



StateNotes

Unions/Collective Bargaining

700 Broadway, Suite 1200 Denver, CO 80203-3460 303.299.3600 Fax: 303.296.8332 www.ecs.org

State Collective Bargaining Policies for Teachers

June 2002

Collective bargaining for teachers is a relatively new phenomenon. A 1960 teacher strike in New York City led to the first-ever collective bargaining agreement for American teachers in 1962 between the United Federation of Teachers and the City of New York. As strikes spread across the country in the 1960s and 70s, many states eventually passed public sector collective bargaining legislation that codified negotiations between teacher unions and school districts. Collective bargaining spread across the nation and so did the power of teacher unions such as the American Federation of Teachers (AFT) and the National Education Association (NEA). The power teachers unions wield over education policy, often through the collective bargaining agreements, is praised by some but derided by others. Collective bargaining for teachers is a contentious issue that promises to grow increasingly complex as governance reform – changing who makes what decisions about public education – takes center stage.

Collective bargaining, if allowed, always occurs at the school district level. State policy, however, influences the process in a number of ways, from prohibiting strikes to dictating the terms of arbitration. The table below is divided into the following areas of collective bargaining state policy:

- **STATE POLICY:** This section addresses whether a state has a collective bargaining law. Currently, 33 states have such laws.
- **COVERAGE/EXCLUSIONS:** This section presents who is covered under the law, such as teachers, and who is excluded from coverage, such as superintendents. Thirteen states have collective bargaining laws specifically for teachers. Six states have laws that grant collective bargaining to public school employees. In 16 other states, teachers are included as part of a larger collective bargaining law for public employees.
- **SCOPE OF BARGAINING:** This section details which issues are negotiable under the state's collective bargaining law. Though some states actually allow teachers to bargain over issues such as curriculum or classroom management, most limit the scope of bargaining to wages, hours and other conditions of employment such as health benefits, vacation time or pension plans.
- **RIGHT TO WORK:** Twenty-one states, mostly located in the southern United States, have a "right to work" law. Such laws prevent collective bargaining agreements from containing union security clauses that require workers to support and share the costs of union representation.
- **BARGAINING IMPASSE PROCEDURES:** If an agreement cannot be reached through initial negotiations between a teacher union and a school district steps can be taken to reach a resolution. Thirty-one states use mediation, in which a third party attempts to broker an agreement between the two

parties. Twenty-eight states use fact-finding procedures that allow an impartial panel to review both sides of the dispute, report their findings and occasionally make recommendations for settlement. Arbitration, in which an impartial party holds a formal hearing and determines a resolution, is similar to mediation, but the ruling of the third party is often binding and final. Eighteen states provide for voluntary arbitration in which one side or the other can request a hearing. Four states mandate arbitration in which the two sides have to submit to a formal hearing.

- **STRIKES:** State policies permit or prohibit strikes by teachers or other public employees; if they are prohibited, penalties may be imposed for those who strike. Twenty-four states prohibit strikes and nine states permit them. Twelve states impose penalties for strikes, which range from fines to dismissal to, in some cases, imprisonment.

State Collective Bargaining Policies										
STATE	STATE POLICY	COVERAGE/ EXCLUSIONS	SCOPE OF BARGAINING	RIGHT TO WORK	BARGAINING IMPASSE PROCEDURES			STRIKES		
					Mediation	Fact Finding	Arbitration	Prohibited	Permitted	Penalties
Alabama	No state collective bargaining law			X						
Alaska	Recognizes the right of public employees to organize for the purpose of collective bargaining [ALASKA STAT. § 23.40.070]	Certified and non-certified school employees, except for school superintendents	Wages and conditions of employment		X		Mandatory		X	
Arizona	No state collective bargaining law			X						
Arkansas	No state collective bargaining law			X						
California	Recognizes the right of public school employees to join organizations of their own choice, to be represented by the organizations in their professional and employment relationships with public school employers, and to afford certificated	Public school employees with the exception of managerial and supervisory employees	Wages, hours and conditions of employment		X	X		X		

