

The Battle for Worker Freedom: **GRADING STATE PUBLIC SECTOR LABOR LAWS**

5TH EDITION



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Key Points



Union executives are prioritizing recruitment. **The fastest-growing category of public sector labor legislation expands collective bargaining into new workplaces.**



On the strength of these new laws, union executives are slowly replacing their membership losses since 2018. From 2018 to 2025, the country's four largest government unions report a net decline in membership of 87,919, or 1.3 percent. However, they also report a collective gain of 232,502 members, or 3.5 percent, since 2024.



This report awards **full letter-grade increases** to Idaho (now A) and Louisiana (now B) due to their adoption of pro-worker labor reforms this past legislative session. However, the **drops in grades**—Nebraska (D), Nevada (D), and Rhode Island (F)—are the result of these states prioritizing union executives over workers and enacting laws helping unions recruit, politick, organize, and strike.



Thirteen states now have an “A” or “A+” grade—up from twelve in the previous edition of this report—while **six states earned an “F”**—up from five over the same time period. Overall, the research finds 25 states fall below a “C.”

Introduction

On Valentine’s Day 2025, Utah Gov. Spencer Cox signed House Bill (HB) 267 into law, capping a feat no state had accomplished in over 30 years: a statewide ban on collective bargaining for government employees (Teuscher 2025a). Under HB 267, teachers, firefighters, police officers, nurses, and every other government employee in Utah would keep the right to join a union, and their unions could still advocate for their preferred policies with their employer and in Salt Lake City. The bill simply prohibited unions from forcing government employers to the table to negotiate employment contracts.

Nevertheless, ten months later, the same legislature repealed the law by overwhelming margins in a special session. On December 9, the House voted 60–9, then the Senate voted 26–1. Three days later, Cox signed the repeal and HB 267 never took effect (Teuscher 2025b; Thacker 2025).

Nothing about HB 267 changed in those ten months between enactment and repeal.

What changed was the price of reform. The virulent reaction from organized labor illustrates the power and challenge of enacting worker-first public sector labor law.

The Price of Labor Reform

Utah’s referendum requirements are among the most demanding in the country (Utah Lt. Governor Office 2025). To suspend a newly enacted law and refer it to voters, opponents must gather valid signatures from eight percent of the state’s active voters—140,748 in this cycle—and clear the same eight percent threshold in at least fifteen of Utah’s 29 state senate districts, all within 30 days of the first signature and 40 days of the legislative session’s end (Thacker 2025). Before 2025, no referendum had qualified for the Utah ballot in eighteen years (Ballotpedia 2007).

Yet union executives, worried about the impact of HB 267, satisfied all referendum requirements with room to spare. A coalition of nineteen labor organizations calling itself “Protect Utah Workers” (n.d.) reportedly deployed more than 5,000 volunteers and, in April 2025, delivered roughly 320,000 signatures to county clerks—more than double the requirement (UEA 2025; Gehrke 2025). Election officials ultimately verified 251,590 of those signatures (Keith 2025), and, in May, Utah Lt. Gov. Deidre Henderson placed HB 267 on hold pending the November 2026 referendum (Dunphey 2025).

The volunteers were real, and their numbers—though perhaps inflated—were remarkable. Either way, volunteers do not, by themselves, produce 250,000 verified signatures within 30 days in a state with Utah’s geography and district-by-district thresholds. The effort requires organization and money—lots of it.

Protect Utah Workers received contributions from unions all over the country, according to the state’s campaign finance reporting (Utah Financial Disclosures 2026a). By the end of 2025, Protect Utah Workers collected \$4,582,771 in contributions—over \$3 million in cash and \$1.5 million in-kind—from donors in 29 states and the District of Columbia, with just \$133,471 coming from Utah.

In fact, the single largest donor was the National Education Association (NEA), which contributed over \$3 million in combined cash and in-kind support. The NEA’s first donation, reported in March 2025, was described in filings as a “down payment” of nearly \$500,000 made directly to a professional signature-gathering firm. The remaining top donors were the Utah Education Association (UEA)—the NEA state affiliate—along with the American Federation of State, County and Municipal Employees (AFSCME), United Food and Commercial Workers (UFCW) Local 99, and the Utah School Employees Association (USEA).

By contrast, the chief organization defending the law, Americans for Prosperity (2026), reported spending just over \$130,000 (Utah Financial Disclosure 2026b)—close to the same amount Protect Utah Workers collected from Utahns—on its “Decline to Sign” campaign (AFP 2025), with no contributions from other sources. Utah Parents United (n.d.), a 501(c)(4) nonprofit organization run solely by unpaid parent volunteers, reported no contributions and no expenditures in connection with its respective “Support Kids. Not Unions #Decline to Sign” campaign (Utah Financial Disclosure 2026c; UPU 2025).

That asymmetry of money and organization is the story in Utah, just as it is with less ambitious labor reforms across the country. Utah’s democratically elected state legislature enacted a law by constitutional majorities, before the country’s largest union—public or private—made realizing labor reform so expensive that Utah politicians preferred a calculated retreat. The bill’s chief sponsor, Rep. Jordan Teuscher (2025c), was candid about the calculation when he presented the repeal. He still believed HB 267 was good policy, he said, but it “has been overshadowed by misinformation and unnecessary division,” and repeal would “lower the temperature and create space for a clearer and more constructive conversation.” Repealing the bill, he added, did not mean “abandoning the principles behind it.”

Perhaps not. But principles alone were no match for the NEA.

Learning from Utah

For workers and public sector labor reformers, HB 267 teaches three lessons, none of them comfortable.

The first is that enactment is no longer the finish line. To achieve state-based labor reform, one cannot just assemble a majority, pass a bill, and defend it in court. Utah adds a fourth stage that most state-based think tanks are not prepared to win: an on-the-ground campaign with a 30-day deadline against opponents with national resources and a permanent field operation. Twenty-three states allow some form of veto referendum that could threaten popular, legitimately constructed reforms to government union laws (NCSL 2025).

The second lesson is that the country’s richest government union executives have decided these efforts are worth their money. The NEA did not spend \$3 million merely to protect the union’s dues revenue in Utah; it spent the money because a functioning collective bargaining prohibition is a template for reform elsewhere.

The third lesson is the most consequential, because it cuts against the popular wisdom following the United States Supreme Court’s *Janus v. AFSCME, Council 31* (*Janus*) decision (*Janus v. Am. Fed’n of State, Cnty., & Mun. Emps., Council 31*, 585 U.S. 878 (2018)). Today, it is clearer than ever that *Janus* did not set in motion an irreversible decline in the power and influence of government union executives. Instead, lasting reform happens over time, with incremental policy changes, and state policymakers devoted to leveling the playing field and defending hard-won reforms in their respective states.

Union Membership

Since 2018, this report has tracked membership in the four largest government unions—the NEA, American Federation of Teachers (AFT), Service Employees International Union (SEIU), and AFSCME using their national headquarters’ annual LM-2 disclosures to the U.S. Department of Labor. Two years ago, this report’s fourth edition documented a combined loss of 320,421 active members since *Janus*—a 4.6 percent decline (Osborne and Holman 2024).

These unions' updated numbers suggest that the bleeding has stopped. Taken together, the four unions now report 6,864,831 active dues-paying members against 6,952,750 before *Janus*, a net decline of 87,919, or 1.3 percent, across seven years. However, those numbers represent a sizable increase—232,502 members, or 3.5 percent—since the figures this research published in 2024.

Two of the four unions have grown past their pre-*Janus* size (Figure 1). AFSCME, which had lost more than 85,000 members by 2023, has recovered and now has 47 more members than it did before the decision. Likewise, SEIU has gained 219,057 members since 2023 and now reports 8.1 percent more active members than it had before *Janus*. AFT is still down 3.6 percent from its pre-*Janus* level, but its membership has remained essentially flat over the past two years. Only the NEA continues to decline, and even there the rate has slowed.

FIGURE 1: GOVERNMENT UNION MEMBERSHIP LOSSES SINCE JANUS

Union	Fiscal year ended	Active members minus retirees, pre- <i>Janus</i>	Active members minus retirees, 2023	Active members minus retirees, latest	Change since <i>Janus</i>	Agency fee payers
AFT	6/30/2025	1,283,993	1,244,866	1,237,807	-46,186 (-3.6%)	2,727
AFSCME	12/31/2025	1,144,128	1,058,236	1,144,175	+47 (0.0%)	1,658
NEA	8/31/2025	2,671,017	2,543,757	2,478,322	-192,695 (-7.2%)	0
SEIU	12/31/2025	1,853,612	1,785,470	2,004,527	+150,915 (+8.1%)	6,382
Total		6,952,750	6,632,329	6,864,831	-87,919 (-1.3%)	10,767

Source: U.S. Department of Labor, Office of Labor-Management Standards (OLMS), LM-2 reports 2017–2026.

Interestingly, government unions appear to have respected one aspect of *Janus*, at least according to their self-reported LM-2s. Agency fee (or “fair share fee”) payers—the nonmembers once compelled to fund union executives’ representation as a condition of employment—are effectively gone. The AFT, SEIU, and AFSCME collectively report 10,767 fee payers in their most recent LM-2s, while the NEA reports none at all (OLMS 2026). This form of legalized compulsion is disappearing.

But these unions replaced agency fee compulsion with aggressive recruitment strategies, relentless lobbying campaigns, and overwhelming social pressure aided by new state legislation. Since 2022, the fastest-growing category of public sector labor legislation is recruitment-related. Thus, SEIU’s and AFSCME’s membership recovery—and NEA and AFT’s avoidance of further membership losses—may have to do more with these new laws than with renewed worker interest in unionization.

Either way, with their legislative allies, union executives are rewriting the rules of the game, successfully lobbying for mandatory disclosure of employee home addresses and personal cell phone numbers, guaranteed unsupervised time with new hires, access to government email systems and buildings, unionization of workers never considered appropriate for unionization, and card check procedures that dispense with secret ballot elections altogether.

From the membership numbers, those laws are working.

The Legislative Landscape Since 2024

This report identifies roughly 495 public sector labor bills introduced in state legislatures nationwide, of which 87 were enacted. Figure 2 provides a broad overview of where these laws appeared, which the revised state-by-state profiles document in context.

FIGURE 2: OVERVIEW OF PUBLIC SECTOR LABOR LEGISLATION SINCE 2024

Issue	Law	Enacted 2025–26	Introduced, Failed/ Pending/Vetoed 2025–26
Collective Bargaining	Permits or expands collective bargaining.	CA, CO, IL, MD, RI	AZ, AR, GA, IN, IA, MN, MO, NV, NC, OK, RI, SC, TX, UT, VT, VA, WI
	Restricts or prohibits collective bargaining.	IN, UT***	HI, KY, OH, TN, WA, WV
	Allows new groups of employees to bargain.	MD, OR, RI, WA	CT, HI, IL, KY, MD, MA, MI, MN, MO, NV, NY, NC, OR, PA, VT, VA
	Expands subjects of bargaining.	CT, MD, WA	CT, HI, IN, IA, MA, MI, NV, NJ, NY, OR, RI, VT, WA
	Restricts subjects of bargaining.	OH	ID, MD
	Creates an individual right to collective bargaining.	VT*	CO, DE, GA, MD, NJ
	Restricts transfer or privatization of public sector bargaining units.	CA, IL, NY	CA, MI
Forced Membership / Dues	Permits or enhances dues or fee deduction.	OR, SC	IA, KY
	Prohibits or restricts dues or fee deduction.	FL, UT***	AL, AZ, AR, ID, IN, MT, OK, PA, SD, TX, WY
	Recognizes the right to resign.	LA	MO, NE, OK, SD
	Requires notice of <i>Janus</i> rights.	LA	CT, MN, MT, OH
	Creates a tax benefit for union dues.	—	IL, KY, MO, NJ, NY, NC
	Adds employee protections against agency fees.		ME, MI, MN, MO, NH, NC, OH, OK, WI
	Removes protections against agency fees.		AZ*, KY, OK, OR, VA, WV
	Allows union to refuse representation of nonmembers.		KY
Strikes	Permits or expands striking.	NV	KY, MD, MA, NY, OR, RI, TX, VT
	Provides benefits for striking workers.	OR, VA, WA	CA, DE, HI, IL, IA, MN, NY, PA, RI
	Prohibits or restricts benefits for striking workers.		OR
	Restricts or bans striking.		AZ, FL, GA, MN, OR

FIGURE 2: OVERVIEW OF PUBLIC SECTOR LABOR LEGISLATION SINCE 2024 (CONT'D)

Issue	Law	Enacted 2025–26	Introduced, Failed/Pending/Vetoed 2025–26
Release Time	Bans or restricts release time.	FL	ID, MN, MT, OH, SD
	Permits or expands release time.	—	NJ, OR
Union Certification	Permits or expands card check.		CT, MI, RI
	Protects secret ballots.	—	
	Creates or expands recertification.	FL, IA	AZ, CT, NH, OK
	Eliminates recertification.		IA
	Raises election turnout or support thresholds.	FL	FL
Employee Personal Information	Requires employer to furnish employees' information.	DE, IL, RI, WA	NJ, NY, WI
	Protects employee information from unions.	—	ID, PA, SD
Union Access	Expands union access to employees or public resources.	DE, IL, NE, RI	CA, MD, MN, OR, WI
	Restricts union access to employees or public resources.	AZ*, AR, FL, ID, UT***	AK, FL, ID, MT, OK, SD
Union Transparency	Adds union reporting requirements.	FL, UT***	FL, PA, SD
	Removes union reporting requirements.	KS	—
	Gives public access to collective bargaining sessions/records.	CT	IL, NV, NH, NY, OR, RI, WA
	Restricts public access to collective bargaining sessions/records.	OR**	
	Restricts availability of information from union-alternative viewpoints.	OR, RI	NY, OR, PA

* Arizona and Vermont considered or adopted constitutional amendments to appear on the November 2026 ballot.

** Oregon adopted, without gubernatorial approval, procedures for labor relations with unionized legislative staff, including a provision that labor negotiations are not legislative deliberations and are closed to the public.

*** Utah enacted various restrictions on public sector collective bargaining, yet later repealed the measure.

Grading Rubric: State Public Sector Labor Laws

As in prior editions, this report grades states on enacted legislation, not how a particular labor board or arbitrator behaved. Similarly, case law, administrative rules, and local practice are relevant but largely beyond the scope of this report.

This report assigned state grades, which Figure 3 summarizes, based on the following rubric:

- A+** These states expressly prohibit collective bargaining for some or all classes of government workers. They also may feature other worker- or taxpayer-friendly laws seen in states with lower grades. **Arkansas, Georgia, Indiana, North Carolina, South Carolina, Tennessee, and Texas** earned an “A+.”
- A** These states do not expressly prohibit or authorize collective bargaining in state law or have robust union accountability measures, such as mandatory recertification elections. These states also feature worker- and taxpayer-friendly laws seen in lower-graded states. States earning an “A” are **Florida, Idaho, Iowa, Mississippi, West Virginia, and Wisconsin**.
- B** These states statutorily authorize collective bargaining, though they often limit it to certain classes of employees. On the other hand, these states also have protections for workers and taxpayers, such as prohibitions on deductions through the public payroll system and secret ballot union-certification elections. Many of these states have vague or nonexistent laws on certain topics that arguably give unions room to secure privileges through collective-bargaining agreements. **Alabama, Arizona, Kansas, Kentucky, Louisiana, North Dakota, Oklahoma, Utah, Virginia, and Wyoming** earned a “B.”
- C** States earning this grade statutorily authorize public sector collective bargaining. They also have union executive-friendly election procedures and statutory provisions that effectively subsidize union operations, such as payroll deductions. These states may also have vague laws that arguably give unions room to secure privileges through collective-bargaining agreements. In “C” states, state law protects only some or a few individual workers’ and taxpayers’ rights. “C” states are **Missouri and South Dakota**.
- D** States that earn this grade have statutorily authorized collective bargaining without effective legal protections for workers. Often, they have union executive-friendly legal provisions authorizing striking, mandating disclosure of employee contact information, or allowing robust release time for union executives. Fifteen states—**Alaska, Colorado, Connecticut, Delaware, Maine, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New York, Ohio, Pennsylvania, and Vermont**—earned a “D.”
- D-** These states lack legal protections for workers and have provisions within state law that undermine workers’ rights, such as permitting unions to charge nonmembers for representation costs or refuse to represent them altogether. The four “D-” states are **Hawaii, Massachusetts, New Jersey, and New Mexico**.
- F** These states leave workers and taxpayers unprotected by giving extraordinary legal cover to union executives in state law. These states allow wider bargaining, often have mandatory card-check union certification, and grant unions several other special legal privileges. More recently, these states have moved to unionize more types of government employees and/or institute a fundamental right to collectively bargain. The six states earning an “F” are **California, Illinois, Maryland, Oregon, Rhode Island, and Washington**.

FIGURE 3: STATE LABOR GRADES 2026

Grade	Number of states	States
A+	7	Arkansas, Georgia, Indiana, North Carolina, South Carolina, Tennessee, and Texas
A	6	Florida, Idaho, Iowa, Mississippi, West Virginia, and Wisconsin
B	10	Alabama, Arizona, Kansas, Kentucky, Louisiana, North Dakota, Oklahoma, Utah, Virginia, and Wyoming
C	2	Missouri and South Dakota
D	15	Alaska, Colorado, Connecticut, Delaware, Maine, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New York, Ohio, Pennsylvania, and Vermont
D-	4	Hawaii, Massachusetts, New Jersey, and New Mexico
F	6	California, Illinois, Maryland, Oregon, Rhode Island, and Washington

Five States Change Grades

Idaho rose from a B to an A. With HB 516, Idaho now denies unions every meaningful form of taxpayer subsidy—no dues deduction, no political money deduction, no paid release time, and no public funds spent promoting union organizations—while continuing to limit collective bargaining only to unions representing teachers and firefighters (Idaho House Education Committee 2026). Strikes also remain prohibited.

Louisiana rose from a C to a B on the strength of Senate Bill (SB) 312 (Talbot 2026). Louisiana still allows government union bargaining broadly and still permits dues deduction, but it now provides public employees with an immediate right to resign and the *Janus* rights notification that most C states lack. Additionally, Louisiana has no statutory duty to bargain.

Nebraska fell from a C to a D. Legislative Bill (LB) 429 granted teacher unions a right to access employee mailboxes, email, bulletin boards, and orientations (Murman 2026), dropping Nebraska squarely within the pattern of states that subsidize union recruitment with public resources, and Nebraska already authorized release time.

Nevada fell from a C to a D. SB 161 narrowed the definition of a prohibited strike to permit work stoppages and sickouts at individual schools—effectively permitting strikes statewide—on top of the mandatory card check Nevada already applies to state employees (Nguyen 2025).

Rhode Island fell from a D- to an F. Seven bills, enacted in a single legislative session, collectively extended bargaining to at least four new categories of employees, imposed evergreen contract obligations on police and firefighter agreements, and mandated quarterly disclosure of employee personal and demographic information—all in a state that already permits unions to charge nonmembers for grievance representation or refuse to represent them altogether.

Figure 4 depicts grade changes for these five states from 2019 to 2026.

State	2019	2022	2024	2026	Driver of the 2026 change
Idaho	B	B	B	A	HB 516 (Idaho House Education Committee 2026) bars paid release time and public funds promoting teacher unions, adding to existing dues and political-money prohibitions.
Louisiana	C	C	C	B	SB 312 (Talbot 2026) creates an immediate right to resign and cease dues, annual notice of that right, and an attorney general <i>Janus</i> -rights form.
Nebraska	C	C	C	D	LB 429 (Murman 2026) grants unions access to employee mailboxes, email, bulletin boards, and orientations.
Nevada	C	C	C	D	SB 161 (Nguyen 2025) narrows the strike prohibition to permit work stoppages and sickouts at individual schools.
Rhode Island	D	D	D-	F	Seven enacted bills extend bargaining to new employee classes, impose evergreen police and fire contracts, and mandate quarterly disclosure of employee personal information.

FIGURE 5: CHANGES IN STATE LABOR LAW GRADES 2017–2026

State	2017 Grade	2019 Grade	2022 Grade	2024 Grade	2026 Grade
Arkansas	C	C	A+	A+	A+
Florida	C	C	C	A	A
Hawaii	D	D	D	D-	D-
Illinois	D	D-	D-	F	F
Idaho	B	B	B	B	A
Kansas	C	C	C	B	B
Louisiana	C	C	C	C	B
Massachusetts	D	D	D	D-	D-
Michigan	B	B	B	D-	D-
Missouri	B	B	C	C	C
Mississippi	B	B	B	A	A
Nebraska	C	C	C	C	D
Nevada	C	C	C	C	D
New Jersey	D	D-	D-	D-	D-
New Mexico	D	D-	D-	D-	D-
Oklahoma	C	C	C	B	B
Oregon	D	F	F	F	F
Rhode Island	D	D	D	D-	F
Virginia	A+	A+	C	B	B
Utah	C	C	C	B	B
Washington	D	F	F	F	F
West Virginia	B	B	B	A	A
Wyoming	C	C	C	B	B

National Patterns

This fifth edition has uncovered several broad national patterns:

- Eleven states statutorily prohibit or sharply restrict dues deductions through the public payroll system, while 13 prohibit or restrict the collection of political money.
- Sixteen states require public employers to furnish unions with employees' personal contact information.
- Seven states allow unions to refuse to represent nonmember employees or charge them service fees for representation in collective bargaining or grievance proceedings.
- Ten states expressly permit union release time, while four states now prohibit or condition it.
- Ten states statutorily permit membership opt-out windows, while six states protect an employee's right to resign membership at any time.
- Forty-one states burden public sector employers by establishing a duty to bargain with unions.
- Twenty-eight states provide for binding arbitration to resolve collective-bargaining disputes.
- Thirteen states allow collective-bargaining agreement negotiations to be at least partially open to the public.
- Twelve states require that unions be certified through a secret ballot election. Thirteen states require that a union be certified after presenting membership cards.

STATE BY STATE PROFILES:
STATE PUBLIC SECTOR
LABOR LAWS

RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2026	HB 666	Rep. Ernie Yarbrough (R)	Prohibits public sector union dues deductions; allows union membership resignation and dues authorization revocation at any time.	Introduced; failed.

R = Republican; HB = House Bill.

Alabama has no state statute authorizing collective bargaining for all public employees. Only state and municipal firefighters have a statutory right to collectively bargain, as long as neither they nor their union strike or threaten to strike (Ala. Code § 11-43-143). Otherwise, state law prohibits collective bargaining in the public sector. *See Nichols v. Bolding*, 277 So. 2d 868, 870 (Ala. 1973) (“[A] public governing body cannot enter into a valid labor contract with a labor organization concerning wages, hours, and conditions of employment in the absence of express constitutional or statutory authority to do so.”)

However, teacher unions are authorized to “consult” with local boards of education before adopting “rules and regulations for the conduct and management of the schools” (Ala. Code § 16-1-3). Alabama teacher unions have used this authority to affect local school policy and press for statewide legislative reforms. In fact, despite the lack of authorization for collective bargaining, the Bureau of Labor Statistics estimates that 19.9 percent of all public employees are union members (Hirsch, Macpherson, and Even 2026).

Similarly, some teacher unions continue to receive automatic payroll deductions of dues and fees despite Alabama’s version of “paycheck protection.” Alabama’s paycheck protection law, which ostensibly bans governmental entities from “arrang[ing] by salary deduction or otherwise” for dues payments to “membership organization[s]” that use “any portion of the dues for political activity” (Ala. Code § 17-17-5(b)), has survived at least three legal challenges in state and federal courts. *See Ala. Educ. Ass’n v. State Superintendent of Educ.*, 746 F.3d 1135 (11th Cir. 2014); *White v. John*, 164 So.3d 1106 (Ala. 2014); *Davis v. Ala. Educ. Ass’n*, 92 So.3d 737 (Ala. 2012). Regardless, public employers continue to deduct dues and other union payments from public employees’ wages, even while engaging in political activities.

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Generally prohibited, exceptions: Firefighter unions can collectively bargain. Teacher unions are allowed to “consult” with school boards.	Not outlined in law.	None.	Not outlined in law.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	None.	Not outlined in law.	None.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Permitted unless the union uses “any portion of the dues for political activity.”	None.	None.	Not outlined in law.

REFORM OPPORTUNITIES

- Paycheck Protection
- Right-to-Resign
- Public Employees’ Bill of Rights

STATUTORY REFERENCES

Ala. Code § 11-43-143 (Firefighters).

RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2025–2026	HB 313	Rep. Justin Ruffridge (R)	Prohibit public schools from granting exclusive access to just one “professional employee organization,” broadly defined.	Referred to committee; failed.

R = Republican; HB = House Bill.

Alaska’s Public Employment Relations Act (PERA) (Alaska Stat. §§ 23.40.070 – 23.40.260) permits unions to organize and act as exclusive representatives of those employed by the “state or a political subdivision” (Alaska Stat. § 23.40.250(7)). Alaska’s Supreme Court has also stated that the First Amendment of the U.S. Constitution affirmatively protects public employees’ rights to organize and collectively bargain. *See Kenai Peninsula Borough Sch. Dist. v. Kenai Peninsula Borough Sch. Dist. Classified Ass’n*, 590 P.2d 437, 440 (Alaska 1979).

Interestingly, Alaska’s PERA permits “organized boroughs and political subdivisions of the state” to reject its application by ordinance or resolution (Alaska Stat. § 23.40.255), and some local governments have taken advantage of the opportunity. *See, e.g., Anchorage Mun. Emp. Ass’n v. Municipality of Anchorage*, 618 P.2d 575, 576 (Alaska 1980). However, the Alaska Supreme Court has at least twice rejected attempts by local governments to exempt themselves from PERA based on prior knowledge of union activities among employees. *See Kodiak Island Borough v. State*, 853 P.2d 1111 (Alaska 1993); *State v. City of Petersburg*, 538 P.2d 263 (Alaska 1975).

A public sector union’s right to strike in Alaska depends on the composition of the bargaining unit it represents. State law prohibits strikes for “police and fire protection employees, jail, prison, and other correctional institution employees, and hospital employees” (Alaska Stat. § 23.40.200(b)). For other employees, the right to strike is qualified, and a union can only exercise the right after a majority of bargaining unit employees have voted to strike by secret ballot (*Id.* at § 200(d)). For “public utility, snow removal, sanitation, and educational institution employees other than employees of a school district, a regional educational attendance area, or a state boarding school,” the union and employer must undergo mediation before calling a strike (*Id.* at § 200(c)). For employees of a “municipal school district, a regional educational attendance area, or a state boarding school,” the union and employer must undergo advisory arbitration, avoid striking on certain days, and give one day’s notice to the employer before striking (*Id.* at § 200(g)).

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Permitted.	Secret ballot election decided by a majority of those voting.	None.	Card check and voluntary employer recognition.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, fringe benefits, hours, and other work conditions.	Binding arbitration at impasse.	Legal, depending on composition of bargaining unit.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Permitted for dues and political money.	None.	None.	Not outlined in law.

REFORM OPPORTUNITIES

- Recertification
- Paycheck Protection
- Right-to-Resign

STATUTORY REFERENCES

Alaska Stat. §§ 23.40.070 – 23.40.260 (Public Employment Relations Act).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2026	HB 2313	Rep. Matt Gress (R)	Prohibits teacher strikes and work stoppages, with penalties for striking teachers and school districts in which they strike.	Passed House; failed.
2026	HB 2783	Rep. Neal Carter (R)	Creates annual recertification requirements for labor organizations organized in Arizona.	Introduced; failed.
2026	HB 2835	Carter (R)	Prohibits payroll deductions for union membership dues.	Introduced; failed.
2026	HCR 2040	Rep. Justin Olson (R)	Proposes a constitutional amendment to prohibit school districts from financially supporting labor organization operations, from allowing union payroll deductions, from granting access to internal communications systems or distributing materials on unions' behalf, or from using public funds or resources for union activities.	Adopted.
2026	SB 1459	Sen. Lauren Kuby (D)	Establishes collective bargaining in the public sector, including creation of a public employee labor relations board, prohibited practices, and representation elections.	Introduced; failed.
2026	SCR 1035	Kuby (D)	Proposes a constitutional amendment to repeal Arizona's right-to-work constitutional provision.	Introduced; failed.
2025	HB 2501	Rep. Mariana Sandoval (D)	Removes protections for employees terminated or denied employment as a result of non-membership in a union.	Introduced; failed.
2025	SB 1684	Kuby (D)	Establishes collective bargaining in the public sector, including creation of a public employee labor relations board, prohibited practices, and representation elections.	Introduced; failed.

D = Democrat; R = Republican; HB = House Bill; SB = Senate Bill; SCR = Senate Concurrent Resolution; HCR = House Concurrent Resolution.

Arizona does not statutorily authorize collective bargaining for public sector unions. Indeed, the Arizona Office of the Attorney General has opined that, for local governments, “[a]n ordinance that allows collective bargaining, as that term is used in private industry, is invalid because an exclusive bargaining agreement would be an unlawful delegation of legislative authority.” *In re County Meet-and-Confer Ordinances*, 2006 Ariz. Op. Att’y Gen. No. 106-004 (Oct. 30, 2006), 2006 WL 3223060, at *4.

Still, unions often “meet and confer” with county and municipal governments to agree on memorandums of understanding. The Arizona Attorney General blessed this arrangement, opining that local governments can enact policies binding themselves to meet with a particular

employee representative and draft memorandums of understanding. However, the government is ultimately responsible for decision-making and cannot treat the employee representative as the sole and exclusive representative for all employees. See 2006 Ariz. Op. Att’y Gen. No. 106-004 (Oct. 30, 2006), 2006 WL 3223060.

In 2022, Arizona enacted significant restrictions on union release time, which grants leave to union officials or members to engage in union and political activities while still receiving a public salary and benefits (Ariz. Stat. § 23-1431). Arizona lawmakers enacted this law, in part, to enforce a state constitutional provision prohibiting the expenditure of public funds for private purposes. See Ariz. Const. art. 9, § 7.

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized for public safety employees; prohibited for all other public employees.	Not outlined in law.	None.	Not outlined in law.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	No.	Not outlined in law.	None.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Permitted for dues and political money.	None.	None.	Expressly prohibited.

REFORM OPPORTUNITIES

- Recertification
- Paycheck Protection
- Public Employees’ Bill of Rights

STATUTORY REFERENCES

Ariz. Stat. § 23-1431 (Release time).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2025	HB 1024	Rep. Andrew Collins (D)	Repeals Arkansas' prohibition on collective bargaining in the public sector.	Introduced; failed.
2025	HB 1506	Rep. Wade Andrews (R)	Prohibits payroll deductions for union dues, fees, or contributions.	Introduced; withdrawn.
2025	SB 579	Sen. Matt McKee (R)	Prohibits payroll deductions for union dues, fees, or contributions.	Introduced; failed.
2025	SB 402	Sen. Clint Penzo (R)	Prohibits school districts and educational service cooperatives from requiring or coercing teachers to attend or interact with unions, distribute membership solicitations, or permit unions to use district resources unless other organizations or professional associations have the same level of access.	Enacted.

D = Democrat; R = Republican; HB = House Bill; SB = Senate Bill.

In 2021, Arkansas expressly prohibited collective bargaining for “public employees,” a term that excludes law enforcement officers, firefighters, and certain public transit employees (Ark. Stat. §§ 21-1-801, 21-1-802). A public employer must terminate any striking public employee, with the same exceptions (Ark. Stat. § 21-1-803).

In fact, the Arkansas Supreme Court has long held that Arkansas’s right-to-work constitutional amendment does not establish a duty to bargain collectively for public employers. *See City of Fort Smith v. Arkansas State Council No. 38, AFSCME AFL-CIO*, 433 S.W.2d 153, 155 (Ark. 1968). Still, until the 2021 prohibition on collective bargaining, Arkansas courts suggested that local governments had implied authority to voluntarily collectively bargain. *See, e.g., AFSCME, Local 2957 v. City of Benton*, No. 4:04-CV-492 (RSW), 2006 WL 8444754, at *3 (E.D. Ark. Jan. 27, 2006).

Although collective bargaining is prohibited in most workplaces, Arkansas specifically permits public employees to “form associations for the purpose of promoting the public employees’ interests before a public employer” (Ark. Stat. § 21-1-804). And teachers have their own statutory right to join a “professional organization” (Ark. Stat. § 6-17-202) as well as the ability to help set personnel policies in their respective school districts (Ark. Stat. § 6-17-203). Under state law, teachers elect at least five representative teachers to serve on a committee that sets personnel policies governing employment terms and conditions for all their school district’s teachers.

In addition, Arkansas teachers have uniquely robust individual rights regarding their union membership. In 2025, Arkansas enacted a ban on “captive audience” meetings for teachers. (Ark. Stat. § 6-13-114). Under the provision, public school teachers cannot be required or coerced into “meet[ing], communicat[ing], listen[ing] to, or otherwise interact[ing] with an employee organization or a professional association.” (*Id.*). School districts are also prohibited from distributing union membership solicitations or giving any union or professional association exclusive access to school district resources, events, or meetings. (*Id.*). These measures

followed a “paycheck protection” measure in 2023, when Arkansas disallowed the deduction of union dues, fees, or contributions from the wages of public school teachers and other school employees (Ark. Stat. § 6-17-805). And since 2015, public school employees have had the right to join or terminate union membership “at any time,” with unions representing them prohibited from “plac[ing] a restriction on the time that a public school employee may join or terminate membership” (Ark. Stat. § 6-17-120).

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized for public safety and certain transit employees; prohibited for all other public employees.	Not outlined in law.	None.	Not outlined in law.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	No.	Wages and other work conditions.	None.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Dues and political contributions are prohibited for teachers only.	None.	Teachers are able to resign at any time, and unions cannot restrict that right.	Not authorized in law.

REFORM OPPORTUNITIES

- Recertification
- Public Employees’ Bill of Rights

STATUTORY REFERENCES

Ark. Stat. §§ 21-1-801– 21-1-804 (Law enforcement and firefighters).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2025–2026	AB 339	Asm. Liz Ortega (D)	Requires that public employers give 45 days' notice before seeking to privatize bargaining unit work, with exceptions.	Enacted.
2025–2026	AB 340	Asm. Patrick Ahrens (D)	Ensures confidentiality of public employee communications with their respective union and union officials, unless there are criminal or certain other investigations.	Passed Assembly; pending in Senate.
2025–2026	AB 393	Asm. Damon Connolly (D)	Imposes restrictions on use of private contracts for physicians in state prisons and state hospitals.	Vetoed.
2025–2026	AB 465	Asm. Rick Zbur (D)	Requires certain public sector collective bargaining agreements to include progressive discipline and due process provisions if requested by the union.	Introduced; failed.
2025–2026	AB 792	Asm. Alex Lee (D)	Authorizes trial court interpreter unions to request multi-regional bargaining.	Enacted.
2025–2026	AB 1324	Asm. LaShae Sharp-Collins (D)	Extends certain public assistance aid to employees participating in a strike or lockout.	Vetoed.
2025–2026	AB 1582	Ortega (D)	Makes it an unfair labor practice for higher education employers to fail or refuse to schedule arbitration, implement arbitration awards within 60 days, or attempt to privatize bargaining unit work in a manner similar to previous attempts disallowed by the arbitrator.	Passed Assembly; pending in Senate.
2025–2026	AB 1630	Asm. Jessica Caloza (D)	Allows unions to invite bargaining unit employees to remotely observe and participate in negotiations on a memorandum of understanding, provided the employees do not delay or disrupt the session.	Passed Assembly; pending in Senate.
2025–2026	AB 2656	Asm. Cottie Petrie-Norris (D)	Requires certain public employers to notify the union before using artificial intelligence (AI) to perform bargaining unit work.	Passed Assembly; pending in Senate.
2025–2026	SB 161	N/A	Allows state employers or unions to reopen negotiations if the legislature fails to specifically appropriate relevant funds.	Enacted.
2025–2026	SB 578	Sen. Lola Smallwood-Cuevas (D)	Requires the Department of Industrial Relations to develop, in consultation with unions and other organizations, materials informing employees of their rights and training materials for employees and unions.	Enacted.

Session	Bill No.	Sponsor	Summary	Status
2025–2026	SB 1371	Sen. Maria Durazo (D)	Disallows contract provisions that excuse solid waste handling services in the event of a work stoppage.	Passed Senate; pending in Assembly.

D = Democrat; AB = Assembly Bill; SB = Senate Bill.

California has a thoroughly unionized public sector, with roughly 15 separate laws governing collective bargaining throughout all levels of government. Most notably, the State Employer-Employee Relations Act (SEERA or “Dills Act”) (Cal. Gov’t Code §§ 3512 – 3524) governs collective bargaining with the state government; the Educational Employment Relations Act (EERA) (Cal. Gov’t Code §§ 3540 – 3549.3) governs collective bargaining in public schools and community colleges; and the Meyers-Milias-Brown Act (MMBA) (Cal. Gov’t Code §§ 3500 – 3511) governs collective bargaining for most local governments. California is one of two states to statutorily authorize maintenance-of-membership provisions, which restrict union membership resignations via collective bargaining without individual consent (Cal. Gov’t Code §§ 3515.7, 3524.59, 3540.1(i), 3599.59).

Still, California continues to make new workplaces or employees eligible to unionize. Most recently, in 2023, California enacted the “Legislature Employer-Employee Relations Act” (Cal. Gov’t Code §§ 3599.50 – 3599.84), which allows the state legislature’s rank-and-file employees to unionize and bargain with the Senate or Assembly Committee on Rules (Cal. Gov’t Code § 3599.52(d)). The law imposes an otherwise traditional bargaining regime, including exclusive representation (Cal. Gov’t Code § 3599.57) and unfair labor practices (Cal. Gov’t Code §§ 3599.69 – 3599.70).

