Appendix B
The NBER Public Sector Collective Bargaining Law Data Set

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The NBER Public Sector Collective Bargaining Law Data Set provides a comprehensive source that describes the status of state public sector collective bargaining policies for five main functional groups in all fifty states from 1955 to 1985.[1] Building on previous works by the Department of Labor, the American Federation of State, County, and Municipal Employees, Berkeley Miller of the University of South Florida, and John Burton of Cornell University, we have constructed this data set to provide longitudinal as well as cross-sectional information about state labor laws.[2] In its completed form, the data set embodies legal provisions for the five main public employee functions in all fifty states since 1955. The five groups covered are: state employees, municipal police, municipal fire fighters, noncollege teachers, and other local employees. Some laws may cover other groups (such as prison guards, hospital employees, state police, etc.), but these five groups were the primary ones mentioned. Many states have comprehensive laws which cover all five groups; however, some make distinctions between these groups, as we shall discuss below.

We chose fourteen variables to represent relevant dimensions of the laws; a numerical coding scheme was devised for each in order to allow the proper distinctions to be made in the data set. These variables are divided into five main categories: contract negotiation (bargaining rights), union recognition, union security, impasse procedures, and strike policy.

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The authors wish to thank Eric Larson for aiding in the construction of the data set, and particularly Lee Simmons for designing the data set and performing much of the research.

Coding sheets for these five categories, along with explanatory notes, are provided in tables 1A–1E.[3]

To illustrate the nature of the data set and its contents, we have compiled a number of descriptive tables. Tables 2A and 2B indicate contract negotiation provisions (bargaining rights and scope) in the fifty states as of January 1984 and January 1969, respectively.[4] The states are arranged from those with the strongest bargaining provisions to those that prohibit collective bargaining. In table 2A, the first feature to stand out is the high degree of consistency for bargaining provisions across different functional groups within a state; this is particularly true for states that provide strong bargaining rights. Of the thirty-five states that provide strong bargaining rights and include wages as a subject of bargaining (values 5 and 6) for at least one functional group, twenty-four do so for at least four functional groups; of those twenty-four, twenty-one provide strong bargaining rights for all five groups.

Despite this consistency across functional groups within many states, there is variation between bargaining provisions within states. For example, in table 2A, Texas and Kentucky provide strong bargaining rights only for police and fire and prohibit collective bargaining for at

Table 1A **Coding Sheet for Contract Negotiation Provisions**

Variable	Value
(1) Collective Bargaining Rights	0 = No provision
	1 = Collective bargaining prohibited
	2 = Employer authorized but not required to bargain with union
	3 = Right to present proposals
	4 = Right to meet and confer
	5 = Duty to bargain I (implied)
	6 = Duty to bargain II (explicit)
(2) Scope of Bargaining	0 = No provision
	1 = Excludes compensation
	2 = Includes compensation

Notes: This section originally contained an additional variable, intended to represent the extent to which collective bargaining agreements were subject to legislative recall. After some preliminary coding, this variable was abandoned; consistent distinctions could not be made across different state laws.

Values 3, 4, 5, and 6 under variable (1) can sometimes be difficult to distinguish between. For 3 and 4, one needs to look for the key phrases; however, in both these cases the public employer is still free to unilaterally set the terms and conditions of employment (i.e., there is no obligation for the employer to actually bargain). Value 5 means that although there is no explicit statutory provision stating that the parties must come to an agreement, it is implied (frequently through specifying a ratification procedure or through listing failure to bargain in good faith under "Unfair Practices") that they must attempt to do so. Value 6 means that there is explicitly stated (frequently in the definition of "collective bargaining") an obligation for the parties to come to a written agreement.

Table 1B **Coding Sheet for Union Recognition Provisions**

Variable	Value
(1) Representation and Election	0 = No provision 1 = Nonexclusive allowed or required 2 = Exclusive; petition and election procedure not specified 3 = Exclusive; petition and election procedure specified
(2) Term of Recognition (minimum period guaranteed until another election can be called)	0 = No provision 1 = Any time after certification 2 = At least 12 months since last election 3 = At least 12 months since last election and previous collective bargaining agreement has expired 4 = At least 24 months since last election (may or may not include contract expiration clause)

Notes: The election procedure specified typically includes provisions for the following: initial petition for certification (percentage necessary for acceptance, usually 30 percent), additional petitions to appear on ballot (usually 10 percent of members of bargaining unit must sign for organization to appear), posted notices, timing of election and other procedures, place of election, restrictions on who can vote, employer or employee organization noninterference, and runoff elections.