State Collective Bargaining Policies

STATE	STATE POLICY	COVERAGE/ EXCLUSIONS	SCOPE OF BARGAINING	RIGHT TO WORK	BARGAINING IMPASSE PROCEDURES			STRIKES		
					Mediation	Fact Finding	Arbitration	Prohibited	Permitted	Penalties
	employees a voice in the formulation of educational policy [CAL GOV'T CODE § 3540 to 3549.3]									
Colorado	No state collective bargaining law									
Connecticut	Provides rights concerning professional organization and negotiations [CONN. GEN. STAT. § 10-153A]	Teachers are covered; super-intendents, assistant superintendents, personnel or budget employees and temporary substitutes are not	Wages and conditions of employment		X		Mandatory	X		
Delaware	Obligates boards of education and school employee organizations that have been certified as representing their school employees to enter into collective bargaining negotiations [DEL. CODE. ANN. title 14 § 4001 to 4018]	School employees with the exception of supervisory staff	Wages, benefits and conditions of employment		X	X		X		

State Collective Bargaining Policies

STATE	STATE POLICY	COVERAGE/ EXCLUSIONS	SCOPE OF BARGAINING	RIGHT TO WORK	BARGAINING IMPASSE PROCEDURES			STRIKES		
					Mediation	Fact Finding	Arbitration	Prohibited	Permitted	Penalties
Florida	Grants to public employees the right of organization and representation; requires the state, local governments, and other political subdivisions to negotiate with bargaining agents duly certified to represent public employees [FLA. STAT. § 447.201]	All public employees, including teachers	Wages, hours and conditions of employment, excluding pensions	X	X	X		X		X
Georgia	No state collective bargaining law			X						
Hawaii	Recognizes the right of public employees to organize for the purpose of collective bargaining; requires the public employers to negotiate with and enter into written agreements with exclusive representatives on matters of wages, hours, and other conditions of employment [HAW. REV. STAT § 89-1]	All public employees, including teachers	Wages, hours and conditions of employment, excluding retirement, health fund and salary ranges		X	X	Voluntary	X		

State Collective Bargaining Policies

STATE	STATE POLICY	COVERAGE/ EXCLUSIONS	SCOPE OF BARGAINING	RIGHT TO WORK	BARGAINING IMPASSE PROCEDURES			STRIKES		
					Mediation	Fact Finding	Arbitration	Prohibited	Permitted	Penalties
Idaho	Empowers the board of trustees of each school district, including specially chartered districts, upon its own initiative or upon the request of a local education organization representing professional employees, to enter into a negotiation agreement with the local education organization or the designated representative(s) [IDAHO CODE § 33-1271 to 33-1276]	Teachers are covered; superintendents, supervisors and principals are excluded	Wages and conditions of employment	X	X	X		X		
Illinois	Permits educational employees to organize, form, join or assist in employee organizations or engage in lawful concerted activities for the purpose of collective bargaining [115 ILL. COMP. STAT 5/1 to 5/20]	Public school employees, with the exception of supervisors, short-term or part-time employees, and students	Wages, hours and conditions of employment Teachers in the Chicago Public Schools are prohibited from bargaining over class size, staffing, academic calendars and layoffs		X	X	Voluntary		X	

State Collective Bargaining Policies

STATE	STATE POLICY	COVERAGE/ EXCLUSIONS	SCOPE OF BARGAINING	RIGHT TO WORK	BARGAINING IMPASSE PROCEDURES			STRIKES		
					Mediation	Fact Finding	Arbitration	Prohibited	Permitted	Penalties
Indiana	Requires a school employer to bargain collectively with the exclusive representative on the following: salary, wages, hours, and salary and wage related fringe benefits [IND. CODE ANN. § 20-7.5-1-1 to 20-7.5-1-14]	Teachers are covered; supervisors, part-time employees and security personnel are not	Wages, hours, benefits, curriculum development, teaching methods, textbook selection, class size, student discipline and budget appropriations		X	X	Voluntary	X		X
Iowa	Permits public employees to organize and bargain collectively [IOWA CODE § 20.1 to 20.26]	All public employees, including teachers	Wages, hours, vacation time, insurance, holidays, leave, overtime, seniority, and health and safety issues	X	X	X	Mandatory	X		X
Kansas	Professional employees have the right to form, join or assist professional employees' organizations, to participate in professional negotiation with boards of education through representatives of their own choosing for the purpose of establishing,	Teachers, excluding administrative employees	Wages, hours and conditions of employment		X	X		X		

