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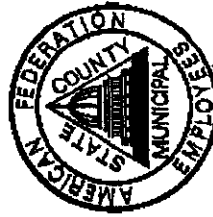
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ASSEMBLY GOVERNMENT AFFAIRS *I 1-15*
DATE: *3/5/03* ROOM: *3143* EXHIBIT *I*
SUBMITTED BY: *Scott MacKenzie*

State	Employee Coverage	Bargaining Rights	Dispute Resolution	Wages, hours & conditions of employment	Mediation, Arbitration	Permitted**	Agency shop permitted (Statute)	Temp. employees**	Showing of majority support
Minnesota	All	Collective Bargaining	Bureau of Mediation Services	Wages, hours & conditions of employment	Mediation, Arbitration	Permitted**	Agency shop permitted (Statute)	Temp. employees**	Showing of majority support
Mississippi (RTW)	None								
Missouri	All (except law enforcement & teachers) State (Executive Order)	Meet & confer Meet & confer	Board of Mediation Board of Mediation	Wages & conditions of employment Wages & conditions of employment	None Mediation, Arbitration	Prohibited Prohibited	None Agency shop permitted (Executive Order)	None None	No No
Montana	All (except nurses)	Collective Bargaining	Board of Personnel Appeals	Wages, hours & conditions of employment	Mediation, Factfinding, Arbitration	Permitted**	Agency shop permitted (Statute)	None	If representation not contested by employer or other employee org.
	Nurses	Collective Bargaining	Board of Personnel Appeals	Wages, hours & conditions of employment	None	Permitted**	Agency shop permitted (Statute)	None	If representation not contested by employer or other employee org.
Nebraska (RTW)	Local and county employees (except teachers) State	Collective Bargaining Collective Bargaining	Commission of Industrial Rel. Commission of Industrial Rel.	Wages, hours & conditions of employment Wages, hours & conditions of employment	Mediation, Factfinding, Arbitration Mediation, Factfinding (binding)	Prohibited Prohibited	Prohibited Prohibited	None None	No No
	Teachers	Meet & confer	No	Conditions of employment	Factfinding	Prohibited	Prohibited	None	No
Nevada (RTW)	Local & County employees	Collective Bargaining	Employee - Management Relations Board	Wages, hours & conditions of employment	Mediation, Factfinding, Arbitration	Prohibited	Prohibited	None	Showing of majority support
New Hampshire	All	Collective Bargaining	PELRB	Wages, hours & conditions of employment	Mediation, Factfinding, Arbitration	Prohibited	Agency shop in contracts	Probationary, temporary, seasonal, on-call personnel	No
New Jersey	All	Collective Bargaining	PERC	Wages, hours & conditions of employment	Mediation, Factfinding, Arbitration	Prohibited	Agency shop permitted (Statute)	None	Majority support, & no intervention in 10-day posting
New Mexico	None								
New York	All	Collective Bargaining	PERB	Wages, hours & conditions of employment	Mediation, Factfinding, Arbitration	Prohibited	Agency shop automatic for state, automatic for local (Statute)	None	Showing of majority support

State	Employed Covered	Bargaining Right	Labor Relations Board	Wages, hours & conditions of employment	Mediation, Factfinding	Agency shop permitted (Statute)	Agency shop permitted (Statute)	Agency shop permitted (Statute)	Agency shop permitted (Statute)
Vermont	State	Collective Bargaining	LRB	Wages, hours & conditions of employment	Mediation, Factfinding	Prohibited	Agency shop permitted (Statute)	Agency shop permitted (Statute)	No
	Local	Collective Bargaining	None	Wages, hours & conditions of employment	Mediation, Factfinding	Permitted**	Agency shop permitted (Statute)	Agency shop permitted (Statute)	No
	Teachers	Collective Bargaining	None	Wages, hours & conditions of employment	Mediation, Factfinding	Prohibited	Agency shop permitted (Statute)	Agency shop permitted (Statute)	No
Virginia (RTW)	None					Prohibited			
Washington	State ¹	Collective Bargaining	No	Conditions of employment	None	Prohibited	Agency shop permitted (State Civil Service Law)	Agency shop permitted (State Civil Service Law)	Support of more than 70%, via card check
	Local ²	Collective Bargaining	Yes	Wages, hours & conditions of employment	Mediation, Factfinding, Arbitration	Prohibited	Agency shop permitted (Statute)	Agency shop permitted (Statute)	No
	Teachers	Collective Bargaining	Yes	Wages, hours & conditions of employment	Mediation, Factfinding	Prohibited	Agency shop permitted (Statute)	Agency shop permitted (Statute)	No
	Academic Employees (community colleges)	Collective Bargaining	Yes	Wages, hours & conditions of employment	Mediation	Prohibited	Agency shop permitted (Statute)	Agency shop permitted (Statute)	No
West Virginia ⁷	None								
Wisconsin	State	Collective Bargaining	Wisconsin Employment Relations Comm.	Wages, hours & conditions of employment	Mediation, Factfinding	Prohibited	Agency shop permitted (Statute)	Agency shop permitted (Statute)	Limited term, seasonal, and project employees
	Local	Collective Bargaining	WERC	Wages, hours & conditions of employment	Mediation, Factfinding, Arbitration	Permitted**	Agency shop permitted (Statute)	Agency shop permitted (Statute)	No
Wyoming (RTW)	Firefighters	Collective Bargaining	No	Wages & conditions of employment	Arbitration*	Prohibited			No