"Nonrepresentation" is invariably a voting choice, and certification can be legally revoked during the term of recognition.

Petition and election procedures can generally be avoided if the public employer voluntarily recognizes an employee organization and there is no challenge.

Despite exclusive representation, most laws contain a clause stating that employees can individually present grievances (although a union representative frequently must be present).

least one other group, while Maryland and North Dakota provide bargaining rights only for teachers. Other states may provide weaker "meet and confer" or other provisions for some groups but not for others. Thus, the variation in bargaining rights allows for cross-sectional investigations to be performed both across and within states.

The longitudinal nature of the data set is illustrated by a comparison of tables 2A and 2B. Of the twenty-one states which had comprehensive strong bargaining laws in 1984, only twelve had strong bargaining laws for at least one group in 1969; of those twelve, only five had strong bargaining provisions for all five functional groups. Similar variation exists for states with other types of provisions. For example, Minnesota switched from "meet and confer" in 1969 for all five functional groups to strong bargaining rights by 1984, while Virginia changed from a "permissive" (value 2) status for four groups in 1969 to *prohibiting* collective bargaining for all five groups by 1984. In general, the trend is toward more probargaining laws (see table 3), although antibargaining

Table 1C **Coding Sheet for Union Security Provisions**

Variable	Value
(1) Agency Shop	0 = No provision
	1 = Agency shop prohibited
	2 = Agency shop negotiable
	3 = Agency shop compulsory
(2) Union Members' Dues Checkoff	0 = No provision
	1 = Dues checkoff prohibited
	2 = Dues checkoff negotiable
	3 = Dues checkoff compulsory
(3) Union Shop	0 = No provision
	1 = Union shop prohibited
	2 = Union shop negotiable
	3 = Union shop compulsory
(4) "Right-to-Work" Law	0 = has no "right-to-work" law applying to public employees
	1 = has a "right-to-work" law applying to public employees

Notes: The term "fair-share agreement" is synonymous with "agency shop."

Agency shop provisions typically stipulate that the service fee shall be deducted from nonmembers salaries. Such provisions are distinct from dues checkoff, which stipulates that union members' dues shall be deducted from their salaries; the two types of provisions often exist separately.

"Maintenance of membership" is another type of provision relating to union membership; it stipulates that employees who join the union must maintain their membership for the duration of the collective bargaining agreement. We decided this was not important enough to code, although several states do have such provisions.

Agency shops, dues checkoff, and union shops are "negotiable" when the law stipulates that public employers and public employee unions may settle contracts that include such provisions. "Prohibited" and "compulsory" are self-explanatory, except that dues checkoff is also coded as "compulsory" when the public employer must deduct union dues at the request of either the union or individual employees. Also, individual employee consent is generally required by the law.

Table 1D **Coding Sheet for Impasse Procedures**

Variable	Value
(1) Mediation: Availability	0 = No provision 1 = Specifically prohibited 2 = Voluntary (both parties must consent) 3 = Discretionary: Administrative agency may initiate, either unilaterally or upon request of a party to impasse. 4 = Mandatory: Required by statute
(2) Fact-finding: Availability	(same as mediation)
(3) Arbitration: Availability	(same as mediation)
(4) Arbitration: Scope	0 = No provision 1 = Issues other than compensation 2 = All negotiable issues
(5) Arbitration: Type	0 = No provision 1 = Conventional 2 = Final offer—Issue basis 3 = Final offer—Package basis 4 = Any one of these types may be used

Notes: The coding is intended to reflect the actual nature of the process provided for in law and may in some cases differ from the *wording* used in the law where that deviates from common usage. For example, Alaska's teachers' law does not explicitly provide for fact-finding, but their so-called mediation process clearly includes fact-finding. The most important example of this is arbitration. We *define* arbitration as being final and binding. Some states have so-called arbitration procedures that are merely advisory, hence no different from fact-finding; we have coded such procedures as "fact-finding."

