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## Vermont Legislative Research Shop

### Pro-Union Legislation in the States

The National Labor Relations Act is the federal law that protects unions. It guarantees the right of employees to organize and bargain collectively with their employers or to refrain from all such activity (National Labor Relations Board 2001). Legislation in the several states, however, varies in the degree of friendliness to unions. Indicators of how strong state protection of unions include the percentage of employed wage and salary workers in unions (Figure 1) or whether the state has right-to-work policies or closed union shop policies (Figure 2). Right-to-work laws protect a worker's choice in whether or not to join a union. The effect of this legislation is to weaken the power that the unions have. This is mainly due to two reasons 1) it encourages workers to refrain from joining the unions because they do not have to pay union dues but may benefit from the concessions that the unions receive from management and 2) workers can continue to work during strikes, which diminishes the effectiveness of strikes. In the absence of right-to-work laws, closed union shops exist. A closed union shop requires that a worker join a union with his co-workers and pay the dues of that union.

Using these criteria, percentage of employed wage and salary workers in unions and whether or not there are state right-to-work laws, states were placed into five groups (see Figure 3). Group One includes the states that have both above 20% employed wage and salary workers in unions and have closed union shops. Group Two includes states that have between 10 and 20% employed wage and salary workers in unions and closed union shops. Group Three includes states that have below 10% employed wage and salary workers in unions and have closed union shops. Group Four includes states that have between 10 and 20% employed wage and salary workers in unions and are right-to-work states. Group Five includes states that have below 10% employed wage and salary workers in unions and are right-to-work states.

Group One includes the states that are the strongest pro-union based on these criteria. It includes Michigan, New York, New Jersey, Alaska, and Hawaii. An overview of these states' pro-union legislation follows.

#### **Michigan:**

The state of Michigan has three major laws that concern labor organizations. The first of these is the Public Employment Relations Act (PERA). This is a labor relations statute that grants all public employees within the state of Michigan, excluding civil service employees of the state and federal government whose functions are necessary for public safety, the right to organize and be represented by labor organizations of their choice. The second is the Labor Relations and Mediation Act (LMA). This is a statute regulating collective bargaining relationships between private sector unions and small private sector employers not falling within the jurisdiction of the National Labor Relations Act (NLRA) by extending the rights guaranteed by the NLRA to these organizations. The third is the Compulsory Arbitration Act (312). This is a statute providing for compulsory binding arbitration of labor-management disputes involving public safety employees. Compliance with these statutes, as well as the National Labor Relations Act, is monitored and administered by the Michigan Bureau of Employment Relations (BER). The BER takes action through the Michigan Employment Relations Commission (MERC). The activities of MERC include preventing strikes by providing mediation for disputes between employers and employees, insuring that workers are aware of their rights under the law and protection of these rights (Michigan Bureau of Employment Relations).

**New Jersey:**

The state of New Jersey has the Public Employment Relations Commission (PERC). Its mission is to deal with issues of public employment relating to representation elections, the scope of public sector negotiations, unfair practices, mediation, fact-finding, and arbitration. The New Jersey Employer-Employee Relations Act established PERC to administer and enforce its provisions governing the conduct of collective negotiations in New Jersey. This Act gives employees certain rights pertaining to collective bargaining and labor organizations such as the right to strike and the right to select representation at during disputes. There is also an executive order in New Jersey that authorizes using Project Labor Agreements (PLA) when such agreements will promote efficient, timely, and safe construction of a project. (Dodd 1997) PLA are agreements negotiated at the beginning of a construction project between the labor unions, the contractors and the government agency involved in a project. In exchange for an agreement that the project will be completed using union workers and that those workers will not be locked out, labor unions agree not to strike for the duration of the project, agree to changes in work rules and agree to other compromises that benefit the contractor by lowering costs and speeding completion (New Jersey Public Employment Relations Commission 2001).

**New York:**

New York has instituted the New York State Public Employment Relations Board (PERB). This organization is a neutral, independent agency that administers The Taylor Law (Public Employees' Fair Employment Act). This law prevents public employees from striking but protects their rights to form and join unions and collectively bargain. PERB acts as an arbiter in labor disputes and conducts educational programs for the labor relations community and the general public. Also, the governor has issued an executive order in support of Project Labor Agreements (see New Jersey for information on PLA) when such agreements will promote efficient, timely and safe construction of a project (New York Public Employment Relations Board).