The California Supreme Court has recognized that public employees have a limited right to strike. To secure an injunction against a strike, the government must prove that the strike “poses an imminent threat to public health or safety” (*Cnty. Sanitation Dist. No. 2 v. L.A. Cnty. Emps. Ass’n*, 699 P.2d 835, 854 (Cal. 1985)). The California Supreme Court has also held that unions have a right to obtain the personal contact information, including home addresses and telephone numbers, of all public employees—members and nonmembers (*Cnty. of L.A. v. L.A. Cnty. Emp. Rels. Comm’n*, 301 P.3d 1102 (Cal. 2013)).

This year marked a rare instance of political division among public sector unions. In 2025, SEIU – United Healthcare Workers West (SEIU-UHW) filed an initiative now officially known as the “One-Time Wealth Tax for State-Funded Health Care Programs Initiative” (Jimenez 2025, Ballotpedia 2026a). The initiative, sometimes called the “California Billionaire Tax,” would enact a one-time tax of 5 percent on an individual’s net worth exceeding \$1 billion and would apply retroactively to any billionaire residing in the state as of January 1, 2026. In June 2026, with over \$31 million from SEIU-UHW and support from unions including Teamsters California and AFSCME California (TDU 2026; SEIU-UHW 2026), the initiative received enough signatures to qualify for the November ballot. However, other unions—most notably, the California Teachers Association—came out against the measure (Wiley, Rodriguez, and Shugerman 2026).

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized.	EERA provides for secret ballot elections by a majority of votes cast (Cal. Gov't Code § 3544.7); SEERA delegates election process to Public Employment Relations Board (Cal. Gov't Code § 3520.5(b)); MMBA requires a majority of votes cast but otherwise delegates election process to local government (Cal Gov't Code § 3507.1(a)).	None.	Card check.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, pension benefits, fringe benefits, hours, and other work conditions.	Yes, once requested by law enforcement and firefighters.	Legal except for public safety employees.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Authorized.	Maintenance of membership, sharing of employee contact information, and access to employees and employee orientation.	Maintenance of membership provisions limit the resignations of certain public employees, including teachers.	Authorized.

REFORM OPPORTUNITIES

- Teacher Strike Ban
- Right to Resign
- Public Employees' Bill of Rights

STATUTORY REFERENCES

Cal. Gov't Code §§ 3500 – 3511 (Local governments); §§ 3512 – 3524 (State employees); §§ 3524.50 – 3524.81 (Judicial system employees); §§ 3540 – 3549.3 (Public schools); §§ 3550 – 3553 (Enhanced penalties for employer); §§ 3555 – 3559 (Employee access); §§ 3560 – 3599 (Higher education); §§ 71600 – 71675 (Trial court employees); §§ 71800 – 71829 (Trial court interpreters); Cal. Pub. Util. Code §§ 28848 – 28863 (San Francisco transit); 40120 – 40129 (Orange County transit); §§ 100300 – 100311 (Santa Clara transit); §§ 102398 – 102418 (Sacramento transit); §§ 98160 – 98174 (Santa Cruz transit); §§ 99560 – 99570.4 (L.A. Transit); Cal. Welf. & Inst. Code §§ 10420 – 10429.5 (Child care).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2026	HB 1005	Rep. Javier Mabrey (D)	Eliminates ratification requirements for union security clauses, specifies that employees' right to collective bargaining includes the right to bargain over mandatory subjects, and requires bargaining in good faith, applicable to private sector and public transportation employees.	Vetoed.
2026	SB 47	Sen. Jessie Danielson (D)	Requires that public employers must engage in collective bargaining with firefighters if at least five percent of those who voted in the last regular municipal or district election make a request by signed petition.	Enacted.
2026	SB 193	Sen. Judy Amabile (D)	Applies minimum wage requirements to public employees, exempting state employees whose wages are already set by a collective bargaining agreement.	Enacted.
2025	HB 1278	Rep. Shannon Bird (D)	Requires that school districts, schools, and charter school institutes engage with teacher unions, among others, in developing multi-year school improvement plans.	Enacted.
2025	HB 1286	Rep. Elizabeth Velasco (D)	Requires certain protections for private and public employees exposed to extreme heat and cold, unless already set by a collective bargaining agreement.	Introduced; failed.
2025	SB 5	Sen. Robert Rodriguez (D)	Eliminates ratification requirements for union security clauses, specifies that employees' right to collective bargaining includes the right to bargain over mandatory subjects, and requires bargaining in good faith, applicable to private sector and public transportation employees.	Vetoed.
2025	SB 77	Sen. Cathy Kipp (D)	Exempts unions from potential denial of public records by excluding from its definition of "direct solicitation of business for pecuniary gain" any requests related to collective bargaining made by entities engaged in collective bargaining.	Vetoed.
2025	SB 147	Sen. Rod Pelton (R)	Extends certain public assistance aid to employees participating in a strike or lockout.	Vetoed.

D = Democrat; R = Republican; HB = House Bill; SB = Senate Bill.

Public sector union executives have gained considerable ground in Colorado in recent years. In 2007, then-Gov. Bill Ritter issued an executive order that created a process for recognizing an employee organization as representative of state employees for the purpose of entering into what he termed a “partnership agreement with state employees” (CO Executive Order No. D02807 2007). Ever since, a union called “Colorado WINS”—a joint affiliate of the AFT and SEIU—began pushing for codification of the arrangement, and in 2020 achieved that goal by securing a formal, public sector labor regime overseen by the Colorado Department of Labor (AFT 2020).

The 2020 law, called the “Colorado Partnership for Quality Jobs and Services Act” (Colo. Rev. Stat. §§ 24-50-1101 – 24-50-1117), effectively gave Colorado WINS exclusive representation power over some 28,000 state employees (AFT 2020), adding a duty to bargain for the state government as well (Colo. Rev. Stat. § 24-50-1112). Further, it gave union officials generous access to state employees and their personal contact information for purposes of recruiting. For example, union officials are entitled to in-person meetings with new employees, and, each month, the state is required to give the union each employee’s updated “[h]ome address, home and personal cellular phone numbers, and personal e-mail address unless directed by the covered employee not to provide the same ...” (Colo. Rev. Stat. § 24-50-1111).

Two years later, in 2022, unions successfully lobbied to extend their ability to represent 38,000 more public employees working in county governments (Colo. Rev. Stat. §§ 8-3.3-101 – 8-3.3-116; Paul and Najmabadi 2022). Again, Colorado required that unions representing public employees receive access to employees’ personal contact information and the right to in-person meetings with new employees (Colo. Rev. Stat. § 8-3.3-104).

In 2023, Colorado enacted the “Protections for Public Workers Act” (Colo. Rev. Stat. §§ 29-33-101 – 29-33-105). The law granted new privileges to public sector unions, including the right to organize employees working for municipalities, fire authorities, school districts, charter schools, public colleges and universities, library districts, special districts, public defender’s offices, certain hospital authorities, the general assembly, a board of cooperative services, and other counties not previously covered. In contrast to previous measures, the Protections for Public Workers Act did not provide specific parameters for unionization. Instead, this act requires the Colorado Department of Labor and Employment to promulgate rules and issue guidance implementing the law (Colo. Rev. Stat. § 29-33-105(2)). In 2024, the Colorado League of Charter Schools successfully lobbied for an amendment to the Protections for Workers Act clarifying that managerial and confidential employees are not permitted to unionize, and no employee is allowed to cause material disruptions to public employer operations (Colo. Rev. Stat. § 29-33-103(3), (5)).

In 2025 and 2026, public sector unions secured additional but relatively minor ground in Colorado, winning the right for teacher unions to become involved in long-term school district planning (Colo. Rev. Stat. § 22-11-213) and the application of state minimum wage standards to most public workplaces (2026 Colo. Legis. Serv. Ch. 317 (S.B. 26-193)). However, Gov. Jared Polis has blunted unions’ efforts to gain further ground; in 2025 and again in 2026, Polis vetoed union-driven measures designed to strip private sector and mass transit workers of existing rights—including democratic rights to reject “union security” clauses—under Colorado’s Labor Peace Act.

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized.	For state employees, state law requires a majority of votes cast but otherwise delegates election process to the Division of Labor Standards and Statistics (Colo. Rev. Stat. §§ 24-50-1103, 24-50-1106). For county employees, representation elections are secret ballot and require a majority of votes cast (Colo. Rev. Stat. § 8-3.3-109). For local government employees, the election process is not outlined in law.	None.	Card check permitted for state workers, secret ballot for county workers.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, fringe benefits, hours, and other work conditions.	Not outlined in law.	Illegal for firefighters, state, and county employees. Legal for teachers and local government workers.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Authorized.	Access to employees, access to contact information, and access to employee orientation.	Not outlined in law.	Not authorized.

REFORM OPPORTUNITIES

- Teacher Strike Ban
- Right to Resign
- Public Employees' Bill of Rights

STATUTORY REFERENCES

Colo. Rev. Stat. §§ 8-3.3-101 – 8-3.3-116 (County employees); §§ 24-50-1101 – 24-50-1117 (State employees); §§ 29-33-101 – 29-33-105 (Local government employees).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2026	HB 5003	Labor and Public Employees Committee	Allows teacher unions to negotiate for payroll deduction of union dues, initiation fees, and agency fees.	Enacted.
2026	HB 5218	Education Committee	Entitles terminated public school teachers to binding arbitration before a neutral arbitrator under a just cause standard and provides full workers' compensation for teachers injured by students.	Enacted.
2026	SB 247	Government Oversight Committee	Among other requirements, prohibits settlement agreements for state employees that would continue salary and benefits for employees but prevent them from working, yet carves out the arrangement, if set by a collective bargaining agreement.	Enacted.
2026	SB 351	Joint Committee on Labor and Public Employees	Entitles terminated public school teachers to binding arbitration before a neutral arbitrator under a just cause standard.	Introduced; failed.
2026	SB 435	Joint Committee on Labor and Public Employees	Amends collective bargaining statutes to include AI technology as a mandatory subject of bargaining for state employees, municipal employees, and teachers.	Introduced; failed.
2026	SB 513	Joint Committee on Finance, Revenue, and Bonding	Implements voluntary payroll tax program offering certain benefits in exchange for participation and permits government employers and unions to bargain over terms of participation.	Introduced; failed.
2025	HB 5185	Rep. Craig C. Fishbein (R)	Requires collective bargaining agreements and employee notices to include notice of employee's right not to be a union member.	Introduced; failed.
2025	HB 5186	Fishbein (R)	Requires representation elections every four years in which public employees have a choice to redesignate the same union as exclusive representative, select a new union, choose to have no union, or organize a new union, all by secret ballot by a majority of the bargaining unit.	Introduced; failed.

Session	Bill No.	Sponsor	Summary	Status
2025	HB 5606	Rep. Gale L. Mastrofrancesco (R)	Requires collective bargaining agreements and employee notices to include notice of employee's right not to be a union member.	Introduced; failed.
2025	SB 26	Sen. Rob Sampson (R)	Repeals a provision in state law that allows collective bargaining agreements to supersede conflicting state law.	Introduced; failed.
2025	SB 221	Sampson (R)	Requires collective bargaining agreements and employee notices to include notice of employee's right not to be a union member.	Introduced; failed.
2025	SB 624	Sampson (R)	Limits collective bargaining agreements and binding arbitration awards to funds available in the state or municipal budget.	Introduced; failed.
2025	SB 1486	Labor and Public Employees Committee	Allows temporary state employees to be in the same bargaining unit as similarly situated permanent employees.	Passed committee; failed.
2025	SB 1541	Judiciary Committee	Prohibits collective bargaining agreements and arbitration awards from preventing disclosure of disciplinary action against corrections officers.	Enacted.

D = Democrat; R = Republican; HB = House Bill; SB = Senate Bill.

In Connecticut, several laws govern public sector unionization, including the State Employee Relations Act (SERA) (Conn. Gen. Stat. §§ 5-270 – 5-280), Municipal Employee Relations Act (MERA) (Conn. Gen. Stat. §§ 7-467 – 7-479), and School Board-Teacher Negotiations Act (TNA) (Conn. Gen. Stat. §§ 10-153 – 10-153o). These provisions permit traditional public sector unionization at all levels of government.

Connecticut's labor laws give significant additional assistance to union officials. For example, SERA directs the state labor board to draw large bargaining units that include public employees positioned throughout the state (Conn. Gen. Stat. § 5-275(b)(1)(B), (b) (3)), mandates a robust system of binding arbitration (Conn. Gen. Stat. § 5-276a), ensures status quo obligations after expiration of a collective bargaining agreement (Conn. Gen. Stat. § 5-278a), and expressly permits payroll deductions for dues and fees (Conn. Gen. Stat. § 5-280). MERA, meanwhile, protects unions from competition by requiring any organizing union to be “in existence for not fewer than six months” (Conn. Genn. Stat. § 7-467a), mandates an accelerated schedule for negotiations, mediation, and binding arbitration (Conn Gen. Stat. § 7-472–7-473a), and authorizes payroll deductions of union dues and initiation fees (Conn. Gen. Stat. § 7-477). The TNA allows teachers and school administrators to trigger a union representation election with support from just twenty percent of the bargaining unit (Conn. Gen. Stat. § 10-153b(d)). Moreover, it treats negotiated contracts as presumptively approved by the local or regional board of education (Conn. Gen. Stat. § 10-153d(b)).

Additionally, in 2024, Connecticut enacted a law requiring all governmental employers to give union officials personal contact information on each employee, unsupervised time at new hire orientations, and one-on-one meetings between the union and employee (Conn. Gen. Stat. § 31-40bb). The information provided to union officials under this provision includes employees' names, work information, work telephone numbers, work email addresses, home addresses,

and, if authorized by the employee, their home telephone number, personal cellphone number, and personal email address (Conn. Gen. Stat. § 31-40bb(a), (d)).

Connecticut is unique in that public sector union officials bargain collectively over public pensions. See Conn. Gen. Stat. § 5-278(f). Fifteen public sector employee unions representing nearly 50,000 employees negotiate collectively, as the State Employees Bargaining Agent Coalition (SEBAC), to set retirement ages, cost of living adjustments, and terms of retiree healthcare, among other terms. The most recent SEBAC agreement, approved in 2026, gives wage and step increases over the next four years that are projected to raise costs to over \$722 million by 2029 (Connecticut General Assembly 2026 (SR 12, at 2)).

Connecticut is also one of twelve states that has unionized home care workers as partial public employees (Conn. Gen. Stat. §§ 17b-706a, 17b-706b). Under Connecticut's model, a union representing home care workers negotiates directly with a council within the state government, and these determinations impose terms and conditions of employment, including payroll deduction of dues, on home care workers and the individuals for whom they care (*Id.*).

Meanwhile, the Fairness Center aided in a significant union transparency win in Connecticut as a result of 2026 litigation by two public employees (Fairness Center 2026). The employees alleged that their unions failed to comply with a 1957 law requiring unions to file financial reports with the Connecticut Department of Labor, which, according to the Yankee Institute, long ignored the law itself (Ricci 2025). Recently, in response to the lawsuit, the department sent notifications to unions subject to the requirement, reminding them to file the report (CTDOL n.d.).

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized.	Secret ballot by a majority of those voting.	None.	Card check.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, fringe benefits, hours, AI usage, and other work conditions.	Required at impasse.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Authorized.	Access to employees, access to contact information, and access to employee orientation.	Not outlined in law.	Not authorized.

REFORM OPPORTUNITIES

- Eliminate CBA Supersedence
- Right to Resign
- Public Employees' Bill of Rights

STATUTORY REFERENCES

Conn. Gen. Stat. §§ 5-270 – 5-280 (State employees); §§ 7-467 – 7-479 (Municipal employees); §§ 10-153 – 10-153o (Teachers).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2025	HB 130	Rep. Eduard Osienski (D)	Requires public employers to provide employee contact information, allows unions to communicate with bargaining unit employees using work emails, and gives unions the right to meet in a public employer's building.	Enacted.
2025	HB 234	Rep. Frank Burns (D)	Proposes an amendment to the Delaware Constitution giving employees a "fundamental right to organize."	Passed committee; pending.
2025	SB 24	Sen. Brian Townsend (D)	Requires the state labor board to certify a government union organizing public school employees if it produces representation authorization cards from over fifty percent of employees in a bargaining unit.	Enacted.
2025	SB 25	Townsend (D)	Requires the state labor board to certify a union organizing public school employees if it produces representation authorization cards from over fifty percent of employees in a bargaining unit.	Introduced; withdrawn.
2025	SB 26	Sen. Darius Brown (D)	Provides unemployment compensation benefits for employees due to employees engaged in labor disputes.	Passed House and Senate; pending.

D = Democrat; R = Republican; HB = House Bill; SB = Senate Bill.

Delaware's Public Employment Relations Act (PERA) (Del. Code Ann. tit. 19, §§ 1301 – 1320) permits union officials to organize and act as exclusive representatives for most public employees in Delaware. Delaware has separate laws governing the unionization of police and firefighters (Del. Code Ann. tit. 19, §§ 1601-1618) and public school employees (Del. Code Ann. tit. 14, §§ 4001-4020).

Like many other states' public sector labor statutes, Delaware's PERA provides for exclusive representation (Del. Code Ann. tit. 14, § 4004(a); tit. 19, §§ 1304(a), 1604(a)), unfair labor practices (Del. Code Ann. tit. 14, § 4007; tit. 19, §§ 1307, 1607), and binding arbitration (Del. Code Ann. tit. 14, § 4015; tit. 19, §§ 1315, 1615). However, Delaware also permits payroll deduction for all unionized employees and imposes relatively unique restrictions on when public employees, except for first responders, may revoke their dues deduction authorization (Del. Code Ann. tit. 14, § 4004(c); tit. 19, §§ 1304(c)).

At least one Delaware Supreme Court case appears to stand for the proposition that a public sector employee can be required to maintain union membership as a condition of employment. *See Peterson v. Hall*, 421 A.2d 1350 (Del. 1980). However, the Delaware Supreme Court specifically noted that the employee in that case had failed to raise a timely claim that the arrangement violated his First Amendment rights and, therefore, declined to consider the employee's constitutional argument (*Id.* at 1354).

Delaware's PERA includes unique transparency language requiring unions to file annual reports as well as copies of the union's constitution and bylaws, with any changes to the constitution and bylaws to be "promptly reported" to the labor board (Del. Code Ann. tit. 19, § 1312). In addition, public employers are required to forward a copy of every collective bargaining agreement to the labor board, which, in turn, must "maintain a current file of all such agreements" (Del. Code Ann. tit. 19, § 1313(f)). For public sector employees, this means independent access to the most important documents affecting the terms and conditions of their employment.

In 2025, Delaware adopted two policies designed to boost unions' recruitment and organization of government employees. First, Delaware gave public sector unions the right to automatically receive contact information for every employee, including their home address, home and personal cell phone numbers, and personal email addresses, as well as the right to contact employees using their work email addresses and the right to meet with employees in government facilities. (Del. Code Ann. tit. 14, § 4020, tit. 19, § 1320). And second, Delaware enacted "card check" provisions that allow government unions to bypass representation elections by showing the labor board signed cards from a majority of the proposed bargaining unit. (Del. Code Ann. tit. 14, § 4011A, tit. 19, § 1311B).

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized.	Secret ballot by a majority of those voting.	None.	Card check.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, fringe benefits, hours, and other work conditions.	Upon impasse, once requested.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Authorized.	Access to employees, access to contact information, and access to employer meeting space.	PERA defers to signed authorization or allows revocation of dues authorization 15-30 days prior to the employee's anniversary date, effective upon the anniversary date. (Del. Code Ann. tit. 19, § 1304(c)); for firefighters, dues authorizations are revocable upon request (Del. Code Ann. tit. 19, § 1604(c)); for public school employees, dues revocation requests are not recognized until the next August 31 (Del. Code Ann. tit. 14, § 4004(c)).	Not authorized.

REFORM OPPORTUNITIES

- Paycheck Protection
- Recertification
- Right to Resign

STATUTORY REFERENCES

Del. Code Ann. tit. 19, §§ 1301 – 1309 (Public Employment Relations Act); Del. Code Ann. tit. 19, §§ 1601-1618 (Police Officers' and Firefighters' Employment Relations Act); Del. Code Ann. tit. 14, §§ 4001-4020 (Public School Employment Relations Act).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2026	HB 995	Rep. Jenna Persons-Mulicka (R)	Modifies representation elections to require a majority vote of all bargaining unit employees rather than a majority of those voting, increases fines for illegal strikes, adds to union disclosures that must be filed to maintain union registration, prohibits paid release time, and limits use of public facilities for union activities.	Passed committee; tabled.
2026	HB 5201	State Administration Budget Subcommittee	Resolves certain impasses between state agencies and unions.	Passed both chambers; failed in conference committee.
2026	HB 5201b	Rep. Randy Maggard (R)	Resolves certain impasses between state agencies and unions.	Passed both chambers; pending.
2026	SB 1296	Sen. Jonathon Martin (R)	Modifies representation elections to require 50 percent turnout and 50 percent support, increases fines for illegal strikes, prohibits most union dues deductions, adds to union disclosures that must be filed to maintain union registration, prohibits paid release time, and limits use of public facilities for union activities.	Enacted.
2026	SB 2504	Appropriations Committee	Resolves certain impasses between state agencies and unions.	Introduced; failed.
2025	HB 1217	Rep. Dean Black (R)	Modifies representation elections to require support from a majority of the bargaining unit, as opposed to those voting, prohibits paid release time, and limits use of public facilities for union activities.	Introduced; failed.

D = Democrat; R = Republican; HB = House Bill; SB = Senate Bill.

Florida law governing public sector unions has undergone substantial changes in recent years, with the result that some of the country's most innovative, pro-worker reforms exist alongside an otherwise traditional Public Employment Relations Act (§§ 447.201 – 447.609, Fla. Stat.). Florida law includes traditional protections on the right to form and participate in a union, but when adding new members, public sector union recruiters must now use a state-produced form that includes important information on union membership and notifies employees as to their

constitutional rights not to join (§ 447.301, Fla. Stat.). Most public employees also now have the right to resign their union membership at any time (§ 447.301(1) (b)4, Fla. Stat.).

Florida's most interesting recent innovation is its revised recertification requirement (§ 447.305, Fla. Stat.). Beginning in 2018, Florida required teacher unions to run for re-election as the exclusive representative for a bargaining unit whenever membership dropped below 50 percent for the bargaining unit (Fla. Laws ch. 2018–6). However, this concept relied on unions' self-reporting of their membership and did not clearly articulate requirements for measuring membership.

Therefore, in 2023, when Florida increased the minimum membership threshold to 60 percent and extended recertification requirements to all public employees except for first responders, Florida required that union officials file detailed and time-sensitive reports of membership composition, verified by an independent certified public accountant, with the state labor board (§ 447.305(3), Fla. Stat.). Failure to report this information on an annual basis constitutes a forfeiture of a union's certification as an exclusive representative (§ 447.305(5), Fla. Stat.). Union officials may be investigated and penalized for inaccurate reporting, and the law also allows public employers or employees to challenge union-reported information (§ 447.305(7), Fla. Stat.).

In 2026, Florida enacted a comprehensive reform of its Public Employee Relations Act, adding a first-of-its-kind measure that requires at least 50 percent turnout for a union to win representation elections—including recertification elections—as well as at least 50 percent support (§ 447.307, Fla. Stat.). Among other changes, the bill eliminates “card check,” restricts use of union release time, and limits provision of public resources to unions; it also introduces structural changes for decertification elections and bargaining unit clarifications and modifies impasse procedures (§§ 447.3076, 447.308, 447.403, 447.509, Fla. Stat.).

Despite these reforms, Florida law contains a few relics that seem to favor public sector union officials over employees. For example, Article I, section 6, of the Florida Constitution states, “The right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged.” This language effectively restricts the ability of the legislature to experiment with alternative forms of representation that do not include representation by labor union officials. Additionally, Florida law permits unions to refuse representation of nonmembers during grievance or arbitration proceedings, a feature which permits union officials to recruit members based on fear of adverse action (§ 447.401, Fla. Stat.)

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized.	Secret ballot vote requiring turnout from at least 50 percent of the bargaining unit and at least 50 percent support.	Recertification election is a requirement, if union membership drops below 60 percent. Recertification only occurs with a 50 percent bargaining unit turnout and 50 percent support of the union.	None.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, pension benefits, fringe benefits, hours, and other work conditions.	Not outlined in law.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Allowed for public safety employees; otherwise prohibited.	Union may refuse to represent nonmembers in grievances. (§ 447.401, Fla. Stat.)	Statutory right to resign at any time.	Prohibited unless unpaid or reimbursed.

REFORM OPPORTUNITIES

- Elimination of Public Sector Bargaining
- Repeal Provision Allowing Unions to Refuse Representation of Nonmembers
- Public Employees' Bill of Rights

STATUTORY REFERENCES

§§ 447.201 – 447.609, Fla. Stat. (Public Employment Relations Act).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2025–2026	HB 135	Rep. Kim Schofield (D)	Applies employment nondiscrimination statute to public sector unions.	Introduced; failed.
2025–2026	SB 417	Rep. Nikki Merritt (D)	Repeals prohibitions on collective bargaining for public employees and firefighters, grants to public employees the right to unionize, and sets out a comprehensive public sector labor relations scheme, yet bans strikes in the public sector.	Introduced; failed.

D = Democrat; HB = House Bill; SB = Senate Bill.

Labor organizers have recently prioritized legislative changes in Georgia, where they hope to reverse the state’s statutory ban on most public sector collective bargaining and aspire to unionize some 680,000 employees throughout the state (Chebium 2022). Senate Bill (SB) 417, introduced in the first half of Georgia’s biennial legislative session, represents one such effort; the legislation would remove the prohibition on collective bargaining in favor of a traditional, public sector collective bargaining regime, replete with a new three-member, gubernatorially appointed “Georgia Public Employees Relations Board.” The law is particularly unfavorable to workers, who would have no right to secret ballot elections. It imposes automatic membership dues deductions and requires binding arbitration (Merritt et al. 2023). Lawmakers introduced a similar bill in 2022 (B. Nguyen et al. 2022).

At this time, only firefighters can be exclusively represented for purposes of collective bargaining (Ga. Code §§ 25-5-1 – 25-5-14). In this context, either a union or an individual may be deemed the exclusive representative upon approval of a majority of the firefighters in the particular department (Ga. Code § 25-5-5). There are no stated protections, including secret ballot guarantees or unfair labor practice prohibitions, for firefighters during this voting process. *See Id.*

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized for firefighters; otherwise prohibited.	Not outlined in law.	None.	Not outlined in law.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes, for firefighters.	Wages, hours, other work conditions.	Not outlined in law.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Not outlined in law.	None.	None.	Not authorized.

REFORM OPPORTUNITIES

- Paycheck Protection
- Public Employees' Bill of Rights

STATUTORY REFERENCES

Ga. Code §§ 25-5-1 – 25-5-14 (Firefighters).



RECENT LEGISLATION

Year	Bill No.	Sponsor	Summary	Status
2025–2026	HB 158	Rep. Mike Lee (D)	Allows unemployment benefits to be paid to workers unemployed due to a labor dispute.	Introduced; failed.
2025–2026	HB 161	Rep. Jackson Sayama (D)	Removes prohibition on civil service-exempt employees grieving a suspension or discharge, allowing any bargaining unit employee to file a grievance.	Introduced; failed.
2025–2026	HB 162	Sayama (D)	Empowers the state labor board to request a list of arbitrators from the Federal Mediation and Conciliation Service in addition to the American Arbitration Association.	Enacted.
2025–2026	HB 165	Sayama (D)	Provides the state labor board power to enforce its own orders.	Passed committee; failed.
2025–2026	HB 1236	Rep. Jeanne Kapela (D)	Removes collective bargaining exclusion for legislative staff.	Introduced; failed.
2025–2026	HB 1655	Sayama (D)	Removes retirement benefits from the list of excluded subjects of bargaining.	Passed House; failed.
2025–2026	HB 1658	Sayama (D)	Changes collective bargaining procedure for pay classification changes, including making binding arbitration available at a union's request.	Passed both chambers; failed in conference committee.
2025–2026	HB 1659	Sayama (D)	Removes prohibition on civil service-exempt employees grieving a suspension or discharge, allowing any bargaining unit employee to file a grievance.	Passed committee; failed.
2025–2026	HB 1664	Sayama (D)	Allows arbitration to resolve impasses over public employer's health benefits trust fund contributions and permits strikes during negotiation of such contributions.	Passed both chambers; failed in conference committee.
2025–2026	HB 2255	Speaker Nadine Nakamura (D)	Exempts certain attorney general positions from inclusion in a bargaining unit.	Passed committee; failed.
2025–2026	SB 105	Sen. Karl Rhoads (D)	Removes collective bargaining exclusion for legislative staff.	Introduced; failed.
2025–2026	SB 183	Sen. Henry Aquino (D)	Allows arbitration to resolve impasses over public employer's health benefits trust fund contributions and permits strikes during negotiation of such contributions.	Passed both chambers; failed in conference committee.

Year	Bill No.	Sponsor	Summary	Status
2025–2026	SB 717	Aquino (D)	Removes prohibition on civil service-exempt employees grieving a suspension or discharge, allowing any bargaining unit employee to file a grievance.	Passed both chambers, failed in conference committee.
2025–2026	SB 340	Aquino (D)	Provides the state labor board power to enforce its own orders.	Passed Senate; failed.
2025–2026	SB 337	Aquino (D)	Empowers the state labor board to request a list of arbitrators from the Federal Mediation and Conciliation Service in addition to the American Arbitration Association.	Passed committee; failed.
2025–2026	SB 2114	Sen. Brandon Elefante (D)	Removes prohibition on civil service-exempt employees grieving a suspension or discharge, allowing any bargaining unit employee to file a grievance.	Passed Senate; failed.
2025–2026	SB 2115	Elefante (D)	Changes collective bargaining procedure for pay classification changes, including making binding arbitration available at a union's request.	Passed Senate; failed.
2025–2026	SB 2117	Elefante (D)	Allows arbitration to resolve impasses over public employer's health benefits trust fund contributions and permits strikes during negotiation of such contributions.	Passed Senate; failed.
2025–2026	SB 2388	Elefante (D)	Removes retirement benefits from the list of excluded subjects of bargaining.	Introduced; failed.
2025–2026	SB 3075	Senate President Ronald Kouchi (D)	Exempts certain attorney general positions from inclusion in a bargaining unit.	Introduced; failed.

D = Democrat; HB = House Bill; SB = Senate Bill.

Hawaii is one of several states that include collective bargaining as an individual right in the state constitution (Haw. Const. art. XIII, § 2). However, according to the Hawaii Supreme Court, the state legislature retains “broad discretion in setting the parameters for collective bargaining” as long as it does not limit negotiation over “core subjects of collective bargaining, that is, wages, hours, and other conditions of employment” (*Malahoff v. Saito*, 140 P.3d 401, 419 (Haw. 2006)).

Hawaii’s statutory scheme, the Hawaii Public Employment Relations Act (PERA), permits unions to organize government employees and, along the way, grants considerable power to union officials (Haw. Rev. Stat. §§ 89-1 – 89-23). For example, Hawaii is one of the few states that has statutorily authorized a release time arrangement in which the state pays union officials to bargain against itself; Hawaii law provides that “[e]mployee participation in the collective bargaining process conducted by the exclusive representative of the appropriate bargaining unit shall be permitted during regular working hours without loss of regular salary or wages” (Haw. Rev. Stat. § 89-8(c)). Under this provision, at least five public employees—and an additional one for every 500 bargaining unit members over 2,500—are given leave and a full salary to work for the union during contract negotiations (Haw. Rev. Stat. § 89-8(c)). According to a 2020 study by the Goldwater Institute, Hawaii does not track release time hours (Flatten 2020).

At the same time, under a 1997 Hawaii Supreme Court decision, state and local government officials face enormous barriers contracting union-performed government work to private entities (*Konno v. Cnty. of Hawaii*, 937 P.2d 397 (Haw. 1997)). In order to privatize a service traditionally performed by civil servants, the government must be able to point to specific, enabling legislation.

PERA also boosts union officials’ efforts to recruit and retain members by entitling them to incredibly detailed information on each employee. For instance, Hawaii unions may request all employees’ names, social security numbers, mailing addresses, work information, and leave history (Haw. Rev. Stat. § 89-16.6(a)).

Despite the privileges it has given to union executives, Hawaii has accorded some important protections to unionized public employees. For example, every dues-paying employee is statutorily entitled to receive an annual financial report certified by a certified public accountant. Haw. Rev. Stat. § 89-15. Additionally, the state supreme court has determined that unions are prohibited by the State Ethics Code from posting campaign materials endorsing candidates for public office on the union’s workplace bulletin board. *In re Haw. Gov’t Emps. Ass’n, AFSCME, Local 152, AFL-CIO*, 170 P.3d 324 (Haw. 2007). Finally, the federal district court for Hawaii has determined that a union can be considered a state actor for purposes of certain First Amendment claims, at least where the government is making payroll deductions for the union. *See Grossman v. Haw. Gov’t Emps. Ass’n/AFSCME Local 152*, 611 F. Supp. 3d 1033, 1044 n.10 (D. Haw. 2020), *aff’d sub nom. Grossman v. Haw. Gov’t Emps.’ Ass’n*, 854 F. App’x 911 (9th Cir. 2021).

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized.	Majority of votes cast. State regulation mandates secret ballot.	None.	Not outlined in law.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, fringe benefits, hours, and other work conditions.	Binding arbitration at impasse required for police, firefighters, nurses, and certain other white-collar workers.	Legal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Authorized.	May refuse to represent nonmembers in grievances and can access employee personal and contact information when requested.	None.	Authorized.

REFORM OPPORTUNITIES

- Paycheck Protection
- Recertification
- Public Employees' Bill of Rights

STATUTORY REFERENCES

Haw. Rev. Stat. §§ 89-1 – 89-23 (Public Employment Relations Act).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2026	HB 516	Education Committee	Prohibits public funding to promote a teacher union or affiliates of teacher unions, disallows paid union release time, and allows boards of trustees to require teachers attending union meetings to make up lost time.	Enacted.
2026	HB 601	Commerce and Human Resources Committee	Prohibits public funding to promote a teacher union or affiliates of teacher unions and allows boards of trustees to require teachers attending union meetings to make up lost time.	Introduced; failed.
2026	HB 745	Ways and Means Committee	Prohibits public funding to promote a teacher union or affiliates of teacher unions and allows boards of trustees to require teachers attending union meetings to make up lost time.	Passed House; failed.
2025	HB 98	State Affairs Committee	Prohibits public funding to promote a teacher union by, among other means, authorizing payroll deductions, providing employee contact information, requiring employees to meet with unions, distributing communications or membership solicitations, or providing paid release time.	Introduced; failed.
2025	HB 340	State Affairs Committee	Removes “working conditions and all other terms and conditions of employment” from mandatory subjects of bargaining for firefighters, effectively making wages the only mandatory subject of bargaining.	Introduced; failed.

HB = House Bill.

In just a few short statutory provisions, Idaho authorizes collective bargaining in two important public sector workplaces: school districts (Idaho Code §§ 33-1271 – 33-1276) and fire departments (Idaho Code §§ 44-1801 – 44-1812). Yet, within these workplaces, Idaho fails to provide important protections to public sector employees, ultimately allowing unaccountable union officials to take advantage of their position as exclusive representatives.

Idaho requires school districts to bargain with a “local education organization,” which is empowered as “exclusive representative for all professional employees in that district,” and the negotiator must be a “member of the organization” (Idaho Code § 33-1273). Likewise, Idaho requires fire departments to bargain with an “exclusive bargaining agent” for firefighters within the department (Idaho Code § 44-1803). Although Idaho law requires majority support for teacher and firefighter unions, it does not articulate a process for selecting or removing

them from their position. See Idaho Code §§ 33-1271, 33-1272(2), 44-1803. In fact, teacher union officials can demonstrate majority status without an election, using unspecified “written evidence” (Idaho Code § 33-1271(3)).

Additionally, there are no unfair labor practices protecting dissenting public employees from discriminatory or arbitrary union conduct, and no express limits on what can be bargained over. See *Hunting v. Clark Cty. Sch. Dist. No. 161*, 931 P.2d 628 (Idaho 1997) (“Idaho Code § 33-1271 does not limit what a school district can negotiate”). Strikes, however, are illegal in both settings (Idaho Code § 44-1811; *Sch. Dist. No. 351 Onieda Cty. v. Oneida Educ. Ass’n*, 567 P.2d 830 (Idaho 1977)).

In 2026, Idaho enacted a provision prohibiting use of taxpayer funds to promote a teacher union, its political action committees, or its affiliates. (Idaho Code §§ 33-1275(4), 33-1277. For purposes of this new provision, “promote” includes deducting dues, fees, assessments, fines, or contributions from employees’ wages, providing personal or contact information beyond what is available to the general public, requiring employees to meet with or interact with unions, distributing communications or membership solicitations, or providing paid release time (Idaho Code § 33-1272). The measure also allows boards of trustees to require teachers who participated in union meetings to make up the time spent away from work (Idaho Code § 33-513).