State Collective Bargaining Policies

STATE	STATE POLICY	COVERAGE/ EXCLUSIONS	SCOPE OF BARGAINING	RIGHT TO WORK	BARGAINING IMPASSE PROCEDURES			STRIKES		
					Mediation	Fact Finding	Arbitration	Prohibited	Permitted	Penalties
	maintaining, protecting or improving terms and conditions of professional service [KAN. STAT. ANN. § 72-5410 to 72-5437]									
Kentucky	No state collective bargaining law									
Louisiana	No state collective bargaining law			X						
Maine	Provides a uniform basis for recognizing the right of public employees to join labor organizations of their own choosing and to be represented by such organizations in collective bargaining for terms and conditions of employment [ME. REV. STAT. ANN. title 26 § 961]	All municipal employees, including school employees, are covered; superintendents and assistant superintendents of schools, temporary, seasonal, and on-call employees are excluded from coverage	Wages, hours, grievance arbitration, working conditions, and educational policy		X		Voluntary	X		

State Collective Bargaining Policies

STATE	STATE POLICY	COVERAGE/ EXCLUSIONS	SCOPE OF BARGAINING	RIGHT TO WORK	BARGAINING IMPASSE PROCEDURES			STRIKES		
					Mediation	Fact Finding	Arbitration	Prohibited	Permitted	Penalties
Maryland	Maryland has two collective bargaining laws that cover school employees: #1: Pertains to certified employees [MD. CODE ANN., EDUCATION § 6-401 to 6-411] #2: Pertains to non-certified employees [MD. CODE ANN. EDUCATION § 6-501 to 6-510]	#1: Teachers, excluding school superintendents #2: Non-certified public school employees, excluding management personnel and confidential employees	Wages, hours and working conditions		X	X		X		X
Massachusetts	Provides that employees have the right of self-organization and the right to form, join or assist any employee organization for the purpose of bargaining collectively through representatives of their own choosing on questions of wages, hours, and other terms and conditions of employment [MASS. ANN. LAWS CH. 150E, § 1 to	All public employees, including teachers	Wages, hours, performance standards and conditions of employment		X	X	Voluntary	X		X

State Collective Bargaining Policies

STATE	STATE POLICY	COVERAGE/ EXCLUSIONS	SCOPE OF BARGAINING	RIGHT TO WORK	BARGAINING IMPASSE PROCEDURES			STRIKES		
					Mediation	Fact Finding	Arbitration	Prohibited	Permitted	Penalties
	15]									

State Collective Bargaining Policies

STATE	STATE POLICY	COVERAGE/ EXCLUSIONS	SCOPE OF BARGAINING	RIGHT TO WORK	BARGAINING IMPASSE PROCEDURES			STRIKES		
					Mediation	Fact Finding	Arbitration	Prohibited	Permitted	Penalties
Michigan	Provides for the right of a public employee to the expression or communication of a view, grievance, complaint, or opinion on any matter related to the conditions or compensation of public employment or their betterment as long as the expression or communication does not interfere with the full, faithful and proper performance of the duties of employment [MICH. COMP. LAWS § 423.201to 423.216]	Municipal and local government employees, including teachers	Wages, hours and conditions of employment		X	X		X		X
Minnesota	Grants public employees certain rights to organize and choose freely their representatives; requires public employers to meet and negotiate with public employees in an appropriate bargaining unit and provides that the result of bargaining	All public employees, including teachers	Hours, fringe benefits, grievance procedures and conditions of employment, excluding retirement benefits		X		Mandatory	X		X