Table 1E **Coding Sheet for Strike Policy Provisions**

Variable	Value
(1) Strike Policy	0 = No provision 1 = Prohibited with penalties specified 2 = Prohibited with no penalties specified (discretion of court) 3 = Permitted (with qualifications)

Notes: The values for this variable represent broad categories. However, the types of penalties and qualifications used are very consistent across states, and the values represent as fine a distinction between state policies as we are accurately able to construct from the laws. Researchers should note that depending on the state, court-imposed penalties may be more severe than those provided for by law.

In general, the penalties specified include one or more of the following: loss of union certification, loss of dues deduction, loss of wages during strike (or twice wages), termination of employment, fines for union and/or individual employees, and rehire on probation.

No state permits its public employees to strike without qualifications. Typical qualifications include: the previous collective bargaining agreement has expired and no new one has been reached; impasse procedures have been fully complied with; and at least XX days have elapsed since issuance of the fact-finders' report. Such strikes can usually be enjoined if the courts decide that they have caused a threat to public safety or health.

Table 2A **Bargaining Rights and Scope (as of January 1984)**

State	State Employees	Police	Fire	Teachers	Other Local
Alaska	6	6	6	6	6
Delaware	6	6	6	6	6
Florida	6	6	6	6	6
Montana	6	6	6	6	6
Pennsylvania	6	6	6	6	6
Washington	5	6	6	5	6
Connecticut	5	5	5	5	5
Hawaii	5	5	5	5	5
Iowa	5	5	5	5	5
Maine	5	5	5	5	5
Massachusetts	5	5	5	5	5
Michigan	5	5	5	5	5
Minnesota	5	5	5	5	5
New Hampshire	5	5	5	5	5
New Jersey	5	5	5	5	5
New York	5	5	5	5	5
Oregon	5	5	5	5	5
Rhode Island	5	5	5	5	5
South Dakota	5	5	5	5	5
Vermont	5	5	5	5	5
Wisconsin	5	5	5	5	5
California	4	5	5	5	5
Nebraska	5	5	5	2*	5
Oklahoma	0	5	5	5*	0
Idaho	0	2*	5	6*	2*
Nevada	1	5	5	5	5
Kansas	4	4	4	5	4
Kentucky	1	5	5	2*	0
Texas	1	5	5	2*	1
Maryland	0	0	0	5	0
North Dakota	0	0	0	5	0
Wyoming	0	0	5	0	0
Missouri	4	0	4	0	4
Utah	3*	3*	3*	3*	3*
New Mexico	5**	2*	2*	2*	2*
Arizona	2	2	2	2	2
West Virginia	2	2	2	2	2
South Carolina	2*	2*	2*	2*	2*
Arkansas	2*	2*	2*	2*	2*
Illinois	5	2*	2*	2*	2*
Indiana	2*	2*	2*	5	2*
Louisiana	2*	2*	2*	2*	2*
Colorado	0	0	0	2*	0
Ohio	0	0	0	2*	0
Mississippi	0	0	0	0	0
Tennessee	1	1	1	5	1
Georgia	1	0	4	1	0
Alabama	1	1	3	1	1

Table 2A (continued)

State	State Employees	Police	Fire	Teachers	Other Local
Virginia	1	1	1	1	1
North Carolina	1	1	1	1	1

Key:
6 = Duty to bargain II (explicit)
5 = Duty to bargain I (implied)
4 = Right to meet and confer
3 = Right to present proposals
2 = Employer authorized but not required to bargain with union
1 = Collective bargaining prohibited
0 = No bargaining provision
* = No provision as to the scope of bargaining
** = Wages are a prohibited subject of bargaining

Table 2B **Bargaining Rights and Scope (as of January 1969)**

State	State Employees	Police	Fire	Teachers	Other Local
Alaska	2	2	2	2	2
Delaware	6	6	6	0	6
Florida	0	0	0	0	0
Montana	0	0	0	0	0
Pennsylvania	0	6	6	0	0
Washington	5	6	6	6	6
Connecticut	0	5	5	5	5
Hawaii	0	0	0	0	0
Iowa	0	0	0	0	0
Maine	0	0	5	0	0
Massachusetts	5*	5	5	5	5
Michigan	0	5	5	5	5
Minnesota	4*	4*	4*	4	4*
New Hampshire	2*	2*	2*	2*	2*
New Jersey	5	5	5	5	5
New York	5	5	5	5	5
Oregon	2	2	2	4	2
Rhode Island	5	5	5	5	5
South Dakota	0	0	0	0	0
Vermont	0	5	5	5	5
Wisconsin	5**	0	5	5	5
California	4	2	4	4	4
Nebraska	0	0	0	2*	0
Oklahoma	0	0	0	0	0
Idaho	0	2*	2*	2*	2*
Nevada	1	1	1	1	1
Kansas	0	0	0	0	0
Kentucky	1	0	0	2*	0
Texas	1	1	1	2*	1