These reforms supersede Idaho’s longstanding version of “paycheck protection,” under which union dues are permissibly deducted from employees’ wages, but deductions for “political activities” are not (Idaho Code § 44-2004). This provision became the subject of a union-filed lawsuit that went to the U.S. Supreme Court (*Ysursa v. Pocatello Educ. Ass’n*, 555 U.S. 353 (2009)). The union argued that ending payroll deductions for the union’s political action committee violated the union’s free speech rights. However, the Supreme Court upheld the law, reasoning that the First Amendment “does not confer an affirmative right to use government payroll mechanisms for the purpose of obtaining funds for expression” (*Id.* at 355).

Notably, municipal employees in Idaho have collectively bargained despite any statutory authorization. Presumably, such bargaining is done on the basis of guidance from the Idaho Attorney General in 1989 that municipalities have “implied authority ... to engage in collective bargaining with city employees if it so chooses and in the manner it so chooses, [provided it] does not conflict with the city’s own ordinances or with state law” (Nelson 1989).

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized for firefighters and teachers. No prohibition for other employees.	Not outlined in law; however, statute suggests support must come from a majority of the bargaining unit, not those voting. (Idaho Code §§ 33-1271, 33-1272)	None.	Voluntary recognition and card check.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, hours, and employment terms.	Not outlined in law.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Prohibited.	None; mandatory union meetings or use of public resources specifically prohibited.	None.	Authorized only on unpaid basis; otherwise prohibited.

REFORM OPPORTUNITIES

- Recertification
- Secret Ballot Guarantee
- Right to Resign

STATUTORY REFERENCES

Idaho Code §§ 33-1271 – 33-1276 (Teachers); §§ 44-1801 – 44-1812 (Firefighters).

RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2025–2026	HB 2395	Rep. Harry Benton (D)	Allows taxpayers to deduct the full amount of union dues if not fully deductible under federal law.	Introduced; pending in committee.
2025–2026	HB 2480	Rep. Stephanie Kifowit (D)	Changes interest arbitration standards for peace officers by allowing residency requirements to be included in arbitration decisions in municipalities under 1 million, rather than 100,000.	Introduced; pending in committee.
2025–2026	HB 2650	Rep. Abdelnasser Rashid (D)	Making individuals eligible for unemployment benefits when unemployment is due to a work stoppage due to a labor dispute.	Introduced; pending in committee.
2025–2026	HB 2973	Rep. Kam Buckner (D)	Amends existing law to allow certain state attorneys' office employees, public defenders, prosecutors, and Cook County Public Guardian employees to unionize as non-managerial employees.	Passed House; pending in Senate.
2025–2026	HB 3046	Rep. Sharon Chung (D)	Permits collective bargaining agreements entered into under the Illinois Educational Labor Relations Act to enhance employee rights.	Enacted.
2025–2026	HB 3280	Rep. Matt Hanson (D)	Allows taxpayers to deduct the full amount of union dues if not fully deductible under federal law.	Introduced; pending in committee.
2025–2026	HB 3309	Rep. Marcus C. Evans (D)	Adds requirement that, in addition to providing local union with access to and information about employees, public school employers must provide the same information to the local's statewide affiliate union.	Enacted.
2025–2026	HB 3573	Rep. Nabeela Syed (D)	Allows school boards to contract out for noninstructional services without union consent only in emergency situations and only on a one-time basis of no longer than three months.	Introduced; pending.
2025–2026	HB 5552	Rep. Laura Faver Dias (D)	Requires school districts to notify unions, among others, before requesting waiver or modification of mandates within the School Code.	Enacted.
2025–2026	HB 5795	Rep. Norma Hernandez (D)	Requires bargaining sessions to be open to the public at the request of the union or public employer.	Introduced; pending.
2025–2026	SB 190	Sen. Michael Halpin (D)	Reclassifies certain employees of a sheriff or jail as managerial employees outside of the bargaining unit, unless the union agrees otherwise.	Introduced; pending.
2025–2026	SB 453	Senate President Don Harmon (D)	Expands bargaining process for an initial agreement to apply to all sizes of bargaining units, not just bargaining units with fewer than 35 employees.	Enacted.

Session	Bill No.	Sponsor	Summary	Status
2025–2026	SB 1543	Sen. Ram Villivalam (D)	Allows taxpayers to deduct the full amount of union dues from taxable income if not fully deductible under federal law.	Introduced; pending.
2025–2026	SB 1701	Sen. Bill Cunningham (D)	Reclassifies certain employees of a sheriff or jail as managerial employees outside of the bargaining unit, unless the union agrees otherwise.	Enacted.
2025–2026	SB 1729	Sen. Mike Porfirio (D)	Makes individuals eligible, after one week of unemployment, for unemployment benefits when unemployment is due to a work stoppage due to a labor dispute, and allowing taxpayers to deduct such payments from taxable income.	Introduced; pending.
2025–2026	SB 1799	Villivalam (D)	Allows school boards to contract out for noninstructional services without union consent only in emergency situations and only after attempting to fill positions.	Enacted.
2025–2026	SB 1811	Villivalam (D)	Amends the Public Labor Relations Act to allow the Illinois Labor Relations Board to impose make-whole remedies when violations are serious enough to have undermined or significantly impacted the collective bargaining process.	Introduced; pending.
2025–2026	SB 1812	Villivalam (D)	Amends the Public Labor Relations Act to allow the Illinois Labor Relations Board to impose make-whole remedies when violations are serious enough to have undermined or significantly impacted the collective bargaining process, and permits liquidated damages for unfair labor practices committed by employers.	Introduced; pending.
2025–2026	SB 2262	Sen. Linda Holmes (D)	Adds requirement that, in addition to providing local union with access to and information about employees, public school employers must provide the same information to the local's statewide affiliate union.	Introduced; pending.
2025–2026	SB 3292	Cunningham (D)	Provides that the Illinois State Police Merit Board is bound by applicable collective bargaining agreement.	Introduced; pending.

D = Democrat; HB = House Bill; SB = Senate Bill.

Public sector bargaining in Illinois is authorized under the Illinois Public Labor Relations Act (IPLRA) (5 Ill. Comp. Stat. §§ 315/1 – 315/28) and the Illinois Educational Labor Relations Act (IELRA) (115 Ill. Comp. Stat. §§ 5/1 – 5/21). Like other traditional public sector labor regimes, these laws provide for the election of an exclusive representative, impose a duty to bargain with public employers, and establish a labor board charged with overseeing representational and unfair labor practice proceedings. Unfortunately, Illinois also allows for card checks (5 Ill. Comp. Stat. § 315/9(a-5)), a qualified right to strike (*Id.* at § 315/17), and payroll deductions (*Id.* at § 315/6(f)). Moreover, Illinois is one of twelve states that forcibly unionize home care workers (5 Ill. Comp. Stat. § 315/3(o)).

In 2022, Illinois added a “Worker’s rights” amendment to its state constitution, technically trumping any existing limits on union power in the IPLRA or IELRA (Ill. Const. art I, § 25). The amendment created a new “fundamental right” to organize, collectively bargain, and “protect [one’s] economic welfare and safety at work” (*Id.*). The amendment also prohibits the passage of any law “that interferes with, negates, or diminishes the right of employees to organize and

bargain collectively over their wages, hours, and other terms and conditions of employment and work place safety” (*Id.*).

Although the implications of this new language have yet to be fully understood, it may mean that union officials can organize and bargain collectively free of any restrictions of any kind, even unfair labor practice prohibitions. It may also mean that all collective bargaining agreements, once executed, could supersede state law on any subject. Additionally, Amendment 1 extends collective bargaining to every public sector workplace, which could include the legislature and other government workplaces previously seen as inappropriate for unionization.

Still, the Illinois General Assembly spent 2025 and 2026 giving government union officials greater advantages in organizing and recruiting new members. For example, teacher unions’ access to employees and employee information must now be shared not only with the local union, but with the local union’s statewide affiliate (115 ILCS 5/3). Another measure restricts school boards to contracting out only in “emergency situations” and then only in limited fashion, unless the union consents (105 ILCS 5/10-22.34c). And another new provision applies an accelerated process for initial collective bargaining agreement negotiations to all collective bargaining units instead of just those with fewer than 35 employees (5 ILCS 315/7).

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Collective bargaining is a fundamental right protected by the state constitution.	Secret ballot by a majority of votes cast.	None.	Card check.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, hours, working conditions, and economic welfare, safety at work.	Required for law enforcement and firefighters if requested by union.	Legal except for public safety employees.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Authorized.	Access to employees, access to contact information, access to employee orientation.	Resignation windows are statutorily authorized.	Not authorized.

REFORM OPPORTUNITIES

- Secret Ballot Guarantee
- Right to Resign
- Public Employees’ Bill of Rights

STATUTORY REFERENCES

5 Ill. Comp. Stat. §§ 315/1 – 315/28 (Public Labor Relations Act); 115 Ill. Comp. Stat. §§ 5/1 – 5/21 (Teachers).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2026	HB 1289	Rep. John Prescott (R)	Changes collective bargaining requirements for school bus drivers to match teachers.	Introduced; failed.
2026	HB 1313	Rep. Andrew Ireland (R)	Prohibits public schools from making union dues deductions from employees' wages.	Introduced; failed.
2025	HB 1001	Rep. Jeffrey Thompson (R)	Budget measure that, among other provisions, prohibits public schools from collectively bargaining over contract costs for curriculum materials.	Enacted.
2025	SB 146	Sens. Linda Rogers (R), Jeff Raatz (R), and Daryl Schmitt (R)	Raises minimum salary for full-time teachers and requires public schools to spend at least 65 percent of state tuition support on teacher compensation.	Enacted.
2025	SB 229	Sen. Mike Bohacek (R)	Requires school districts and unions to discuss, but exempting from impasse procedures, the following: school safety matters, working conditions, hours and preparation time, curricula selection, student supports, and instructional methods.	Introduced; failed.
2025	SB 230	Bohacek (R)	Requires school districts and unions to bargain over school safety matters and associated working conditions; requiring school districts and unions to discuss, but exempting from impasse procedures, the following: pupil-to-teacher ratios, class size, hours and preparation time, curricula selection, student supports, and instructional methods.	Introduced; failed.
2025	SB 501	Sen. J.D. Ford (D)	Requires school districts and unions to discuss school safety matters, but exempts those matters from impasse procedures.	Introduced; failed.

D = Democrat; R = Republican; HB = House Bill; SB = Senate Bill.

Indiana allows unions to collectively bargain for teachers and public safety employees (Ind. Code §§ 20-29-1-1 – 20-29-9-5; §§ 36-8-22-1 – 36-8-22-16). Collective bargaining for unions representing state employees is expressly prohibited (Ind. Code § 4-15-17-4).

The scope of teacher unions' bargaining power has been increasingly limited over the last 15 years, effectively cabining collective bargaining to salary and benefits (Ind. Code § 20-29-6-4.5). Indiana has also restricted the timeframe for collective bargaining to generally coincide with the state's two-year budget period, with numerous deadlines for completion of various stages of bargaining (Ind. Code §§ 20-29-6-4.7, 20-29-6-12). Along the way, parties must submit various reports on their progress to the Indiana Education Employment Relations Board (IEERB). The IEERB also oversees representational elections (Ind. Code § 20-29-5-4), adjudicates unfair

labor practice charges (Ind. Code § 20-29-7-5), and assists in the resolution of bargaining impasses (Ind. Code § 20-29-8-7), among other things.

In 2021, Indiana enacted a “paycheck protection” law that allowed public school employees to resign from and end payment obligations to unions “at any time” and made the right unwaivable (Senate Enrolled Act 251 (2021)). It also required employees authorizing dues deductions to sign a form notifying them of their right not to join or pay dues to a union and made the authorization subject to annual renewal (*Id.*). In 2022, after a teacher union filed suit to enjoin the new law, Indiana enacted a superseding provision changing the language on the form notification and clarifying that the changes did not apply to existing collective bargaining agreements or contracts (Senate Enrolled Act 297 (2022)). However, the teacher union was still successful in enjoining the law on the basis that, according to the federal district court, it discriminated against teachers and teacher unions on the basis of viewpoint. (*Anderson Fed’n of Tchrs. v. Rokita*, 666 F. Supp. 3d 789, 807 (S.D. Ind. 2023)). The district court’s 2023 ruling is pending appeal in the U.S. Court of Appeals for the Seventh Circuit. See *Anderson Fed’n of Teachers v. Rokita*, No. 23-1823 (7th Cir.).

Meanwhile, collective bargaining for public safety employees—generally, police and firefighters—is far less regulated. For example, public employers conduct representational elections without state assistance (Ind. Code § 36-8-22-9), and during contract negotiations, either party may request an advisory opinion and/or mediation from the state’s labor department, but the employer may terminate its duty to bargain by a majority vote of the governing body or after failing to reach an agreement (Ind. Code §§ 36-8-22-12, 36-8-22-13).

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized for teachers and public safety employees; prohibited for state employees.	Secret ballot by a majority of votes cast.	None.	Voluntary recognition via card check.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, fringe benefits, and hours.	Not outlined in law.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Authorized for teachers; prohibited for state employees.	None.	Union members have a right to resign.	Not authorized.

REFORM OPPORTUNITIES

- Secret Ballot Guarantee
- Paycheck Protection
- Public Employees' Bill of Rights

STATUTORY REFERENCES

Ind. Code §§ 20-29-1-1 – 20-29-9-5 (Teachers); §§ 36-8-22-1 – 36-8-22-16 (Public safety employees).

RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2025–2026	HB 672	Rep. Jeff Cooling (D)	Removes the requirement that mandatory subjects of bargaining be interpreted “narrowly and restrictively,” effectively broadening the scope of bargaining.	Introduced; failed.
2025–2026	HB 677	Rep. Josh Turek (D)	Designates state correctional officers as public safety employees for purposes of collective bargaining, allowing them to bargain with fewer restrictions.	Introduced; failed.
2025–2026	HB 2318	Rep. Ken Croken (D)	Allows unemployment benefits to striking workers beginning on the fifteenth day of participation in a strike or labor dispute.	Introduced; failed.
2025–2026	SB 196	Sen. Molly Donahue (D)	Alters the public sector bargaining scheme by, among other changes, eliminating categories of public safety employees and transit employees, making all public employees subject to the same law; expanding scope of bargaining; modifying factors considered in interest arbitration; ending recertification requirements; qualifying decertified or not-recertified unions to run for election after one year, instead of two; permitting union dues deductions from employees’ wages; allowing school boards and unions to negotiate evaluation and grievance procedures for teachers; and giving city or civil service employees appealing civil service commission rulings a trial de novo in the district court.	Introduced; failed.
2025–2026	SB 263	Donahue (D)	Alters the public sector bargaining scheme by, among other changes, eliminating categories of public safety employees and transit employees, making all public employees subject to the same law; expanding scope of bargaining; modifying factors considered in interest arbitration; ending recertification requirements; qualifying decertified or not-recertified unions to run for election after one year, instead of two; permitting union dues deductions from employees’ wages; allowing school boards and unions to negotiate evaluation and grievance procedures for teachers; and giving city or civil service employees appealing civil service commission rulings a trial de novo in the district court.	Introduced; failed.

Session	Bill No.	Sponsor	Summary	Status
2025–2026	SB 452	Sen. William Dotzler (D)	Alters the public sector bargaining scheme by, among other changes, eliminating categories of public safety employees and transit employees, making all public employees subject to the same law; expanding scope of bargaining; modifying factors considered in interest arbitration; ending recertification requirements; qualifying decertified or not-recertified unions to run for election after one year, instead of two; permitting union dues deductions from employees' wages; allowing school boards and unions to negotiate evaluation and grievance procedures for teachers; and giving city or civil service employees appealing civil service commission rulings a trial de novo in the district court.	Introduced; failed.
2025–2026	SB 472	Workforce Committee	Alters recertification process by requiring the employment appeal board to notify public employers before recertification elections and post lists of employers subject to recertification, requiring public employers to submit employee lists, and providing Iowa residents with power of enforcement by mandamus petition.	Enacted.
2025–2026	SB 2031	Sen. Charlie McClintock (R)	Changes the percentage cap from three percent to five percent for arbitrator awards regarding base wage increases in certain public employee collective bargaining situations.	Introduced; failed.
2025–2026	SB 2041	McClintock (R)	Repeals prohibition on government union dues deductions and adds union dues deductions as a mandatory subject of bargaining for all public employees.	Introduced; failed.

D = Democrat; R = Republican; HB = House Bill; SB = Senate Bill.

Iowa broadly permits collective bargaining in the public sector under its Public Employment Relations Act (PERA) (Iowa Code §§ 20.1 – 20.33). However, in 2017, Iowa enacted several important protections for individual public employees, including recertification elections (Iowa Code § 20.15(2)), as well as a prohibition on union payroll deductions and mandatory bargaining only for “base wages” for most public employees (Iowa Code §§ 20.9(1), 20.26(4), 70A.19). In 2026, Iowa enacted changes to the recertification scheme to strengthen its impact and close loopholes through which some public employers avoided recertification elections.

Even before it was amended, Iowa’s recertification scheme was particularly innovative. Under Iowa’s version of recertification, the employment appeal board is required to conduct an election for each bargaining unit throughout the state in the year prior to the expiration of the unit’s collective bargaining agreement (Iowa Code § 20.15(2)(a)). The question on each ballot is “whether the bargaining unit representative of the public employees in the bargaining unit shall be retained and recertified” as such, with the union retaining its status only if a majority of public employees in the bargaining unit vote in the union’s favor (Iowa Code § 20.15(2)(a), (b)). If the union loses the election, the board is required to “immediately decertify” the union following time for written objections, and the employees are no longer exclusively represented (Iowa Code § 20.15(2)(b)(2)). Iowa law also creates a two-year certification bar for any unit that votes to decertify or the union fails to pay the required election fee for the unit (Iowa Code § 20.15(1)(c)).

Iowa's 2026 modifications to the recertification scheme require the board to issue notices to impacted public employers before conducting an election, after which the employer must submit a list of employees in the bargaining unit (Iowa Code § 20.15(2)(a)(3)-(4)). If the recertification election is not held or the public employer fails to produce a list of employees, any Iowa citizen may file a lawsuit in mandamus seeking compliance with the law, with attorneys' fees and costs awarded to the prevailing party (Iowa Code § 20.15(2)(a)(5)).

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized.	Requires a majority of the bargaining unit; there is no statutory guarantee of secret ballot, which is provided for by regulation.	Recertification required for every government union in the year prior to the expiration of the collective bargaining agreement.	None.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Limited to base wages only, except for public safety workers.	Arbitration required at impasse once requested.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Prohibited.	None.	None.	Not authorized.

REFORM OPPORTUNITIES

- Elimination of Public Sector Bargaining
- Elimination of Interest Arbitration
- Public Employees' Bill of Rights

STATUTORY REFERENCES

Iowa Code §§ 20.1 – 20.33 (Public Employment Relations Act); § 70A.19 (Payroll deductions).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2025–2026	SB 13	Government Efficiency Committee	Removes mandates for unions to file their constitutions, bylaws, and annual reports with the secretary of state.	Enacted.
2025–2026	SB 163	Sen. Doug Shane (R)	Prevents unions and school districts from excluding from employees' personnel files the documentation of disciplinary actions or behavioral corrective actions.	Introduced; failed.

R = Republican; SB = Senate Bill.

Kansas broadly authorizes collective bargaining in the public sector under the Public Employer-Employee Relations Act (PEERA) (Kan. Stat. §§ 75-4321 – 75-4350), which applies to public employees generally, and the Professional Negotiations Act (PNA), which applies to teachers (Kan. Stat. §§ 72-2218 – 72-2244). The laws create roughly similar regimes, including exclusive representation (Kan. Stat. §§ 72-5415, 75-4327), unfair labor (termed “prohibited”) practices (Kan. Stat. §§ 72-2236, 75-4333), and impasse resolution measures (Kan. Stat. §§ 72- 2231 – 72-2233, 75-4332).

However, the two laws differ in important respects. For example, PEERA prohibits membership dues deducted by payroll deduction from being used for political purposes, whereas the PNA affirmatively protects union officials’ right to bargain for and receive membership dues deductions (Kan. Stat. §§ 72-2241, 75-4338). More broadly, separate governmental bodies implement and adjudicate each law, with distinctly different relationships to the political system. The Kansas Department of Labor, which houses the state’s labor board, a five-member body of gubernatorial appointees with rolling terms, administers PEERA (Kan. Stat. § 75-4323). By statute, one member must be a representative of public employers; one member must be a representative of public employees; and the remaining three must be representative of the public at large, with no more than three members hailing from the same political party (Kan. Stat. § 75-4323). Meanwhile, the PNA is administered by the Secretary of Labor (a gubernatorial appointee confirmed by the state senate and a member of the governor’s State Cabinet) who may designate another to act in his place (Kan. Stat. §§ 72-2218(m), 72-2237, 75-5701). Incidentally, Kansas courts have held that monetary awards for prohibited practices are only available to parties under the PNA, not PEERA. *See Fort Hays State Univ. v. Fort Hays State Univ. Chapter, Am. Assoc. of Univ. Professors*, 228 P.3d 403 (Kan. 2010). The PNA also includes a relatively unique provision under which, in a representation election, at least a majority of those in a bargaining unit must turn out; if it does not, the status quo remains. (Kan. Stat. § 72-2224).

Additionally, Kansas’ PEERA allows local governments unilateral autonomy under PEERA. That is, by default, PEERA does not apply to any public employer other than the state government until it affirmatively votes to adopt, or “opt in” to PEERA (Kan. Stat. § 75-4321(c)). Once adopted, the same public employers are permitted to “opt out” by majority vote (*Id.*; see also *Wing v. City of Edwardsville*, 341 P.3d 607 (Kan. Ct. App. 2014)).

Notably, Kansas does not allow union members to leave the union whenever they wish. State employees are restricted from resigning their union membership by statute; to resign, one’s

dues withholding authorizations must be in effect for at least 180 days (Kan. Stat. § 75-5501). In addition, many collective bargaining agreements applicable to teachers stipulate that employees may only resign their union membership in August of each year.

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized.	Secret ballot by a majority of those voting. However, PEERA allows local governments to establish procedures concerning recognition of unions, and the PNA requires that at least a majority of eligible voters turn out.	None.	The PNA allows for card check. PEERA does not; however, PEERA allows local governments to establish procedures concerning recognition of unions.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, pension benefits, fringe benefits, hours, and other working conditions.	None.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Dues deductions authorized.	None.	Under PEERA, state employees cannot revoke dues authorizations within 180 days of signing but can be terminated afterwards with 30 days' notice.	Not authorized.

REFORM OPPORTUNITIES

- Secret Ballot Guarantee
- Recertification
- Public Employees' Bill of Rights

STATUTORY REFERENCES

Kan. Stat. §§ 72-2218 – 72-2244 (Teachers); §§ 75-4321 – 75-4350 (Public Employer-Employee Relations Act).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2026	HB 207	Rep. Nima Kulkarni (D)	Allows state tax deduction for union and professional membership dues, fees, or assessments.	Introduced; failed.
2026	HB 346	Rep. Adrielle Camuel (D)	Removes the ban on public employee strikes, eliminates the right of employees not to pay union dues, fees, or assessments as a condition of employment, and ends restrictions on union payroll deductions and political activities.	Introduced; failed.
2026	HB 585	Camuel (D)	Eliminates the right of employees not to pay union dues, fees, or assessments as a condition of employment.	Introduced; failed.
2026	HB 755	Rep. Jackson Nemes (R)	Requires government unions to represent all employees in a bargaining unit for negotiations and enforcement of a collective bargaining agreement, yet allows unions to charge nonmembers a fee for representation in a proceeding involving interpretation or enforcement of a collective bargaining agreement, giving nonmembers the right to represent themselves in matters not involving interpretation or enforcement of a collective bargaining agreement.	Passed committee; failed.
2026	HB 888	Rep. Josh Bray (R)	Prohibits local governments, including school boards, from entering into new collective bargaining agreements and restricting collective bargaining for charter school employees.	Introduced; failed.
2026	HB 898	Rep. Chad Aull (D)	Permits collective bargaining for local boards of education.	Introduced; failed.
2026	SB 161	Sen. Gary Clemons (D)	Removes the ban on public employee strikes, eliminates the right of employees not to pay union dues, fees, or assessments as a condition of employment, and ends restrictions on union payroll deductions and political activities.	Introduced; failed.
2026	SB 167	Clemons (D)	Allows a state tax deduction for union and professional membership dues, fees, or assessments.	Introduced; failed.

Session	Bill No.	Sponsor	Summary	Status
2025	HB 224	Camuel (D)	Removes the ban on public employee strikes, eliminates the right of employees not to pay union dues, fees, or assessments as a condition of employment, and ends restrictions on union payroll deductions and political activities.	Introduced; failed.
2025	HB 575	Kulkarni (D)	Allows a state tax deduction for union and professional membership dues, fees, or assessments.	Introduced; failed.
2025	SB 154	Sen. Cassie Chambers Armstrong (D)	Removes the ban on public employee strikes, eliminates the right of employees not to pay union dues, fees, or assessments as a condition of employment, and ends restrictions on union payroll deductions and political activities.	Introduced; failed.

D = Democrat; R = Republican; HB = House Bill; SB = Senate Bill.

Since 2017, Kentucky has generally authorized collective bargaining in the public sector (Ky. Rev. Stat. § 336.130(1)). It also expressly mandates that “consolidated local governments” and certain counties bargain with unions representing police officers (Ky. Rev. Stat. §§ 67C.404, 78.470), that certain counties and cities bargain with sheriffs’ deputies (Ky. Rev. Stat. § 70.262), and that “urban-county” governments bargain with unions representing police officers, firefighter personnel, firefighters, and corrections personnel (Ky. Rev. Stat. § 67A.6903).

In 2023, Kentucky adopted prohibitions on the use of the public payroll system to collect union dues or funds for political activities over a gubernatorial veto (Ky. Rev. Stat. § 336.134; Horsley 2023). The Kentucky Education Association and other unions quickly filed suit and ultimately secured a ruling from a county court judge striking down the provision as a violation of equal protection (*Ky. Educ. Ass’n v. Link*, No. 23-CI-00343 (Ky. Cir. Ct. Aug. 30, 2023)). The equal protection ruling was affirmed on appeal to the Kentucky Court of Appeals (*Bechanan v. Ky. Educ. Ass’n*, No. 2023-CA-1194, 2025 WL 728078 (Ky. Ct. App. Mar. 7, 2025)); however, on September 10, 2025, the Kentucky Supreme Court granted discretionary review. (*Kentucky ex rel. Coleman v. Ky. Educ. Ass’n*, No. 2025-SC-0137).

Kentucky’s Supreme Court has held that public universities are under no obligation to recognize or bargain with a union representing university employees, but they may choose to do so (*Bd. of Trustees of Univ. of Kentucky v. Pub. Emp. Council No. 51, AFSCME, AFL-CIO*, 571 S.W.2d 616 (Ky. 1978)). At the same time, the court stated that public universities cannot choose to recognize an exclusive representative due to the fact that it would compromise the trustees’ statutory jurisdiction, power, and control over university employment (*Id.*). These principles were later applied to teachers and school boards by the lower courts (*see Fayette Co. Ed. Ass’n v. Hardy*, 626 S.W.2d 217 (Ky. Ct. App. 1980)), before collective bargaining was extended by statute.

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Yes, for local public safety employees. No prohibition for other employees.	Secret ballot by a majority of those voting.	None.	Voluntary recognition or card check.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, pension benefits, fringe benefits, hours, and other working conditions.	None.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Dues deductions authorized.	None.	None.	Not authorized.

REFORM OPPORTUNITIES

- Paycheck Protection
- Secret Ballot Guarantee
- Recertification

STATUTORY REFERENCES

Ky. Rev. Stat. §§ 67A.6901 - 6911 (Police officers, firefighters, corrections officers); §§ 67C.400 - 418, 78.470 - 480 (Police officers); § 70.262 (Sheriff's deputies); §§ 336.130 - 135 (Generally).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2026	SB 312	Sen. Kirk Talbot (R)	Provides most public employees with a right to immediately cease payment of union dues or fees, requires unions to annually notify employees of their right to withdraw membership and cease payment obligations, and directs the attorney general to prescribe a form advising employees of their right not to join or pay a union as a condition of employment.	Enacted.
2025	HB 293	Rep. Michael Melerine (R)	Provides most public employees with a right to immediately cease payment of union dues or fees, requires unions to annually notify employees of their right to withdraw membership and cease payment obligations, requires public employees to annually “opt-out” of union membership, and directs the attorney general to prescribe a form advising employees of their right not to join or pay a union as a condition of employment.	Passed House and Senate; failed.

R = Republican; HB = House Bill; SB = Senate Bill.

In 2026, Louisiana enacted a reform recognizing and protecting public employees’ First Amendment rights. (La. Rev. Stat. §§ 17:438, 42:457). The legislation gives covered public employees an unwaivable right to immediately end payment of union dues or fees, requires unions to annually notify bargaining unit employees of their right to cease payment of dues or fees and withdraw from the union, and directs the attorney general to prescribe a form advising employees of those rights (*Id.*). Finally, public employers must confirm any authorizations for dues deductions by emailing the employee and cannot begin until receiving confirmation. (*Id.*).

This pro-worker policy brings some level of certainty to a legal regime primarily directed by Louisiana’s courts. Since the 1970s, Louisiana courts have held that union officials can claim representational status over various government employees, even without basic features of traditional labor law, like elections and unfair labor practice prohibitions. *See La. Teachers’ Ass’n v. Orleans Par. Sch. Bd.*, 303 So. 2d 564 (La. Ct. App. 1974), *writ denied*, 305 So. 2d 541 (La. 1975); see also La. Op. Atty. Gen., No. 92-432 (Oct. 30, 1992). These decisions were generally based on the court’s assumption that a government employer has “power and authority to conduct its employee relations,” which includes the ability to collectively bargain with a representative (*La. Teachers’ Ass’n*, 303 So. 2d at 568).

However, Louisiana courts have also issued decisions that effectively limit the government—school districts in particular—from exercising this “authority.” For example, one court held that a school district had no authority to lay off teachers in a manner that would penalize striking teachers because of a previously signed agreement (*St. John the Baptist Par. Ass’n of Educators*

v. St. John the Baptist Par. Sch. Bd., 494 So.2d 553 (La. Ct. App. 1986)). And in 1990, the Louisiana Supreme Court reversed longstanding precedent by holding that school districts cannot secure an injunction to end employee strikes if they are “peaceful” (*Davis v. Henry*, 555 So.2d 457 (La. 1990)).

Moreover, school districts routinely agree to collective bargaining provisions that restrict employees’ freedom. For example, according to the Pelican Institute, many collective bargaining agreements purport to limit teachers’ ability to resign their union membership to a “very narrow window each year” (Harbison 2023). One agreement the organization examined allowed employees to receive paid release time, and another required the administration to consider a teacher’s racial, ethnic, or gender group when conducting layoffs (*Id.*).

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized.	Not outlined in law.	None.	Not outlined in law.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	No.	Not outlined in law.	None.	Legal except for public safety employees.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Authorized.	None.	Employees have an immediate right to resign and end dues obligations.	Not authorized.

REFORM OPPORTUNITIES

- Paycheck Protection
- Prohibition of Strikes
- Public Employees’ Bill of Rights

STATUTORY REFERENCES

La. Rev. Stat. § 17:438 (school employees); § 42:457 (state, parish, city employees).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2025	HB 120	Rep. Joshua Morris (R)	Prohibits agency fees (termed “service fees”) across all public employee relations statutes.	Introduced; failed.

R = Republican; HB = House Bill.

Maine broadly authorizes collective bargaining in the public sector through several statutory provisions, including the State Employee Labor Relations Act (Me. Rev. Stat. tit. 26, §§ 979 – 979-S) and Municipal Public Employees Labor Relations Act (Me. Rev. Stat. tit. 26, §§ 961 – 974). The latter also governs teachers, who are considered municipal employees.

Since the U.S. Supreme Court’s 2018 *Janus* decision, Maine has given union officials increasing levels of unsupervised access to employees and employee information (Me. Rev. Stat. tit. 26, §§ 975, 979-T, 1037, 1295). Union officials now have the right to meet with new employees for at least thirty minutes, to meet one-on-one with employees during the workday, to conduct workplace meetings, and to use the public email system to send messages to all employees. Union officials are also entitled to every employee’s name, workplace information, home address, personal telephone and cellphone numbers, and personal email address.

More recently, in 2024, Maine amended its public sector labor statutes to strengthen union officials’ ability to organize new workplaces by allowing union officials to gain recognition through a practice known as “card check” (Tipping 2024). Maine’s version of card check allows union officials to avoid a secret ballot election for employees if the state labor board director believes that the union has collected enough signatures from the employees the union wishes to represent. However, there are no built-in protections to ensure the signatures reflect employees’ free, informed choice; instead, the practice incentivizes union officials to pressure employees and provide them with limited information about unionization or the nature of the document they are signing.

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized.	Secret ballot by majority of those voting.	None.	Voluntary recognition, card check.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, fringe benefits, hours, and other work conditions.	Binding interest arbitration required if requested.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Not outlined in law.	Access to employees, access to contact information, access to employee orientation.	None.	Not outlined in law.

REFORM OPPORTUNITIES

- Paycheck Protection
- Recertification
- Public Employees' Bill of Rights

STATUTORY REFERENCES

Me. Rev. Stat. tit. 26, §§ 961 – 974 (Municipal employees); §§ 979 – 979-U (State employees);
Me. Rev. Stat. tit. 26, §§ 1021 – 1038 (University, academy, or community college employees);
Me. Rev. Stat. tit. 26, §§ 1281 – 1296 (Judicial employees).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2026	HB 106	Del. Linda Foley (D)	Extends collective bargaining to unions representing nontenure-track faculty at certain state institutions of higher education.	Passed House; failed.
2026	HB 141	Foley (D)	Extends collective bargaining to unions representing graduate assistants at certain state institutions of higher education.	Enacted.
2026	HB 388	Del. Cathy Forbes (D)	Extends collective bargaining to unions representing supervisory employees of the Baltimore County Public Library.	Enacted.
2026	HB 473	Del. Jessica Feldmark (D)	Removes the prohibition on school districts and unions from negotiating maximum class size.	Introduced; failed.
2026	HB 604	Del. Jared Solomon (D)	Requires the governor to include collective bargaining funding provisions in each annual budget bill; sets calendar deadlines for collective bargaining over most state employees; expands the scope of bargaining to include fringe benefits and health benefits; allows for arbitrator involvement in negotiations by request; and imposes arbitrator involvement if bargaining has not completed by a certain date.	Enacted.
2026	HB 831	Del. Matthew Schindler (D)	Extends collective bargaining to unions representing county or municipal employees, with exceptions for certain Baltimore City and Baltimore County employees.	Introduced; failed.
2026	HB 1433	Del. Aletheia McCaskill (D)	Defines “supervisory employee” for purposes of exclusion from community college collective bargaining statute and clarify that department heads and faculty members below the level of “assistant dean” remain eligible for collective bargaining.	Passed House; failed.
2026	HB 1492	Del. Eric Ebersole (D)	Gives public school and library system employee unions the right to strike and removes authority of the labor board to penalize unions for striking.	Introduced; failed.
2026	SB 6	Sen. Benjamin Kramer (D)	Extends collective bargaining to unions representing nontenure-track faculty at certain state institutions of higher education.	Enacted.

Session	Bill No.	Sponsor	Summary	Status
2026	SB 28	Sen. Cory McCray (D)	Requires the governor to include collective bargaining funding provisions in each annual budget bill; sets calendar deadlines for collective bargaining over most state employees; allows for arbitrator involvement in negotiations by request; and imposes arbitrator involvement if bargaining has not completed by a certain date.	Enacted.
2026	SB 84	Kramer (D)	Extends collective bargaining to unions representing graduate assistants at certain state institutions of higher education.	Passed Senate; failed.
2026	SB 136	Kramer (D)	Extends collective bargaining to unions representing arresting police officers within the Alcohol, Tobacco, and Cannabis Commission.	Enacted.
2026	SB 253	Sen. Shelly Hettleman (D)	Extends collective bargaining to unions representing supervisory employees of the Baltimore County Public Library.	Enacted.
2026	SB 922	Sen. Kevin Harris (D)	Extends collective bargaining to unions representing county or municipal employees, with exceptions for certain Baltimore City and Baltimore County employees.	Introduced; failed.
2026	SB 978	Sen. Alonzo Washington (D)	Defines “supervisory employee” for purposes of exclusion from community college collective bargaining statute and clarify that department heads and faculty members below the level of “assistant dean” remain eligible for collective bargaining.	Introduced; failed.
2025	HB 37	Del. Joe Vogel (D)	Proposes a constitutional amendment making collective bargaining a fundamental right.	Introduced; failed.
2025	HB 159	Solomon (D)	Requires the governor to include collective bargaining funding provisions in each annual budget bill, set calendar deadlines for collective bargaining over most state employees, allow for arbitrator involvement in negotiations by request, and impose arbitrator involvement if bargaining has not completed by a certain date.	Passed House; failed.
2025	HB 211	Foley (D)	Extends collective bargaining to unions representing graduate assistants at certain state institutions of higher education.	Passed House; failed.
2025	HB 266	House Appropriations Committee	Allows unions to meet with new state employees by video if health concerns support it, removing state employees’ right to end union dues deductions by membership revocation, dues authorization revocation, termination of employment, or union decertification, and permitting mail or electronic voting in representation elections.	Introduced; failed.