State Collective Bargaining Policies

STATE	STATE POLICY	COVERAGE/ EXCLUSIONS	SCOPE OF BARGAINING	RIGHT TO WORK	BARGAINING IMPASSE PROCEDURES			STRIKES		
					Mediation	Fact Finding	Arbitration	Prohibited	Permitted	Penalties
	be in written agreements [MINN. STAT. § 179A.01 to 179A.25]									
Mississippi	No state collective bargaining law			X						
Missouri	Although the state has a collective bargaining law, teachers at schools, colleges and universities are not covered in the legislation									

State Collective Bargaining Policies

STATE	STATE POLICY	COVERAGE/ EXCLUSIONS	SCOPE OF BARGAINING	RIGHT TO WORK	BARGAINING IMPASSE PROCEDURES			STRIKES		
					Mediation	Fact Finding	Arbitration	Prohibited	Permitted	Penalties
Montana	Encourages the practice and procedure of collective bargaining to arrive at friendly adjustment of all disputes between public employers and their employees [MONT. CODE ANN. § 39-31-101 to 39-31-409]	All public employees, including teachers; clerks and administrators of school districts are excluded	Wages, hours, fringe benefits and conditions of employment		X	X	Voluntary		X	
Nebraska	For the purpose of implementing the state employees' right to organize for the purpose of collective bargaining, there are hereby created 12 bargaining units for all state agencies except the University of Nebraska, the Nebraska state colleges, and other constitutional offices. The units shall consist of state employees whose job classifications are occupationally and functionally related and who share a	Teachers	Terms of employment and labor-management relations	X		X		X		

State Collective Bargaining Policies

STATE	STATE POLICY	COVERAGE/ EXCLUSIONS	SCOPE OF BARGAINING	RIGHT TO WORK	BARGAINING IMPASSE PROCEDURES			STRIKES		
					Mediation	Fact Finding	Arbitration	Prohibited	Permitted	Penalties
	community of interest [NEB. REV. STAT. § 81-1369 to 1377]									
Nevada	It is the right of every local government employee, subject to the limitation provided in law, to join any employee organization of his choice or to refrain from joining any employee organization. Every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining [NEV. REV. STAT. ANN. § 288.010 to 288.280]	Local government public employees, including employees of school districts	Wages, hours, sick leave, vacation time, insurance benefits, teacher preparation time, and materials and supplies for classrooms	X	X	X	Voluntary	X		X
New Hampshire	Provides that it is the obligation of the public employer and the employee organization certified by the board as the	All public employees, including teachers	Wages, hours and conditions of employment		X	X	Voluntary	X		

State Collective Bargaining Policies

STATE	STATE POLICY	COVERAGE/ EXCLUSIONS	SCOPE OF BARGAINING	RIGHT TO WORK	BARGAINING IMPASSE PROCEDURES			STRIKES		
					Mediation	Fact Finding	Arbitration	Prohibited	Permitted	Penalties
	exclusive representative of the bargaining unit to negotiate in good faith [NH. REV. STAT. ANN. § 273-A.1 to 273- A.17]									

State Collective Bargaining Policies

STATE	STATE POLICY	COVERAGE/ EXCLUSIONS	SCOPE OF BARGAINING	RIGHT TO WORK	BARGAINING IMPASSE PROCEDURES			STRIKES		
					Mediation	Fact Finding	Arbitration	Prohibited	Permitted	Penalties
New Jersey	Creates the Employer-Employee Relations Act, which gives public employees the right to form or join a union and have the right to be represented in collective negotiations by that union [N.J. STAT. ANN. § 34:13A-1 to 34:13A-13]	All public employees, including teachers	Conditions of employment and grievance procedures		X	X	Voluntary	X		
New Mexico	No state collective bargaining law. In fact, the legislature repealed the Public Employee Bargaining Act in 1992.									
New York	Creates the Public Employees Fair Employment Act, which grants public employees the right of organization and representation and requires state and local governments and other political subdivisions to negotiate with, and enter into written agreements with,	All public employees, including teachers	Wages, hours, conditions of employment, and grievance procedures		X	X	Voluntary	X		X