Table 2B (continued)

State	State Employees	Police	Fire	Teachers	Other Local
Maryland	0	0	0	0	0
North Dakota	0	0	0	0	0
Wyoming	0	0	5	0	0
Missouri	4	0	4	0	4
Utah	3*	3*	3*	3*	3*
New Mexico	0	2*	2*	2*	2*
Arizona	0	0	0	0	0
West Virginia	2	2	2	2	2
South Carolina	0	0	0	0	0
Arkansas	2*	2*	2*	2*	2*
Illinois	2	2*	2*	2*	2*
Indiana	0	0	0	0	0
Louisiana	0	0	0	0	0
Colorado	0	0	0	0	0
Ohio	0	0	0	0	0
Mississippi	0	0	0	0	0
Tennessee	0	0	0	0	0
Georgia	0	0	0	2*	0
Alabama	1	1	3	1	1
Virginia	1	2*	2*	2*	2*
North Carolina	1	1	1	1	1

Key:
6 = Duty to bargain II (explicit)
5 = Duty to bargain I (implied)
4 = Right to meet and confer
3 = Right to present proposals
2 = Employer authorized but not required to bargain with union
1 = Collective bargaining prohibited
0 = No bargaining provision
* = No provision as to the scope of bargaining
** = Wages are a prohibited subject of bargaining

Table 3 **State Counts by Pro- or Antibargaining, 1969 and 1984**

	1969	1984
States all probargaining	5	21
States mostly probargaining	5	4
States mostly prohibiting bargaining	4	4
States all prohibiting bargaining	1	2

Note: To be counted as all probargaining, states must have strong bargaining rights (values 5 or 6) for all five functional groups. To be counted as mostly probargaining, states must have 3 or 4 strong bargaining groups. The same scheme was used for the "prohibiting" categories, using the value 1.

states in some cases adopted more explicit or stringent antibargaining provisions. Overall, there is enough longitudinal variation to perform both within-state longitudinal and panel investigations.

Several states stand out as early probargaining states: Washington, Massachusetts, New Jersey, New York, and Rhode Island. These states currently have broad probargaining laws that also extend to our other dimensions, such as impasse procedures. Not surprisingly, police and fire fighters were typically among the earliest groups to be covered by strong bargaining laws, in addition to sometimes being the only groups covered in a state (see table 2A). Several states have recognized explicitly in their laws the importance of assuring uninterrupted police and fire-fighting services and have instituted strong bargaining rights for these groups in the belief that such provisions, along with extensive impasse procedures and antistrike laws (see below, tables 6A and 6B), would assure smoother labor relations. Whether they have succeeded is the type of testable hypothesis that the data set will enable researchers to investigate.

Tables 4A and 4B list union security provisions as of January 1984 and January 1969, respectively; the states are listed in the same order as in tables 2A and 2B. The incidence of these provisions within and across states follows patterns similar to those of the bargaining rights provisions in tables 2A and 2B. It should be noted that tables 4A and 4B list only the strongest union security provision in effect for each functional group. However, as states with strong union security provisions, such as required agency shops, also tend to have provisions for weaker union security arrangements, such as dues checkoff, the data set itself includes values for all union security mechanisms. Also, some states with right-to-work laws, which typically prohibit union and agency shops, have other security provisions, such as allowing or requiring dues checkoff; these states have two numbers listed in tables 4A and 4B.

Comparing tables 2 and 4, we see that the states with stronger bargaining laws also tend to have stronger union security provisions. States with right-to-work laws are more likely to have weak bargaining provisions or to prohibit bargaining, supporting the use of right-to-work laws as an indicator of antibargaining attitudes. The obvious exceptions to this are Florida, South Dakota, and Nebraska, each of which is a strong bargaining state but has a right-to-work law still on the books. Florida's comprehensive 1975 law (preceded briefly by a 1973 law for fire fighters) enacted very strong bargaining rights in a state that previously had only a right-to-work law on the books.