Session	Bill No.	Sponsor	Summary	Status
2025	HB 599	Del. Andrew C. Pruski (D)	Requires the state and union representing BWI airport firefighters to come to agreement by a certain date or be subject to binding interest arbitration.	Enacted.
2025	HB 661	Foley (D)	Extends collective bargaining to unions representing faculty at certain state institutions of higher education.	Introduced; failed.
2025	HB 1071	Del. Catherine Forbes (D)	Extends collective bargaining to unions representing supervisory employees of the Baltimore County Public Library.	Introduced; failed.
2025	HB 1091	Del. Stephanie Smith (D)	Allows certain Baltimore City Sheriff's Office employees to bargain over wages and merit step increases, which were previously excluded subjects of bargaining.	Passed House; failed.
2025	HB 1509	Harris (D)	Extends collective bargaining to unions representing county or municipal employees, with exceptions for certain Baltimore City and Baltimore County employees.	Introduced; failed.
2025	SB 166	Kramer (D)	Extends collective bargaining to unions representing graduate assistants and postdoctoral associates at certain state institutions of higher education.	Introduced; failed.
2025	SB 231	Senate Finance Committee	Allows unions to meet with new employees by video for any reason and permits mail or electronic voting in representation elections.	Enacted.
2025	SB 288	Sen. Antonio McCray (D)	Requires the governor to include collective bargaining funding provisions in each annual budget bill, set calendar deadlines for collective bargaining over most state employees, allow for arbitrator involvement in negotiations by request, and impose arbitrator involvement if bargaining has not completed by a certain date.	Introduced; failed.
2025	SB 373	Se. Pamela Beidle (D)	Requires the state and union representing BWI airport firefighters to come to an agreement by a certain date or be subject to binding interest arbitration.	Enacted.
2025	SB 750	Kramer (D)	Extends collective bargaining to unions representing part-time faculty at certain state institutions of higher education.	Passed Senate; failed.
2025	SB 767	Sen. Michael Jackson (D)	Allows certain Calvert County Sheriff's Office employees to collectively bargain.	Enacted.
2025	SB 914	Hettleman (D)	Extends collective bargaining to unions representing supervisory employees of the Baltimore County Public Library.	Introduced; failed.
2025	SB 976	Sen. Clarence Lam (D)	Extends collective bargaining to unions representing county or municipal employees, with exceptions for certain Baltimore City and Baltimore County employees.	Introduced; failed.

D = Democrat; HB = House Bill; SB = Senate Bill.

Public sector union executives have gained considerable ground in Maryland over the last 25 years. A relatively recent adopter of public sector unionization, Maryland now has the highest public sector union membership rate (97.43 percent) among select states in a recent Commonwealth Foundation study (Osborne and Holman 2024b). It has also unionized various classes of “partial public employees,” including home care and day care workers (Md. Code, Health-Gen. §§ 15-901 – 15-907; Md. Code, Educ. §§ 9.5-701 – 9.5-707).

In 2023, Maryland consolidated several of the disparate sets of collective bargaining laws for state employees, school, and higher education employees into a new provision known as the “Maryland Public Employee Relations Act” (Md. Code, State Gov’t §§ 22-101 – 22-601 (PERA)). Although many workplace-specific provisions remain, PERA extended “card check” to all covered public employees, gave union officials the right to meet with new employees and present at orientation, and ensured dues deductions by government payroll (Md. Code, State Gov’t §§ 22-207, 22-209).

The following year, lawmakers introduced a spate of legislation to expand public sector collective bargaining further. In 2024, Maryland enacted extensions of PERA to allow for unionization of certain public library employees and state supervisory employees (Solomon et al. 2024; Chang 2024), and considered legislation that would have done the same to certain university faculty, part-time faculty, post-doctoral associates, and graduate assistants (Foley et al. 2024). Maryland also enacted a provision allowing union dues to be deducted from one’s income for purposes of state taxes (Md. Code, Tax-Gen. § 10-207(o)).

In 2025 and 2026, the state enacted a number of bills to again extend collective bargaining into even more public sector workplaces. Maryland now allows for unionization of graduate assistants at certain state universities, supervisory employees of the Baltimore County Public Library, nontenure-track faculty at certain state institutions of higher education, arresting police officers within the Alcohol, Tobacco, and Cannabis Commission, and Calvert County Sheriff’s Office employees. (Md. Code, Cts. & Jud. Proc. § 2-318; Md. Code, Educ. § 23-802; Md. Code, State Pers. & Pens. §§ 3-101, 3-102). The Maryland General Assembly also modified the collective bargaining process for public employees and Baltimore/Washington International Thurgood Marshall Airport (BWI) firefighters, subjecting all negotiations not concluded by a certain date to binding interest arbitration and expanding the scope of bargaining for state employees. (Md. Code, State Pers. & Pens. §§ 3-501, 3-502).

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized.	Secret ballot by majority of those voting.	None.	Voluntary recognition or card check.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Position dependent. All employees bargain over wages, hours, and other work conditions. State employees and public school employees also bargain over time and manner of union access to new employee programs. Community college employees also bargain over union payroll deductions.	Binding interest arbitration required if requested or agreement has not been reached by a certain date.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Authorized.	Access to employees, access to contact information, access to employee orientation.	Employees do not have a right to resign membership at any time but do have the right to end dues deductions upon revocation of membership, upon cancellation of dues deductions, or if no longer employed in a bargaining unit position.	Authorized.

REFORM OPPORTUNITIES

- Paycheck Protection
- End Paid Release Time.
- Public Employees' Bill of Rights

STATUTORY REFERENCES

Md. Code, Health-Gen. §§ 15-901 – 15-907 (Home care workers); Md. Code, Educ. §§ 9.5-701 – 9.5-707 (Day care workers); Md. Code, State Gov't §§ 22-101 – 22-601 (Public Employee Relations Act).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2025–2026	HB 229	Rep. Tricia Farley-Bouvier (D)	Makes foster parents public employees for purposes of collective bargaining.	Passed committee; pending.
2025–2026	HB 2068	Rep. David Biele (D)	Designates all state employees below a certain rank as non-managerial employees subject to unionization, unless an employee's actual duties meet the test of a managerial employee.	Passed committee; pending.
2025–2026	HB 2076	Rep. Tackey Chan (D)	Makes employees of mosquito control projects and mosquito control districts state employees for purposes of collective bargaining.	Passed committee; pending.
2025–2026	HB 2078	Rep. Mike Connolly (D)	Gives public employees, except for public safety employees, the right to strike after six months of negotiations.	Passed committee; pending.
2025–2026	HB 2088	Rep. Marjorie Decker (D)	Eliminates the ability of public school superintendents to make changes to collective bargaining agreements and other changes in underperforming schools.	Passed committee; pending.
2025–2026	HB 2093	Rep. Carol A. Doherty (D)	Extends collective bargaining to unions representing legislative employees.	Passed committee; pending.
2025–2026	HB 2097	Farley-Bouvier (D)	Requires certification of all unions previously recognized voluntarily by a governmental agency if the agency determines that covered employees are no longer eligible for unionization.	Passed committee; pending.
2025–2026	HB 2160	Rep. David Allen Robertson (D)	Privileges from disclosure of communications or information between a union and employee germane to an employee grievance, with exceptions.	Passed committee; pending.
2025–2026	HB 2767	Rep. Daniel Cahill (D)	Establishes a commission to study the results of collective bargaining impasses in the public sector.	Passed committee; pending.
2025–2026	HB 2778	Chan (D)	Prevents public funds from being spent on outside attorneys or consultants for services performed for collective bargaining or collective bargaining agreements.	Passed committee; pending.
2025–2026	HB 2820	Rep. Rodney M. Elliott (D)	Makes gubernatorial appropriation requests for collective bargaining costs automatically effective 30 days after submitted, unless withdrawn by the governor or rejected by the legislature.	Passed committee; pending.

Session	Bill No.	Sponsor	Summary	Status
2025–2026	HB 2858	Rep. Ryan M. Hamilton (D)	Removes “employment, assignment and promotion of employees and the determination of standards therefore” as management rights not subject to collective bargaining for Massachusetts Water Resources Authority employees.	Passed committee; pending.
2025–2026	HB 2895	Rep. Jack Patrick Lewis (D)	Removes “employment, assignment and promotion of employees and the determination of standards therefore” as management rights not subject to collective bargaining for Massachusetts Water Resources Authority employees.	Passed committee; pending.
2025–2026	HB 2896	Lewis (D)	Protects Massachusetts Water Resources Authority employees from termination or discharge only for “just cause.”	Passed committee; pending.
2025–2026	HB 3949	Rep. Alice Hanlon Peisch (D)	Requires school districts to maintain the number of scheduled hours and structured learning time after a strike.	Passed committee; pending.
2025–2026	SB 464	Sen. Julian Cyr (D)	Extends collective bargaining to unions representing home care workers.	Passed committee; pending.
2025–2026	SB 1290	Sen. Nick Collins (D)	Requires binding arbitration upon impasse between the state government and a union representing state employees.	Passed committee; pending.
2025–2026	SB 1306	Sen. Lydia Edwards (D)	Designates all state employees below a certain rank as non-managerial employees subject to unionization, unless an employee’s actual duties meet the test of a managerial employee.	Passed committee; pending.
2025–2026	SB 1311	Sen. James B. Eldridge (D)	Gives public employees, except for public safety employees, the right to strike after six months of negotiations.	Passed committee;; pending.
2025–2026	SB 1331	Sen. Dylan A. Fernandes (D)	Requires certification of all unions previously recognized voluntarily by a governmental agency if the agency determines that covered employees are no longer eligible for unionization.	Passed committee; pending.
2025–2026	SB 1343	Sen. John F. Keenan (D)	Extends collective bargaining to unions representing legislative employees.	Passed committee; pending.
2025–2026	SB 1364	Sen. Pavel M. Payano (D)	Makes gubernatorial appropriation requests for collective bargaining costs automatically effective 30 days after submitted, unless withdrawn by the governor or rejected by the legislature.	Passed committee; pending.
2025–2026	SB 1368	Sen. Michael F. Rush (D)	An initiative to allow certain Baltimore City Sheriff’s Office employees to bargain over wages and merit step increases, which were previously excluded subjects of bargaining.	Passed House; failed.

D = Democrat; HB = House Bill; SB = Senate Bill.

Massachusetts was one of the first states to invite unions to organize public sector employees. In 1958, Massachusetts enacted a provision giving union officials the ability to represent state and local government employees, at least “to present proposals relative to salaries and other conditions of employment” (Mass. Gen. Laws ch. 149, § 178D (1958 Mass. Acts 308)). The law underwent several revisions until 1973, when it reached roughly its present form (Mass. Gen. Laws ch. 150E, §§ 1 – 15).

Massachusetts’ response in 2019 to *Janus* exemplified a radical approach taken by several states to help union officials organize and collect funds from nonmembers and new government employees. First, Massachusetts made public employees’ contact information— including their home address, personal email address, home phone number, and cellphone number—available as public records to any union “whose written aims and objectives on file with the department of labor relations are to represent public employees in collective bargaining” (Mass. Gen. Laws ch. 66, § 10B; ch. 150E, § 5A(c), (d)). However, the law also prohibited any other organization— for example, a nonprofit organization seeking to inform public employees of their rights under *Janus*—from obtaining the same information (Mass. Gen. Laws ch. 66, § 10B).

Second, Massachusetts permitted union officials to charge nonmembers for the costs of grievances and arbitration while still allowing unions to negotiate on nonmembers’ behalf. (Mass. Gen. Laws ch. 150E, § 5; ch. 161A, § 26). Interestingly, this general authority to bargain for members and nonmembers alike gives union officials power to shape the collective bargaining agreement provisions governing the substance and process of grievances and arbitration, which nonmembers would have to navigate alone.

Third, Massachusetts requires public employers to give union officials “access” to new and existing employees (Mass. Gen. Laws ch. 150E, § 5A(b), (c)). Under the new provision, union officials have the right to meet with individual employees during the workday and to hold group meetings at the workplace during breaks and before or after the workday (*Id.*).

Fourth, Massachusetts gave union officials the right to use government email and buildings for union purposes, limited only if union officials create an “unreasonable burden on network capability or system administration” or “interfere[nce] with governmental operations,” respectively (Mass. Gen. Laws ch. 150E, § 5A(e), (f)). Unions’ access to email must be given free of charge, and their use of government facilities can be charged only to the extent it results in costs that would not otherwise have been incurred by the government (Mass. Gen. Laws ch. 150E, § 5A(f)).

Finally, Massachusetts altered the payroll deduction arrangements in a manner that both prohibits employees from revoking payroll deduction authorizations and prevents *Janus*-related lawsuits (Mass. Gen. Laws ch. 180, § 17A). Once employees provide authorization to the union, the authorization is irrevocable for one year, and then with either 60 days’ notice or on potentially more restrictive terms set by the union (*Id.*). At the same time, the law requires public employers to accept union officials’ representations as to whether an employee has given payroll deduction authorization, effectively delegating state action and putting union officials in charge of determining whether an employee has joined or resigned from the union (*Id.*).

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized.	Secret ballot by majority of those voting.	None.	Voluntary recognition or card check.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, hours, fringe benefits, standards, productivity/ performance, and other work conditions.	Binding interest arbitration required if requested.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Authorized.	May charge nonmembers for the cost of grievance and arbitration procedures. Access to employees, contact information, and employee orientation.	Dues deduction authorizations are irrevocable for one year, then with either 60 days' notice or more restrictive terms.	Not authorized in law.

REFORM OPPORTUNITIES

- Secret Ballot Guarantee
- Public Employees' Bill of Rights

STATUTORY REFERENCES

Mass. Gen. Laws ch. 150E, §§ 1 – 15 (Public employees); ch. 180, § 17A (Payroll deductions).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2025–2026	HB 4454	Rep. Joey Andrews (D)	Allows public sector unions to be certified as exclusive representative through “card check.”	Introduced; pending.
2025–2026	HB 4458	Rep. Kara Hope (D)	Prohibits public employers from ceasing or subcontracting all or part of its operations within a year after employees elect a union.	Introduced; pending.
2025–2026	HB 4725	Rep. Carrie Rheingans (D)	Extends collective bargaining to unions representing student athletes at public universities.	Introduced; pending.
2025–2026	HB 5290	Rep. David Prestin (R)	Makes staffing levels a mandatory or permissive subject of bargaining for firefighters, depending on the public employer’s financial condition.	Introduced; pending.
2025–2026	SB 319	Sen. Veronica Klinefelt (D)	Makes staffing levels a mandatory or permissive subject of bargaining for police and firefighters, depending on the public employer’s financial condition.	Passed Senate; pending in House.
2025–2026	SB 381	Sen. Thomas A. Albert (R)	Prohibits public schools and unions from bargaining over the school year calendar and schedule, contracting out for noninstructional services, teacher placement, certain personnel decisions, performance evaluations, certain disciplinary measures, classroom observations, and certain parental notifications.	Introduced; pending.
2025–2026	SB 437	Sen. Roger Hauck (R)	Protects public employees by establishing a right to refrain from organizing or supporting a union and removing language allowing public sector unions to charge nonmembers agency fees.	Introduced; pending.

D = Democrat; R= Republican; HB = House Bill; SB = Senate Bill.

In 2024, Michigan added a first-of-its-kind “trigger” law that would appear to allow for agency fees (or so-called “fair share” fees) in the event *Janus* is overturned or superseded (Mich. Comp. Laws § 423.210(5)). The law specifically permits unions and public employers to include in collective bargaining agreements a provision that purports to require nonmembers to pay agency fees (Mich. Comp. Laws § 423.210(1)(c)), which would not be enforceable without a change to *Janus*.

However, the trigger law does not require union executives to disclose information about the present unenforceability of such a provision, meaning that employees may see an agency fee provision in their collective bargaining agreement without knowing that such a provision is unconstitutional. Therefore, employees may be misled into believing that union payments are a condition of employment and may unwittingly consent to union membership on the mistaken basis that they could not avoid payments of some kind.

Also in 2024, Michigan made it far easier to recruit members and secure payment of union dues by repealing its “paycheck protection” laws (Mich. Comp. Laws §169.211(1), 423.210(5)) and by mandating that public employers provide personal information on each government employee to union executives (Mich. Comp. Laws § 423.211a).

Interestingly, this increased access to public employees’ personal information runs counter to a relatively recent state court decision protecting such information—home address and telephone number, in particular—from disclosure (*Mich. Fed’n of Teachers & Sch. Related Pers., AFT, AFLCIO v. Univ. of Mich.*, 753 N.W.2d 28, 31 (Mich. 2008)). Likewise, Michigan courts categorically protect union officials’ emails—even using government email addresses—from public disclosure unless the emails relate to a “public purpose.” See *Howell Ed. Ass’n, MEA/NEA v. Howell Bd. of Ed.*, 789 N.W.2d 495, 505 (Mich. Ct. App. 2010) (“Such communications do not involve teachers acting in their official capacity as public employees, but in their personal capacity as HEA members or leadership. Thus, any e-mail sent in that capacity is personal.”).

Despite these recent changes, Michigan still has encouraging case law protecting public employees’ rights in a unionized workplace. See, e.g., *Tech., Pro., & Officeworkers Ass’n of Mich. v. Renner*, 15 N.W.3d 524, 545 (Mich. 2024) (“[W]e decline to erode the duty of fair representation in the manner the Union asks of the Court today”); *Saginaw Educ. Ass’n v. Eady-Miskiewicz*, 902 N.W.2d 1, 17 (Mich. Ct. App. 2017) (“[T]he agreements on which [the unions] rely did not constitute such explicit and unmistakable waivers of the [employees’] statutory right to refrain from union membership at any time.”)

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized.	Secret ballot by majority of those voting.	None.	Voluntary recognition or card check.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, fringe benefits, hours, and other work conditions.	Required for police and firefighters.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Not outlined in law.	Access to employee contact information.	Public sector union members have a recognized right to resign.	Prohibited.

REFORM OPPORTUNITIES

- Secret Ballot Guarantee
- Public Employees’ Bill of Rights

STATUTORY REFERENCES

Mich. Comp. Laws §§ 423.201 – 423.217 (Public Employment Relations Act).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2025–2026	HB 107	Rep. Kaela Berg (DFL)	Entitles striking workers to receive unemployment benefits under certain conditions.	Introduced; failed.
2025–2026	HB 545	Rep. Duane Quam (R)	Modifies the release time statute to prohibit use of release time for political activities.	Introduced; failed.
2025–2026	HB 1236	Quam (R)	Repeals statutory authority for unions to charge nonmember agency fees.	Introduced; failed.
2025–2026	HB 1400	Rep. Jeff Witte (R)	Permits union for supervisory employees for the State of Minnesota or University of Minnesota to be certified, even if the same union represents rank-and-file employees.	Introduced; failed.
2025–2026	HB 2240	Rep. Ben Bakeberg (R)	Allows public employees to choose where their dues payments go, whether to the local, state, or national level of the union.	Introduced; failed.
2025–2026	HB 2896	Bakeberg (R)	Allows public school teachers to choose where their dues payments go, whether to the local, state, or national level of the union.	Introduced; failed.
2025–2026	HB 4392	Rep. Huldah Momanyi-Hiltsley (D)	Gives home care workers back pay following federal approval of Medicaid rate increases.	Introduced; failed.
2025–2026	SB 537	Sen. Nathan Wesenberg (R)	Requires notification to students that union membership is not a condition of employment with a public employer.	Introduced; failed.
2025–2026	SB 645	Sen. Mark Koran (R)	Modifies the release time statute to prohibit use of release time for political activities.	Introduced; failed.
2025–2026	SB 1148	Sen. Zaynab Mohamed (D)	Entitles striking workers to receive unemployment benefits under certain conditions.	Introduced; failed.
2025–2026	SB 1532	Mohamed (D)	Entitles striking workers to receive unemployment benefits under certain conditions.	Introduced; failed.
2025–2026	SB 2895	Sen. Glenn H. Gruenhagen (R)	Modifies teachers' right to strike by conditioning it on whether the school district has offered a collective bargaining agreement with certain salary and benefit increases.	Introduced; failed.
2025–2026	SB 3050	Sen. Eric Pratt (R)	Allows public employees to choose where their dues payments go, whether to the local, state, or national level of the union.	Introduced; failed.
2025–2026	SB 4129	Pratt (R)	Allows public school teachers to choose where their dues payments go, whether to the local, state, or national level of the union.	Introduced; failed.

Session	Bill No.	Sponsor	Summary	Status
2025–2026	SB 5277	Sen. Clare Oumou Verbeten (D)	Extends collective bargaining to unions representing incarcerated persons.	Introduced; failed.

D = Democrat; DFL = Democratic-Farmer-Labor Party; R= Republican; HB = House Bill; SB = Senate Bill.

Minnesota’s Public Employment Labor Relations Act (PELRA) (Minn. Stat. §§ 179A.01 – 179A.60) permits unions to organize public employees at various levels of government. Like many other states’ public sector labor statutes, Minnesota’s PELRA allows for exclusive representation (Minn. Stat. § 179A.12), unfair labor practices (Minn. Stat. § 179A.13), and binding interest arbitration (Minn. Stat. § 179A.16). Minnesota also permits payroll deduction for all unionized employees and requires that unions indemnify the government for any lawsuits over unauthorized payroll deductions (Minn. Stat. § 179A.06).

Minnesota is one of twelve states to forcibly unionize home care workers (or “individual providers of direct support services”) as partial public employees (Minn. Stat. § 179A.54). Their unionization in 2014 led to extensive litigation over home care workers’ statutory and constitutional rights, yet Minnesota’s scheme ultimately survived (*Bierman v. Dayton*, 900 F.3d 570 (8th Cir. 2018), *cert. denied*, 139 S.Ct. 2043 (2019); *Greene v. Dayton*, 806 F.3d 1146 (8th Cir. 2015), *cert. denied*, 578 U.S. 976 (2016); *Greene v. Minn. Bureau of Mediation Servs.*, 948 N.W.2d 675, 677 (Minn. 2020)). Two years later, however, when AFSCME attempted to unionize child-care providers under a similar model, the union lost in a landslide election (Steward 2016).

Recent Minnesota Supreme Court cases reflect privileges in state law for union executives. For example, in a case of first impression, the court determined that a municipality committed an unfair labor practice in reorganizing its fire department to eliminate full-time firefighters, even though the move was a matter of inherent managerial policy and there was no evidence of antiunion animus (*Firefighters Union Local 4725 v. City of Brainerd*, 934 N.W.2d 101, 111 (Minn. 2019)). And more recently, the court reversed the state labor agency’s bargaining unit determination based in part on PELRA’s deference to union organizers (*Anoka Cnty. v. L. Enft Labor Servs., Inc.*, 3 N.W.3d 586, 600–01 (Minn. 2024) (Thissen, J., concurring) (“PELRA expresses a preference for the wishes of the employees seeking to organize and their representatives.”).

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized.	Secret ballot by majority of those voting.	None.	Voluntary recognition or card check.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, hours, fringe benefits, and other work conditions.	Required at impasse if requested by “essential employees,” including police and firefighters.	Legal for teachers.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Authorized.	Not outlined in law.	None.	Authorized.

REFORM OPPORTUNITIES

- Secret Ballot Guarantee
- Repeal Release Time Statute
- Public Employees’ Bill of Rights

STATUTORY REFERENCES

Minn. Stat. §§ 179A.01 – 179A.60 (Public Employment Labor Relations Act); § 179A.54 (Home care workers).

**RECENT LEGISLATION: N/A**

Mississippi does not authorize collective bargaining in the public sector, yet the Bureau of Labor Statistics estimates that 9.5 percent of all public employees in Mississippi are union members (Hirsch, Macpherson, and Even 2026). According to their websites, the Mississippi Professional Educators (MPE) and Mississippi Association of Educators (MAE) collectively represent over 20,000 educators and staff—an increase of 2,000 over the last two years—despite the absence of collective bargaining (MPE n.d.; MAE n.d.). The two reported \$1.5 million and \$2.8 million in revenue, respectively, in their most recent available tax filings, also modest increases over previous years (ProPublica 2026a; ProPublica 2026b).

This may be attributable to the widespread but mistaken belief that Mississippi case law authorizes collective bargaining for teachers. Although the Mississippi Supreme Court has held that certain public employees have an individual constitutional right to join a union or engage in union activities, it has not given unions the right to bargain or exclusively represent teachers for purposes of collective bargaining (*Jackson v. Hazlehurst Mun. Separate Sch. Dist.*, 427 So. 2d 134, 137 (Miss. 1983)).

In fact, the Mississippi Supreme Court has specifically rejected traditional collective bargaining, at least for municipal governments. See *Biloxi Firefighters Ass’n v. City of Biloxi*, 810 So.2d 589 (Miss. 2002). Municipal governing authorities may be able to enter into temporary union arrangements but do not have the authority to bind their successors in recognizing an employee representative or honoring a collective bargaining agreement. *Id.* at 595 (“A collective bargaining agreement is policy-oriented, reflecting the will of a certain administration. To hold that such action as a matter of law binds a subsequent administration would violate well-settled Mississippi case law”); see also *NE Mental Health-Mental Retardation Comm’n v. Cleveland*, 187 So. 3d 601, 604 (Miss. 2016) (“Under the common law in Mississippi, governing bodies, whether they be elected or appointed, may not bind their successors in office by contract, unless expressly authorized by law, because to do so would take away the discretionary rights and powers conferred by law upon successor governing bodies.”). Mississippi law also appears to allow the government to prohibit union membership among certain supervisory personnel (*Local 2263, IAFF, AFL-CIO v. City of Tupelo*, 439 F. Supp. 1224, 1231 (N.D. Miss. 1977)).

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Not authorized.	Not outlined in law.	None.	Not outlined in law.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	No.	Not outlined in law.	Not outlined in law.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Not outlined in law.	Not outlined in law.	None.	Not outlined in law.

REFORM OPPORTUNITIES

- Paycheck Protection
- Public Employees' Bill of Rights
- Collective Bargaining Prohibition

STATUTORY REFERENCES: N/A



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2026	HB 1921	Rep. Marty Murray (D)	Allows Missouri income taxpayers to subtract union dues from their adjusted gross income.	Introduced; failed.
2026	HB 2507	Rep. Mark Matthiesen (R)	Prevents unions from requiring dues payments from a newly hired employee until the employee has worked 250 hours.	Introduced; failed.
2026	HB 3283	Rep. Chris Brown (R)	Establishes comprehensive collective bargaining procedures, including mediation and interest arbitration, for certain public employees.	Passed committee; failed.
2026	HB 3306	Rep. Nick Kimble (D)	Establishes comprehensive collective bargaining procedures, including mediation and interest arbitration, for certain public employees.	Passed committee; failed.
2026	HB 3505	Rep. Keri Ingle (D)	Makes chairmanship of the state board of mediation subject to election of board members.	Introduced; failed.
2026	HB 3517	Rep. Kemp Strickler (D)	Requires a vacancy on the state board of mediation to be filled within thirty days.	Introduced; failed.
2026	SB 1035	Sen. Jason Bean (R)	Permits county governments to adopt right-to-work provisions by voter referendum.	Introduced; failed.
2026	SB 1529	Sen. Stephen Webber (D)	Establishes comprehensive collective bargaining procedures, including mediation and interest arbitration, for certain public employees.	Introduced; failed.
2026	SB 1585	Sen. Adam Schnelting (R)	Requires school boards to negotiate with teacher unions, but allows public school employees to join or terminate union membership at any time.	Introduced; failed.
2026	SB 1667	Sen. Kurtis Gregory (R)	Establishes comprehensive collective bargaining procedures, including mediation and interest arbitration, for certain public employees.	Introduced; failed.
2025	SB 121	Bean (R)	Permits county governments to adopt right-to-work provisions by voter referendum.	Introduced; failed.
2025	HJR 27	Rep. Ian Mackey (D)	Proposes constitutional amendment consolidating St. Louis City and County, preserving existing collective bargaining agreements and merging bargaining units, subject to binding arbitration.	Introduced; failed.

D = Democrat; R= Republican; HB = House Bill; SB = Senate Bill; HJR = House Joint Resolution.

In 2021, the Missouri Supreme Court struck down the state's recent public sector labor reforms as violations of its equal protection clause, effectively sending the state back to a minimalistic labor regime enacted in the 1960s (*Mo. Nat'l Educ. Ass'n v. Missouri Dep't of Labor & Indus. Rels.*, 623 S.W.3d 585, 587 (Mo. 2021)). The result is a state labor law with compulsory bargaining for most public employees and few protections for workers.

This was not the Missouri Supreme Court's first decision invalidating Missouri labor law. In 2020, the court struck down a provision prohibiting public employees from picketing. *See Karney v. Dep't of Labor & Indus. Rels.*, 599 S.W.3d 157, 165 (Mo. 2020). And in 2007, after decades of upholding the state's statutory restrictions on unionization of certain employees, including teachers, the Missouri Supreme Court reversed course and construed the state constitution to permit union representation of any public employee in Missouri. *See Indep.-Nat. Educ. Ass'n v. Indep. Sch. Dist.*, 223 S.W.3d 131, 139 (Mo. 2007). ("[A]rticle I, section 29 applies to 'employees,' regardless of whether they are in the private or public sector ...").

Unfortunately, as it stands today, Missouri's public sector labor laws leave much to the imagination. Missouri does not articulate any unfair labor practices, and employees are not specifically granted any rights to refuse union representation. Also, there are no statutory processes for electing an exclusive representative or defining the workplace it represents, though the state board of mediation may adjudicate these disputes (Mo. Rev. Stat. § 105.525 (2017)).

Finally, there is little transparency for public sector unions in Missouri. For example, there is no requirement under Missouri state law for the reporting of any financial activity by public sector unions and no accountability for providing any information to union members or the public. Union bylaws, constitutions, and records are not required to be discussed or available to members or the public. Likewise, election data is not required to be made available to members or the public.

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized.	Not outlined in law.	None.	Not outlined in law.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes, except for certain law enforcement personnel, teachers, and university faculty.	Wages, fringe benefits, and other work conditions.	None.	Not outlined in law.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Not outlined in law.	None.	None.	Not outlined in law.

REFORM OPPORTUNITIES

- Secret Ballot Guarantee
- Right to Resign
- Paycheck Protection

STATUTORY REFERENCES

Mo. Rev. Stat. §§ 101.500 – 105.598 (Public employees).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2025	SB 94	Sen. John Fuller (R)	Prohibits public employers from financially supporting unions or allowing public employees to perform union activities while receiving a public salary, except in enumerated circumstances.	Passed committee; failed.
2025	SB 277	Sen. Matt Regier (R)	Prohibits payroll deduction of union dues, fees, fines, assessments, or political contributions.	Introduced; failed.
2025	SB 376	Sen. Mark Noland (R)	Grants private and public sector employees the right to join or refuse to join a union or pay dues as a condition of employment, requires individual authorization for union payroll deductions, and requires posting of employee rights in the workplace.	Introduced; failed.

R = Republican; SB = Senate Bill.

Montana's Public Employees Collective Bargaining Act (MPECBA) (Mont. Code § 39-31-101 – 39-31-505) permits unions to organize public employees at virtually every level of government. Like many other states' public sector labor statutes, Montana's MPECBA allows for exclusive representation (Mont. Code § 39-31-205), unfair labor practices (Mont. Code §§ 39-31-401 – 409), and binding interest arbitration (Mont. Code § 39-31-310). Montana also specifically allows for the automatic deduction of union dues from members' paychecks (Mont. Code § 39-31-310).

Montana is one of the few states to permit public employees to file duty of fair representation claims in the state court's original jurisdiction. *See Folsom v. Montana Pub. Employees' Ass'n, Inc.*, 400 P.3d 706 (Mont. 2024). Under longstanding precedent, employees can choose between pursuing a claim in court or before the Board of Personnel Appeals. *See Teamsters, Local No. 45 v. State ex rel. Bd. of Pers. Appeals*, 635 P.2d 1310, 1313 (Mont. 1981). At least one justice on the Montana Supreme Court believes that punitive damages against public sector unions may also be available to public employees. *See Folsom*, 400 P.3d at 626-29 (Sandefur, J., concurring).

Interestingly, Montana is one of the only states that has legislatively implemented the U.S. Supreme Court's holding in *Janus*. In 2021, Montana amended the MPECBA to remove language allowing for the imposition of agency fees and repealed a statute that once allowed religious objectors to avoid paying agency fees (Regler et al. 2021). Former Gov. Steve Bullock vetoed HB 323, an identical measure, in 2019, stating that signing it "would be to celebrate the [*Janus*] decision, not to implement it" (Bullock 2019).

More recently, in 2023, the Montana House of Representatives considered HB 216, which would have required notice to public employees of their constitutional rights, mandated affirmative authorization of dues deductions, and allowed public employees to withdraw their union membership and payments at any time (Mercer 2023). The bill received a committee hearing but failed to advance to the floor.

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized.	Secret ballot by a majority of votes cast.	None.	Voluntary recognition. Card check not statutorily authorized but permitted by regulation.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, fringe benefits, hours, and other work conditions.	Required at impasse once requested.	Legal for teachers and general government workers.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Authorized.	None.	None.	Not outlined in law.

REFORM OPPORTUNITIES

- Right to Resign
- Paycheck Protection
- Release Time Prohibition

STATUTORY REFERENCES

Mont. Code §§ 39-31-101 – 39-31-505 (Public Employees Collective Bargaining Act).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2025–2026	LB 353	Sen. Dan Lonowski (Nonpartisan)	Prohibits public schools and unions representing public school employees from restricting when an employee may join or resign union membership.	Passed committee; failed.
2025–2026	LB 429	Sen. Dave Murman (Nonpartisan)	Requires school boards to give unions access to physical and electronic mailboxes, bulletin boards, and employee orientations of represented employees if requested, prohibits school boards from designating a day by naming or referring to a union, and allows any professional organizations equal access.	Enacted.

LB = Legislative Bill.

Nebraska broadly allows for collective bargaining in the public sector through the State Employees Collective Bargaining Act (SECBA) (Neb. Rev. Stat. §§ 81-1369 – 1388), which is applicable only to state employee workplaces, and the Industrial Relations Act (IRA) (Neb. Rev. Stat. §§ 48-801 – 842), which applies to all government workplaces except the National Guard or state militia. Technically, the two provisions of law read together, with SECBA supplementing the IRA and controlling in the event of a conflict (Neb. Rev. Stat. § 81-1372).

Beginning with SECBA in 1987, Nebraska adopted several reforms that made its public sector unionization system more efficient. For example, SECBA standardized collective bargaining with the state, including the imposition of set wage rates and a rigid schedule for negotiations centered around the state’s budget (Neb. Rev. Stat. §§ 81-1377, 1383), as well as the creation of a single “chief negotiator” for the state (Neb. Rev. Stat. § 81-1370). Later, in 2011, the IRA was amended to include its own rigid annual bargaining schedule and establish wage rates for teachers, other educators, and certain community college employees (Neb. Rev. Stat. §§ 48-818.01 – .02).

Nebraska’s system may be relatively efficient, but it has not necessarily safeguarded the rights of employees. For example, Nebraska has not statutorily protected public employees’ right to resign their union membership or end automatic payroll deductions. In 2021 and again in 2025, the Nebraska legislature introduced legislation giving public school employees the right to join or terminate their union membership at any time, but neither bill was enacted (Clements 2021; Lonowski et al. 2025).

This past legislative session, which adjourned in April 2026, teacher unions secured the statutory right to access employees’ official mailboxes, emails, bulletin boards, and employee orientations (Murman 2026). However, the new law also prohibits school boards from showing favoritism to a particular organization by allowing any other union or professional association equal access or naming a day after the name of any one union or professional association.

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized.	Secret ballot by a majority of votes cast.	None.	None.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Work conditions and grievances.	None.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Authorized.	Access to employee mailboxes, email, bulletin boards, and employee orientations.	None.	Authorized.

REFORM OPPORTUNITIES

- Right to Resign
- Paycheck Protection
- Release Time Prohibition

STATUTORY REFERENCES

Neb. Rev. Stat. §§ 48-801 – 842 (Public employees); §§ 81-1369 – 1388 (State employees).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2025	AB 155	Asm. Selena La Rue Hatch (D)	Makes teacher-student ratios a mandatory subject of bargaining between teacher unions and school districts.	Vetoed.
2025	AB 191	Asm. Natha Anderson (D)	Expands collective bargaining by authorizing bargaining for state employees working for boards, commissions, or similar bodies within the executive branch and employing 400 or more employees.	Introduced; failed.
2025	AB 356	House Ways and Means Committee	Requires the governor to include collectively bargained costs in proposed budgets and reschedule collective bargaining, including mediation and interest arbitration, to occur earlier each year.	Enacted.
2025	SB 2	Senate Government Affairs Committee	Makes collective bargaining negotiations and mediations open to the public.	Introduced; failed.
2025	SB 161	Sen. Rochelle Nguyen (D)	Adds deadlines, standards, and cost-sharing provisions to Nevada's existing optional binding interest arbitration mechanisms, prohibits school districts from requiring teachers to work beyond what is required by a collective bargaining agreement once it has expired, altering the definition of a prohibited strike to allow work stoppages, sickouts, and similar interruptions at individual schools, and disallowing any penalties for individual teachers engaged in a strike while allowing only for penalties against the union.	Enacted.
2025	SB 301	Sen. Marilyn Dondero Loop (D)	Expands collective bargaining to unions representing certain peace officers.	Vetoed.
2025	SB 410	Senate Health and Human Services Committee	Makes insurance benefits for employees' covered dependents a mandatory subject of bargaining.	Vetoed.