State Collective Bargaining Policies

STATE	STATE POLICY	COVERAGE/ EXCLUSIONS	SCOPE OF BARGAINING	RIGHT TO WORK	BARGAINING IMPASSE PROCEDURES			STRIKES		
					Mediation	Fact Finding	Arbitration	Prohibited	Permitted	Penalties
	employee organizations representing public employees that have been certified or recognized [NY CIV. SERV. § 200 to 214]									

State Collective Bargaining Policies

STATE	STATE POLICY	COVERAGE/ EXCLUSIONS	SCOPE OF BARGAINING	RIGHT TO WORK	BARGAINING IMPASSE PROCEDURES			STRIKES		
					Mediation	Fact Finding	Arbitration	Prohibited	Permitted	Penalties
North Carolina	No state collective bargaining law									
North Dakota	Recognizes the right of public school certified employees to join organizations of their own choice and be represented by such an organization in their professional and employment relationships with the public school districts [N.D. CENT. CODE, § 15-38.1-01 to 15-38.1-14]	Teachers and administrators	Wages, hours, conditions of employment and labor-management relations	X	X	X		X		X
Ohio	Provides that public employees have the right to bargain collectively with their public employers to determine wages, hours, terms and other conditions of employment and the continuation, modification or deletion of an existing provision of a collective bargaining agreement, and enter into collective	All public employees, including teachers	Wages, hours, conditions of employment and the modification of any collective bargaining provision		X	X	Voluntary		X	

State Collective Bargaining Policies

STATE	STATE POLICY	COVERAGE/ EXCLUSIONS	SCOPE OF BARGAINING	RIGHT TO WORK	BARGAINING IMPASSE PROCEDURES			STRIKES		
					Mediation	Fact Finding	Arbitration	Prohibited	Permitted	Penalties
	bargaining agreements [OHIO REV. CODE ANN. 4117.01 to 4117.23]									

State Collective Bargaining Policies

STATE	STATE POLICY	COVERAGE/ EXCLUSIONS	SCOPE OF BARGAINING	RIGHT TO WORK	BARGAINING IMPASSE PROCEDURES			STRIKES		
					Mediation	Fact Finding	Arbitration	Prohibited	Permitted	Penalties
Oklahoma	Strengthens methods of administering employer-employee relations through the establishment of an orderly process of communications between school employees and the school district [OKLA. STAT. title 70 § 509.1 to 509.10]	Public school employees	Wages, hours and work conditions			X		X		X
Oregon	Provides for public employee rights and benefits through collective bargaining [OR. REV. STAT. § 243.650]	All public employees, including teachers	Wages, hours, sick leave, vacation time and grievance procedures		X	X	Voluntary		X	
Pennsylvania	Grants public employees the right to organize and choose freely their representatives; requires public employers to negotiate and bargain with employee organizations representing public employees and to enter into written agreements evidencing the	All public employees, including teachers	Wages, hours and conditions of employment		X	X	Voluntary		X	

State Collective Bargaining Policies

STATE	STATE POLICY	COVERAGE/ EXCLUSIONS	SCOPE OF BARGAINING	RIGHT TO WORK	BARGAINING IMPASSE PROCEDURES			STRIKES		
					Mediation	Fact Finding	Arbitration	Prohibited	Permitted	Penalties
	result of such bargaining [PA.STAT. ANN. title 43 § 1101.101 to 1101.2301]									
Rhode Island	Accords to certified public school teachers the right to organize, to be represented, to negotiate professionally, and to bargain on a collective basis with school committees covering hours, salary, working conditions, and other terms of professional employment [R.I. GEN. LAWS § 28-9.3-1]	Teachers are covered; superintendents, principals, and assistant principals are excluded from coverage	Wages, hours and working conditions		X		Voluntary		X	
South Carolina	No state collective bargaining law			X						
South Dakota	Public employees have the right to form and join labor or employee organizations, and have the right to designate representatives for the purpose of meeting and negotiating with the governmental	All public employees, including teachers	Wages, rates of pay, hours and conditions of employment	X	X	X		X		X