**Alaska:**

Alaska has two major laws pertaining to collective bargaining for public employers, including the state, municipalities, boroughs, university, school districts and their employees, that are enforced primarily by the Alaska Labor Relations Agency. The first is the labor provisions of the Alaska Railroad Corporation Act, and the second is the Public Employment Relations Act, which recognizes the right of public employees to organize for the purpose of collective bargaining; requires 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; and maintains merit-system principles among public employees. (Alaska Labor Relations Agency)

**Hawaii:**

The state of Hawaii has created the Hawaii Labor Relations Board (HLRB). The HLRB, created by the Hawaii Employment Relations Act (HERA), seeks to promote good faith and harmony between private/public sector employers, labor unions, and employees by resolving labor-management disputes and ensuring the fair administration of the collective bargaining laws, such as HERA and the National Labor Relations Act (NLRA). HERA guarantees employees, including those not mentioned in the NLRA, certain rights, such as the right to form and join unions and to strike. The HLRB hears and hands down final decisions concerning contested collective bargaining cases. (Hawaii Employment Relations Act 2000, Hawaii Department of Labor and Industrial Relations 2000)

**References**

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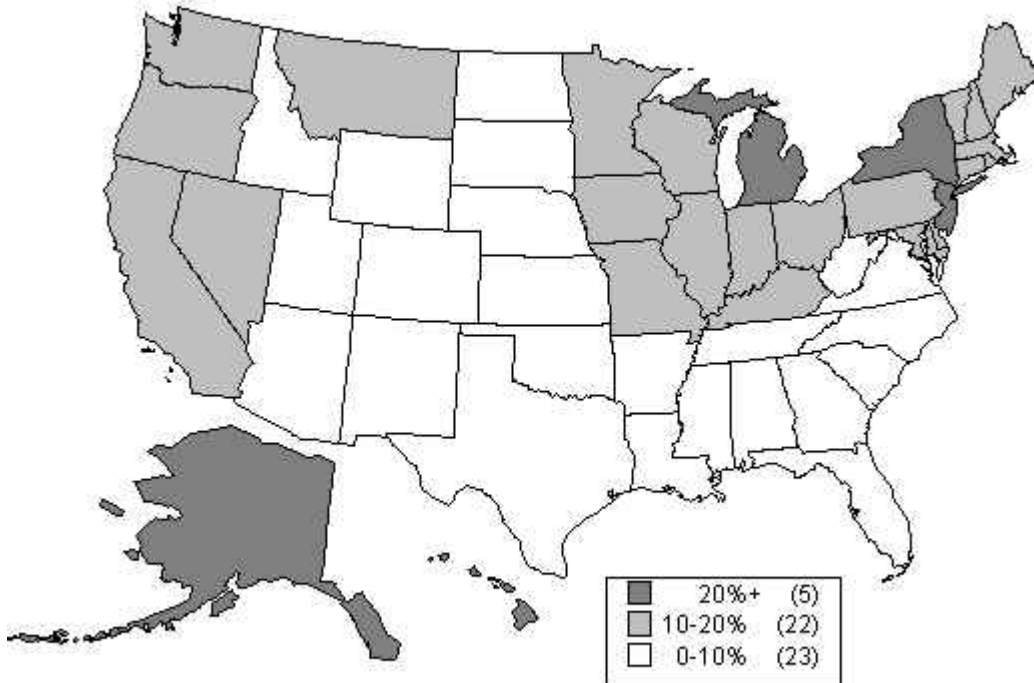


Figure 1: Percentage of Employed Wage and Salary Workers in Unions

Source: AFL-CIO. Union Members by State, 2000: [www.aflcio.org/uniondifference/uniondiff16.htm](http://www.aflcio.org/uniondifference/uniondiff16.htm)

