached right to strike table.

APPENDIX C

STATE EMPLOYEE COLLECTIVE BARGAINING: SCOPE OF BARGAINING AND IMPASSE RESOLUTION PRODEDURES IN WISCONSIN AND OTHER STATES Staff Brief 93-1

Wisconsin Legislative Council Staff
December 1993

PART I

OVERVIEW OF COLLECTIVE BARGAINING IMPASSE RESOLUTION PROCEDURES AFFECTING STATE EMPLOYEES

Currently, the laws of the following ²⁷~~28~~ states authorize collective bargaining between the state and organized state employees:

*(Plus Indiana In
Executive Order)*

Alaska	Massachusetts	New York
California	Michigan	Ohio
Connecticut	Minnesota	Oregon
Delaware	Missouri	Pennsylvania
Florida	Montana	Rhode Island
Hawaii	Nebraska	South Dakota
Illinois	Nevada	Vermont
Iowa	New Hampshire	Washington
Kansas	New Jersey	Wisconsin
Maine	New Mexico	

A. MEDIATION AND FACT-FINDING

Of the ²⁷~~28~~ states that authorize collective bargaining for state employees, all (except Missouri and New Mexico) require mediation as the initial step in resolving impasses. In these 27 states, a neutral third party, usually an employee of the agency that administers the state's public employee collective bargaining laws, will serve as a mediator to help the parties reach a voluntary settlement.

Of the states that provide for mediation as the initial step in resolving collective bargaining impasses with state employees, all (except Connecticut, Minnesota, Rhode Island and South Dakota) authorize one or both parties to petition for fact-finding as a follow-up impasse resolution procedure. In these 23 states, the appointed fact-finder or fact-finding panel will conduct a hearing and issue "recommendations for settlement" which are not binding on the parties. In states that do not authorize binding arbitration or a right to strike for state employees, nonbinding fact-finding is typically the final impasse resolution procedure available to the parties.

B. BINDING ARBITRATION

The laws of 15 states authorize binding arbitration for some or all represented state employees as the final procedure to resolve collective bargaining impasses.

In the following nine states, only certain types of "essential" employees, primarily law enforcement, correctional and hospital employees, are authorized to resolve collective bargaining impasses through binding arbitration. These states are:

Alaska	Michigan	Oregon
Hawaii	New Jersey	Pennsylvania
Illinois	Ohio	Washington

In the remaining six states (Connecticut, Iowa, Maine, Minnesota, Nebraska and Rhode Island), nearly all organized state employees are covered by a mandatory binding arbitration procedure.

"Conventional" arbitration, is utilized in six states (Alaska, Hawaii, Maine, Oregon, Pennsylvania and Rhode Island), whereby the arbitrator makes an award on each unresolved issue without regard to the final offers of the parties.

The other states utilize "final offer" arbitration, either as a package or on an issue-by-issue basis. Under final offer arbitration as a package (which is authorized under Wisconsin's "med-arb" law for municipal employees), the arbitrator must select the entire final offer of one of the parties on all disputed issues without change. Under final offer issue-by-issue arbitration, the arbitrator must select the final offer of one of the parties on each issue in dispute.

C. RIGHT TO STRIKE

The collective bargaining laws of the following seven states give organized state employees a limited right to strike:

Alaska	Ohio
Hawaii	Oregon
Illinois	Pennsylvania
Minnesota	

In all of the above states, the right to strike does not include "essential" or "protective service" state employees, such as police, prison guards and mental hospital employees. Also, the right to strike in these states is a "limited" right; that is, other impasse resolution procedures, such as mediation and fact-finding, must be exhausted and a certain amount of advance notice must be given before a strike may occur. In Minnesota, "nonessential" state employees may strike only when the Legislature fails to approve a negotiated settlement or arbitration award. As a result, Minnesota is the only jurisdiction where state employee disputes may be resolved by binding arbitration or a legal strike.

APPENDIX D

VETO MESSAGE: A.B. 130 (1991 SESSION OF THE NEVADA LEGISLATURE)

Governor Miller to Secretary of State
July 1991



STATE OF NEVADA
EXECUTIVE CHAMBER
Carson City, Nevada 89710

BOB MILLER
Governor

TELEPHONE
(702) 687-56
Fax: (702) 687-

July 5, 1991

The Honorable Cheryl Lau
Secretary of State
Capitol Building
Carson City, Nevada 89710

Dear Secretary Lau:

I am herewith forwarding to your office, for filing within the Constitutional time limit, and without my approval, Assembly Bill No. 130 entitled:

An act relating to state employees; authorizing collective bargaining for certain employees in the classified service of the state; and providing other matters properly relating thereto.

My veto of this bill should in no way be construed as opposition on my part to the concept of collective bargaining for Nevada's state employees. In fact, collective bargaining is in place and works at the Federal government level, at the local county and city governmental level as well as for state employees in other states. Public sector collective bargaining is not bad; however, this bill is.

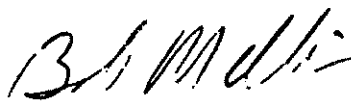
I have two major policy concerns with Assembly Bill No. 130. The first is the provision of the bill that requires the governor or a person designated by the governor to negotiate with an employees' organization which has been designated as the exclusive bargaining agent over wages and benefits for employees with a bargaining unit. Wages and certain benefits are, of course, a major part of the budget package which is submitted by the Governor for legislative review and approval every two years. In preparing that budget, the Governor must carefully balance the needs of the state and its citizens, including wage increases for our state employees, with available revenue sources over the upcoming biennium. I believe that the lengthy process of preparing a budget, both at the executive and legislative branch levels, should be free of the collective bargaining process.

My other major concern is that neither of the legislative money committees reviewed this bill. Section 12 of the bill provides for direct negotiation between an exclusive bargaining agent and the head of each state department under certain circumstances. If the parties in the negotiations are unable to reach an agreement, either party may submit the dispute to arbitration with each party paying half the cost of the arbitration.

This cost could have a major impact on an agency's budget, an impact which was not considered by me in submitting my proposed budget to the legislature or apparently by either the Senate Finance Committee or Assembly Ways and Means Committee in their final approval of the budget.

In vetoing this bill, I want to make it clear that I believe that input from employees and employee organizations is valuable to, and a valuable part of, the administration of the Executive Branch of Government. However, not all of that input is appropriate for collective bargaining. It is my intention to designate a representative of my office to meet with representatives from state employee organizations over the interim to determine if there are personnel policies and practices and matters affecting the working conditions of state employees which we can all agree may be appropriate for collective bargaining and which could be jointly recommended as proposed legislation to the 1993 legislature.

Sincerely,

A handwritten signature in dark ink, appearing to read "Bob Miller", is written over the typed name.

BOB MILLER
Governor

BM/sa