In contrast, a comparison of tables 4A and 4B indicates that many states enacted stronger union security provisions during the years between 1969 and 1984. In 1969, only two states (Massachusetts and

Table 4A **Union Security Provisions (as of January 1984)**

State	State Employees	Police	Fire	Teachers	Other Local
Alaska	5	5	5	0	5
Delaware	3	3	3	3	3
Florida	1,3	1,3	1,3	1,3	1,3
Montana	4	4	4	4	4
Pennsylvania	2	2	2	2	2
Washington	5	5	5	5	5
Connecticut	6	2	2	4	2
Hawaii	6	6	6	6	6
Iowa	1,2	1,2	1,2	1,2	1,2
Maine	4	0	0	0	0
Massachusetts	4	4	4	4	4
Michigan	4	4	4	4	4
Minnesota	4	4	4	4	4
New Hampshire	0	0	0	0	0
New Jersey	4	4	4	4	4
New York	6	4	4	4	4
Oregon	4	4	4	4	4
Rhode Island	6	0	0	6	0
South Dakota	1	1	1	1	1
Vermont	0	4	4	0	4
Wisconsin	4	4	4	4	4
California	4	4	4	4	4
Nebraska	1	1	1	1,3	1
Oklahoma	0	0	0	0	0
Idaho	0	0	0	0	0
Nevada	0	2	2	2	2
Kansas	1	1	1	1	1
Kentucky	0	0	4	0	0
Texas	1	1,2	1,2	1,2	1,2
Maryland	0	0	0	0	0
North Dakota	1	1	1	1,3	1
Wyoming	1	1	1	1	1
Missouri	0	0	0	0	0
Utah	1,3	1,3	1,3	1,3	1,3
New Mexico	2	0	0	0	0
Arizona	1,3	1	1	1,2	1
West Virgina	3	0	0	0	0
South Carolina	1,2	1,2	1,2	1,2	1,2
Arkansas	1,2	1	1	1	1
Illinois	2	2	2	2	2
Indiana	0	0	0	4	0
Louisiana	2	2	2	2	2
Colorado	0	0	0	0	0
Ohio	2	2	2	4	2
Mississippi	1	1	1	1	1
Tennessee	2	0	0	2	0
Georgia	0	0	0	0	0
Alabama	1	1	1	1,3	1

Table 4A (continued)

State	State Employees	Police	Fire	Teachers	Other Local
Virginia	1	1	1	1	1
North Carolina	0	0	0	0	0

Key:
6 = Agency shop compulsory
5 = Union shop negotiable
4 = Agency shop negotiable
3 = Dues checkoff compulsory
2 = Dues checkoff negotiable
1 = Right-to-work law (prohibits union shop and typically agency shop)
0 = No union security provisions (union and agency shops may be prohibited)

Table 4B **Union Security Provisions (as of January 1969)**

State	State Employees	Police	Fire	Teachers	Other Local
Alaska	0	0	0	0	0
Delaware	3	3	3	0	3
Florida	1	1	1	1	1
Montana	0	0	0	0	0
Pennsylvania	0	2	2	0	0
Washington	3	3	3	3	3
Connecticut	0	2	2	0	2
Hawaii	0	0	0	0	0
Iowa	1,2	1,2	1,2	1,2	1,2
Maine	0	0	0	0	0
Massachusetts	3	4	4	4	4
Michigan	0	0	0	0	0
Minnesota	0	0	0	0	0
New Hampshire	0	0	0	0	0
New Jersey	0	0	0	0	0
New York	3	3	3	3	3
Oregon	0	0	0	0	0
Rhode Island	3	0	0	0	0
South Dakota	1	1	1	1	1
Vermont	0	4	4	4	4
Wisconsin	2	0	0	0	0
California	0	0	0	0	0
Nebraska	1	1	1	1	1
Oklahoma	0	0	0	0	0
Idaho	0	0	0	0	0
Nevada	0	0	0	0	0
Kansas	1	1	1	1	1
Kentucky	0	0	0	0	0
Texas	1	1,2	1,2	1,2	1,2
Maryland	0	0	0	0	0
North Dakota	1	1	1	1	1

Table 4B (continued)