1 By statute, civil service law, constitution, charter, executive order and decisional law. Table does not include de facto collective bargaining arrangements.
2 Coverage unless local legislative body opts out.
3 Alaska Administrative Code §97.990 states that status as a public employee is limited to persons in permanent or probationary status and entitled to receive retirement and vacation benefits.
4 Some cities and counties have enacted comprehensive ordinances under which they may negotiate wages.
5 In practice, employees have collective bargaining rights.
6 Permitted under a May 13, 1985 State Supreme Court ruling.
7 Some cities and counties have enacted comprehensive ordinances which provide for an independent administrative agency and an impasse procedure.
8 Some cities and counties have enacted comprehensive ordinances providing for collective bargaining. Also c.b. rights for mass transit employees (continuation of c.b. rights prior to acquisition).
9 A municipality, city or town with fewer than 100 employees must elect to come under the Act. The state and counties are covered.
10 Compulsory binding arbitration for compensation; PERB may impose procedures of its choice for terms and conditions.
11 Impasses involving state employees are not subject to mediation or factfinding.
12 Coverage only if the municipality opts to be covered by the Act.

- 13 Workers hired on a temporary basis of three months' duration or less, PT employees working less than 20 hours/week and not in the Department of Education, HRS, Title 7, §89-6(c).
- 14 Not applicable to units of local government employing less than 33 employees, except with respect to bargaining units existing on the effective date of the Act.
- 15 Temporary employees and short-term employees (employed for less than two quarters during a calendar year and have no assurance of being rehired by employer), 5 ILCS 315/3(n)(4).
- 16 In 1973 the Kansas Supreme Court ruled that the parties are required to negotiate in good faith to reach an agreement, despite the board of education's contention that the applicable law requires the parties to meet and confer.
- 17 Some cities and counties have enacted comprehensive ordinances providing for collective bargaining.
- 18 Some cities and counties have enacted comprehensive ordinances providing for collective bargaining.
- 19 Population of 300,000 or more or any city that petitions to be included under the Act.
- 20 County population of 300,000 or more and has adopted the merit system.
- 21 Some counties provide automatic agency shop by ordinance.
- 22 Under state civil service rules and regulations.
- 23 Minn. Statutes §179A.01(14)(f) excludes employees whose positions are basically temporary or seasonal in character and (1) are not for more than 67 working days in a calendar year or (2) certain students.
- 24 Local government can adopt their own procedures for the regulation of public employee labor relations provided they are "substantially equivalent" to the Taylor Act. This was done in New York City.
- 25 State Mediation Act covers all public employees.
- 26 Factfinding recommendations can only be rejected by a 3/5 vote of either total membership of the union or the legislative body.
- 27 Status determined by SEERB.
- 28 Although called arbitration, corporate authorities are authorized but not required to adopt the majority opinion of the arbitration panel.
- 29 Rhode Island defines casual employees as those hired for an occasional period to perform special jobs or functions, work on a seasonal basis for not more than 16 weeks, or who are part of an annual job employment program.
- 30 Automatic payroll deduction for dues to SC State Employees Assn.-revoked if group "resorts" to collective bargaining or encourages its members to strike.
- 31 Coverage only in cities, towns and political subdivisions where collective bargaining has been approved by a majority of the voters.
- 32 By state civil service law and executive order.
- 33 Also covers state patrol officers but they may not bargain wages.

* See attached binding interest arbitration table.