D = Democrat; AB = Assembly Bill; SB = Senate Bill.

Nevada's Government Employee-Management Relations Act (GEMRA) (Nev. Rev. Stat. §§ 288.010 – 288.715) broadly permits unions to organize public employees in state and local government. Like many other states' public sector labor statutes, Nevada's law allows for exclusive representation (Nev. Rev. Stat. §§ 288.160, 288.540), unfair labor practices (Nev. Rev. Stat. §§ 288.270, 288.620), and binding interest arbitration (Nev. Rev. Stat. §§ 288.215, 288.217, 288.580). Nevada also specifically allows for the automatic deduction of union dues from members' paychecks (Nev. Rev. Stat. §§ 288.150, 288.500). There is no express authority for the Nevada System of Higher Education to engage in collective bargaining with non-classified employees, including professors.

The unionization of state employees was a relatively recent development. In 2019, after AFSCME Nevada invested heavily in electoral politics, Nevada enacted legislation allowing unions to organize some 22,000 state employees (Lucia 2019). Nevada soon had to deal with the consequences (Sauvageau and Solis 2023); when it reached an impasse in negotiations with one of the first unions organized under the new provision, an arbitrator ordered a 2 percent statewide pay raise despite a lack of available funding. When Nevada failed to follow through on the raise, AFSCME Local 4041 filed a lawsuit in state court, arguing that the arbitrator's award must be binding under GEMRA (Solis 2023). The lawsuit was finally settled in May 2024 (*AFSCME, Local 4041 v. Lombardo*, No. 87926 (Nev. order noting settlement May 29, 2024)), with the result that, in 2024, Nevada was required to make longevity payments to certain workers and issue an 11 percent wage increase (Flores 2024).

The Nevada Supreme Court has also granted extraordinary privileges to public sector union executives. Most recently, in 2025, Nevada legalized small-scale work stoppages for teachers and exempted teachers from penalties when participating in an illegal strike (R. Nguyen 2025). It also enacted a measure that restructures state collective bargaining schedules, requiring governors to include collectively bargained items in their proposed budgets where possible (Nevada Assembly WM 2025).

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized.	Secret ballot by a majority of votes cast for local employees; no secret ballot requirement for state employees.	None.	Voluntary recognition for local employees, mandatory card check for state employees.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, hours, and other work conditions.	Interest arbitration at impasse.	Illegal, with exceptions for teacher strikes in individual schools.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Authorized.	None.	None.	Not outlined in law.

REFORM OPPORTUNITIES

- Secret Ballot Guarantee
- Paycheck Protection
- Release Time Prohibition

STATUTORY REFERENCES

Nev. Rev. Stat. §§ 288.010 – 288.715 (Government Employee-Management Relations Act).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2025–2026	HB 238	Daniel Popovici-Muller (R)	Prohibits private and public sector unions from requiring employees to join or contribute as a condition of employment.	Passed committee; failed.
2025–2026	HB 311	Ellen Read (D)	Requires businesses and unions to make political contributions through separately segregated funds.	Passed committee; failed.
2025–2026	HB 400	Pam Brown (R)	Makes collective bargaining negotiations open to the public but keeps single-party strategy sessions private.	Passed committee; failed.
2025–2026	HB 735	Michael Granger (R)	Establishes recertification procedures requiring a recertification election whenever those within the bargaining unit who did not vote to make the union their exclusive representative become the majority of bargaining unit employees.	Passed committee; failed.
2025–2026	HB 1109	Jack Flanagan (R)	Requires written notice to suspended public employees of the cause of suspension and its duration, with regular updates, unless covered by a collective bargaining agreement with disciplinary procedures.	Enacted.
2025–2026	HB 1704	Brian Labrie (R)	Permits individual public employees to opt for independent bargaining and to negotiate their own terms and conditions of employment without union intervention, but excludes public safety employees.	Passed committee; failed.

R = Republican; HB = House Bill.

New Hampshire's Public Employee Labor Relations Act (PELRA) (N.H. Rev. Stat. §§ 273-a:1 – a:17) broadly permits unions to organize public employees in state and local government. Like many other states' public sector labor statutes, New Hampshire's law allows for exclusive representation (N.H. Rev. Stat. § 273-A:11) and unfair labor practices (N.H. Rev. Stat. § 273-A:5).

For state employees, New Hampshire mandates that unions form a joint bargaining committee under which union representatives from each bargaining unit serve together in negotiations with the state, with the goal of arriving at a master agreement for all state employees. See N.H. Rev. Stat. § 273-A:9(I). The governor sits on the other end of the bargaining table, aided by an "advisory committee" and potentially an "official state negotiator" he or she appoints (*Id.*, at (IIII)). Recently, the New Hampshire Supreme Court held that, in the event one or more unions reach an impasse in negotiations, all unions must undergo impasse resolution procedures, including mediation (*Appeal of New England Police Benevolent Ass'n, Inc.*, 198 A.3d 905 (N.H. 2018)).

New Hampshire has been a hotbed for legislation that would expand the power and influence of public sector unions. In 2023, for example, the legislature considered HB 134, a measure to unionize legislative staff (Schultz and Edgar 2023), and HB 150, an initiative to make smaller bargaining units eligible for unionization (Bordes et al. 2023). Five years ago, then-Gov. Chris Sununu vetoed a provision that would have guaranteed union officials the right to unsupervised meetings with employees—including one full hour with new employees—and to receive every employee’s personal contact information, including home address, personal email address, and cell phone number (NH General Court 2019). The provision would have also required that prospective union members be advised of their “right to accept or decline union membership” as well as the amount of union dues.

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized.	According to statute, unions must receive a majority of votes cast. Regulations require secret ballot.	None.	None.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, fringe benefits, hours, and other work conditions.	None.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Authorized.	None.	None.	Not outlined in law.

REFORM OPPORTUNITIES

- Secret Ballot Guarantee
- Paycheck Protection
- Public Employees’ Bill of Rights

STATUTORY REFERENCES

N.H. Rev. Stat. §§ 273-a:1 – a:17 (Public Employee Labor Relations Act).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2026–2027	AB 930	Asm. Carol Murphy (D)	Permits union officers on full-time union leave to participate in “union activity,” including lobbying and partisan political activity.	Introduced; pending.
2026–2027	AB 984	Murphy (D)	Appropriates bonus awards for certain public employees represented by the International Federation of Professional and Technical Engineers, Local 195, for COVID-19-related services.	Introduced; pending.
2026–2027	AB 1047	Asm. Wayne DeAngelo (D)	Requires notification to the union representing law enforcement before information on an officer-involved fatality can be released to the public.	Introduced; pending.
2026–2027	AB 1128	Asm. Joe Daniels (D)	Reorganizes boards of trustees for state colleges and universities by, among other requirements, mandating that the Governor appoint two members to each board of trustees who were recommended by unions.	Introduced; pending.
2026–2027	AB 1809	Asm. Anthony Verrelli (D)	Allows state income tax deduction for union dues.	Introduced; pending.
2026–2027	AB 3136	Asm. Jay Webber (R)	Repeals law allowing public employees working for a union to purchase pension credits, with exceptions.	Introduced; pending.
2026–2027	AB 3400	Asm. Sterley Stanley (D)	Adds the minimum number of firefighters assigned to each station to the list of mandatory subjects of bargaining, provided the number relates to employee safety.	Introduced; pending.
2026–2027	AB 3416	Asm. Heather Simmons (D)	Requires private and public sector employees to establish workplace policies giving employees the right to disconnect from communications outside of working hours.	Introduced; pending.
2026–2027	SB 1440	Sen. Joseph Cryan (D)	Allows a state income tax credit for union dues.	Introduced; pending.
2026–2027	SB 3534	Sen. Linda Greenstein (D)	Allows a state income tax deduction for union dues.	Introduced; pending.
2026–2027	SB 3982	Sen. Joseph Vitale (D)	Permits state employees to enroll in healthcare plans offered by the Communication Workers of America.	Introduced; pending.
2026–2027	SB 4179	Sen. Andrew Zwicker (D)	Subjects certain state colleges and universities to 2022 state law expanding scope of bargaining, giving union access to employee information, and establishing confidentiality for communications between union members and union officials, among other union subsidies.	Introduced; pending.

Session	Bill No.	Sponsor	Summary	Status
2026–2027	SCR 13	Sen. Shirley K. Turner (D)	Proposes a constitutional amendment giving public employees the right to engage in collective bargaining.	Introduced; pending.
2024–2025	AB 948	Asm. Nancy Munoz (R)	Repeals law allowing public employees working for a union to purchase pension credits, with exceptions.	Introduced; failed.
2024–2025	AB 1587	Asm. Pamela R. Lampitt (D)	Limits payments for unused sick leave for public officers and employees.	Introduced; failed.
2024–2025	AB 1682	Asm. Reginald W. Atkins (D)	Requires teaching of labor history, including organized labor, strikes, unionization drives, and collective bargaining history, in public schools.	Enacted.
2024–2025	AB 2299	DeAngelo (D)	Requires notification to the union representing law enforcement before information on an officer-involved fatality can be released to the public.	Introduced; failed.
2024–2025	AB 2883	Verrelli (D)	Allows state income tax deduction for union dues.	Passed committee; failed.
2024–2025	AB 3778	DeAngelo (D)	Alters the composition of the advisory council for Rutgers' Institute of Management and Labor Relations and appropriates funds.	Passed committee; failed.
2024–2025	AB 4172	Asm. Annette Quijano (D)	Adds membership in a union to the list of prohibited bases for discrimination in employment, housing, and market transactions.	Introduced; failed.
2024–2025	AB 4618	Verrelli (D)	Gives full-time employees of the Motor Vehicle Commission an offer of full-time employment with contractors operating official motor vehicle inspection facilities, as well as any subsequent contractors.	Enacted.
2024–2025	SB 1066	Sen. R. Linda Greenstein (D)	Allows state income tax deduction for union dues.	Introduced; failed.
2024–2025	SB 2151	Cryan (D)	Allows state income tax credit for union dues.	Introduced; failed.
2024–2025	SB 3435	Sen. Nilsa I. Cruz-Perez (D)	Measure giving full-time employees of the Motor Vehicle Commission an offer of full-time employment with contractors operating official motor vehicle inspection facilities, as well as any subsequent contractors.	Passed committee; substituted by AB 4618.
2024–2025	SB 4802	Sen. Gordon M. Johnson (D)	Adds the minimum number of firefighters assigned to each station to the list of mandatory subjects of bargaining, provided the number relates to employee safety.	Passed committee; failed.
2024–2025	SCR 56	Turner (D)	Proposes a constitutional amendment to give public employees the right to engage in collective bargaining.	Introduced; failed.

D = Democrat; R = Republican; AB = Assembly Bill; SB = Senate Bill; SCR = Senate Concurrent Resolution.

New Jersey's state constitution embraces unionism for all public sector workplaces, giving individuals "in public employment" rights to organize, grieve, and make proposals to the government "through representatives of their choosing" (N.J. Const., art. I, ¶ 19). Pursuant to this provision, the New Jersey Legislature has broadly permitted collective bargaining through the New Jersey Employer-Employee Relations Act (EERA) (N.J. Stat. §§ 34:13A-1 – 34:13A-64). Like many other states' public sector labor statutes, EERA allows for exclusive representation (N.J. Stat. § 34:13A-5.3), unfair labor practices (N.J. Stat. § 34:13A-5.4), and binding arbitration in the event of an impasse (N.J. Stat. § 34:13A-7). New Jersey also specifically allows for the automatic deduction of union dues from members' paychecks (N.J. Stat. § 34:13A-5.6).

New Jersey was one of the first states to enact legislation intended to blunt the impact of the U.S. Supreme Court's decision in *Janus*. See N.J. Stat. § 34:13A-5.11 (Governor's Statement Upon Signing). The "Workplace Democracy Enhancement Act" (WDEA), signed just prior to *Janus* in 2018, gave union officials unsupervised time with public employees—including a minimum of 30 minutes with new employees—and the right to receive every employee's personal contact information, including home address, personal email address, and cell phone number. This contact information is exclusively in the possession of an employee's union and cannot be obtained through open records requests. See N.J. Stat. § 34:13A-5.13. It also gave union officials the right to use public email systems and the use of government buildings for union purposes (*Id.*). At the same time, the WDEA placed new constraints on school districts, effectively prohibiting them from informing new teachers of their right to decline union membership, with the penalty of having to make the union whole for the lost dues (N.J. Stat. § 34:13A-5.14).

The WDEA also placed new limits on a public employee's ability to end agency fee payments (N.J. Stat. § 52:14-15.9e). Once *Janus* was decided, this provision was unsuccessfully challenged, even though it was likely unconstitutional as applied to nonmembers just after the *Janus* decision. See *Smith v. New Jersey Educ. Ass'n*, 425 F. Supp. 3d 366, 369 (D. N.J. 2019), *aff'd sub nom. Fischer v. Governor of New Jersey*, 842 F. App'x 741 (3d Cir. 2021). In 2022, this particular provision was amended and replaced with a more complicated scheme that appears to allow unions to solicit and deduct dues with even more onerous terms than previously permitted.

In 2022, New Jersey enacted the "Responsible Collective Negotiations Act" for the stated purpose of expanding the scope of bargaining for public employees. However, the new law also contains a provision allowing unions to force public employees to pay for the costs of any arbitration proceedings if they refuse to become union members (N.J. Stat. §34:13A-61). At the same time, it makes clear that the employee would not have the right to proceed to arbitration without the union's approval. This arbitration provision does not apply to school districts (N.J. Stat. §34:13A-62).

Although the state constitution enshrines public sector unionism, the New Jersey Legislature has considerable room under the state constitution to change course and adopt policies that protect public employees. For one, New Jersey's courts have distinguished between the "collective negotiations" process afforded to public sector unions and the "collective bargaining" process afforded to their private sector counterparts, suggesting that collective negotiations are a less rigid form of reaching agreement (*Mount Holly Twp. Bd. of Educ. v. Mount Holly Twp. Educ. Ass'n*, 972 A.2d 387, 391 (N.J. 2009)). And second, New Jersey courts have long remarked that the rights described in Article I of the state constitution are not self-executing but require "implementing legislation," ostensibly allowing some flexibility in crafting employee-friendly laws (*Bowman v. Hackensack Hosp. Ass'n*, 282 A.2d 48, 54 (N.J. Super. Ct. Ch. Div. 1971)).

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized.	Secret ballot by majority of those voting.	None.	Card check or voluntary recognition.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, fringe benefits, hours, and other work conditions as long as they are not prohibited by statute.	Required at impasse if requested by police or firefighters.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Authorized.	Union may charge nonmembers for cost of representation in arbitration or refuse to represent them; unions also have access to employees, contact information and employee orientation.	Employee revocations of dues deduction authorizations are effective on the 30th day after the anniversary date of employment, regardless of the revocation date.	Not outlined in law.

REFORM OPPORTUNITIES

- Secret Ballot Guarantee
- Release Time Limits
- Paycheck Protection

STATUTORY REFERENCES

N.J. Stat. §§ 34:13A-1 – 34:13A-64 (Employer-Employee Relations Act).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2025	HB 84	Rep. Eleanor Chavez (D)	Prohibits private and public employers from disciplining employees for failure to attend employer-sponsored meetings concerning “political matters,” including the decision to join or support a labor organization.	Passed House; failed.

D = Democrat; HB = House Bill.

New Mexico’s Public Employee Bargaining Act (PEBA) (N.M. Stat. §§ 10-7E-2 – 10-7E-25) broadly permits unions to organize public employees in state and local government. Like many other states’ public sector labor statutes, PEBA allows for exclusive representation (N.M. Stat. § 10-7E-15), unfair labor practices (N.M. Stat. §§ 10-7E-19, 10-7E-20), and binding arbitration in the event of a bargaining impasse (N.M. Stat. § 10-7E-18).

Over the years, New Mexico’s labor law regime for public employees has gone back and forth. In 1992, after decades of warring attorney general opinions on the subject (Stratton 2010), New Mexico enacted its first public sector unionization statute. However, the statute included a sunset clause that was allowed to expire in 1999. In 2003, however, New Mexico enacted PEBA, reinstituting public sector unionism in roughly its current form.

This back-and-forth represented a rare opportunity for research; one study concluded that New Mexico’s collective bargaining laws actually increased the performance of high-achieving students but lowered the performance of poorly achieving students. A 2010 Yale study suggests that, without collective bargaining agreements in place, school districts were free to reallocate resources and staff to assist poorly achieving students (Lindy 2010).

New Mexico was one of the few states to pass legislation to formally eliminate agency fees in compliance with the U.S. Supreme Court’s decision in *Janus* (Williams Stapleton 2020). However, the same legislation greatly expanded the ability of union officials to organize in the public sector. For example, the new law gave union officials unsupervised time with public employees—including a minimum of 30 minutes with new employees—and the right to receive every employee’s personal contact information, including home address, personal email address, and cell phone number (N.M. Stat. § 10-7E-15). It also gave union officials the right to use public email systems and the use of government buildings for union purposes (*Id.*).

New Mexico is also one of the few states to allow employees to file duty of fair representation claims against unions in the state court’s original jurisdiction (*Callahan v. N.M. Fed’n of Tchrs.-TVI*, 131 P.3d 51 (N.M. 2006)). In addition, the New Mexico Supreme Court has specifically held that punitive damages may be available to litigants prevailing on a duty of fair representation claim (*Akins v. United Steel Workers of Am., AFL-CIO, CLC, Local 187*, 237 P.3d 744 (N.M. 2010)).

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized.	Secret ballot by majority of those voting.	None.	Card check or voluntary recognition.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, fringe benefits, hours, and other work conditions.	Required at impasse if requested.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Authorized.	None.	Statutory window restricts when employees can revoke dues deductions authorizations.	Not outlined in law.

REFORM OPPORTUNITIES

- Secret Ballot Guarantee
- Paycheck Protection
- Public Employees' Bill of Rights

STATUTORY REFERENCES

N.M. Stat. §§ 10-7E-2 – 10-7E-25 (Public Employee Bargaining Act).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2025–2026	AB 433	Asm. Steven Otis (D)	Protects public employees from loss of employment, wages, benefits, status, or privileges due to AI.	Passed committee; substituted by SB 822.
2025–2026	AB 779	Asm. Stacey Pheffer Amato (D)	Provides that collective bargaining agreements with greater protections than those available under the civil service law control in the event of a suspension or demotion.	Enacted.
2025–2026	AB 1776	Asm. Michael Fitzpatrick (R)	Makes collective bargaining sessions, including mediations and arbitrations, open to the public, and all documents exchanged public records; requires public employers to provide a financial analysis of each proposed contract.	Introduced; pending.
2025–2026	AB 2014	Asm. Michaelle Solages (D)	Authorizes the public employment relations board to assume jurisdiction over unions representing student athletes at public universities and colleges.	Introduced; pending.
2025–2026	AB 2293	Asm. Emily Gallagher (D)	Removes individual penalties for illegal strikes, lessening union penalties to \$50 per day.	Introduced; pending.
2025–2026	AB 2676	Asm. Stacey Pheffer Amato (D)	Entitles state employees designated as managerial or confidential and therefore ineligible for collective bargaining to a high-level salary and/or bonus.	Introduced; pending.
2025–2026	AB 3522	Asm. Patricia Burke (D)	Entitles striking employees to Medicaid benefits during the strike.	Introduced; pending.
2025–2026	AB 3568	Asm. Angelo Santabarbara (D)	Prohibits collective bargaining agreements from requiring emergency dispatchers to secure approval or provide notice to supervisors before accessing mental health services.	Introduced; pending.
2025–2026	AB 3654	Asm. Harry Bronson (D)	Shortens the length of time before striking workers can receive unemployment benefits.	Introduced; pending.
2025–2026	AB 3732	Bronson (D)	Revises the collective bargaining process for transportation authorities by adding mediation, arbitration, and impasse procedures and by permitting employees to strike if the impasse remains after a period of time.	Introduced; pending.

Session	Bill No.	Sponsor	Summary	Status
2025–2026	AB 3979	Asm. Chris Burdick (D)	Allows state income tax credit for union dues.	Introduced; pending.
2025–2026	AB 4950	Asm. Charles Fall (D)	Expands collective bargaining to include unions representing public passenger ferry system employees working as United States Coast Guard licensed officers.	Introduced; pending.
2025–2026	AB 5889	Asm. Phara Forrest (D)	Creates health insurance marketplace program for workers on strike.	Introduced; pending.
2025–2026	AB 7107	Asm. Rodneyse Bichotte (D)	Permits New York City to enter into a partnership with unions representing city employees to finance affordable housing for bargaining unit members.	Introduced; pending.
2025–2026	AB 7179	Bichotte (D)	Requires all law enforcement agencies to make collective bargaining agreements public.	Introduced; pending.
2025–2026	AB 7519	Fitzpatrick (R)	Limits status quo obligations for public employers while negotiating with a union, allows public employees to join the State University of New York retirement plan, and limits pay increases in interest arbitration.	Introduced; pending.
2025–2026	AB 7975	Asm. Billy Jones (D)	Establishes an optional 25-year retirement plan for certain employees of the New York Power Authority.	Passed committee; failed.
2025–2026	AB 10263	Marianne Buttenschon (D)	Establishes an optional 25-year retirement plan for certain employees of the New York Power Authority.	Passed both Houses; pending before the governor.
2025–2026	AB 10835	Judy Griffin (D)	Prohibits false impersonation of a union or union representative.	Passed both Houses; pending before the governor.
2025–2026	AB 11497	Rules Committee	Prevents business toll charges and entitling ticket holders to a refund in the event of a transportation authority work stoppage.	Introduced; pending.
2025–2026	AB 11534	Rules Committee	Increases salary for certain public employees and entitles certain employees to state funds toward dependent care deductions.	Enacted.
2025–2026	SB 12	Robert Jackson (D)	Provides that collective bargaining agreements with greater protections than those available under the civil service law control in the event of a suspension or demotion.	Passed committee; substituted by AB 779.
2025–2026	SB 171	Sen. Jessica Ramos (D)	Allows state income tax credit for union dues.	Introduced;; pending.
2025–2026	SB 822	Sen. Kristen Gonzalez (D)	Protects public employees from loss of employment, wages, benefits, status, or privileges due to AI.	Enacted.

Session	Bill No.	Sponsor	Summary	Status
2025–2026	SB 938	Sen. Jabari Brisport (D)	Removes individual penalties for illegal strikes, lessening union penalties to \$50 per day.	Introduced; pending.
2025–2026	SB 1750	Robert Jackson (D)	Entitles state employees designated as managerial or confidential and therefore ineligible for collective bargaining to a high-level salary and/or bonus.	Introduced; pending.
2025–2026	SB 4760	Sen. Jamaal Bailey (D)	Authorizes the public employment relations board to assume jurisdiction over unions representing student athletes at public universities and colleges.	Introduced; pending.
2025–2026	SB 5249	Sen. Julia Salazar (D)	Entitles striking employees to Medicaid benefits during the strike.	Introduced; pending.
2025–2026	SB 6190	Sen. Kevin Parker (D)	Gives private and public sector employees, their attorneys, or their unions the right to review and copy the employee's personnel file, with one per year provided at no cost.	Introduced; pending.
2025–2026	SB 7027	Sen. Steve Chan (R)	Adds two non-voting members to the Metropolitan Transportation Authority (MTA), including one chosen by the union representing MTA police department employees.	Introduced; pending.
2025–2026	SB 7310	Sen. Dan Stec (R)	Permits certain corrections employees to return to work after a strike with no penalty.	Introduced; pending.
2025–2026	SB 7369	Ramos (D)	Revises collective bargaining process for transportation authorities by adding mediation, arbitration, and impasse procedures and by permitting employees to strike if the impasse remains after a period of time.	Introduced; pending.
2025–2026	SB 7378	Sen. Joseph Griffo (R)	Establishes an optional 25-year retirement plan for certain employees of the New York Power Authority.	Passed committee; pending.
2025–2026	SB 9577	Ramos (D)	Prohibits false impersonation of a union or union representative.	Passed committee; substituted by AB 10835.
2025–2026	SB 10535	Sen. Steven Rhoads (R)	Prevents business toll charges and entitling ticket holders to a refund in the event of a transportation authority work stoppage.	Introduced; pending.

D = Democrat; R = Republican; AB = Assembly Bill; SB = Senate Bill.

New York's Public Employees' Fair Employment Act, commonly referred to as the "Taylor Law," broadly permits unions to organize public employees at all levels of government (N.Y. Civ. Serv. Law §§ 200 – 215). Like many other states' public sector labor statutes, the Taylor Law allows for exclusive representation (N.Y. Civ. Serv. Law § 204(2)), unfair labor practices (termed "improper practices") (N.Y. Civ. Serv. Law § 209-a), and binding arbitration in the event of a bargaining impasse (N.Y. Civ. Serv. Law § 209). New York City has its own collective bargaining laws granting unions a more expansive scope of bargaining, including bargaining over city-wide policies, pensions, and leave rules for certain employees. See N.Y. City Admin. Code tit. 12, ch. 3, § 12-307.

Unfortunately, New York has also pioneered many changes to traditional labor law that further benefit union officials at the expense of public employees. Most notably, in anticipation of the U.S. Supreme Court's decision in *Janus*, New York enacted a provision in 2018 allowing union officials to refuse to represent employees in grievances or arbitration unless the employee becomes a union member (N.Y. Civ. Serv. Law § 209-a(2)). Yet, public employees remain forcibly represented for purposes of collective bargaining and are still bound by the terms of the collective bargaining agreement setting forth grievance and arbitration requirements. See *Id.*

At the same time, New York made payroll deduction of union membership dues more restrictive, making it harder for employees to stop payments and automatically continuing deductions after a break in service (N.Y. Civ. Serv. Law § 208(1)(b), (c)). Union officials also secured the right to notice of new hires and unsupervised meetings with new employees during their worktime, rights that were subsequently expanded in 2020 to give unions mandatory access to new employee orientations (N.Y. Civ. Serv. Law § 208(4)(b)). In 2019, New York also enacted a provision that prohibits public employers from sharing employee personal contact information except to union officials or under court order.

This past legislative session, New York enacted a novel protection against AI for public employees (Gonzalez 2025). Under the new law, agencies must disclose the nature and use of artificial intelligence tools, and public employers are prohibited from using those tools in a manner that results in employee discharge, displacement, or loss of position; a reduction in employee hours, wages, or benefits; transfer of existing duties away from employees and to AI; or any change to collective bargaining agreements or employee bargaining status.

Finally, in the coming months, it appears New York will enact a prohibition on "impersonating" a union or union officer (Griffin 2026). This measure, similar to those considered or enacted in other union-dominated states, allows for civil fines against persons who intend to deceive others by posing as a union. However, the law is expansive and vague in application, making even "material omission[s]" of information a potential violation.

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized.	Secret ballot by majority of those voting.	None.	Card check and voluntary recognition.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, fringe benefits, hours, and other work conditions.	Required at impasse if requested by law enforcement, firefighters, and some transit workers.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Authorized.	Unions can refuse to represent nonmembers and have access to employee contact information and employee orientation.	None.	Not outlined in law.

REFORM OPPORTUNITIES

- Secret Ballot Guarantee
- Public Employees' Bill of Rights

STATUTORY REFERENCES

N.Y. Civ. Serv. Law §§ 200 – 215 (Public employees).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2025–2026	HB 179	Rep. Sarah Crawford (D)	Allows state income tax deduction for union dues.	Introduced; pending.
2025–2026	HB 207	Rep. Marcia Morey (D)	Repeals prohibition on collective bargaining in the public sector.	Introduced; pending.
2025–2026	HB 256	Rep Zack Hawkins (D)	Repeals prohibition on collective bargaining in the public sector.	Introduced; pending.
2025–2026	SB 120	Sen. Lisa Grafstein (D)	Repeals prohibition on collective bargaining in the public sector.	Introduced; pending.
2025–2026	SB 169	Grafstein (D)	Allows state income tax deduction for union dues.	Introduced; pending.
2025–2026	SB 623	Sen. Woodson Bradley (D)	Expands collective bargaining to include unions representing first responders.	Introduced; pending.
2025–2026	SB 903	Sen. Sophia Chitlik (D)	Repeals prohibition on collective bargaining in the public sector and appropriates \$100,000 to inform public employees of their right to organize.	Introduced; pending.
2025–2026	SB 1082	Sen. Steven Jarvis (R)	Proposes a constitutional amendment to constitutionalize the right to work.	Passed Senate; pending.

D = Democrat; R = Republican; HB = House Bill; SB = Senate Bill.

North Carolina was once called “the most adamant in its opposition to public sector unionism” among Southeastern states (Nolan 1978), but public sector union officials have recently gained ground.

In 1959—in apparent response to Jimmy Hoffa’s attempt to organize Charlotte police officers (Okun 1980)—North Carolina prohibited collective bargaining in the public sector (N.C. Gen. Stat. § 95-98). And since 1981, strikes have been “illegal and against the public policy of this State” (*Id.* at § 95-98.1). North Carolina has also adopted right-to-work style statutes prohibiting discrimination on the basis of union membership or union payments (N.C. Gen. Stat. §§ 95.7895.84).

Yet, there is nothing to stop public employees from joining unions, despite the ban on collective bargaining. See *Atkins v. City of Charlotte*, 296 F. Supp. 1068 (W.D.N.C. 1969) (holding that North Carolina’s ban on union membership violated employees’ constitutional right to associate). In fact, many union officials maintain that North Carolina’s prohibition on collective bargaining relates only to executing a contract and allows unions to formally negotiate. Teacher unions have received special authorization to meet and discuss “educational matters” with school boards as long as it is not done “with a view to establishing a group or collective contract for public school teachers” (40 Op. N.C. Att’y Gen. 274, 275-76 (1969)). Public sector union executives have also secured increasing access to government workplaces for the purposes of membership recruitment.

Despite North Carolina’s prohibition on collective bargaining, union executives have amassed considerable membership numbers among public employees, which may explain the consistent introduction of legislation legalizing public sector collective bargaining. In its most recent report on “employees’ associations,” the North Carolina Office of the State Auditor found that seven unions each had at least 2,000 members, 500 or more of whom are state employees (Boliak 2025). Three of those unions are teacher unions and together boast nearly 70,000 members.

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Prohibited.	N/A.	N/A.	N/A.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	No.	N/A.	N/A.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Not outlined in law.	None.	None.	Not outlined in law.

REFORM OPPORTUNITIES

- Paycheck Protection
- Public Employees’ Bill of Rights

STATUTORY REFERENCES

N.C. Gen. Stat. § 95-98 (Collective bargaining prohibition).

**RECENT LEGISLATION: N/A**

North Dakota's Public Employee Relations Act (PERA) (N.D. Cent. Code §§ 34-11.1-01 – 34-11.1-08) provides a rudimentary framework from which public sector unions may operate at any level of government. PERA does not create a collective bargaining regime, but it does give public employees the right to be a member of a union, to request payroll deductions for membership dues, and to union grievance representation (N.D. Cent. Code §§ 34-11.1-03, 34-11.1-04.2).

North Dakota's Teachers' Representation and Negotiation Act (TRNA) (N.D. Cent. Code §§ 15.1-16-01 – 15.1-16-22) created a slightly different collective bargaining system specific to public school teachers and administrators. Under the TRNA, union officials select their desired bargaining unit and request the school district to represent it (N.D. Cent. Code §§ 15.1-16-08, 15.1-16-10). The school district must field the request and, if accepted, bargain over certain terms and conditions of employment (N.D. Cent. Code §§ 15.1-16-09, 15.1-16-11). If the school district challenges the union's selection of a bargaining unit, an election determines representation (N.D. Cent. Code § 15.1-16-11).

The 2021 amendments to the TRNA added more structure to the collective bargaining process (N.D. Cent. Code §§ 15.1-16-13, 15.1-16-14), something North Dakota teacher unions opposed (Notermann 2021). Among other changes, the amendment contains a new default rule for handling the expiration of a collective bargaining agreement under which a teacher union automatically loses recognition when a collective bargaining agreement expires—essentially the opposite of the typical status quo obligation—or until another union is recognized (N.D. Cent. Code § 15.1-16-18). The default rule discourages unnecessary delays and disincentivizes strategic, union-driven impasses.

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized.	Not outlined in law.	None.	Voluntary recognition and card check.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, other work condition.	Yes, once put into contracts for teachers.	Illegal for teachers.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Authorized.	None.	None.	Not outlined in law.

REFORM OPPORTUNITIES

- Secret Ballot Guarantee
- Strike Prohibition
- Public Employees' Bill of Rights

STATUTORY REFERENCES

N.D. Cent. Code §§ 34-11.1-01 – 34-11.1-08 (Public Employee Relations Act); §§ 15.1-16-01 – 15.1-16-22 (Teachers).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2025–2026	HB 6	Rep. Tom Young (R)	Reforms higher education by, among other provisions, limiting the scope of collective bargaining for higher education employees; prohibits strikes by most public employees, including law enforcement and full-time faculty members.	Introduced; pending.
2025–2026	HB 96	Rep. Brian Stewart (R)	Makes remote and telework arrangements for state employees a prohibited subject of bargaining; prohibits seniority as the primary factor for teacher assignments.	Enacted.
2025–2026	HB 510	Rep. Levi Dean (R)	Prohibits any requirement that private or public employees join or pay an employee organization.	Introduced; pending.
2025–2026	HB 965	Dean (R)	Prohibits any requirement that public employees join or pay an employee organization.	Introduced; pending.
2025–2026	SB 1	Sen. Jerry Cirino (R)	Reforms higher education by, among many other provisions, limiting the scope of collective bargaining for higher education employees and prohibits strikes by full-time faculty members.	Enacted.
2025–2026	SB 8	Sen. Stephen Huffman (R)	Prohibits paid leave for public employees to engage in union political activities or lobbying.	Introduced; pending.

R = Republican; HB = House Bill; SB = Senate Bill.

Ohio courts have held that public employees have a constitutional right to associate with unions (*Ohio Council 8, AFSCME, AFL-CIO v. Bucyrus*, 612 N.E.2d 363, 366 (Ohio Ct. App. 1992)). But the Ohio Supreme Court has held that there is no constitutional right to collective bargaining, making clear that lawmakers have discretion to fashion an employment system for government workers that limits or does not include collective bargaining (*Franklin Cnty. Law Enf't Ass'n v. Fraternal Ord. of Police*, Capital City Lodge No. 9, 572 N.E.2d 87, 92 (Ohio 1991)).

Ohio's Public Employees' Collective Bargaining Act (PECBA) (Ohio Rev. Code §§ 4117.01 – 4117.27) has undergone little change since its enactment in 1983. The PECBA, like many other states' public sector labor statutes, broadly permits unions to organize public employees in state and local government. PECBA allows for exclusive representation (Ohio Rev. Code § 4117.04), unfair labor practices (Ohio Rev. Code § 4117.11), and binding arbitration in the event of a bargaining impasse (Ohio Rev. Code § 4117.14(I)).

In 2011, Ohio enacted comprehensive reforms to PECBA that were subsequently voided by referendum. The measure would have, among other reforms, guaranteed representation elections, limited the scope of bargaining, made clear employees' rights not to become union members, and required financial disclosures from union officials. It would have also prohibited strikes in public sector workplaces (Rishel n.d.).

Strikes have received renewed attention in the Ohio Legislature. In 2023, a bill that would have prohibited strikes in certain public workplaces passed the Senate and House committees but

did not receive a vote in the House (Cirino 2023). In 2025, however, the General Assembly passed a bill making many reforms to higher education and, as part of that bill, made full-time faculty strikes and law enforcement strikes illegal (Cirino 2025).

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized.	Secret ballot by a majority of those voting.	None.	Voluntary recognition and card check.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, fringe benefits, hours, and other work conditions.	Yes, for essential employees such as law enforcement and firefighters.	Legal for teachers and general government workers. Specifically prohibited for full-time faculty of higher education institutions and certain law enforcement and psychiatric employees.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Authorized.	None.	None.	Not outlined in law.

REFORM OPPORTUNITIES

- Secret Ballot Guarantee
- Strike Prohibition
- Public Employees' Bill of Rights

STATUTORY REFERENCES

Ohio Rev. Code §§ 4117.01 – 4117.27 (Public Employees' Collective Bargaining Act).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2026	HJR 1085	Rep. Jared Deck (D)	Proposes a constitutional amendment repealing the right to work.	Introduced; failed.
2026	SB 1884	Sen. David Bullard (R)	Requires school districts to grant equal access to all statewide professional educators' associations and allow school district employees to resign union membership and end payroll deductions at any time.	Passed Senate; failed.
2026	HB 4253	Rep. Chris Kannady (R)	Requires school districts to grant equal access to all statewide professional educators' associations and allow school district employees to resign union membership and end payroll deductions at any time.	Passed House; failed.
2026	HB 4452	Rep. Mark Lepak (R)	Establishes recertification elections for existing teacher unions in 2026, with regular recertification elections every three years, and ending union payroll deductions.	Introduced; failed.
2026	HB 4481	Deck (D)	Allows unions to organize public sector employees.	Introduced; failed.
2025	HB 1424	Rep. Mike Kelley (R)	Establishes arbitration process for unfair labor practice charges involving police and firefighters.	Passed House; failed.
2025	HB 1627	Rep. Trey Caldwell (R)	Establishes arbitration process for unfair labor practice charges involving police and firefighters.	Passed committee; failed.
2025	SB 481	Sen. Dusty Deever (R)	Prohibits public employees from speaking on a matter of public concern, participating in politics, or using public resources on outside matters unless on annual leave.	Introduced; failed.
2025	SB 506	Deever (R)	Requires any payroll deductions, including union dues, fees, and political contributions, to be reauthorized every year.	Introduced; failed.