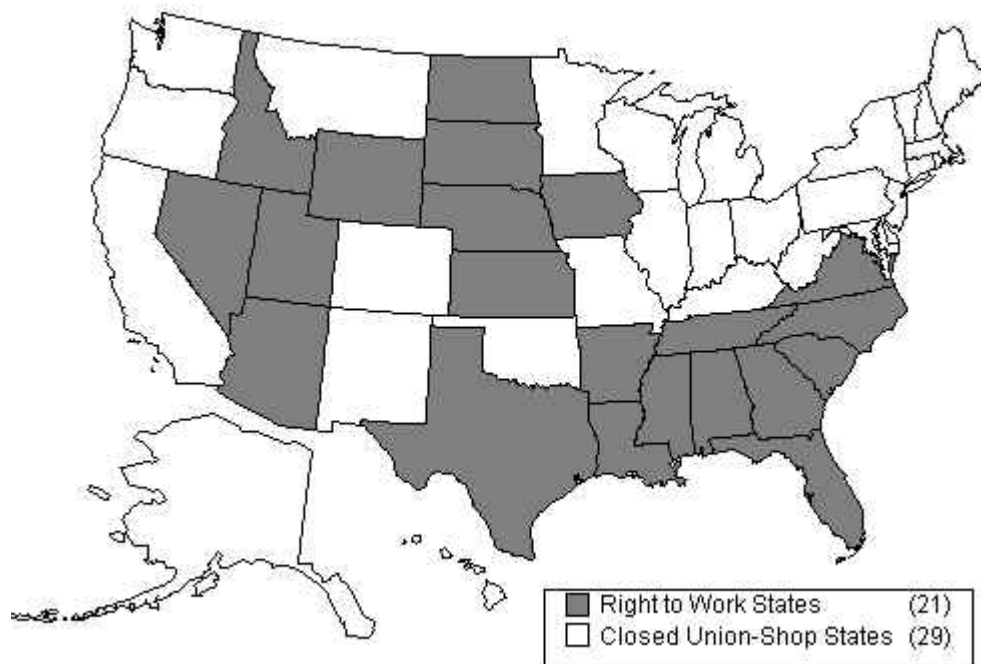


Figure 2: Right to Work States

Source: National Right to Work Legal Defense Foundation: [www.nrtw.org/home.htm](http://www.nrtw.org/home.htm)

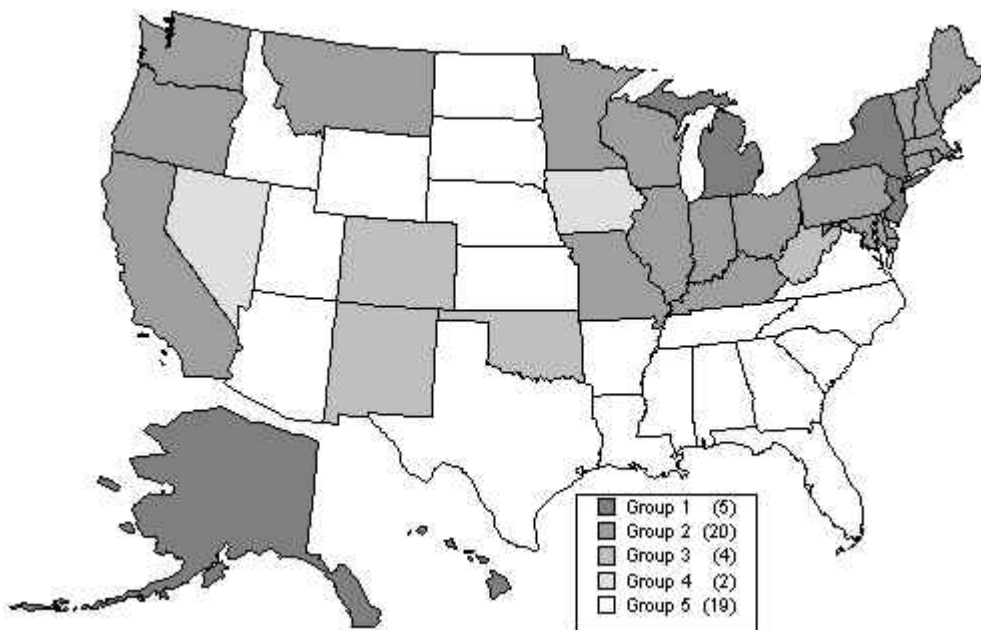


Figure 3: States Grouped by Union Friendliness

Source: Created by the authors using data from figures 1 and 2.