**See attached right to strike table.

Binding Interest Arbitration

BINDING INTEREST ARBITRATION

Voluntary (V): Both Parties Must Request; Compulsory (C): Mandatory of Either Party or a Third Party May Request

STATE	
Alaska	V: State, Local, Teachers C: Police, Firefighters, Correctional Officers, Hospital Employees
California	V: All, except C: Police, Firefighters
Connecticut	C: State, Local, Teachers
District of Columbia	C: All ^a
Hawaii	C: All, except V: blue collar, teachers and Education Department personnel, faculty at University and Community Colleges
Illinois	V: All, except C: Police, Firefighters, Correctional Officers
Indiana	V: Teachers
Iowa	C: All
Maine	C: State, Local, Teachers, University Employees ^b
Massachusetts	V: All
Michigan	C: Police Firefighters, Emergency Medical Personnel, Emergency Telephone Operators
Minnesota	V: Nonessential employees C: Essential employees
Missouri	C: State employees under control of Governor
Montana	V: All, except C: Firefighters
Nebraska	C: All
Nevada	C: Firefighters, Police
New Hampshire	V: All
New Jersey	V: All, except C: Police, Firefighters
New York	V: All, except C: Police, Firefighters

Ohio V: All, except C: Police, Firefighters, Emergency Medical Personnel, Emergency Telephone Operators, Employees of the State School for the Deaf and the State School for the Blind, Correctional Officers, Guards at Penitentiary and Mental Institutions.

Oregon V: All, except C: Police, Firefighters, Correctional Officers

Pennsylvania V: All, except C: Police, Firefighters, Correctional Officers, Court Employees

Rhode Island C: Police, Firefighters, State Police C: State²³ C: Local²⁴, Teachers²⁵

Texas V: Police, Firefighters

Vermont V: Local

Washington C: Police, Firefighters

Wisconsin C: Local, Police, Firefighters, Teachers

Wyoming C: Firefighters

²³ Compulsory binding arbitration for compensation; PERB may impose procedures of its choice for terms and conditions of employment.

²⁴ Not binding on salaries, pensions and insurance.

²⁵ Not binding on wages.

²⁶ Not binding on economic issues.

Right To Strike

RIGHT TO STRIKE

States with Employees in Those States Without Right to Strike Provisions	Employees in Those States With Right to Strike and Their Impasse Procedures	
<p>Alaska</p> <p>Class 1: police and fire protection employees, jail, prison, other, correctional institution employees, hospital employees.</p> <p>Mediation, compulsory binding arbitration.</p> <p>Police officers, municipal fire fighters³⁸ Some cities and counties prohibit strike for their municipal and county employees.</p> <p>Some cities and counties have enacted comprehensive ordinances which provide for an impasse procedure.</p>	<p>Courts may enjoin strike if it has begun to threaten the health, safety or welfare of the public. Court must consider "total equities" - not only impact of a strike on the public but also the extent to which employee organizations and public employers have met statutory obligations. After issuance of injunction, matter is submitted to arbitration.</p>	<p>Right to strike through May 13, 1985 State Supreme Court ruling. (Los Angeles County Sanitation District No. 2 vs. Los Angeles County</p>
<p>California</p> <p>All employees except employees in the blue collar unit; the teacher and Department of Education Unit; and the faculty unit. Essential employees: employees designated by the public employers to fill essential positions.</p> <p>Mediation, binding arbitration.</p>	<p>If a strike which may endanger the health or safety of the public is about to occur or is in progress, the public employer may petition HPERB to investigate. If HPERB determines there is an imminent or present danger to health or safety of the public, HPERB shall designate essential positions. Employer shall seek an injunction of an illegal strike.</p>	<p>Ed. employees: if a strike is or has become a clear or present danger to the health and safety of the public, employer may apply to court for an injunction. PLRA employees: If a strike is or has become a clear and present danger to the health and safety of the public, employer may petition Board to investigate. If Board agrees with employer, employer is required to designate the essential employees. such employees may be ordered to return to work under specified conditions and for a limited duration. Dispute for such employees shall be submitted to binding arbitration.</p>
<p>Hawaii</p> <p>Police officers, fire fighters, and security employees. Security employees: one who is responsible for the supervision and control of inmates at correctional facilities, includes non-security employees in bargaining units in which majority of employees are guards.</p> <p>Police, fire fighters and security employees: mediation, compulsory binding arbitration.</p>	<p>Mediation, compulsory binding arbitration.</p>	<p>Ed. employees: if a strike is or has become a clear or present danger to the health and safety of the public, employer may apply to court for an injunction. PLRA employees: If a strike is or has become a clear and present danger to the health and safety of the public, employer may petition Board to investigate. If Board agrees with employer, employer is required to designate the essential employees. such employees may be ordered to return to work under specified conditions and for a limited duration. Dispute for such employees shall be submitted to binding arbitration.</p>
<p>Illinois</p> <p>Police officers, fire fighters, and security employees. Security employees: one who is responsible for the supervision and control of inmates at correctional facilities, includes non-security employees in bargaining units in which majority of employees are guards.</p> <p>Police, fire fighters and security employees: mediation, compulsory binding arbitration.</p>	<p>Mediation, compulsory binding arbitration.</p>	<p>Ed. employees: if a strike is or has become a clear or present danger to the health and safety of the public, employer may apply to court for an injunction. PLRA employees: If a strike is or has become a clear and present danger to the health and safety of the public, employer may petition Board to investigate. If Board agrees with employer, employer is required to designate the essential employees. such employees may be ordered to return to work under specified conditions and for a limited duration. Dispute for such employees shall be submitted to binding arbitration.</p>