State	State Employees	Police	Fire	Teachers	Other Local
Wyoming	1	1	1	1	1
Missouri	0	0	0	0	0
Utah	1	1	1	1	1
New Mexico	0	0	0	0	0
Arizona	1	1	1	1	1
West Virginia	3	0	0	0	0
South Carolina	1,2	1,2	1,2	1,2	1,2
Arkansas	1	1	1	1	1
Illinois	2	2	2	2	2
Indiana	0	0	0	0	0
Louisiana	2	2	2	2	2
Colorado	0	0	0	0	0
Ohio	2	2	2	2	2
Mississippi	1	1	1	1	1
Tennessee	0	0	0	0	0
Georgia	0	0	0	0	0
Alabama	1	1	1	1	1
Virginia	0	0	0	0	0
North Carolina	0	0	0	0	0

Key:
6 = Agency shop compulsory
5 = Union shop negotiable
4 = Agency shop negotiable
3 = Dues checkoff compulsory
2 = Dues checkoff negotiable
1 = Right-to-work law (prohibits union shop and typically agency shop)
0 = No union security provisions (union and agency shops may be prohibited)

Vermont) had union security mechanisms permitting agency shops. By 1984, nineteen states had union security provisions that were at least as strong as permitting agency shops (see table 5). Again, the general trend during these years was toward stronger probargaining provisions.

Tables 6A and 6B list final impasse resolution and strike policy provisions as of the years 1984 and 1969, respectively; once again, the states are listed in the same order as in tables 2A and 2B. Only the *final* impasse procedure is listed. However, states with arbitration provisions often have mediation and fact-finding provisions, and states with fact-finding often have mediation provisions; the data set itself includes values for all these mechanisms for each state-function. For mediation and fact-finding, only their availability (i.e., whether the mechanism is mandatory, discretionary—requiring the request of one of the parties, or voluntary—requiring the consent of both parties) is shown. For arbitration, the scope and type of arbitration is also shown.

Table 5 State Counts for Union Security Provisions

	1969	1984
Agency shop negotiable or compulsory	2	19
Dues checkoff negotiable or compulsory	14	18
Right-to-work law	14	15
No provision	24	9

Note: Columns do not sum to fifty since some states have both a right-to-work law and dues checkoff provisions.

Once again, states with stronger bargaining rights are more likely to have strong third-party impasse resolution procedures (where "strong" is defined by both the mechanism used and its availability). There are many more blanks as we move down tables 6A and 6B and fewer functions with arbitration provisions.

The patterns in impasse and strike provisions within and across states are similar to those in bargaining and union security provisions. However, there is less consistency across functional groups for impasse procedures than there is for the other two dimensions. In particular, police and fire fighters are more likely to be provided with mandatory or discretionary arbitration than are the other functional groups (see table 7).

Police and fire fighters are also much less likely to be granted a limited right to strike than are the other groups. As of 1984, only two states (Montana and Idaho) grant such a right to police or fire fighters, while nine states grant a limited right to strike to at least one of the other groups. However, most states prohibit strikes by public employees; of the forty-one remaining states, only three have no explicit strike provisions, leaving thirty-eight states as of 1984 that specifically prohibit strikes by at least one functional group and do not explicitly permit strikes by any (see table 8).

Finally, table 7 reveals once again the longitudinal change since 1969 toward broader provisions; the general movement is away from no provision and toward some combination of mediation, fact-finding, and arbitration in most states. Mandatory and discretionary arbitration provisions were virtually nonexistent in 1969, and only conventional arbitration was mentioned. Table 8 indicates a similar phenomenon for strike policy provisions; the general movement is toward more explicit provisions, with many more states specifically prohibiting or allowing strikes in 1984 than in 1969.

Our final descriptive table is table 9; it provides a rough summary statistic indicating the public sector bargaining environment, as measured by our variables, in all fifty states. In general, a higher variable value in our data set indicates a stronger probargaining provision. The