D = Democrat; R = Republican; HJR = House Joint Resolution; HB = House Bill; SB = Senate Bill.

Oklahoma has allowed collective bargaining in only some public sector workplaces. Under the Fire and Police Arbitration Act (Okla. Stat. tit. 11, §§ 51-101 – 51-113), Oklahoma permits firefighter and police unions to collectively bargain under the general supervision of the Public Employee Relations Board (PERB). And under the title governing public schools, Oklahoma permits teacher unions to collectively bargain, yet outside of the Public Employee Relations Board's structure (Okla. Stat. tit. 70, §§ 509.1 – 510.3). In 2023, the Oklahoma Attorney General

opined that teacher unions could collect dues through payroll deduction (Okla. Op. Att’y Gen. No. 2023-9).

In 2011, Oklahoma repealed the Oklahoma Municipal Employee Collective Bargaining Act (Okla. Stat. tit. 11, §§ 51-200 – 51-220; Olafson 2011), rolling back collective bargaining and ending payroll deduction benefits for many municipal unions. A decade later, in 2021, Oklahoma reformed the representation election provision for firefighter and police unions, eliminating PERB involvement and requiring a higher threshold for union representation elections, “fair elections” paid for by the union, voter identification, and a majority vote of the entire department (Okla. Stat. tit. 11, §§ 51-103).

The Oklahoma Supreme Court has placed important limits on Oklahoma’s statutory collective bargaining scheme. First, the court held that the statutory “Evergreen” (or “status quo”) obligation violates a state constitutional provision that prohibits cities from becoming indebted in an amount exceeding its revenue for any year (*City of Del City v. Fraternal Ord. of Police, Lodge No. 114*, 869 P.2d 309 (Okla. 1993)).

Second, the Oklahoma Supreme Court has ruled binding interest arbitration unconstitutional in the context of collective bargaining with teacher unions, and its reasoning would seem to apply in other areas (*Raines v. Indep. Sch. Dist. No. 6 of Craig Cnty.*, 796 P.2d 303 (Okla. 1990)). According to the court, whereas grievance arbitration is a legal means of dispute resolution, “[b]inding interest arbitration permits the arbitrator to substitute his/her judgment for that of a public official on matters the electorate has entrusted to its elected representatives [and] is said to involve the delegation of legislative decision making to an unelected third party” (*Id.* at 31112). Years later, however, the Oklahoma Supreme Court ruled that binding interest arbitration was constitutional for firefighter and police unions because the legislature had clearly deemed it acceptable (*City of Bethany v. PERB*, 904 P.2d 604, 613 (Okla. 1995)).

Finally, Oklahoma may be one of a few states in which employees can file duty of fair representation claims against union officials in a trial court’s original jurisdiction, though this has not been tested directly. See *Smith v. City of Oklahoma City*, 303 P.3d 921, 928 n.6 (Okla. Civ. App. 2013) (Mitchell, J., dissenting) (“An employee who contends that his/her rights pursuant to a collective bargaining agreement have been compromised may have available alternative remedies, although not yet recognized in Oklahoma ... [including] an action against the bargaining representative for breach of the duty of fair representation.” (quotation omitted)).

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized only for teachers, police, and firefighters.	For public school employees and rural firefighters, secret ballot by a majority of those voting. For police and municipal firefighters, not outlined in law.	None.	For public school employees, card check; for police and firefighters, not outlined in law.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, fringe benefits, hours, and other work conditions.	Yes, once requested at impasse for law enforcement and firefighters.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Dues and political deductions prohibited for teacher unions; political deductions, but not dues prohibited for all other unions.	None.	None.	Not outlined in law.

REFORM OPPORTUNITIES

- Secret Ballot Guarantee
- Paycheck Protection
- Public Employees' Bill of Rights

STATUTORY REFERENCES

Okla. Stat. tit. 11, §§ 51-101 – 51-113 (Police and firefighters); tit. 70, §§ 509.1 – 510.3 (Teachers).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2026	HB 4011	Labor and Workplace Standards Committee	Expands the requirement to discuss class size and caseload as mandatory subjects of bargaining for purposes of school district collective bargaining.	Introduced; failed.
2026	HB 4066	Education Committee	Prevents student members of the Oregon Health and Science University Board of Directors from participating in or attending collective bargaining executive sessions.	Enacted.
2026	HB 4109	Rep. Alek Skarlatos (R)	Repeals law entitling striking workers to unemployment insurance.	Introduced; failed.
2026	HB 4179	Rules Committee	Permits the Oregon Health and Science University to create and maintain a nonprofit corporation that, among other things, can be unionized as a public employer.	Enacted.
2025	HB 2031	Rep. Boomer Wright (R)	Expands collective bargaining to include government-employed athletic trainers.	Introduced; failed.
2025	HB 2654	Rep. Hai Pham (D)	Requires the state to create a registry for union representatives and prohibit persons from acting as a union representative if not registered.	Introduced; failed.
2025	HB 2840	Rep. Paul Evans (D)	Established a standard for earning a pension credit when on union release time.	Introduced; failed.
2025	HB 2866	Evans (D)	Allows employees to make voluntary fee payments to unions.	Introduced; failed.
2025	HB 2944	Rep. Travis Nelson (D)	Imposes enhanced penalties against public employers with multiple unfair labor practice violations and requires public employers to transmit collected payroll deductions to unions within 30 days.	Enacted.
2025	HB 3316	Rep. Anna Scharf (R)	Requires certain public employers, including school districts, to record labor negotiations and post media on their respective websites.	Introduced; failed.
2025	HB 3652	Rep. Lesly Munoz (D)	Makes class size and caseload mandatory subjects of public school collective bargaining.	Introduced; failed.
2025	HB 3720	Rep. Ed Diehl (R)	Requires public sector labor negotiations to be open to the public.	Introduced; failed.
2025	HB 3789	Pham (D)	Prohibits individuals from impersonating union representatives.	Enacted.
2025	HB 3886	Rep. Gregory Smith (R)	Removes certain correctional guards from the definition of “supervisory employee,” permitting them to strike.	Introduced; failed.

Session	Bill No.	Sponsor	Summary	Status
2025	HB 3979	Scharf (R)	Prohibits public employee strikes.	Introduced; failed.
2025	SB 7	Sen. Chris Gorsek (D)	Repeals prohibition against transit workers strikes.	Introduced; failed.
2025	SB 310	Education Committee	Allows either the union or employer in a public education labor dispute to petition for fact-finding, as opposed to requiring both.	Introduced; failed.
2025	SB 313	Education Committee	Directs the state to develop an implementation plan for a statewide collective bargaining process for licensed educators in this state.	Passed committee; failed.
2025	SB 754	Sen. Chris Gorsek (D)	Permits a labor organization to file a civil action against a public employer for failing to timely provide the labor organization with certain information regarding public employees	Introduced; failed.
2025	SB 916	Sen. Kathleen Taylor (D)	Entitles striking workers to unemployment benefits.	Enacted.
2025	SCR	Sen. Rob Wagner (D)	Adopts procedures for labor relations with unionized legislative staff, including a provision that labor negotiations are not legislative deliberations and are closed to the public.	Resolved.

D = Democrat; R = Republican; HB = House Bill; SB = Senate Bill; SCR = Senate Concurrent Resolution.

Oregon’s Public Employee Collective Bargaining Act (PECBA) broadly permits unions to organize public employees at all levels of government (Or. Rev. Stat. §§ 243.650 – 243.806). Like many other states’ public sector labor statutes, PECBA allows for exclusive representation (Or. Rev. Stat. § 243.666), unfair labor practices (Or. Rev. Stat. § 243.672), and binding arbitration in the event of a bargaining impasse (Or. Rev. Stat. § 243.742).

In 2019, Oregon became one of the few states to formally amend its labor laws to comply with the U.S. Supreme Court’s *Janus* decision. However, the same legislation repealing Oregon’s agency fee provisions also created expansive new rights for public sector union officials. For example, Oregon codified the right of public sector unions to paid release time for any employees (Or. Rev. Stat. § 243.798), to payroll deductions for any union payment (Or. Rev. Stat. § 243.806(1)-(3)), and to secure dues deductions authorizations electronically or by telephone (Or. Rev. Stat. § 243.806(4)). This law also gave union officials unsupervised time with public employees—including a minimum of 30 minutes with new employees—and the right to receive every employee’s personal contact information, including home address, personal email address, and cell phone number (Or. Rev. Stat. § 243.804).

Also in 2019, Oregon enacted a provision allowing certain police unions to charge nonmembers for services unrelated to contract negotiation, presumably grievance and arbitration (Or. Rev. Stat. § 243.672(5)(a)-(c)). In 2023, the list of unions permitted to take advantage of this allowance grew to include corrections, parole, and probation officers (Or. Rev. Stat. § 243.672(5)(d)-(e)).

In 2025 and 2026, Oregon enacted several aggressive policies advanced by government union lobbyists. For example, in 2025, Oregon adopted a first-of-its-kind measure prohibiting “false impersonation” of union officials, which includes an exceedingly broad definition of “fraud or misrepresentation” borrowed from an obscure statutory provision otherwise applicable to regulation of medicine, podiatry, and acupuncture. The measure, effective since January 1 this

year, defines “false impersonation” as “the intentional misrepresentation or misstatement of a material fact, concealment of or failure to make known any material fact, or any other means by which misinformation or a false impression knowingly is given” (Pham 2025). Unions can sue for damages in the amount of \$6,250 per incident.

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized.	Secret ballot by a majority of those voting.	None.	Card check.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, fringe benefits, hours, and other work conditions.	Yes, for public safety workers such as police and firefighters.	Legal for teachers and general government workers.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Authorized.	May charge nonmembers fees for noncollective bargaining representation costs. Access to employees, contact information and new employee orientation.	None.	Authorized.

REFORM OPPORTUNITIES

- Secret Ballot Guarantee
- Public Employee’s Bill of Rights

STATUTORY REFERENCES

Or. Rev. Stat. §§ 243.650 – 243.806 (Public Employee Collective Bargaining Act).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2025–2026	HB 262	Rep. Barbara Gleim (R)	Gives public employees rights concerning the internal governance of their unions, including equal rights of members to vote and participate in meetings, assemble freely with other members, and speak.	Introduced; pending.
2025–2026	HB 263	Gleim (R)	Repeals the “maintenance of membership” provision and gives public employees certain rights enforceable against unions.	Introduced; pending.
2025–2026	HB 466	Rep. Milou Mackenzie (R)	Prohibits payroll deductions of political contributions from public employees unless provided for in a collective bargaining agreement.	Introduced; pending.
2025–2026	HB 854	Rep. Brad Roae (R)	Requires school board members to abstain from collective bargaining agreement votes if their spouse, partner, or household member is in the bargaining unit.	Introduced; pending.
2025–2026	HB 1879	Rep. Marc Anderson (R)	Makes the provision of public employees’ social security numbers, drivers’ licenses, bank account information, and other sensitive information to a union a prohibited subject of bargaining.	Introduced; pending.
2025–2026	HB 2133	Rep. Greg Scott (D)	Requires employers to adopt policies giving employers the right to disconnect from communications after working hours.	Introduced; pending.
2025–2026	HB 2190	Rep. Dan Goughnour (D)	Expands collective bargaining to include unions representing peace officers, and bars strikes by prison guards, mental hospital guards, and peace officers.	Passed committee; pending.
2025–2026	HB 2455	Rep. Jennifer Mazzocco (D)	Expands collective bargaining to unions representing school administrators in the Pittsburgh school district, mandates an earlier start to collective bargaining in the Pittsburgh and Philadelphia school districts, and alters the effect of an arbitration decision in those districts.	Passed House; pending.
2025–2026	SB 397	Rep. Doug Mastriano (R)	Requires public sector unions to file regular reports documenting union financial information and requires the labor board to establish a website housing union reports.	Introduced; pending.

Session	Bill No.	Sponsor	Summary	Status
2025–2026	SB 621	Rep. Nick Pisciotano (D)	Prohibits organizations “attempting to influence” public employees “with respect to” a union or union activities, including filing unfair labor practices complaints, from taking tax deductions for related expenses.	Introduced; pending.
2025–2026	SB 710	Sen. John Kane (D)	Prohibits public employers from ending health care benefits for striking employees.	Introduced; pending.
2025–2026	SB 757	Sen. Patrick Stefano (R)	Directs public employers to issue notice to the public before signing a collective bargaining agreement, including information about the terms and cost of the agreement.	Introduced; pending.
2025–2026	SB 761	Sen. Michele Brooks (R)	Changes the date school districts must adopt a budget and adjusts collective bargaining impasse procedure dates.	Introduced; pending.
2025–2026	SB 1188	Sen. Lindsey Williams (D)	Expands collective bargaining to unions representing school administrators in the Pittsburgh school district, mandates an earlier start to collective bargaining in Pittsburgh and Philadelphia school districts, and alters the effect of an arbitration decision in those districts.	Introduced; pending.
2025–2026	SB 1247	Sen. Frank Farry (R)	Requires binding interest arbitration for “peace officers” upon an impasse in negotiations.	Introduced; pending.

D = Democrat; R = Republican; HB = House Bill; SB = Senate Bill.

Pennsylvania permits unionization of public employees through three separate statutory provisions, the Public Employe Relations Act (PERA) (43 P.S. §§ 1101.101 – 1101.2301), the Policemen and Firemen Collective Bargaining Act (commonly referred to as “Act 111”) (43 P.S. §§ 217.1 – 217.12), and portions of the School Code (24 P.S. §§ 11-1101-a – 11-1172-a). These provisions set forth a collective bargaining regime that includes exclusive representation (43 P.S. §§ 217.1, 1101.606), unfair labor practices (43 P.S. §§ 211.8, 1101.1201), and binding arbitration in the event of a bargaining impasse (24 P.S. §§ 11-1123-a – 11-1125-a; 43 P.S. §§ 217.4, 1101.804).

Pennsylvania’s PERA, enacted in 1970, was a particularly aggressive expansion of union power, giving union officials several advantages still unavailable in most other states. For example, Pennsylvania was one of the only states statutorily authorizing “maintenance of membership” provisions within collective bargaining agreements, effectively forcing employees to remain members for years without the need to secure assent from the employee (43 P.S. §§ 1101.301(18), 1101.401). Although this provision remains in PERA, the largest unions have abandoned maintenance of membership provisions due to repeated litigation from public employees (Acker Susanj 2021).

PERA did not include any statutory duty of fair representation for public sector union officials. However, Pennsylvania courts have implied such a duty and have held that employees can file duty of fair representation claims in the state court’s original jurisdiction (*Case v. Hazelton Area Educ. Support Pers. Ass’n (PSEA/NEA)*, 928 A.2d 1154 (Pa. Cmwlth. 2007)).

Interestingly, PERA includes a relatively unique restriction on union political involvement. PERA prohibits public sector unions from making “any contribution out of the funds of the employe

organization either directly or indirectly to any political party or organization or in support of any political candidate for public office” (43 P.S. § 1101.1701). Pennsylvania’s Commonwealth Court has held that the state labor board is responsible for enforcement of this provision (*Trometter v. PLRB*, 147 A.3d 601 (Pa. Cmwlth. 2016)).

In Pennsylvania, strikes and the threat of strikes figure heavily in collective bargaining, particularly with teacher unions. Pennsylvania is one of 13 states to legalize teacher strikes, but a combination of factors makes for many more strikes in Pennsylvania than in other states. According to the Pennsylvania Department of Education, 131 teacher strikes took place between 1999 and March 2018, an average of seven strikes per year (Brannick 2018). A national publication counted 839 teacher strikes across America between 1968 and 2012, with 740—or 88 percent—occurring in Pennsylvania (Lee and Liebelson 2012).

Pennsylvania is one of twelve states to unionize home care workers as partial public employees, though it has yet to enact a statute on the subject. Instead, home care workers are forcibly represented via executive order (PA Executive Order No. 2015-05 2015). In a lawsuit challenging the legality of this arrangement, the Pennsylvania Supreme Court upheld the order on the basis that it did not “establish a system of collective bargaining, or indeed, create any legal rights at all” (*Markham v. Wolf*, 190 A.3d 1175, 1189 (Pa. 2018)).

In 2025, the General Assembly introduced a first-of-its-kind, two-bill package named the Public Employees’ Bill of Rights, modeled after the federal government’s “Union Members’ Bill of Rights”, (29 U.S.C. §§ 401-531). The bills give union members and nonmembers rights with respect to the internal governance of their unions as well as the right to resign union membership at any time (Gleim 2025). These rights are enforceable by private right of action, with attorneys’ fees and costs, against unions.

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized.	Secret ballot by a majority of those voting.	None.	Voluntary recognition and card check.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, fringe benefits, hours, and other work conditions.	Required at impasse.	Legal for teachers.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Authorized.	None.	“Maintenance of membership” provision keeps members from resigning until a 15- day window opens.	Not outlined in law, aside from a retirement code provision, allowing for pension credit under certain circumstances.

REFORM OPPORTUNITIES

- Paycheck Protection
- Recertification
- Public Employees’ Bill of Rights

STATUTORY REFERENCES

24 P.S. §§ 11-1101-a – 11-1172-a (Teachers); 43 P.S. §§ 217.1 – 217.12 (Police and firefighters); §§ 1101.101 – 1101.2301 (Public Employee Relations Act).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2025–2026	HB 5133	Rep. David Bennett (D)	Requires the parties to a collective bargaining agreement covering firefighters to honor all provisions until a new agreement has been reached or an interest arbitration award is made.	Introduced; pending.
2025–2026	HB 5134	Bennett (D)	Requires the parties to a collective bargaining agreement covering municipal police to honor all provisions until a new agreement has been reached or an interest arbitration award is made.	Introduced; pending.
2025–2026	HB 5135	Bennett (D)	Provides for binding interest arbitration for municipal employees.	Introduced; pending.
2025–2026	HB 5187	Rep. Arthur Corvese (D)	Expands collective bargaining to include unions representing teaching assistants, research assistants, fellows, residential assistants, and proctors and gives labor board flexibility to defer unfair labor practice charges until after the grievance and arbitration process have moved forward.	Enacted.
2025–2026	HB 5227	Rep. John Edwards (D)	Ensures that certain Rhode Island Department of Education employees can collectively bargain over wages, terms of service, and dismissal and gives the department latitude to abrogate a collective bargaining agreement.	Enacted.
2025–2026	HB 5506	Rep. Robert Craven (D)	Permits private- and public-sector employees to refuse to attend meetings or listen to their employer concerning the employer's religious or political views, exempting religious and educational institutions.	Enacted.
2025–2026	HB 5530	Rep. Arthur Corvese (D)	Allows state employees to negotiate over longevity payments.	Introduced; pending.
2025–2026	HB 5944	Rep. Stephen Casey (D)	Expands statute requiring greater pay for weekend and holiday work to apply to any employee working under a collective bargaining agreement or employment contract, to municipal and state employees, and to any employer with 15 or more employees.	Introduced; pending.
2025–2026	HB 7040	Bennett (D)	Requires the parties to a collective bargaining agreement covering municipal police to honor all provisions until a new agreement has been reached or an interest arbitration award is made.	Enacted.
2025–2026	HB 7041	Bennett (D)	Requires the parties to a collective bargaining agreement covering firefighters to honor all provisions until a new agreement has been reached or an interest arbitration award is made.	Enacted.

Session	Bill No.	Sponsor	Summary	Status
2025–2026	HB 7042	Bennett (D)	Gives public employees, with exceptions for first responders, the right to strike.	Introduced; pending.
2025–2026	HB 7055	Corvese (D)	Allows state employees to negotiate over longevity payments.	Introduced; pending.
2025–2026	HB 7291	Casey (D)	Creates card check procedure for public employees.	Introduced; pending.
2025–2026	HB 7361	Rep. Evan Shanley (D)	Expands collective bargaining to unions representing home care workers.	Enacted.
2025–2026	HB 7440	Rep. Jenni Furtado (D)	Extends unemployment benefits to striking workers.	Introduced; pending.
2025–2026	HB 7768	Edwards (D)	Extends liability for employers' unfair labor practices to individuals acting directly or indirectly on the employers' behalf.	Introduced; pending.
2025–2026	HB 7967	Rep. Jon Brien (I)	Repeals prohibition on naming a particular healthcare provider in a collective bargaining agreement covering state employees.	Introduced; pending.
2025–2026	SB 124	Sen. Frank Ciccone (D)	Expands collective bargaining to include unions representing teaching assistants, research assistants, fellows, residential assistants, and proctors and gives labor board flexibility to defer unfair labor practice charges until after the grievance and arbitration process have moved forward.	Enacted.
2025–2026	SB 127	Ciccone (D)	Requires public employers to provide the union with an updated list of all represented employees, as well as their personal, contact, and demographic information, every 120 days.	Enacted.
2025–2026	SB 587	Sen. Jacob Bissaillon (D)	Extends unemployment benefits to striking workers.	Introduced; pending.
2025–2026	SB 743	Ciccone (D)	Allows state employees to negotiate over longevity payments.	Passed Senate; pending.
2025–2026	SB 754	Sen. David Tikoian (D)	Requires the parties to a collective bargaining agreement covering municipal police to honor all provisions until a new agreement has been reached or an interest arbitration award is made.	Passed Senate; pending.
2025–2026	SB 856	Ciccone (D)	Requires the parties to a collective bargaining agreement covering firefighters to honor all provisions until a new agreement has been reached or an interest arbitration award is made.	Passed Senate; pending.
2025–2026	SB 858	Sen. Brian Thompson (D)	Expands statute requiring greater pay for weekend and holiday work to apply to any employee working under a collective bargaining agreement or employment contract, to municipal and state employees, and to any employer with 15 or more employees.	Introduced; pending.
2025–2026	SB 912	Thompson (D)	Requires all charter schools to include a union neutrality clause in the charter.	Passed Senate; pending.

Session	Bill No.	Sponsor	Summary	Status
2025–2026	SB 987	Sen. Louis DiPalma (D)	Ensures that certain Rhode Island Department of Education employees can collectively bargain over wages, terms of service, and dismissal and gives the department latitude to abrogate a collective bargaining agreement.	Enacted.
2025–2026	SB 2174	Sen. Samuel Bell (D)	Repeals prohibition on naming a particular healthcare provider in a collective bargaining agreement covering state employees.	Passed Senate; pending.
2025–2026	SB 2319	Sen. Jessica de la Cruz (R)	Makes collective bargaining sessions for public school teachers open to the public.	Introduced; pending.
2025–2026	SB 2501	Sen. Stefano Famiglietti (D)	Allows state employees to negotiate over longevity payments.	Passed Senate; pending.
2025–2026	SB 2924	Thompson (D)	Creates card check procedure for public employees.	Passed Senate; pending.
2025–2026	SB 2925	Sen. John Burke (D)	Requires the parties to a collective bargaining agreement covering firefighters to honor all provisions until a new agreement has been reached or an interest arbitration award is made.	Enacted.
2025–2026	SB 3119	Tikoian (D)	Requires the parties to a collective bargaining agreement covering municipal police to honor all provisions until a new agreement has been reached or an interest arbitration award is made.	Enacted.

D = Democrat; R = Republican; I =Independent; HB = House Bill; SB = Senate Bill.

Rhode Island permits unions to organize public employees at all levels of government, with workplace-specific statutory provisions for most employees. In addition to collective bargaining laws specific to state employees (R.I. Gen. Laws §§ 36-11-1 – 36-11-13), Rhode Island has enacted special provisions for firefighters (R.I. Gen. Laws §§ 28-9.1-1 – 28-9.1-18), municipal police (R.I. Gen. Laws §§ 28-9.2-1 – 28-9.2-18), teachers (R.I. Gen. Laws §§ 28-9.3-1 – 28-9.3-16), municipal employees (R.I. Gen. Laws §§ 28-9.4-1 – 28-9.4-19), state police (R.I. Gen. Laws §§ 28-9.5-1 – 28-9.5-17), 911 employees (R.I. Gen. Laws §§ 28-9.6-1 – 28-9.6-16), and correctional officers (R.I. Gen. Laws §§ 28-9.7-1 – 28-9.7-17). Rhode Island also has separate laws reinforcing arbitration between public sector unions and public employers (R.I. Gen. Laws §§ 28-9-1 – 28-9-18), governing strikes (R.I. Gen. Laws §§ 28-10-1 – 28-10-14), and attending the bargaining process (R.I. Gen. Laws § 28-7-13.1). During a labor dispute, an expired contract is considered “evergreen” and allowed to remain in force past its expiration date (R.I. Gen. Laws §§ 28-9.1-17; R.I. Gen. Laws §§ 28-9.2-17).

Despite the number of statutory provisions governing public sector unions, Rhode Island exerts little direct authority over unions’ organizing, recognition, or collective bargaining activities, preferring instead to require private arbitration of most labor issues, with each side splitting the bill. The state labor board is merely tasked with overseeing representation elections for teachers and municipal employees (R.I. Gen. Laws §§ 28-9.3-5, 28-9.4-6) and hearing claims of unfair labor practices for firefighters, municipal police and employees, and teachers (R.I. Gen. Laws §§ 28-9.1-6, 28-9.2-6, 28-9.3-4, 28-9.4-5). For many employees, this means unions can secure entire workplaces without an election or accountability.

In 2025 and 2026, the Rhode Island General Assembly enacted a spate of union-friendly laws extending organizing rights to new government workplaces, expanding the scope of bargaining to cover additional terms of employment, and making it easier for union organizers to recruit new members. Most notably, Rhode Island now permits unions to organize graduate assistants and home care workers (Corvese 2025; Shanley 2026), making it the first state to codify explicit unionization rights for graduate assistants and the twelfth state to organize homecare workers (Schenker 2025). The bill organizing home care workers has already resulted in the unionization of 1,700 individuals and an increase in their wages (SEIU 1199NE 2025), yet reports indicate these wage increases have led to decreased hours and lower overall pay (Henderson 2026).

In 2018, in anticipation of the U.S. Supreme Court's *Janus* decision, Rhode Island enacted statutory provisions relieving firefighter and municipal police unions of the obligation to represent nonmembers in grievance and arbitration proceedings (R.I. Gen. Laws §§ 28-9.1-18(a), 28-9.2-18(a)). Although these employees are allowed to prosecute their grievances, they are still bound by collectively bargained grievance provisions, and their union officials are allowed to be present at any hearings (R.I. Gen. Laws §§ 28-9.1-18(b), 28-9.2-18(b)).

The following year, Rhode Island enacted a similar arrangement for teacher and municipal employee unions but without giving employees the right to prosecute their own grievances (R.I. Gen. Laws §§ 28-9.3-7(e), 28-9.4-8(f)). Instead, these unions appear to retain exclusive control over the grievance and arbitration process—yet charge nonmembers for representation costs. See R.I. Gen. Laws §§ 28-9.3-7(e), 28-9.4-8(f).

Duty of fair representation actions may be filed by public employees in the state court's original jurisdiction, subject to a three-year statute of limitations period. *See Lagana v. Int'l Bhd. of Elec. Workers*, 767 A.2d 666 (R.I. 2001); *McDonald v. Rhode Island Gen. Council ex rel. Pub. Serv. Emps. Local 1033 of Laborers Int'l Union of N. Am., AFL-CIO*, 505 A.2d 1176, 1178 (R.I. 1986); *Belanger v. Matteson*, 346 A.2d 124 (R.I. 1975). Punitive damages have been awarded for breach of the duty of fair representation in one case, but the Rhode Island Supreme Court has declined to address their availability in other cases (*Lundgren v. Pawtucket Firefighters Ass'n Local 1261*, 595 A.2d 808 (R.I. 1991)).

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized.	Secret ballot by a majority of those voting.	None.	Card check.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, limited fringe benefits, and other work conditions.	Required at impasse.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Authorized.	May charge fees to nonmembers for representation in grievance and arbitration procedures or refuse to represent them; access to employees and employee information.	None.	Not outlined in law.

REFORM OPPORTUNITIES

- Secret Ballot Protection
- Public Employees' Bill of Rights

STATUTORY REFERENCES

R.I. Gen. Laws §§ 28-9.1-1 – 28-9.1-18 (Firefighters); §§ 28-9.2-1 – 28-9.2-18 (Municipal police); §§ 28-9.3-1 – 28-9.3-16 (Teachers); §§ 28-9.4-1 – 28-9.4-19 (Municipal employees); §§ 28-9.5-1 – 28-9.5-17 (State police); §§ 28-9.6-1 – 28-9.6-16 (911 employees); §§ 28-9.7-1 – 28-9.7-17 (Correctional officers); §§ 36-11-1 – 36-11-13 (State employees).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2025–2026	HB 3734	Rep. Gilda Cobb-Hunter (D)	Permits political subdivisions, including school districts, the ability to adopt collective bargaining by ordinance or resolution and removes the prohibition on union dues deductions if the union engages in collective bargaining.	Introduced; pending.
2025–2026	SB 765	Sen. Mike Reichenbach (R)	Allows for dues payroll deductions for the South Carolina Wildlife Law Enforcement Officers Association, but it specifies that dues payroll deductions will cease if the organization engages in collective bargaining.	Enacted.

D = Democrat; R = Republican; HB = House Bill; SB = Senate Bill.

South Carolina prohibits collective bargaining in the public sector (*Branch v. City of Myrtle Beach*, 532 S.E.2d 289, 292 (S.C. 2000) (“Unlike private employees, public employees in South Carolina do not have the right to collective bargaining”)). Despite the prohibition on collective bargaining, however, some unions—most notably, the NEA-affiliated South Carolina Education Association (SCEA)—continue to operate as advocacy groups. Americans for Fair Treatment’s 2022 analysis of the SCEA’s tax filings indicated just under \$2 million in annual revenue, with approximately two-thirds of its revenue coming from union dues (Osborne and Holman 2024a, 53). The most recent filings by Palmetto State Teachers Association, a teacher advocacy group unaffiliated with any national organizations, show just over \$1.6 million in revenue (ProPublica 2026c). Meanwhile, the Bureau of Labor Statistics estimates show only 7.3 percent of all public employees call themselves “union members” (Hirsch, Macpherson, and Even 2026).

The SCEA successfully spearheaded a high-profile lawsuit against a recent school choice law creating Education Savings Accounts (ESAs) for parents and their students (SCEA 2023). The lawsuit, *Eidson v. S.C. Department of Education*, challenged the fund as violative of the state constitution, specifically its prohibitions on public funding of private institutions. The South Carolina Supreme Court ultimately sided with the union, concluding that the arrangement violated the state’s constitutional ban on public funds being used “for the direct benefit of any religious or other private educational institution.” (*Eidson v. S.C. Dep’t of Educ.*, 906 S.E.2d 345 (S.C. 2024)).

Earlier this year, South Carolina enacted a measure permitting another “association” the right to receive dues by public payroll deduction (Reichenbach 2026). Moreover, the state currently permits the SCEA, South Carolina Troopers Association, and South Carolina Wildlife Law Enforcement Officers Association to receive membership dues from public employees automatically (S.C. Code § 8-11-710 (2025)).

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Prohibited by caselaw.	N/A.	N/A.	N/A.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	N/A.	N/A.	N/A.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Authorized for certain membership dues, provided the union does not engage in collective bargaining.	N/A.	None.	Not outlined in law.

REFORM OPPORTUNITIES

- Statutory Ban on Collective Bargaining
- Paycheck Protection
- Public Employees' Bill of Rights

STATUTORY REFERENCES

S.C. Code § 8-11-83 (payroll deductions).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2026	HB 1217	Rep. John Hughes (R)	Prohibits union dues payroll deductions and the provision of employee information to unions without prior authorization, require unions to reimburse employers for release time expenses, prohibit employers from forcing employees to meet or interact with unions, prohibit employers from providing public resources to unions, and require equal access to other employee associations.	Passed committee; failed.
2025	HB 1166	Rep. Tony Randolph (R)	Creates criminal liability for union recruiters who make a credible threat of injury, damage to property, or loss of present or future employment, and prohibits picketing at an employee's home or in an obstructive manner.	Passed House; failed.
2025	SB 159	Sen. Sue Peterson (R)	Requires unions to disclose information to new members, publicly disclose how membership dues are spent, and disclose to prospective members how much membership dues are forwarded to other unions; permits members to resign union membership at any time.	Passed committee; failed.

R = Republican; HB = House Bill; SB = Senate Bill.

South Dakota permits unions to organize public employees at all levels of government (S.D. Codified Laws §§ 3-18-1 – 3-18-18). Like many other states' public sector labor statutes, South Dakota's law allows for exclusive representation (S.D. Codified Laws § 3-18-3) and unfair labor practices (S.D. Codified Laws §§ 3-18-3.1 – 3-18-3.4), but the state has tasked its Department of Labor and Regulation with promulgating regulations detailing many of these provisions. See S.D. Admin. R. 47:02:01:01 – 47:02:05:01.

In turn, the Department of Labor and Regulation has promulgated regulations for the conduct of representation elections, unfair labor practices, grievance procedures, and impasse resolutions. However, because these regulations are not clearly outlined in law, they are at greater risk of repeal. Among the rights currently protected under regulation are the right to a secret ballot representation election (S.D. Admin. R. 47:02:02:16, 47:02:02:21, 47:02:02:24) and to decertify one's union (S.D. Admin. R. 47:02:02:04.01). In fact, South Dakota appears to allow employees to file unit clarification petitions under its current decertification rule (S.D. Admin. R. 47:02:02:04.01(2)).

In 2020, South Dakota enacted a measure to prohibit collective bargaining at state universities overseen by the Board of Regents as well as teachers at state schools for the blind and deaf (S.D. Codified Laws § 13-49-39). Supporters of the measure cited the costs of the negotiation process (Mercer 2020). In 2022, a bill was introduced to prohibit collective bargaining among public school teachers as well, but it was withdrawn days later (Soye 2022; Warden 2022).

The South Dakota Supreme Court has held that “the scope of negotiations in the public sector is more limited than in the private sector” (*W. Cent. Educ. Ass’n v. W. Cent. Sch. Dist.* 49-4, 655 N.W.2d 916, 920 (S.D. 2002) (quoting *Rapid City Educ. Ass’n v. Rapid City Area Sch. Dist. No. 51-4*, 376 N.W.2d 562, 564 (S.D. 1985)). Not only must the subject of bargaining meet the statutory definition of “pay, wages, hours of employment, or other conditions of employment” (S.D. Codified Laws § 3-18-3), but it is non-negotiable if negotiating would “significantly impair the state’s ability to make policy decisions” (*W. Cent. Educ. Ass’n*, 655 N.W.2d at 920).

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized.	Secret ballot by a majority of bargaining unit.	None.	Voluntary recognition.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, some pension benefits, fringe benefits, hours, and other work conditions.	None.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Authorized.	None.	None.	Not outlined in law.

REFORM OPPORTUNITIES

- Paycheck Protection
- Recertification
- Public Employees’ Bill of Rights

STATUTORY REFERENCES

S.D. Codified Laws §§ 3-18-1 – 3-18-18 (Public employees).

RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2025–2026	HB 2226	Rep. Aron Maberry (R)	Ends “collaborative conferencing” and replace it with a meet and confer process that the local board of education has the option to refuse.	Introduced; failed.
2025–2026	SB 2445	Sen. Bill Powers (R)	Ends “collaborative conferencing” and replace it with a meet and confer process that the local board of education has the option to refuse.	Introduced; failed.

R = Republican; HB = House Bill; SB = Senate Bill.

Tennessee allows collective bargaining for unions representing certain public transportation-related employees (Tenn. Code § 7-56-102), but the state otherwise prohibits collective bargaining in the public sector. *See Simerly v. City of Elizabethton*, No. E200901694COAR3CV, 2011 WL 51737, at *13 (Tenn. Ct. App. Jan. 5, 2011) (“[A] municipality in this state cannot enter into a collective bargaining agreement with a labor union”).

Tennessee takes a unique approach to workplace representation for teachers. Tennessee’s Professional Educators Collaborative Conferencing Act of 2011 replaces the exclusive representative model generally used in collective bargaining with a multi-representative, “collaborative conferencing” model (Tenn. Code §§ 49-5-601 – 49-5-609). Briefly, under Tennessee’s collaborative conferencing model, employees are polled periodically as to which organization—including those affiliated with traditional labor unions—they wish to represent them, and any organization receiving over 15 percent support is entitled to select individuals who will serve on the employee panel (Tenn. Code § 49-5-605). Individuals not affiliated with an organization may also serve as proportionate representatives if employees select “unaffiliated” in the poll (Tenn. Code § 49-5-605(b)(5)). After a discussion between the local school board and the employee panel, the two may enter into a binding memorandum of understanding (MOU) governing terms and conditions of employment for all teachers (Tenn. Code § 49-5-609).

Since 2011, Tennessee prohibited payroll deductions for any “political activities” (Tenn. Code § 49-5-608(b)(6)) and broadly defined them to include lobbying, public opinion polling, political advertising, or engaging or paying another to engage in political communications, among other activities (Tenn. Code § 49-5-602(7)). The Attorney General observed that, under this provision, if a professional organization representing teachers secures payroll deductions of dues through collaborative conferencing, the organization cannot use those funds to engage in political activities (Tenn. Op. Atty. Gen. No. 16-22). In 2022, Tennessee voters approved a right-to-work constitutional provision that would solidify a public employee’s right against making union payments as a condition of employment in the event *Janus* is overturned (Tenn. Const. art. XI, § 19).