State Collective Bargaining Policies

STATE	STATE POLICY	COVERAGE/ EXCLUSIONS	SCOPE OF BARGAINING	RIGHT TO WORK	BARGAINING IMPASSE PROCEDURES			STRIKES		
					Mediation	Fact Finding	Arbitration	Prohibited	Permitted	Penalties
	agency or representatives designated by it with respect to grievance procedures and conditions of employment [S.D. CODIFIED LAWS § 3-18-1 to 3-18-17]									

State Collective Bargaining Policies

STATE	STATE POLICY	COVERAGE/ EXCLUSIONS	SCOPE OF BARGAINING	RIGHT TO WORK	BARGAINING IMPASSE PROCEDURES			STRIKES		
					Mediation	Fact Finding	Arbitration	Prohibited	Permitted	Penalties
Tennessee	Recognizes the rights of professional employees of boards of education to form, join and assist professional employee organizations to meet, confer, consult and negotiate with boards of education over matters relating to terms and conditions of professional service and other matters of mutual concern through representatives of their own choosing, to engage in other activities for the purpose of establishing, maintaining, protecting and improving educational standards, and to establish procedures which will facilitate and encourage amicable	Teachers, excluding managerial employees	Wages, working conditions, insurance benefits, grievance procedure, student discipline and payroll deductions		X	X	Voluntary	X		

State Collective Bargaining Policies

STATE	STATE POLICY	COVERAGE/ EXCLUSIONS	SCOPE OF BARGAINING	RIGHT TO WORK	BARGAINING IMPASSE PROCEDURES			STRIKES		
					Mediation	Fact Finding	Arbitration	Prohibited	Permitted	Penalties
	settlements of disputes [TENN. CODE ANN. § 49-5-601]									
Texas	No state collective bargaining law			X						
Utah	No state collective bargaining law			X						
Vermont	Teachers and administrators may select organizations to represent them in collective negotiations with the school board [16 V.S.A. § 1981 to 2010]	Teachers			X	X	Voluntary		X	
Virginia	No state collective bargaining law			X						
Washington	Employees shall have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing [WASH. REV. CODE § 41.59.010]	Teachers, excluding administrative officers	Wages, hours and conditions of employment		X	X	Voluntary	X		
West Virginia	No state collective bargaining law									
Wisconsin	Creates the Municipal Employment Relations Law,	Municipal employees, including teachers	Wages, hours and conditions of employment		X	X	Voluntary		X	

State Collective Bargaining Policies										
STATE	STATE POLICY	COVERAGE/ EXCLUSIONS	SCOPE OF BARGAINING	RIGHT TO WORK	BARGAINING IMPASSE PROCEDURES			STRIKES		
					Mediation	Fact Finding	Arbitration	Prohibited	Permitted	Penalties
	which gives public employees the right to bargain collectively [Wis. STAT. § 111.70]									
Wyoming	No state collective bargaining law			X						

Sources:

AFL/CIO, Public Employee Department (1997). *Public Employees Bargain for Excellence*. Washington DC: AFL-CIO

The American Federation of State, County and Municipal Employees (2002). *Public Sector Collective Bargaining Laws*. Retrieved June 10, 2002 from the World Wide Web: <http://www.afscme.org/otherlnk/weblnk36.htm>.

Public Service Research Foundation (1994). *State Public Sector Bargaining Statutes*. Vienna, Virginia: PSRF.

This ECS StateNote was compiled by Carl Krueger, Researcher, ECS National Center on Governing America's Schools, with financial support from the Joyce Foundation.

© Copyright 2002 by the Education Commission of the States (ECS). All rights reserved.

ECS is a nonprofit, nationwide organization that helps state leaders shape education policy.

To request permission to excerpt part of this *ECS StateNote*, either in print or electronically, please fax a request to the attention of the ECS Communications Department, 303.296.8332 or e-mail ecs@ecs.org.