Table 6A **Final Impasse Resolution and Strike Policy (as of January 1984)**

State	State Employees	Police	Fire	Teachers	Other Local
Alaska	M:D,Pm	A :M,C,P	A :M,C,P	F :D,Pm	M:D,Pm
Delaware	A :V,C*,P	A :V,C*,P	A :V,C*,P	F :D,PP	A :V,C*,P
Florida	F :M,PP	F :M,PP	F :M,PP	F :M,PP	F :M,PP
Montana	A :V,NP,Pm	A :V,NP,Pm	A :V,NP,P	A :V,NP,Pm	A :V,NP,Pm
Pennsylvania	A :V,NP,Pm	A :D,C,PP	A :D,C,PP	A :V,NP,Pm	A :V,NP,Pm
Washington	P	A :M,C,P	A :M,C,P	A :V,C,P	P
Connecticut	F :D,P	A :M,FOI,P	A :M,FOI,P	A :M,FOI,P	A :M,FOI,P
Hawaii	A :V,C,Pm	A :V,C,P	A :M,FO,P	A :V,C,Pm	A :V,C,Pm
Iowa	A :D,FOI,PP	A :D,FOI,PP	A :D,FOI,PP	A :D,FOI,PP	A :D,FOI,PP
Maine	A :D,C*,P	A :D,C*,P	A :D,C*,P	A :D,C*,P	A :D,C*,P
Massachusetts	A :V,NP,P	A :V,NP,PP	A :V,NP,PP	A :V,NP,PP	A :V,NP,PP
Michigan	M:M,PP	A :D,FOI,PP	A :D,FOI,PP	M:M,P	M:M,P
Minnesota	A :V,C&F,Pm	A :D,C&F,PP	A :D,C&F,PP	A :V,C&F,Pm	A :V,C&F,Pm
New Hampshire	F :M,P	F :M,P	F :M,P	F :M,P	F :M,P
New Jersey	F :M,P	A :M,C&F,P	A :M,C&F,P	F :M,P	F :M,P
New York	A :V,NP,PP	A :D,C,PP	A :D,C,PP	A :V,NP,PP	A :V,NP,PP
Oregon	A :V,C,Pm	A :M,C,P	A :M,C,P	A :V,C,Pm	A :V,C,Pm
Rhode Island	A :M,C*,P	A :M,C,P	A :M,C,P	A :D,C*,P	A :D,C*,P
South Dakota	F :D,PP	F :D,PP	F :D,PP	F :D,PP	F :D,PP
Vermont	A :M,FO,P	A :V,C,P	A :V,C,P	F :D,Pm	A :V,C,Pm
Wisconsin	F :V,PP	A :D,FO,PP	A :D,FO,PP	A :D,FO,Pm	A :D,FO,Pm
California	M:D,P	M:D,P	M:D,P	A :V,NP,P	M:V,P
Nebraska	A :D,C,PP	A :D,C,PP	A :D,C,PP	A :D,C,PP	A :D,C,PP
Oklahoma	—	F :D,PP	F :D,PP	F :M,PP	—
Idaho	—	—	F :M,Pm	F :D	—
Nevada	—	A :V,NP,PP	A :M,FO,PP	A :V,NP,PP	A :V,NP,PP

Kansas	P	F :M,P	F :M,P	F :D,P	F :M,P
Kentucky	P	P	F :D,P	P	P
Texas	PP	A :V,C,PP	A :V,C,PP	PP	PP
Maryland	—	—	—	M:D,PP	—
North Dakota	M:D,P	M:D,P	M:D,P	F :D,PP	M:D,P
Wyoming	—	—	A :M,C	—	—
Missouri	P	—	P	—	P
Utah	PP	PP	PP	PP	PP
New Mexico	F :D,PP	—	—	—	—
Arizona	—	—	—	P	—
West Virgina	—	—	—	—	—
South Carolina	P	P	P	P	P
Arkansas	P	P	P	P	P
Illinois	PP	PP	F :M,PP	PP	PP
Indiana	—	—	—	A :V,NP,PP	—
Louisiana	—	P	—	—	—
Colorado	P	P	P	P	P
Ohio	PP	PP	PP	PP	PP
Mississippi	—	—	—	—	—
Tennessee	PP	—	—	F :D,PP	—
Georgia	PP	—	F :M,P	—	—
Alabama	P	P	P	P	P
Virginia	PP	PP	PP	PP	PP
North Carolina	—	—	—	—	—

Key: The first letter indicates whether there is mediation (M), fact-finding (F), or arbitration (A). The first letter after the colon indicates whether the procedure is mandatory (M), discretionary (D), or voluntary (V). For arbitration, the next symbol indicates the type of arbitration: conventional (C), final offer by package (FO), final offer by issue (FOI), conventional or final offer (C&F), no provision on the type (NP). An asterisk indicates that wages are an excluded issue for arbitration. Finally, the last letter indicates strike policy: prohibited with penalties (PP), prohibited (P), permitted with qualifications (Pm).