More recently, in 2023, Tennessee enacted a blanket prohibition, now known as the “Michael Maren Paycheck Protection Act,” keeping local school boards from deducting any dues for a professional organization (Tenn. Code § 49-2-123). The prohibition, which survived a legal challenge from the Tennessee Education Association (*Tenn. Educ. Ass’n v. Lee*, No. 23-0784-II, Tenn. Ch. 2023)), was accompanied by a pay raise for teachers (Tenn. Code § 49-3-306).

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized for certain transportation-related employees; “collaborative conferencing” permitted for teachers.	Secret ballot by a majority of those voting.	None.	None.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, fringe benefits, hours, and work conditions.	None.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Prohibited.	None.	For teachers and firefighters, dues authorizations can be revoked at any time.	Authorized.

REFORM OPPORTUNITIES

- Release Time Prohibition
- Public Employees’ Bill of Rights

STATUTORY REFERENCES

Tenn. Code § 7-56-102 (Public transportation); § 49-2-123 (Payroll deductions); §§ 49-5-601 – 49-5-609 (“Collaborative conferencing” for teachers).

RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2025	HB 2	Rep. Brad Buckley (R)	Among other provisions, permits teachers to have union alternative dues deducted from wages.	Enacted.
2025	HB 881	Rep. Senfronia Thompson (D)	Requires certain municipalities to adopt a progressive discipline system.	Introduced; failed.
2025	HB 1077	Rep. Lauren Ashley Simmons (D)	Permits collective bargaining generally and repeal prohibition on public sector strikes.	Introduced; failed.
2025	HB 1336	Rep. Briscoe Cain (R)	Prohibits school districts from deducting union dues or fees from teachers' wages.	Introduced; failed.
2025	HB 2175	Rep. Sergio Munoz (D)	Permits municipal police or firefighters to circulate petitions, including petitions for collective bargaining or meet and confer processes.	Introduced; failed.
2025	HB 3171	Rep. John Lujan (R)	Institutes arbitration and impasse procedures for municipalities.	Passed House; replaced by SB 777.
2025	HB 3648	Rep. Armando Walle (D)	Creates meet and confer process for sheriff's department employees in large counties.	Introduced; failed.
2025	HB 3977	Rep. Jon Rosenthal (D)	Authorizes collective bargaining for certain firefighters currently ineligible for collective bargaining.	Passed House; failed.
2025	HB 4065	Rep. John McQueeney (R)	Requires unresolved police and firefighter bargaining disputes to be submitted to binding interest arbitration.	Introduced; failed.
2025	HB 4525	Rep. Carl Tepper (R)	Prohibits union payroll deductions.	Introduced; failed.
2025	HB 5019	Rep. Giovanni Capriglione (R)	Prohibits union payroll deductions and replace them with deductions to state support system required to provide liability insurance and other services by contract.	Introduced; failed.
2025	SB 777	Sen. Bryan Hughes (R)	Institutes arbitration and impasse procedures for municipalities.	Enacted.
2025	SB 2330	Sen. Tan Parker (R)	Prohibits union payroll deductions.	Passed Senate; failed.

D = Democrat; R = Republican; HB = House Bill; SB = Senate Bill.

Texas allows collective bargaining with large cities (Tex. Loc. Gov't Code §§ 146.001 – 146.017) and all police and fire departments (Tex. Loc. Gov't Code §§ 174.001 – 174.253). Collective bargaining is otherwise prohibited in the public sector (Tex. Gov't Code Ann. § 617.002).

Texas' collective bargaining regime may be limited, but that does not mean it adequately protects public employees. For example, large cities for which collective bargaining is authorized may

voluntarily recognize the exclusive representative without an election, based entirely on a signed petition delivered by the union (Tex. Loc. Gov't Code § 146.004). Neither large cities nor police and fire departments have unfair labor practices that protect employees from pressure or coercion. Equally concerning, with both sets of laws, any collective bargaining agreement supersedes the law, including contrary state statutes (Tex. Loc. Gov't Code §§ 146.017, 174.005).

However, courts have held that public sector unions owe covered employees a duty of fair representation, and such claims may be filed in the court's original jurisdiction (*City of Fort Worth v. Davidsaver*, 320 S.W.3d 467, 477 & n.11 (Tex. Ct. App. 2010)). Unfortunately, however, they also appear to have adopted a six-month statute of limitations (*Diaz v. San Antonio Prof'l Fire Fighters Ass'n--IAFF Local 624*, 185 S.W.3d 37, 40 (Tex. Ct. App. 2005)).

According to the Texas Public Policy Foundation, state and local governments have found ways to advantage public sector union officials, notwithstanding the general prohibition on collective bargaining. For example, public school districts have adopted "exclusive consultation" policies that allow a single organization to represent employees in "meet and confer" sessions over educational and employment issues (Texas Public Policy Foundation 2018). An organization called "Education Austin" even describes itself as both a "labor union" and "consultation agent" and refers to exclusive consultation as synonymous with "meet and confer" (n.d.) The state also uses its public payroll system to deduct union dues from employees' paychecks (FMX n.d.).

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Prohibited, except for police and firefighters and for municipal workers in large cities.	Secret ballot by a majority of those voting.	None.	Card check.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, hours, fringe benefits, and other work conditions.	Required at impasse for public safety workers, such as police and firefighters	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Authorized.	None.	None.	Not outlined in law.

REFORM OPPORTUNITIES

- Paycheck Protection
- Recertification
- Public Employees' Bill of Rights

STATUTORY REFERENCES

Tex. Loc. Gov't Code §§ 146.001 – 146.017 (Certain cities); §§ 174.001 – 174.253 (Police and firefighters).

RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2026	SB 249	Sen. David P. Hinkins (R)	Enacts a comprehensive collective bargaining regime for public workplaces, complete with a new labor relations board, payroll deductions, unfair labor practice charges, and binding interest arbitration.	Introduced; failed.
2025 (Special Session)	HB 2001	Teuscher (R)	Repeals HB 267 (2025).	Enacted.
2025	HB 267	Rep. Jordan Teuscher (R)	Prohibits public sector bargaining, restricting use of public resources for union activities, required annual disclosures from unions receiving payroll dues deductions, and providing liability insurance to teachers.	Enacted; repealed by HB 2001.
2025	SB 168	Hinkins (R)	Enacts a comprehensive collective bargaining regime for public workplaces, complete with a new labor relations board, payroll deductions, unfair labor practice charges, and binding interest arbitration.	Introduced; failed.
2025	SB 327	Sen. Lincoln Fillmore (R)	Provides definitions and clarifications to HB 267.	Enacted but did not go into effect.

R = Republican; HB = House Bill; SB = Senate Bill.

Utah has not authorized collective bargaining in the public sector, except with respect to employees of the public transit system (Utah Code § 17B-2a-813) and firefighters (Utah Code §§ 34-20a-1 – 34-20a-9). Yet, some government employers have chosen to negotiate with a union or employee association, and state courts have upheld the government’s treatment of these organizations as exclusive representatives. *See, e.g., Park City Educ. Ass’n v. Bd. of Educ. of Park City Sch. Dist.*, 879 P.2d 267 (Utah Ct. App. 1994), *cert. denied*, 890 P.2d 1034 (Utah 1994). Public sector unions in Utah have also litigated—as purported representatives of public employees—against Utah government officials. *See, e.g., Utah Educ. Ass’n v. Shurtleff*, 565 F.3d 1226 (10th Cir. 2009); *Utah Pub. Emps. Ass’n v. State*, 131 P.3d 208 (Utah 2006).

In 2025, Utah enacted a bill in February prohibiting collective bargaining in the public sector while partially funding professional liability insurance for every public school teacher (Teuscher 2025a). However, after a national campaign led by the Utah Education Association gathered enough signatures to place a potential referendum against the law on the November 2026 ballot (Ruzanski 2025), Utah Gov. Spencer Cox called a special legislative session allowing its December 9 repeal (DiGregorio 2025; Teuscher 2025b). Just ahead of the repeal, the measure’s chief sponsor explained that he would work with union leaders, public employees, and others to “determine the best path forward” (Teuscher 2025c).

The setback followed years of successful labor reform. Most recently, Utah limited the types of public transit employees union organizers can include within the bargaining unit, carving

out certain supervisory, confidential, and managerial employees (Utah Code §§ 17B-2a-802, 17B-2a-813). Such a measure ensures that unions are not commandeering government and addresses potential conflicts of interest that may arise for union officials representing rank-and-file employees.

In 2011, Utah enacted a measure giving public employees the right to resign their union membership or join a union at any time, prohibiting unions from placing any time restrictions on one's right to resign or join a union, ending payroll deduction of union dues immediately upon an employee's request, and making employees' rights in this area unwaivable (Utah Code § 34-32-1).

Years before, in 2003, Utah enacted a provision to end public payroll deductions of union payments used for political purposes, broadly defined (Utah Code § 34-32-1.1). A teacher union challenged the measure in federal court, arguing that the restriction violated the union's free speech rights (*Utah Educ. Ass'n v. Shurtleff*, 565 F.3d 1226 (10th Cir. 2009)). However, the 10th Circuit ultimately upheld the law, with reference to the U.S. Supreme Court's approval of a similar law in Idaho, concluding that: "[p]reventing employees from making political contributions utilizing payroll deductions 'plainly serves the State's interest in separating public employment from political activities'" (*Utah Educ. Ass'n*, 565 F.3d at 1231 (quoting *Ysursa v. Pocatello Educ. Ass'n*, 555 U.S. 353, 361 (2009))).

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized for public transit employees and firefighters.	Not outlined in law.	None.	None.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, hours, pension benefits, fringe benefits, and other work conditions.	Required at impasse for firefighters.	Illegal for firefighters; otherwise unauthorized.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Authorized for dues collection; prohibited for political contributions.	None.	None.	Authorized for teachers, but subject to strict conditions.

REFORM OPPORTUNITIES

- Paycheck Protection (dues)
- Recertification
- Elimination of Release Time
- Public Employees' Bill of Rights

STATUTORY REFERENCES

Utah Code § 17B-2a-813 (Public transit); §§ 34-20a-1 – 34-20a-9 (Firefighters); § 34-32-1 (right to resign); § 34-32-1.1 (Payroll deductions).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2025–2026	P 3	Senate President Pro Tempore Philip Baruth (D)	Proposes a constitutional amendment giving all employees the right to organize and collectively bargain.	Adopted.
2025–2026	HB 173	Rep. Conor Casey (D)	Allows University of Vermont and Vermont State College employees to strike.	Introduced; failed.
2025–2026	HB 174	Casey (D)	Ends labor board jurisdiction over grievances and require that binding arbitration replace grievance appeals to the board as the final step in the grievance procedure.	Introduced; failed.
2025–2026	HB 234	Casey (D)	Allows unionization of adjunct faculty of the University of Vermont and Vermont State Colleges in a single bargaining unit.	Introduced; failed.
2025–2026	HB 256	Rep. Emilie Krasnow (D)	Allows unionization of supervisory employees within the Judiciary Department.	Introduced; failed.
2025–2026	HB 290	Krasnow (D)	Allows unionization of assistant attorneys general.	Introduced; failed.
2025–2026	HB 402	Rep. Gina Galfetti (R)	Allows unionization of supervisory municipal employees and support staff in municipal public safety departments.	Introduced; failed.
2025–2026	HB 485	Casey (D)	Gives unions representing state employees the right to strike.	Introduced; failed.
2025–2026	HB 548	Casey (D)	Creates state mediator position within the labor board to provide free mediation services at bargaining impasse.	Passed committee; failed.
2025–2026	HB 714	Casey (D)	Requires public employers to disclose use of AI and prevent any discharge, displacement, loss of hours or wages, or transfer of duties caused by AI.	Introduced; failed.
2025–2026	HB 858	Galfetti (R)	Creates statewide bargaining unit for all law enforcement and firefighters.	Introduced; failed.
2025–2026	HB 919	Rep. Troy Headrick (I)	Makes incarcerated individuals public employees for purposes of collective bargaining.	Introduced; failed.
2025–2026	SB 58	Rep. Patrick Brennan (R)	Sets law enforcement and firefighter salaries and require impact bargaining between the state and the Vermont State Employees Association.	Introduced; failed.
2025–2026	SB 125	Economic Development, Housing, and General Affairs Committee	Allows unionization of supervisory employees within the Judiciary Department and create a new procedure for decertification of existing unions.	Vetoed.

Session	Bill No.	Sponsor	Summary	Status
2025–2026	SB 145	Sen. Thomas Chittenden (D)	Allows unionization of assistant attorneys general.	Introduced; failed.
2025–2026	SB 228	Sen. Tanya Vyhovsky (D)	Makes remote, in-person, and hybrid work schedules a mandatory subject of bargaining.	Introduced; failed.
2025–2026	SB 264	Kesha Ram Hinsdale (D)	Allows unionization of assistant attorneys general.	Introduced; failed.
2025–2026	SB 292	Chittenden (D)	Allows University of Vermont and Vermont State College employees to strike.	Introduced; failed.

D = Democrat; R = Republican; P = Proposal; HB = House Bill; SB = Senate Bill.

Vermont permits unions to organize public employees at all levels of government, with several workplace-specific statutory provisions. Public sector unions representing most state and public university employees are governed by the State Employee Labor Relations Act (SELRA) (Vt. Stat. tit. 3, §§ 901 – 1008); employees of the state Judiciary Department employees are governed by the Judiciary Employees Labor Relations Act (JELRA) (Vt. Stat. tit. 3, §§ 1010 – 1044); public school teachers and administrators by the Labor Relations for Teachers Act (LRTA) (Vt. Stat. tit. 16, §§ 1981 – 2028); municipal employees by the Municipal Labor Relations Act (MLRA) (Vt. Stat. tit. 21, §§ 1721 – 1739); and all other public employees by the Vermont State Labor Relations Act (SLRA), (Vt. Stat. tit. 21, §§ 1501 – 1624). Vermont also unionized certain day care and home care workers as partial public employees (Vt. Stat. tit. 21, §§ 1631 – 1646; Vt. Stat. tit. 33, §§ 3601 – 3619).

This year, Vermont voters will be asked to approve or reject a legislatively referred constitutional amendment that would establish a state constitutional right for employees to organize and collectively bargain (Ballotpedia 2026b). The language of the proposed measure is nearly identical to the constitutional amendment adopted by Illinois in 2022, with the caveat that it does not refer to collective bargaining as a “fundamental” right (Ballotpedia 2022). However, like the Illinois amendment, Vermont’s measure includes similarly vague language and specifically preserves the right of unions to require union membership as a condition of employment.

This constitutional proposal follows years of legislation benefiting union executives. In 2024, Vermont enacted a statutory measure designed to help public sector union officials organize new government workplaces (2024 Vt. Acts & Resolves 117). The new law allows for “card check” instead of representation elections, specifically requiring the state labor board to certify a union as an exclusive representative if it can submit a petition for a proposed bargaining unit with over 50 percent of employees’ signatures (*Id.* at §§ 4 – 8). Beginning July 1, 2024, card check rules will allow public sector union officials to bypass a representation election under the SELRA, LRTA, and MLRA.

In 2020, Vermont passed a law empowering union officials in the wake of the U.S. Supreme Court’s *Janus* decision. The 2020 law gave union officials unprecedented access to employees and employee information in most government workplaces. Union officials now have the right to meet with each new employee for at least one hour for the stated purpose of “present[ing] information about the [union],” either during new employee orientation or one-on-one (Vt. Stat. tit. 3, §§ 909, 1022; Vt. Stat. tit. 16, § 1984; Vt. Stat. tit. 21, § 1738). The government is also required to send to union officials each employee’s name and personal contact information, including home address, cellphone numbers, and personal email address (Vt. Stat. tit. 3, §§ 910, 1023; Vt. Stat. tit. 16, § 1985; Vt. Stat. tit. 21, §§ 1646, 1739; Vt. Stat. tit. 33, § 3619).

The 2020 law also gave unions a statutory right to automatic membership dues deductions for all public sector union workplaces (Vt. Stat. tit. 3, §§ 903, 1012; Vt. Stat. tit. 16, § 1982; Vt. Stat. tit. 21, §§ 1645, 1737; Vt. Stat. tit. 33, § 3618). In keeping with *Janus*, however, the law also requires that public employers secure signed authorizations prior to deducting any union dues (*Id.*).

Finally, the 2020 law created a high-speed certification process for unions attempting to organize new government workplaces (Vt. Stat. tit. 3, § 941; Vt. Stat. tit. 16, § 1992; Vt. Stat. tit. 21, § 1724). For example, under the new process for state employee workplaces, the employer has just seven days to object to the union's proposed bargaining unit (Vt. Stat. tit. 3, § 941(c)(2)(A)(i)); the labor board has just 10 days to hold a hearing on the petition (Vt. Stat. tit. 3, § 941(d)(2)(A)); and the labor board must issue a decision as to the union's showing of interest five days after the hearing or post-hearing briefs (which also have a five-day deadline) are filed (Vt. Stat. tit. 3, § 941(d)(2)(D)). And if an election is necessary, it must be conducted within 23 days of the petition (Vt. Stat. tit. 3, § 941(e)).

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized.	Secret ballot by a majority of those voting.	None.	Card check and voluntary recognition.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, fringe benefits, hours, and other work conditions.	Required at impasse for judiciary employees. Permitted for teachers and municipal workers if both parties submit to arbitration.	Legal for teachers and municipal employees.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Authorized.	Access to employees, access to contact information, access to employee orientation.	None.	Not outlined in law.

REFORM OPPORTUNITIES

- Secret Ballot Guarantee
- Public Employees' Bill of Rights

STATUTORY REFERENCES

Vt. Stat. tit. 3, §§ 901 – 1008 (State employees); §§ 1010 – 1044 (Judiciary Department); tit. 16, §§ 1981 – 2028 (Teachers and administrators); tit. 21, §§ 1501 – 1624 (State Labor Relations Act); §§ 1631 – 1646 (Home care workers); §§ 1721 – 1739 (Municipal employees); tit. 33, §§ 3601 – 3619 (Day care workers).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2026–2027	HB 715	Del. Patrick Hope (D)	Allows unionization of certain county sheriff employees.	Passed committee; failed.
2026–2027	HB 1263	Del. Kathy Tran (D)	Creates state framework for unionization of public employees, including home care workers, and establish bargaining units for state employees.	Vetoed.
2026–2027	SB 32	Sen. Jennifer Carroll Foye (D)	Repeals right-to-work law.	Introduced; failed.
2026–2027	SB 378	Sen. Scott Surovell (D)	Creates state framework for unionization of public employees, including home care workers, and establish bargaining units for state employees.	Vetoed.
2026–2027	SB 433	Sen. Lamont Bagley (D)	Extends unemployment benefits to employees subjected to an employer lockout but not to employees represented by a union at fault for the work stoppage.	Enacted.
2024–2025	HB 2089	Del. Irene Shin (D)	Allows for the unionization of home care workers.	Passed House; failed.
2024–2025	HB 2495	Del. Alex Askew (D)	Allows unionization of firefighters and emergency medical service providers.	Passed House; failed.
2024–2025	HB 2764	Tran (D)	Creates state framework for unionization of public employees, complete with labor board, unfair labor practices, and binding arbitration.	Vetoed.
2024–2025	SB 917	Surovell (D)	Creates state framework for unionization of public employees, complete with a labor board, unfair labor practices, and binding arbitration.	Vetoed.
2024–2025	SB 964	Jennifer Carroll Foye (D)	Allows for the unionization of home care workers.	Passed committee; failed.
2024–2025	SB 1033	Sen. Stella Pekarsky (D)	Permits school boards and unions to agree to binding arbitration of disputes.	Passed committee; failed.
2024–2025	SB 1401	Sen. L. Louis Lucas (D)	Allows unionization of firefighters and emergency medical service providers.	Passed committee; failed.

D = Democrat; HB = House Bill; SB = Senate Bill.

In 2020, Virginia reversed a decades-old law prohibiting the unionization of government employees and enacted a unique framework for collective bargaining (Va. Code §§ 40.1-57.2 – 40.1-57.3). But instead of creating a state labor board or instituting statewide standards for organization, recognition, and bargaining, Virginia’s law pushed each of these responsibilities on local governments, including counties, municipalities, and school districts (Va. Code § 40.157.2(A)). Exclusive bargaining is still not legal in state employee workplaces.

This law, which went into effect in 2021, gave local governments the initial choice of whether to adopt collective bargaining (Va. Code § 40.1-57.2(A)). If they do, they must enact an ordinance adopting it as well as procedures for certifying unions as exclusive representatives (Va. Code § 40.1-57.2(A)). There is no requirement that local governments adopt collective bargaining or proactively address this matter.

But if union officials file a petition claiming support from a majority of employees in a proposed bargaining unit, local governments are forced to consider adopting collective bargaining (Va. Code § 40.1-57.2(C)). Although it can be rejected, the local government may have to entertain such petitions, perhaps repeatedly, from numerous proposed bargaining units within its jurisdiction.

Still, local governments have the power to reject collective bargaining or, if adopted, to impose whatever limits on collective bargaining they wish. For example, a local government adopting collective bargaining may limit the scope of bargaining, refuse “status quo” obligations, require periodic recertification, or provide any number of First Amendment protections for public employees against union officials. At least three Virginia Attorney General Opinions interpreting the law tend toward flexibility for the local government (2021 Op. Va. Att’y Gen. No. 21-093/21061 (Dec. 21, 2021); 2021 Op. Va. Att’y Gen. No. 21-071/21-061 (Dec. 10, 2021); 2021 Op. Va. Att’y Gen. No. 21-009 (March 1, 2021)). The Virginia Department of Labor and Industry has opined that “card check” would not comport with a separate state law requiring secret ballots in union representation disputes (DOLI n.d., 5).

In 2025 and again in 2026, the Virginia General Assembly passed measures designed to replace local-option collective bargaining with a more traditional, statewide collective bargaining regime, complete with a state labor board, unfair labor practices, and impasse resolution procedures (Surovell 2025, 2026). However, both Virginia Gov. Abigail Spanberger and her predecessor, former Gov. Glenn Youngkin, have each vetoed these measures, effectively maintaining the general prohibition on collective bargaining in the public sector (Dodson 2026; Woods, Cline, and Schmidt 2025). In his veto statement, Youngkin (2025) explained that the measure would have threatened the funding and delivery of government services and imposed large costs on the state, while Spanberger (2026) insisted that amendments were necessary—specifically, amendments that would have limited the bill to unionization of state employees, home care workers, and higher education employees.

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized only for local government employees.	Not outlined in law, determined locally; however, secret ballot is required by state law in the event of an election.	Not outlined in law, determined locally.	Not outlined in law, determined locally.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	No.	Not outlined in law, determined locally.	Not outlined in law, determined locally.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Not outlined in law, determined locally.	Not outlined in law, determined locally.	Not outlined in law, determined locally.	Not outlined in law, determined locally.

REFORM OPPORTUNITIES

- Repeal of Local-Option Collective Bargaining
- Public Employees' Bill of Rights

STATUTORY REFERENCES

Va. Code §§ 40.1-57.2 – 40.1-57.3 (Local government and school employees).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2025–2026	HB 1036	Rep. Lillian Ortiz-Self (D)	Requires that each college board of trustees include at least one member “from labor.”	Passed committee; failed.
2025–2026	HB 1068	Rep. Beth Doglio (D)	Allows certain correctional employee unions to engage in interest arbitration.	Enacted.
2025–2026	HB 1069	Rep. Mary Fosse (D)	Requires that correctional employee unions and employers bargain over supplemental retirement benefits but excludes the provision of such benefits from interest arbitration.	Enacted.
2025–2026	HB 1105	Fosse (D)	Requires a master collective bargaining agreement between unions representing correctional office employees and the governor or his designee.	Enacted.
2025–2026	HB 1141	Ortiz-Self (D)	Gives public employment relations board jurisdiction over cannabis workers.	Enacted.
2025–2026	HB 1182	Rep. Dave Paul (D)	Grants interest arbitration to certain parks and recreation commission employees.	Passed committee; failed.
2025–2026	HB 1264	Rep. Jake Fey (D)	Adjusts salaries of ferry system employees in part based on union input.	Enacted.
2025–2026	HB 1398	Rep. Shaun Scott (D)	Altered factors considered in interest arbitration involving adult family-home providers.	Introduced; failed.
2025–2026	HB 1570	Rep. Joe Timmons (D)	Allows for the unionization of nonacademic student employees at Western Washington University.	Enacted.
2025–2026	HB 1622	Rep. Lisa Parshley (D)	Allows bargaining over use of artificial intelligence.	Passed House; failed.
2025–2026	HB 2091	Rep. Julia Reed (D)	Requires all public employers to provide identifying information about employees to unions.	Enacted.
2025–2026	HB 2190	Rep. Julio Cortes (D)	Expands the scope of bargaining for state-employed language interpreters to include bargaining over payments or reimbursements for missed or canceled appointments and determines that collective bargaining agreements prevail over executive order, administrative rule, or agency policy.	Passed committee; failed.
2025–2026	HB 2409	Rep. Sharlett Mena (D)	Gives public employment relations board jurisdiction over agricultural employees.	Introduced; failed.
2025–2026	HB 2622	Rep. David Stuebe (R)	Allows interest arbitrators to consider wages, hours, and terms of employment for personnel based on that given to similar personnel in other, similarly-sized states.	Introduced; failed.

Session	Bill No.	Sponsor	Summary	Status
2025–2026	HB 2630	Fosse (D)	Prohibiting adoption of state employment classification plans until negotiation with appropriate unions and addition as a mandatory subject of bargaining job classifications and descriptions.	Introduced; failed.
2025–2026	HB 2712	Rep. Matt Marshall (R)	Requires school districts to open collective bargaining sessions to the public.	Introduced; failed.
2025–2026	SB 5039	Sen. Steve Conway (D)	Allows certain corrections employee unions to engage in interest arbitration.	Passed committee; failed.
2025–2026	SB 5041	Sen. Marcus Riccelli (D)	Disqualifies striking employees from receiving unemployment benefits if the strike is prohibited by state or federal law but reinstates benefits after disqualification ends and a one-week waiting period has elapsed.	Enacted.
2025–2026	SB 5044	Sen. Bill Ramos (D)	Allows correctional employee unions and employers to bargain over supplemental retirement benefits.	Passed committee; failed.
2025–2026	SB 5119	Sen. T'wina Nobles (D)	Expands collective bargaining to include employees enrolled in academic or certificate programs at Central Washington University, Eastern Washington University, Western Washington University, or The Evergreen State College.	Introduced; failed.
2025–2026	SB 579	Sen. Derek Stanford (D)	Grants interest arbitration to certain parks and recreation commission employees.	Passed committee; failed.
2025–2026	SB 5415	Sen. Chris Gildon (R)	Prevents the implementation of a collective bargaining agreement for public employees if the governor proposes to pay for the agreement by raising taxes or withdrawing funds from the budget stabilization account.	Introduced; failed.
2025–2026	SB 5422	Sen. Jessica Bateman (D)	Allows bargaining over use of AI.	Introduced; failed.
2025–2026	SB 5433	Ramos (D)	Requires a master collective bargaining agreement between unions representing correctional office employees and the governor or his designee.	Passed committee; failed.
2025–2026	SB 5503	Sen. Javier Valdez (D)	Requires labor board to consider reorganizing existing bargaining units when new unionization attempt involves an inappropriate bargaining unit and allows unions representing multiple bargaining units to petition for consolidation.	Enacted.
2025–2026	SB 5653	Sen. Mike Chapman (D)	Adds lieutenants and captains of the Department of Fish and Wildlife to the list of fish and wildlife employees appropriate for unionization.	Enacted.

Session	Bill No.	Sponsor	Summary	Status
2025–2026	SB 5544	Sen. Adrian Cortes (D)	Expands the scope of bargaining for state-employed language interpreters to include bargaining over payments or reimbursements for missed or canceled appointments and determines that collective bargaining agreements prevail over executive order, administrative rule, or agency policy.	Enacted.
2025–2026	SB 6045	Sen. Rebecca Saldana (D)	Gives public employment relations board jurisdiction over agricultural employees.	Passed committee; failed.
2025–2026	SB 6134	Sen. Curtis King (R)	Requires notice to striking workers when they apply for unemployment benefits that, if retroactive pay is secured in a collective bargaining agreement, workers will be assessed for overpayment.	Enacted.
2025–2026	SB 6135	King (R)	Directs interest arbitrators to consider the financial ability of an employer to pay.	Introduced; failed.

D = Democrat; R = Republican; HB = House Bill; SB = Senate Bill.

Washington broadly allows for collective bargaining in the public sector through the Public Employees’ Collective Bargaining Act (PECBA) (Wash. Rev. Code §§ 41.56.010 – 41.56.900) and several other provisions specific to teachers (Wash. Rev. Code §§ 41.59.010 – 41.59.940), state employees (Wash. Rev. Code §§ 41.80.001 – 41.80.911), and community college faculty (Wash. Rev. Code §§ 28b.52.010 – 28b.52.900). Washington has also unionized interpreters and certain child-care and adult day care workers as partial public employees. See Wash. Rev. Code §§ 41.56.028, 41.56.029, and 41.56.510.

Washington’s public sector union officials have lobbied for—and secured—several important measures that help them recruit and retain new members since the U.S. Supreme Court’s *Janus* decision in 2018. For example, in 2019, union officials rewrote the statutory rules for securing payroll deduction authorization from employees, allowing them to secure such authorization electronically or by “recorded voice,” at the same time requiring the government to rely exclusively on union officials for a list of employees from whom authorizations had been obtained (Wash. Rev. Code §§ 41.56.110, 41.56.113, 41.59.060, 41.76.045, 41.80.100, 47.64.160, 49.39.080). Although the 2019 law also eliminated agency shop language throughout Washington’s labor laws, it included provisions that made it more difficult for employees to revoke their authorizations.

More recently, in 2023 and again in 2025, Washington gave union officials access to public employees’ personal contact information (Wash. Rev. Code §§ 41.56.035, 41.59.200, 28B.52.230, 41.80.075). Now, every four months, the government is required to give the union at least each public employee’s home address, home and cellphone numbers, and personal email addresses, with additional information available via collective bargaining (Wash. Rev. Code § 41.56.035(6)(b)). In the months before *Janus*, union officials had already secured the right to unsupervised time—at least 30 minutes—with new public employees, either one-on-one or during orientation (Wash. Rev. Code §§ 41.56.037, 28B.52.027, 41.59.068, 41.76.013, 41.80.083, 47.64.137, 49.39).

Washington also continues to pioneer the expansion of new collective bargaining rights to workplaces previously regarded as inappropriate for unionization, as it did with home care and day care workers years ago. For example, in 2022, Washington authorized collective

bargaining for employees of the legislature, complete with automatic dues deductions, unfair labor practices, and binding arbitration (Wash. Rev. Code §§ 44.90.010 – 44.90.900).

These trends continued in the most recent legislative session, where the Washington Legislature continued to enact bills extending collective bargaining, expanding the scope of bargaining, and adding to the size of individual bargaining units. Washington added nonacademic student workers to the list of employees who can now collectively bargain (Croteau 2026), and it enacted several measures designed to consolidate bargaining units (Fosse 2025; Smith 2025), arguably improving the bargaining position of unions representing disparate bargaining units against the same public employer.

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized.	Secret ballot election by a majority of those voting.	None.	Card check for most workplaces.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Wages, some pension/fringe benefits, hours, and other work conditions.	Yes, for police, firefighters, public transit, and other uniformed personnel.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Authorized.	Access to employees, access to contact information, and access to employee orientation.	Opt-out windows authorized.	Authorized.

REFORM OPPORTUNITIES

- Secret Ballot Guarantee
- Open Meeting Requirements for Negotiations
- Public Employees' Bill of Rights

STATUTORY REFERENCES

Wash. Rev. Code §§ 28b.52.010 – 28b.52.900 (Community college faculty); §§ 41.56.010 – 41.56.900 (Public Employees' Collective Bargaining Act); §§ 41.59.010 – 41.59.940 (Teachers); §§ 41.80.001 – 41.80.911 (State employees).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2026	HB 5542	Rep. Sean Hornbuckle (D)	Repeals the state right-to-work law.	Introduced; failed.
2026	SB 115	Sen. Joey Garcia (D)	Repeals the state right-to-work law.	Introduced; failed.
2025	SB 555	Sen. Eric Tarr (R)	Prohibits state and local governments from entering into any agreement or contract with a union.	Introduced; failed.
2025	SB 636	Garcia (D)	Repeals the state right-to-work law.	Introduced; failed.

D = Democrat; R = Republican; HB = House Bill; SB = Senate Bill.

West Virginia has not statutorily authorized collective bargaining in the public sector. Nevertheless, union officials have a significant foothold in West Virginia’s public sector workplaces. Three unions—the West Virginia Education Association (WVEA), AFT West Virginia (AFT-WV), and the West Virginia School Service Personnel Association (WVSSPA)—claim to represent tens of thousands of West Virginia Teachers. In 2025, WVEA and AFT-WV merged into one union called “Education West Virginia,” which today represents the majority of teachers in the state and leaves the more militant WVSSPA, which played a large role in the 2018–19 teacher strikes, on its own.

The only legal authorities in West Virginia that would allow for unionization of public employees come in the form of opinions from the West Virginia Attorney General’s Office. *See, e.g.,* 55 W. Va. Op. Att’y Gen. 300 (1974); 49 W. Va. Op. Att’y Gen. 448 (1962). In those opinions, the Attorney General wrote that, while public employees did not have a right to “collective bargaining,” governmental bodies could still elect to “recognize” and “negotiate” with a union over terms and conditions of employment (55 W. Va. Op. Att’y Gen. 300, at *9; 49 W. Va. Op. Att’y Gen. 448, at *5).

These and other Attorney General opinions—and West Virginia’s Supreme Court (*Jefferson Cnty. Bd. of Educ. v. Jefferson Cnty. Educ. Ass’n*, 393 S.E.2d 653, 659 (W. Va. 1990))—have made clear that public employees do not have a right to strike. *See, e.g.,* 63 W. Va. Op. Att’y Gen. 27 (1990); 60 W. Va. Op. Att’y Gen. 101 (1983). However, teachers in West Virginia have called strikes periodically for decades, most recently in 2018 and 2019, with relative success (Bidgood 2018; Goldstein 2019). As a result, in 2021, West Virginia enacted a measure to make participating in a strike grounds for termination and a mandatory reduction in pay (W. Va. Code § 18-5-45a).

In 2021, West Virginia enacted the “West Virginia Paycheck Protection Act,” which ended the practice of deducting union payments from public employees’ wages using the public payroll system (W. Va. Code §§ 7-5-25, 8-5-12, 12-3-13b, 18A-4-9, 21-5-1). After it was enacted, several unions sued, claiming that the measure violated their constitutional rights, and initially secured an injunction against its enforcement (*Justice v. W. Va. AFL-CIO*, 866 S.E.2d 613 (W. Va. 2021)). However, the West Virginia Supreme Court ultimately dissolved the injunction, holding that the unions were unlikely to succeed on the merits of their constitutional claims (*Id.*).

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Not authorized but not prohibited.	Not outlined in law.	None.	None.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	No.	Not outlined in law.	None.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Not authorized.	None.	Right to resign.	Not outlined in law.

REFORM OPPORTUNITIES

- Collective Bargaining Prohibition
- Public Employees' Bill of Rights

STATUTORY REFERENCES

W. Va. Code § 18-5-45a (Strikes).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2025–2026	AB 999	Rep. Lisa Subeck (D)	Allows collective bargaining for certain University of Wisconsin Hospitals and Clinics Authority employees.	Introduced; failed.
2025–2026	AB 1052	Rep. Shae Sortwell (R)	Mandates that union nonmembers are not entitled to union benefits outside of the collective bargaining agreement.	Introduced; failed.
2025–2026	AB 1200	Rep. Lee Snodgrass (D)	Prohibits unions, as well as corporations, cooperative associations, and Native American tribes from making political contributions directly to political parties or candidates, effectively limiting them to independent expenditures only.	Introduced; failed.
2025	SB 579	Sen. Chris Larson (D)	Revises various collective bargaining statutes applicable to employees of the University of Wisconsin, including requiring maintenance of membership and fair share fee provisions to be approved by secret ballot election of covered employees and requiring a majority of the bargaining unit in representation elections, among other changes.	Introduced; failed.
2025	SB 965	Sen. Jeff Smith (D)	Allows collective bargaining for certain University of Wisconsin Hospitals and Clinics Authority employees, allow employees to petition for rather than elect a union, and give unions access to employee information, communication channels, and orientation sessions.	Introduced; failed.
2025	SB 1156	Sen. Chris Larson (D)	Prohibits unions, as well as corporations, cooperative associations, and Native American tribes from making political contributions directly to political parties or candidates, effectively limiting them to independent expenditures only.	Introduced; failed.

D = Democrat; R = Republican; AB = Assembly Bill; SB = Senate Bill.

Wisconsin's public sector union officials have the right to collectively bargain (Wisc. Stat. §§ 111.70 – 11.94) but have attempted in recent years to reclaim what they believe is lost ground after Act 10.

Act 10 (Wisconsin State Legislature 2011), also known as the Budget Adjustment Act (Karls-Ruplinger, Rose, and Schmidt 2011), introduced four basic reforms to public sector collective bargaining in Wisconsin that are still relevant today: limits to the scope of bargaining, union recertification election requirements, an end to payroll deduction of union dues, and elimination of interest arbitration. Some studies have suggested that the reforms improved teacher quality and student outcomes (Biasi 2021), while others have suggested the opposite (Baron 2017).

