



PUBLIC SERVICE FREEDOM TO NEGOTIATE ACT OF 2024

H.R.8426/S.4363

The “Public Service Freedom to Negotiate Act of 2024” (H.R.8426/S.4363) (“Act”) is a federal takeover of state law that would turn union organizers loose on nearly every government employee—including teachers, state agency employees, county workers, law enforcement, and first responders. Those running the country’s largest, most politically involved unions have backed the bill—their goal is an increased hold over public workplaces to cash in on more dues and political action committee (PAC) revenues.

WHAT DOES THE ACT DO?

The Act sets “minimum standards” for state policies dealing with public sector unions, but these standards represent extreme policies that no state—not even California, New York, or Illinois—has adopted. For states on the opposite end of the spectrum, such as those that have rejected collective bargaining in some government workplaces, compliance with the Act would require a seismic shift in resources, even the creation of a new state agency.

Administering the Act would oblige the Federal Labor Relations Authority (FLRA) to grow dramatically. The Act tasks the FLRA, currently an agency of 116 full-time employees, with evaluating each state’s labor policies over a 180-day period. If the FLRA determines that a state’s laws do not meet these “minimum standards,” the FLRA assumes regulatory and enforcement control over that state and local governments, from state agencies to school districts. Among other duties, the FLRA would supervise every union election, hear and resolve every alleged violation of the Act, and resolve all challenges to arbitration awards.

WHAT’S THE PROBLEM?

The Act would steer our country in a radical leftward direction, in at least two significant ways. First, the Act gives progressive public sector unions like Randi Weingarten’s American Federation of Teachers an expanded, nationwide political fundraising base. Already, almost 96 percent of PAC spending among the country’s four largest public sector unions goes to Democrats, and the same unions spend millions in membership dues to fight for progressive causes, including transgender rights and anti-Israel activism.

Second, it gives these same unions a foothold in the day-to-day management of state and local governments. During the COVID-19 pandemic, teacher unions kept schools closed by withholding labor and influencing policymakers. Their outrageous demands included defunding the police, increasing taxes on the wealthy, and implementing socialized medicine before teachers could return to the classroom.

The Act would extend union leaders’ outsized influence in union-dominated states to every state of the union. **Applying the Commonwealth Foundation’s rubric for grading state labor laws, each state would receive an “F” under the Act for upholding worker freedoms.**

SOUTH DAKOTA

Under the Public Service Freedom to Negotiate Act,¹ the federal government would overwrite state law and force a national union model on South Dakota's government employees. South Dakota has already adopted robust collective bargaining laws for public employees and would lose statespecific protections for local governments and taxpayers.

Changes to South Dakota Law under the Public Service Freedom to Negotiate Act

Now:	Under the Act:
<ul style="list-style-type: none">■ Public sector labor law determined by elected state legislators.■ Strikes are illegal for government employees.■ Governments are not required to reach agreement with unions.■ Union members can resign their membership without statutory restriction.	<ul style="list-style-type: none">■ Public sector labor law determined by a federal agency.■ Strikes are legal for most government employees, disrupting vital government services.■ Bargaining disputes are decided by outside arbitrators or other decisionmakers.■ Union members have limited ability to resign their membership or decertify a representative union when employees are unhappy with union representation.

Government Union Political Spending in South Dakota (2021–22):
\$102,364.

Political Spending Partisan Split: 65 percent Republican, 35 percent Democrat.²

Current Public Sector Labor Law Grade: C.³

Labor Law Grade under the Public Service Freedom to Negotiate Act: F.

1. Rep. Matt Cartwright (D-PA) and Sen. Mazie Hirono (D-HI) et al., H.R.8426 and S. 4363 (Public Service Freedom to Negotiate Act of 2024), 118th Congress (2023–2024), <https://www.congress.gov/bill/118th-congress/house-bill/8426/text> and <https://www.congress.gov/bill/118th-congress/senate-bill/4363/text>.

2. Andrew Holman and David Osborne, "The Battle for Worker Freedom: How Government Unions Fund Politics Across the Country," Commonwealth Foundation, December 2023, <https://commonwealthfoundation.org/research/union-membership-state-government/>.

3. David Osborne and Andrew Holman, "The Battle for Worker Freedom: Grading State Public Sector Labor Laws (4th Edition)," Commonwealth Foundation, September 2024, <https://commonwealthfoundation.org/research/state-public-sector-labor-laws/>.