Employees in Those States With Right to Strike and Their Impose Procedures

Minnesota	<p>Essential employees: fire fighters (includes salaried employees of a department where duties include directly or indirectly, controlling, extinguishing, preventing, detecting or investigating fires), peace officers subject to licensure, guards at correctional facilities, employees of hospitals, confidential employees, supervisory employees, principals, assistant principals</p> <p>For state employees: essential employee means all law enforcement employees, health care professionals, correctional guards, professional engineering, and supervisory collective bargaining units, irrespective of severance, and no other employees.</p> <p>For University of Minnesota employees: essential employees means all law enforcement employees, nursing professional and supervisory units, irrespective of severance, and no other employees</p> <p>Mediation, compulsory binding arbitration</p>	<p>Under prior and less specific definitions of essential employees, the individual employee had to qualify as an essential employee. The fact that the employee worked in a department which provided essential services was not sufficient.</p>
Montana	<p>Fire fighters</p> <p>Mediation, factfinding compulsory binding arbitration</p>	<p>Nurses are not permitted to strike if there is another strike at another health care facility within a radius of 150 miles.</p>
Ohio	<p>Members of a police department, fire department or state highway patrol, dispatchers employed by those agencies, deputy sheriffs, civilian dispatchers who dispatch police, fire, sheriff's department or emergency medical or rescue personnel, members of an exclusive nurses' unit, employees of the state school for the deaf or blind, employees of the public employee retirement system, corrections officers, guards at penal or mental institutions, specially appointed police personnel, psychiatric attendants youth leaders at juvenile correctional facilities.</p> <p>Mediation, factfinding, compulsory binding arbitration</p>	<p>Other public employees may strike only if 60% of total membership or 60% of legislative body rejects factfinding panel's recommendation. Upon petition of employer, strike may be enjoined by Court if the strike presents a clear and present danger to the public health and safety. Temporary restraining order may not exceed 72 hours. If injunction is issued, employer must contact Board and request that the strike be enjoined beyond 72 hours. If Board determines a clear and present danger exists, Court may further enjoin strike. Injunction may terminate in 60 days. No further injunction may be issued.</p>
Oregon	<p>Police, fire fighters, guards at correctional institutions or mental hospitals: mediation, factfinding, compulsory binding arbitration</p>	<p>If a present strike or an imminent strike creates a clear and present danger or threat to the health, safety or welfare of the public, employer may petition Court for relief. If Court agrees, dispute shall be submitted to binding arbitration. "Danger or threat to the health and safety or welfare of the public" does not include economic or financial inconvenience to the public or the employer that is normally incident to a strike by public employees.</p>

States with Right to Strike	Employees in Those States Without Right to Strike and Their Procedures	Employees in Those States With Right to Strike and Their Impasse Procedures	
Pennsylvania	Police, fire fighters, guards prisons or mental hospitals, employees directly involved with and necessary to the functioning of the Courts. Mediation, factfinding, compulsory binding arbitration		If a strike creates a clear and present danger or threat to the health, safety or welfare of the public, employer shall seek court relief, including an injunction.
Vermont	(State employees do not have a legal right to strike under the separate law for state employees.) State employees: Mediation, factfinding		Employer may petition Court for an injunction if a strike which is occurring or is about to occur will endanger the health, safety or welfare of the public.
Wisconsin	Police, fire fighters Police, fire fighters: Mediation, compulsory binding arbitration (State employees: Mediation, factfinding)		Employer or affected citizen may petition Court to enjoin strike during 10 day notice period that strike poses an immediate threat to public health and safety. If Court agrees, it will issue an injunction and each party will submit a new final offer for binding arbitration.

* State of California Labor Code.

** It is believed that the recent State Supreme Court decision concerning the county employees' right to strike will apply to all public employees

Comprehensive Labor Laws:

23 states and the District of Columbia have comprehensive labor laws for the majority of their public employees. A comprehensive labor law establishes the duty to collectively bargain between a public employer and an exclusive bargaining agent for all employees in a unit on wages, hours and other terms and conditions of employment. It includes an independent administrative agency and procedures for unit and representative determination. It specifies a method of resolving an impasse and may define unfair labor practices and grievance procedures.

Strike Policy: 11 states provide the right to strike to some employees.

Impasse Procedure: 20 states and the District of Columbia provide for compulsory binding interest arbitration for at least one group of employees.

SOURCES: Statutes, civil service rules and regulations, constitutions, charters, executive orders and decisional law.

The Right to Strike in Public Employment, Sterrett and Aboud, ICR Press, NYSSILR, Ithaca, New York, 1982.