Public sector union officials have resumed their legal attacks on Act 10, and one county court judge sided with public sector unions before being overturned this year by a Wisconsin appellate

court but has since been appealed to the state supreme court (*Abbotsford Ed. Ass’n v. Wis. Emp. Relations Comm’n*, 2026 WI App __ (July 29, 2026)).

Years ago, Act 10 survived several lawsuits brought in federal court by public sector union officials raising similar claims under the U.S. Constitution (*Laborers Local 236, AFL-CIO v. Walker*, 749 F.3d 628, 638 (7th Cir. 2014); *Wisc. Educ. Ass’n Council v. Walker*, 705 F.3d 640 (7th Cir. 2013); *Madison Teachers, Inc. v. Walker*, 851 N.W.2d 337, 385 (Wisc. 2014)). At that time, the central claims—that Act 10 violated unions’ First Amendment and equal protection rights—were roundly rejected. As these courts recognized, Act 10 did not prevent unions from forming, meeting, or organizing, and the distinction between first responders and other public sector unions was not irrational.

Despite union officials’ claims, Wisconsin’s public employees have experienced increased levels of self-determination since Act 10. In the ten years following Act 10, more than one-third of Wisconsin’s public sector unions failed to win recertification elections (WERC 2024), and union membership declined by 5.5 percent (Johnson 2021). Accountability for public sector union officials has benefited taxpayers and students, enabling the state to resolve its fiscal crisis, make tax cuts for families and businesses, and adopt school choice reforms (Benfield and Stelle 2022). A recent study found that eliminating Act 10 would also have tremendous costs for school districts statewide, which would have to take on \$1.6 billion in increased costs annually (Flanders 2024).

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized.	Secret ballot election by majority of the bargaining unit.	Annual recertification must be secured in a secret ballot election by a majority of the bargaining unit.	None.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes.	Limited to base wages only, except for public safety workers.	Required at impasse once requested by municipal or public safety workers.	Illegal.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Authorized only for public safety workers.	None.	None.	Not outlined in law.

REFORM OPPORTUNITIES

- Collective Bargaining Prohibition
- Public Employees’ Bill of Rights

STATUTORY REFERENCES

Wisc. Stat. §§ 111.70 – 111.77 (Municipal employees); §§ 111.80 – 111.94 (State employees).



RECENT LEGISLATION

Session	Bill No.	Sponsor	Summary	Status
2026	HB 178	Rep. JD Williams (R)	Prohibits payroll deductions of union dues, fees, assessments, fines, and political contributions.	Vetoed.

R = Republican; HB = House Bill.

Wyoming does not statutorily authorize collective bargaining in the public sector except in the context of city, town, or county fire departments (Wyo. Stat. §§ 27-10-101 – 27-10-109). The Wyoming Attorney General has opined that most other governmental bodies in Wyoming cannot enter into collective bargaining agreements because they lack “expressed, specific authority” to collectively bargain (1999 Wyo. Op. Att’y Gen. 1 (1999)).

Nevertheless, the Wyoming Attorney General has long held the position that school districts are permitted—though not required—to enter into collective bargaining agreements with teacher unions (1978 Wyo. Op. Atty. Gen. 157 (1978)). In the Attorney General’s opinion, the Wyoming Education Code provides sufficient authority for collective bargaining, in that it permits local school boards to “[e]nter 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” (Wyo. Stat. § 21-3-111(a)(iii)).

Wyoming’s National Education Association affiliate, the Wyoming Education Association (WEA), has been a major player in recent litigation over public school funding. *See, e.g., Campbell Cnty. Sch. Dist. v. State*, 181 P.3d 43 (Wyo. 2008); *State v. Campbell Cnty. Sch. Dist.*, 32 P.3d 325 (Wyo. 2001); *Campbell Cnty. Sch. Dist. v. State*, 907 P.2d 1238 (Wyo. 1995). In the most recent iteration of school funding lawsuits, the WEA took the lead, suing the state and arguing that it failed to adequately update and fund public schools in keeping with Wyoming Supreme Court decisions (*Wyo. Educ. Ass’n v. State*, 2022-CV-200-788 (Wyo. Dist. Ct. filed Aug. 18, 2022)).

Another union, the Wyoming Public Employees Association, SEIU Local 1990, claims to represent “all Wyoming State Agency Employees,” though the scope of its representation is unclear (WPEA n.d.). The organization’s most recently available tax filing indicates just \$235,870 in dues revenue, with \$65,372 of that amount sent to the SEIU (WPEA 2024).

GOVERNMENT UNION LEGITIMACY	STATUS OF COLLECTIVE BARGAINING	ELECTION PROCESS	RECERTIFICATION PROCESS	REPRESENTATION ELECTION BYPASSES
	Authorized only for firefighters and teachers.	Not outlined in law.	None.	None.
FORCED BARGAINING	DUTY TO BARGAIN	SCOPE OF BARGAINING	ARBITRATION REQUIREMENTS	STATUS OF STRIKES
	Yes for firefighters.	Wages, hours, fringe benefits, and work conditions.	None.	Not outlined in law.
UNION SUBSIDIES	PAYROLL DEDUCTIONS	MEMBER RECRUITMENT BOOSTS	STATUTORY RESIGNATION PROVISIONS	RELEASE TIME
	Not outlined in law.	None.	None.	Not outlined in law.

REFORM OPPORTUNITIES

- Recertification
- Paycheck Protection
- Public Employees' Bill of Rights

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Appendix I: Glossary of Labor Terms

Agency fee: Also known as a “fair share fee.” Before *Janus*, it represented the portion of dues a union may require nonmember employees to pay as a condition of employment. The fee was meant to cover core aspects of union representation and collective bargaining while promising to relieve nonmembers of the obligation to subsidize the union’s political agenda. The U.S. Supreme Court’s 2018 *Janus* decision made fair share fees unconstitutional in the public sector because they violate workers’ First Amendment rights.

Agency shop: A workplace that imposes an agency fee arrangement on workers who are not union members.

Bargaining unit: The term for employees grouped for collective bargaining. Typically, labor boards define the scope of the bargaining unit based on a “community of interest,” including salary arrangements and working conditions shared by certain workers.

Card check: The process by which a union becomes the official representative of workers by collecting authorization cards from a majority of workers in a bargaining unit. There are two types: mandatory and optional card checks.

Mandatory card check: A public employer must recognize a union as exclusive representative when presented with such a majority of employee signatures.

Optional card check: A public employer may decline to recognize a union when presented with such a request and, instead, ask the relevant state or local administrative agency for a workplace election.

Certification: The process by which a union becomes the official, usually exclusive, representative of workers in a bargaining unit. May occur through card check or election.

Collective bargaining: The formal process by which a union negotiates legally binding employee compensation and work conditions with a government agency.

Dues deductions: Also known as “dues checkoff.” The written authorization an employee gives an employer to deduct union dues from payroll. In many states, workers may also be asked to authorize the payroll deduction of union political action committee contributions by unions.

Fact finding: Usually the second step in resolving a contract negotiation impasse. It involves a third party formally gathering detailed information such as comparable employee wages and benefits, the rate of inflation, and an employer’s ability to pay compensation increases. The fact finder may also recommend nonbinding solutions.

Exclusive representative: The designation for a single labor union or employee organization that is permitted to represent all workers in a bargaining unit.

Interest arbitration: Usually the third step and/or last resort in resolving a contract negotiation impasse. It is typically a binding process by which a third party rules on final terms of a collective bargaining agreement when a union and employer have reached an impasse in negotiations.

Mediation: Typically the first step in resolving a contract negotiation impasse. A third party facilitates discussion between the employer and union to help them reach a voluntary agreement.

Maintenance of membership: The requirement that an employee, who is a union member, must maintain that membership for the duration of a collective bargaining agreement, a year, or some other specified period. Resigning outside of the designated window is not allowed.

Meet and confer: Refers to a more informal process by which an employer and union discuss compensation and work conditions. The terms of the resulting agreement may not be legally binding, but in practice, the process and the nature of the agreement are often very similar to collective bargaining.

Paycheck protection: The prohibition against government payroll deductions of certain union payments. It may refer only to bans on collecting direct political contributions or political action committee money. However, it may also refer to prohibitions on collecting union dues.

Release time: Also known as official time. The practice by which union officials receive paid time off from their government jobs to perform union business during work hours. It may occur with or without reimbursement from the union to the government entity.

Right to work: A protection that prohibits any employer-union arrangement wherein a worker can be forced to join a union or pay union dues or fees. There are now 26 right-to-work states.

Unfair labor practice: An enumerated violation of labor law. Charges of unfair labor practices are usually filed with a state labor board, which has the power to further investigate, hold hearings, and issue certain remedies.

APPENDIX II: Summary of State Public Sector Labor Laws

State	Note	Grade	Are public sector strikes legal?	Right-to-Work?	Can a union require a public employer to collect membership dues?	Can a union require a public employer to collect political money?	What items may be negotiated in collective bargaining?	Does state law authorize collective bargaining?	Is there a duty to bargain?
Alabama		B	Illegal.	Yes.	Yes, unless the union uses "any portion of the dues for political activity."	No.	Not outlined in law.	Yes, for state and municipal firefighters. Not authorized for other employees.	No.
Alaska		D	Legal for some.	No.	Yes.	Yes.	Wages, fringe benefits, hours, other work conditions.	Yes.	Yes.
Arizona		B	Illegal.	Yes.	Yes.	Yes.	Not outlined in law.	Yes for public safety employees. No prohibition for other employees.	No.
Arkansas		A+	Illegal.	Yes.	Not for teachers.	Not for teachers.	Wages, other work conditions.	Prohibited, except for public safety employees.	No.
California		F	Legal except for public safety employees.	No.	Yes.	Yes.	Wages, pension benefits, fringe benefits, hours, other work conditions.	Yes.	Yes.
Colorado		D	Illegal for firefighters, state, and county employees. Legal for teachers and local government workers.	No.	Yes.	Yes.	Wages, fringe benefits, hours, other work conditions.	Yes.	Yes.
Connecticut		D	Illegal.	No.	Yes.	Yes.	Wages, fringe benefits, hours, other work conditions.	Yes.	Yes.

How are unions certified?	Are there mandatory recertification elections?	Notable Powers of Exclusive of Representatives	Is union release time statutorily authorized?	Are membership opt-out windows statutorily authorized?	Do union members have a right to resign?	Are union contract negotiations open to the public?	Is binding arbitration required during collective bargaining impasses?	Statutory Reference
Not outlined in law.	No.	Not outlined in law.	No.	No.	Not statutorily recognized.	Not specified.	No.	Ala. Code § 11-43-143 (Firefighters).
Voluntary recognition via card check or secret ballot election.	No.	None outlined in law.	No.	No.	Not statutorily recognized.	May be closed.	Yes.	Alaska Stat. §§ 23.40.070 – 23.40.260 (Public Employee Relations Act).
Not outlined in law.	No.	Not outlined in law.	No, union release time is explicitly prohibited.	No.	Not statutorily recognized.	Not specified.	Not outlined in law.	Ariz. Stat. § 23-1431 (Release time).
Not outlined in law.	No.	Teachers cannot be required or coerced into meeting with union officials.	No.	No.	Not statutorily recognized.	Not specified.	Not outlined in law.	Ark. Stat. §§ 21-1-801– 21-1-804 (Law enforcement and firefighters).
Card check permitted by law.	No.	Access to employees, access to contact information, access to employee orientation.	Yes.	Yes.	No.	May be closed.	Yes, once requested by law enforcement and firefighters.	Cal. Gov't Code §§ 3500 – 3511 (Local governments); §§ 3512 – 3524 (State employees); §§ 3524.50 – 3524.81 (Judicial system employees); §§ 3540 – 3549.3 (Public schools); §§ 3550 – 3553 (Enhanced penalties for employer); §§ 3555 – 3559 (Employee access); §§ 3560 – 3599 (Higher education); §§ 71600 – 71675 (Trial court employees) §§ 71800 – 71829 (Trial court interpreters);
Card check permitted for state workers, secret ballot for county workers.	No.	Access to employees, access to contact information, access to employee orientation.	No.	No.	Not statutorily recognized.	Must be open for schools; may be closed for other agencies.	No.	Colo. Rev. Stat. §§ 8-3.3-101 – 8-3.3-116 (County employees); §§ 24-50-1101 – 24-50-1117 (State employees); §§ 29-33-101 – 29-33-105 (Local government employees).
Voluntary recognition via card check or secret ballot election.	No.	Access to employees, access to contact information, access to employee orientation.	No.	No.	Not statutorily recognized.	No.	Yes.	Conn. Gen. Stat. §§ 5-270 – 5-280 (State employees); §§ 7-467 – 7-479 (Municipal employees); §§ 10-153 – 10-153o (Teachers).

APPENDIX II: Summary of State Public Sector Labor Laws (CONT'D)

State	Note	Grade	Are public sector strikes legal?	Right-to-Work?	Can a union require a public employer to collect membership dues?	Can a union require a public employer to collect political money?	What items may be negotiated in collective bargaining?	Does state law authorize collective bargaining?	Is there a duty to bargain?
Delaware		D	Illegal.	No.	Yes.	Yes.	Wages, fringe benefits, hours, other work conditions.	Yes.	Yes.
Florida		A	Illegal.	Yes.	No, with exception for public safety employees.	No, with exception for public safety employees.	Wages, pension benefits, fringe benefits, hours, other work conditions.	Yes.	Yes.
Georgia		A+	Illegal.	Yes.	Not outlined in law.	Not outlined in law.	Wages, hours, other work conditions.	Prohibited, except for firefighters.	Yes, for firefighters.
Hawaii		D-	Legal.	No.	Yes.	Yes.	Wages, fringe benefits, hours, other work conditions.	Yes.	Yes.
Idaho		A	Illegal.	Yes.	No.	No.	Wages, hours, employment terms.	Yes, for firefighters and teachers. No prohibition for other employees.	Yes.
Illinois		F	Legal except for public safety employees.	No.	Yes.	Yes.	Wages, hours, and working conditions, economic welfare, safety at work.	Yes, collective bargaining is a fundamental right.	Yes.
Indiana	Note: Ind. Code § 20-29 is currently permanently enjoined due to ongoing litigation. The injunction is being appealed.	A+	Illegal.	Yes.	No for state workers, yes for teachers.	No for state workers, yes, for teachers.	Wages, fringe benefits, hours.	Yes, with prohibition for state employees.	Yes.
Iowa		A	Illegal.	Yes.	No.	No.	Limited to base wages only, except for public safety workers.	Yes.	Yes.

How are unions certified?	Are there mandatory recertification elections?	Notable Powers of Exclusive Representatives	Is union release time statutorily authorized?	Are membership opt-out windows statutorily authorized?	Do union members have a right to resign?	Are union contract negotiations open to the public?	Is binding arbitration required during collective bargaining impasses?	Statutory Reference
Card check or secret ballot election only.	No.	Access to employees, access to contact information, access to public employer meeting space.	No.	Yes.	No.	No.	Yes, once requested.	Del. Code Ann. tit. 19, §§ 1301 – 1309 (Public Employment Relations Act); Del. Code Ann. tit. 19, §§ 1601-1618 (Police Officers' and Firefighters' Employment Relations Act); Del. Code Ann. tit. 14, §§ 4001-4018 (Public School Employment Relations Act)
Secret ballot election.	Yes.	May refuse to represent nonmembers in grievances.	No.	No, explicitly prohibited except for public safety employees.	Yes.	Must be open.	Not outlined in law.	§§ 447.201 – 447.609, Fla. Stat. (Public Employment Relations Act).
Not outlined in law.	No.	Not outlined in law.	No.	No.	Not statutorily recognized.	Not specified.	Not outlined in law.	Ga. Code §§ 25-5-1 – 25-5-14 (Firefighters).
Secret ballot election only.	No.	May refuse to represent nonmembers in grievances and can access employee personal and contact information when requested.	Yes.	No.	Not statutorily recognized.	May be closed.	Yes, for police, firefighters, nurses, and certain other white-collar workers.	Haw. Rev. Stat. §§ 89-1 – 89-23 (Public Employment Relations Act).
Not outlined in law.	No.	Not outlined in law.	No, union release time is explicitly prohibited.	No.	Yes.	May be closed.	No.	Idaho Code §§ 33-1271 – 33-1276 (Teachers); §§ 44-1801 – 44-1812 (Firefighters).
Card check permitted by law.	No.	Access to employees, access to contact information, access to employee orientation.	No.	Yes.	No.	No.	Yes, once requested by law enforcement and firefighters.	5 Ill. Comp. Stat. §§ 315/1 – 315/28 (Public Labor Relations Act); 115 Ill. Comp. Stat. §§ 5/1 – 5/21 (Teachers).
Voluntary recognition via card check or secret ballot election.	No.	Not outlined in law.	No.	No.	Yes.	Partial.	No.	Ind. Code §§ 20-29-1-1 – 20-29-9-5 (Teachers); §§ 36-8-22-1 – 36-8-22-16 (Public safety employees).
Election only, and secret ballot required by regulation.	Yes.	Not outlined in law.	No.	No.	Not statutorily recognized.	Partial.	Yes, once requested.	Iowa Code §§ 20.1 – 20.33 (Public Employment Relations Act); § 70A.19 (Payroll deductions).

APPENDIX II: Summary of State Public Sector Labor Laws (CONT'D)

State	Note	Grade	Are public sector strikes legal?	Right-to-Work?	Can a union require a public employer to collect membership dues?	Can a union require a public employer to collect political money?	What items may be negotiated in collective bargaining?	Does state law authorize collective bargaining?	Is there a duty to bargain?
Kansas		B	Illegal.	Yes.	Yes.	No.	Wages, pension benefits, fringe benefits, hours, other working conditions.	Yes.	Yes.
Kentucky		B	Illegal.	Yes.	No.	No.	Wages, fringe benefits, hours, other work conditions.	Yes, for local public safety employees. No prohibition for other employees.	Yes.
Louisiana		B	Legal except for public safety employees.	Yes.	Yes.	Yes.	Not outlined in law.	Yes.	No.
Maine		D	Illegal.	No.	Not outlined in law.	Not outlined in law.	Wages, fringe benefits, hours, other work conditions.	Yes.	Yes.
Maryland		F	Illegal.	No.	Yes.	Yes.	Position dependent. All employees bargain over wages, hours, and other work conditions. State employees and public school employees also bargain over time and manner of union access to new employee programs. Community college employees also bargain over union payroll deductions.	Yes.	Yes.

How are unions certified?	Are there mandatory recertification elections?	Notable Powers of Exclusive Representatives	Is union release time statutorily authorized?	Are membership opt-out windows statutorily authorized?	Do union members have a right to resign?	Are union contract negotiations open to the public?	Is binding arbitration required during collective bargaining impasses?	Statutory Reference
For state and local employees, secret ballot election only; for teachers, card check or secret ballot election.	No.	Not outlined in law.	No.	No, but state employees cannot revoke dues authorizations within 180 days of signing but can be terminated afterwards with 30 days' notice.	Not statutorily recognized.	Must be open.	No.	Kan. Stat. §§ 72-2218 – 72-2244 (Teachers); §§ 75-4321 – 75-4350 (Public Employer-Employee Relations Act).
Voluntary recognition via card check or secret ballot election.	No.	Not outlined in law.	No.	No.	Not statutorily recognized.	No.	No.	Ky. Rev. Stat. § 67A.6903 (Police officers, firefighters, corrections officers); §§ 67C.404, 78.470 (Police officers); § 70.262 (Sheriff's deputies); § 336.130 (Generally).
Not outlined in law.	No.	Not outlined in law.	No.	No.	Immediate right to resign and end dues obligations..	Partial.	No.	La. Rev. Stat. § 17:438 (school employees); § 42:457 (state, parish, city employees)
Voluntary recognition, with optional card check for municipal workers and secret ballot election for state workers.	No.	Access to employees, access to contact information, access to employee orientation.	No.	No.	Not statutorily recognized.	May be closed.	Yes, once requested.	Me. Rev. Stat. tit. 26, §§ 961 – 974 (Municipal employees); §§ 979 – 979-S (State employees).
Card check,voluntary recognition, or secret ballot election.	No.	Access to employees, access to contact information, access to employee orientation.	Yes.	No.	Not statutorily recognized.	No.	Binding interest arbitration required if requested or agreement has not been reached by a certain date.	Md. Code, Health-Gen. §§ 15-901 – 15-907 (Homecare workers); Md. Code, Educ. §§ 9.5-701 – 9.5-707 (Daycare workers); Md. Code, State Gov't §§ 22-101 – 22-601 (Public Employee Relations Act).

APPENDIX II: Summary of State Public Sector Labor Laws (CONT'D)

State	Note	Grade	Are public sector strikes legal?	Right-to-Work?	Can a union require a public employer to collect membership dues?	Can a union require a public employer to collect political money?	What items may be negotiated in collective bargaining?	Does state law authorize collective bargaining?	Is there a duty to bargain?
Massachusetts		D-	Illegal.	No.	Yes.	Yes.	Wages, hours, fringe benefits, standards, productivity/performance, other work conditions.	Yes.	Yes.
Michigan		D	Illegal.	No.	Not outlined in law.	Not outlined in law.	Wages, fringe benefits, hours, other work conditions.	Yes.	Yes.
Minnesota		D	Legal for teachers.	No.	Yes.	Yes.	Wages, hours, fringe benefits, other work conditions.	Yes.	Yes.
Mississippi		A	Illegal.	Yes.	Not outlined in law.	Not outlined in law.	Not outlined in law.	No, but not prohibited.	No.
Missouri	Note: Much of Mo. Rev Stat. §101.500 was struck down as unconstitutional in 2021.	C	Not outlined in law.*	No.	Not outlined in law.*	Not outlined in law.*	Wages, fringe benefits, other work conditions.	Yes.	Yes, except for certain law enforcement personnel, teachers, and university faculty.
Montana		D	Legal for teachers and general government workers.	No.	Yes.	Yes.	Wages, fringe benefits, hours, other work conditions.	Yes.	Yes.
Nebraska		D	Illegal.	Yes.	Yes.	Yes.	Work conditions, grievances.	Yes.	Yes.

How are unions certified?	Are there mandatory recertification elections?	Notable Powers of Exclusive Representatives	Is union release time statutorily authorized?	Are membership opt-out windows statutorily authorized?	Do union members have a right to resign?	Are union contract negotiations open to the public?	Is binding arbitration required during collective bargaining impasses?	Statutory Reference
Voluntary recognition via card check or secret ballot election.	No.	May charge nonmembers for the cost of grievance and arbitration procedures. Access to employees, contact information, and employee orientation.	No.	Yes.	No.	May be closed.	Yes, once requested.	Mass. Gen. Laws ch. 150E, §§ 1 – 15 (Public employees); ch. 180, § 17A (Payroll deductions).
Voluntary recognition via card check or secret ballot election.	No.	Access to employee contact information.	No, union release time is explicitly prohibited.	No.	Yes.	May be closed.	Yes, for police and firefighters.	Mich. Comp. Laws §§ 423.201 – 423.217 (Public Employment Relations Act).
Mandatory card check if supported by >50% of employees. Otherwise, voluntary recognition or secret ballot election.	No.	None outlined in law.	Yes.	No.	Not statutorily recognized.	May be closed.	Yes, once requested by essential employees such as police and firefighters.	Minn. Stat. §§ 179A.01 – 179A.60 (Public Employment Labor Relations Act); § 179A.54 (Homecare workers).
Not outlined in law.	No.	Not outlined in law.	No.	No.	Not statutorily recognized.	Not specified.	Not outlined in law.	N/A
Not outlined in law.*	No.	Not outlined in law.*	No.	No.	Not statutorily recognized.	Not outlined in law.*	No.	Mo. Rev. Stat. §§ 101.500 – 105.598 (Public employees).*
Voluntary recognition or secret ballot election. Card check permitted by regulation.	No.	Not outlined in law.	No.	No.	Not statutorily recognized.	Must be open.	Yes, once requested.	
Secret ballot election only.	No.	Access to employee mailboxes, email, bulletin boards, and employee orientations.	Yes.	No.	Not statutorily recognized.	May be closed.	No.	Neb. Rev. Stat. §§ 48-801 – 842 (Public employees); §§ 81-1369 – 1388 (State employees).

APPENDIX II: Summary of State Public Sector Labor Laws (CONT'D)

State	Note	Grade	Are public sector strikes legal?	Right-to-Work?	Can a union require a public employer to collect membership dues?	Can a union require a public employer to collect political money?	What items may be negotiated in collective bargaining?	Does state law authorize collective bargaining?	Is there a duty to bargain?
Nevada		D	Illegal, with exceptions for teacher strikes in individual schools.	Yes.	Yes.	Yes.	Wages, hours, other work conditions.	Yes.	Yes.
New Hampshire		D	Illegal.	No.	Yes.	Yes.	Wages, fringe benefits, hours, other work conditions.	Yes.	Yes.
New Jersey		D-	Illegal.	No.	Yes.	Yes.	Wages, fringe benefits, hours, other work conditions as long as they are not prohibited by statute.	Yes.	Yes.
New Mexico		D-	Illegal.	No.	Yes.	Yes.	Wages, fringe benefits, hours, other work conditions.	Yes.	Yes.
New York		D	Illegal.	No.	Yes.	Yes.	Wages, fringe benefits, hours, other work conditions.	Yes.	Yes.
North Carolina		A+	Illegal.	Yes.	N/A	N/A	N/A	No, prohibited.	N/A
North Dakota		B	Illegal for teachers.	Yes.	Yes.	Yes.	Wages, other work conditions.	Yes.	Yes.
Ohio		D	Legal for teachers and general government workers.	No.	Yes.	Yes.	Wages, fringe benefits, hours, other work conditions.	Yes.	Yes.

How are unions certified?	Are there mandatory recertification elections?	Notable Powers of Exclusive of Representatives	Is union release time statutorily authorized?	Are membership opt-out windows statutorily authorized?	Do union members have a right to resign?	Are union contract negotiations open to the public?	Is binding arbitration required during collective bargaining impasses?	Statutory Reference
Secret Ballot or voluntary recognition for local employees, secret ballot election, non-secret ballot election, or mandatory card check for state employees.	No.	Not outlined in law.	No.	No.	Not statutorily recognized.	Partial.	Yes, must be written in contracts.	Nev. Rev. Stat. §§ 288.010 – 288.715 (Government Employee-Management Relations Act)
Election only. Secret ballot required by regulation.	No.	Not outlined in law.	No.	No.	Not statutorily recognized.	No.	No.	N.H. Rev. Stat. §§ 273-a:1 – a:17 (Public Employee Labor Relations Act).
Card check, voluntary recognition, or secret ballot.	No.	Union may charge nonmembers for cost of representation in arbitration or refuse to represent them; unions also have access to employees, contact information, and employee orientation.	No.	Yes.	No.	May be closed.	Yes, once requested by police and firefighters.	N.J. Stat. §§ 34:13A-1 – 34:13A-64 (Employer-Employee Relations Act).
Voluntary recognition via card check or secret ballot election.	No.	Not outlined in law.	No.	Yes.	No.	No.	Yes, once requested.	N.M. Stat. §§ 10-7E-2 – 10-7E-25 (Public Employee Bargaining Act).
Voluntary recognition, card check, or secret ballot election.	No	Unions can refuse to represent nonmembers and have access to employees, contact information, and employee orientation..	No.	No.	Not statutorily recognized.	May be closed.	Yes, once requested by law enforcement, firefighters, and some transit workers.	N.Y. Civ. Serv. Law §§ 200 – 215 (Public employees).
N/A	No	N/A	N/A	N/A	N/A	N/A	N/A	N.C. Gen. Stat. § 95-98 (Collective bargaining prohibition).
Voluntary recognition, card check, or election, with no secret ballot guarantee.	No.	Not outlined in law.	No.	No.	Not statutorily recognized.	Must be open.	Yes, once put into contracts for teachers.	N.D. Cent. Code §§ 34-11.1-01 – 34-11.1-08 (Public Employee Relations Act); §§ 15.1-16-01 –15.1-16-22(Teachers).
Voluntary recognition via card check or secret ballot election.	No.	Not outlined in law.	No.	No.	Not statutorily recognized.	No.	Yes, for essential employees such as law enforcement and firefighters.	Ohio Rev. Code §§ 4117.01 – 4117.27 (Public Employees' Collective Bargaining Act).

APPENDIX II: Summary of State Public Sector Labor Laws (CONT'D)

State	Note	Grade	Are public sector strikes legal?	Right-to-Work?	Can a union require a public employer to collect membership dues?	Can a union require a public employer to collect political money?	What items may be negotiated in collective bargaining?	Does state law authorize collective bargaining?	Is there a duty to bargain?
Oklahoma		B	Illegal.	Yes.	Not for teachers.	No.	Wages, fringe benefits, hours, other work conditions.	Yes, for firefighters and teachers. No prohibition for other employees.	Yes.
Oregon		F	Legal for teachers and general government workers.	No.	Yes.	Yes.	Wages, fringe benefits, hours, other work conditions.	Yes.	Yes.
Pennsylvania		D	Legal for teachers.	No.	Yes.	Yes.	Wages, fringe benefits, hours, other work conditions.	Yes.	Yes.
Rhode Island		F	Illegal.	No.	Yes.	Yes.	Wages, limited fringe benefits, other work conditions.	Yes.	Yes.
South Carolina		A+	Illegal.	Yes.	Yes, provided the union does not engage in collective bargaining.	N/A	N/A	No, prohibited by case law.	N/A
South Dakota		C	Illegal.	Yes.	Yes.	Yes.	Wages, some pension benefits, fringe benefits, hours, other work conditions.	Yes.	Yes.

How are unions certified?	Are there mandatory recertification elections?	Notable Powers of Exclusive Representatives	Is union release time statutorily authorized?	Are membership opt-out windows statutorily authorized?	Do union members have a right to resign?	Are union contract negotiations open to the public?	Is binding arbitration required during collective bargaining impasses?	Statutory Reference
For public school employees, card check or secret ballot; for rural firefighters, secret ballot; for police and firefighters, not outlined in law..	No.	Not outlined in law.	No.	No.	Not statutorily recognized.	May be closed.	Yes, once requested by police and firefighters.	Okla. Stat. tit. 11, §§ 51-101 – 51-113 (Police and firefighters); tit. 70, §§ 509.1 – 510.3 (Teachers).
Card check or otherwise secret ballot election.	No.	May charge nonmembers fees for non-collective bargaining representation costs. Access to employees, access to employee contact information, and access to new employee orientation.	Yes.	No.	Not statutorily recognized.	May be closed.	Yes, for public safety workers such as police and firefighters.	Or. Rev. Stat. §§ 243.650 – 243.806 (Public Employee Collective Bargaining Act).
Voluntary recognition, card check or secret ballot election.	No.	Not outlined in law.	Not outlined in law, aside from a retirement code provision allowing for pension credit under certain circumstances..	Yes.	No.	May be closed.	Yes.	24 P.S. §§ 11-1101-a – 11-1172-a (Teachers); 43 P.S. §§ 217.1 – 217.12 (Police and firefighters); §§ 1101.101 – 1101.2301 (Public Employee Relations Act).
Card check or secret ballot election.	No.	May charge fees to nonmembers for representation in grievance and arbitration procedures or refuse to represent them; access to employees and employee information.	No.	No.	Not statutorily recognized.	May be closed.	Yes.	R.I. Gen. Laws §§ 28-9.1-1 – 28-9.1-18 (Firefighters); §§ 28-9.2-1 – 28-9.2-18 (Municipal police); §§ 28-9.3-1 – 28-9.3-16 (Teachers); §§ 28-9.4-1 – 28-9.4-19 (Municipal employees); §§ 28-9.5-1 – 28-9.5-17 (State police); §§ 28-9.6-1 – 28-9.6-16 (911 employees); §§ 28-9.7-1 – 28-9.7-17 (Correctional officers); §§ 36-11-1 – 36-11-13 (State employees).
N/A	No	N/A	N/A	N/A	N/A	N/A	N/A	S.C. Code § 8-11-83 (payroll deductions).
Voluntary recognition or secret ballot election.	No.	Not outlined in law.	No.	No.	Not statutorily recognized.	May be closed.	No.	S.D. Codified Laws §§ 3-18-1 – 3-18-18 (Public employees).

APPENDIX II: Summary of State Public Sector Labor Laws (CONT'D)

State	Note	Grade	Are public sector strikes legal?	Right-to-Work?	Can a union require a public employer to collect membership dues?	Can a union require a public employer to collect political money?	What items may be negotiated in collective bargaining?	Does state law authorize collective bargaining?	Is there a duty to bargain?
Tennessee		A+	Illegal.	Yes.	No.	No.	Wages, fringe benefits, hours, work conditions.	"Collaborative conferencing" permitted for teachers.	Yes, duty to "participate in collaborative conferencing" for teachers.
Texas		A+	Illegal.	Yes.	Yes.	Yes.	Wages, hours, fringe benefits, other work conditions.	Prohibited, except for police and firefighters.	Yes.
Utah		B	Illegal for firefighters; otherwise not authorized by law.	Yes.	Yes.	No.	Wages, hours, pension benefits, fringe benefits, other work conditions.	Yes.	Yes.
Vermont		D	Legal for teachers and municipal employees.	No.	Yes.	Yes.	Wages, fringe benefits, hours, other work conditions.	Yes.	Yes.
Virginia		B	Illegal.	Yes.	Not outlined in law.	Not outlined in law.	Not outlined in law.	Yes, only for local government employees.	No.
Washington		F	Illegal.	No.	Yes.	Yes.	Wages, some pension/fringe benefits, hours, other work conditions.	Yes.	Yes.
West Virginia		A	Illegal.	Yes.	No.	No.	Not outlined in law.	No, but not prohibited.	No.
Wisconsin		A	Illegal.	Yes.	No, with exception for public safety employees.	No, with exception for public safety employees.	Limited to base wages only, except for public safety workers.	Yes.	Yes.
Wyoming		B	Not outlined in law.	Yes.	Not outlined in law.	Not outlined in law.	Wages, hours, fringe benefits, work conditions.	Yes, for firefighters and teachers. No prohibition for other employees.	Yes, for firefighters.

How are unions certified?	Are there mandatory recertification elections?	Notable Powers of Exclusive Representatives	Is union release time statutorily authorized?	Are membership opt-out windows statutorily authorized?	Do union members have a right to resign?	Are union contract negotiations open to the public?	Is binding arbitration required during collective bargaining impasses?	Statutory Reference
Secret ballot election only.	No.	None; unions awarded representation proportionally.	Yes.	No.	Not statutorily recognized.	Must be open.	No.	
Card check if only one union is seeking to represent employees, otherwise secret ballot election.	No.	Not outlined in law.	No.	No.	Not statutorily recognized.	Must be open.	Yes, for public safety workers such as police and firefighters.	Tex. Loc. Gov't Code §§ 146.001 – 146.017 (Certain cities); §§ 174.001 – 174.253 (Police and firefighters).
Not outlined in law. A union "designated or selected by a majority of employees" becomes the exclusive representative.	No.	Not outlined in law.	Yes for teachers, but subject to strict conditions.	No.	Yes.	May be closed.	Yes, for firefighters.	Utah Code § 17B-2a-813 (Public transit); §§ 34-20a-1 – 34-20a-9 (Firefighters); § 34–32–1 (right to resign); § 34–32–1.1 (Payroll deductions).
Card check, voluntary recognition, or secret ballot election.	No.	Access to employees, access to contact information, access to employee orientation.	No.	No.	Not statutorily recognized.	May be closed.	Yes, for judiciary employees, for teachers and municipal workers, if both negotiating sides submit to arbitration.	Vt. Stat. tit. 3, §§ 901 – 1008 (State employees); §§ 1010 – 1044 (Judiciary Department); tit. 16, §§ 1981 – 2028 (Teachers and administrators); tit. 21, §§ 1501 – 1624 (State Labor Relations Act); §§ 1631 – 1646 (Homecare workers); §§ 1721 – 1739 (Municipal employees); tit. 33, §§ 3601 – 3619 (Daycare workers).
Not outlined in law, determined locally.	No.	Not outlined in law.	No.	No.	Not statutorily recognized.	May be closed.	No.	Va. Code §§ 40.1-57.2 – 40.1-57.3 (Local government and school employees).
Card check for most workplaces, otherwise secret ballot election.	No.	Access to employees, access to contact information, access to employee orientation.	Yes.	Yes.	Not statutorily recognized.	No.	Yes, for police, firefighters, public transit, and other uniformed personnel.	Wash. Rev. Code §§ 28b.52.010 – 28b.52.900 (Community college faculty); §§ 41.56.010 – 41.56.900 (Public Employees' Collective Bargaining Act); §§ 41.59.010 – 41.59.940 (Teachers); §§ 41.80.001 – 41.80.911 (State employees).
Not outlined in law.	No.	Not outlined in law.	No.	No.	Yes.	Not specified.	Not outlined in law.	W. Va. Code § 18-5-45a (strikes).
Secret ballot election only.	Yes.	Not outlined in law.	No.	Yes, for public safety employees only.	Not statutorily recognized.	Partial.	Yes, once requested by municipal and public safety workers.	Wisc. Stat. §§ 111.70 – 111.77 (Municipal employees); §§ 111.80 – 111.94 (State employees).
Not outlined in law. A union "designated or selected by a majority of firefighters" becomes the exclusive representative.	No.	Not outlined in law.	No.	No.	Not statutorily recognized.	May be closed.	No.	Wyo. Stat. §§ 27-10-101 - 27-10-109 (Firefighters).



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