Table 6B **Final Impasse Resolution and Strike Policy (as of January 1969)**

State	State Employees	Police	Fire	Teachers	Other Local
Alaska	—	—	—	—	—
Delaware	A:V,C*,P	A:V,C*,P	A:V,C*,P	—	A:V,C*,P
Florida	P	P	P	P	P
Montana	—	—	—	—	—
Pennsylvania	PP	A:D,C,PP	A:D,C,PP	PP	PP
Washington	P	P	P	P	P
Connecticut	—	F:D,P	F:D,P	F:M,P	F:D,P
Hawaii	—	—	—	—	—
Iowa	—	—	—	—	—
Maine	—	—	F:M,P	—	—
Massachusetts	F:D,P	F:D,P	F:D,P	F:D,P	F:D,P
Michigan	M:D	M:D,P	M:D,P	M:D,P	M:D,P
Minnesota	M:D,PP	M:D,PP	M:D,PP	M:D,PP	M:D,PP
New Hampshire	P	P	P	P	P
New Jersey	A:V,NP,P	A:V,NP,P	A:V,NP,P	A:V,NP,P	A:V,NP,P
New York	F:D,PP	F:D,PP	F:D,PP	F:D,PP	F:D,PP
Oregon	M:D,P	M:D,P	M:D,P	M:D,P	M:D,P
Rhode Island	A:M,C*,P	A:M,C,P	A:M,C,P	A:D,C*,P	A:D,C*,P
South Dakota	—	—	—	—	—
Vermont	—	A:V,NP,P	A:V,NP,P	A:V,NP,Pm	A:V,NP,Pm
Wisconsin	F:D,P	F:D	F:D,P	F:D,P	F:D,P
California	—	—	P	—	—
Nebraska	P	P		P	P
Oklahoma	—	—	—	—	—
Idaho	—	—	—	—	—
Nevada	—	—	—	—	—
Kansas	—	—	—	—	—
Kentucky	—	—	—	—	—
Texas	PP	PP	PP	PP	PP
Maryland	—	—	—	—	—
North Dakota	M:D,P	M:D,P	M:D,P	M:D,P	M:D,P
Wyoming	—	—	A:M,C	—	—
Missouri	P	—	P	—	P
Utah	PP	PP	PP	PP	PP
New Mexico	—	—	—	—	—
Arizona	—	—	—	—	—
West Virginia	—	—	—	—	—
South Carolina	—	—	—	—	—
Arkansas	P	P	P	P	P
Illinois	P	P	F:M,P	P	P
Indiana	—	—	—	—	—
Louisiana	—	—	—	—	—
Colorado	—	—	—	—	—
Ohio	PP	PP	PP	PP	PP
Mississippi	—	—	—	—	—
Tennessee	—	—	—	—	—
Georgia	PP	—	—	—	—
Alabama	P	P	P	P	P

Table 6B (continued)

State	State Employees	Police	Fire	Teachers	Other Local
Virginia	—	—	—	—	—
North Carolina	—	—	—	—	—

Key: The first letter indicates whether there is mediation (M), fact-finding (F), or arbitration (A). The first letter after the colon indicates whether the procedure is mandatory (M), discretionary (D), or voluntary (V). For arbitration, the next symbol indicates the type of arbitration: conventional (C), final offer by package (FO), final offer by issue (FOI), conventional or final offer (C&F), no provision on the type (NP). An asterisk indicates that wages are an excluded issue for arbitration. Finally, the last letter indicates strike policy: prohibited with penalties specified (PP), prohibited (P), permitted with qualifications (Pm).

Table 7 **State Counts for Final Impasse Resolution Procedures, 1984 and 1969**

	Mandatory or Discretionary Arbitration	Voluntary Arbitration	Mediation or Fact-finding	None
		1984		
Police	14	7	7	22
Fire	17	5	11	17
State employees	5	8	11	26
Teachers	6	11	14	19
Other local	6	10	9	25
		1969		
Police	2	3	8	37
Fire	3	3	10	34
State employees	1	2	7	40
Teachers	1	2	8	39
Other local	1	3	8	38

Table 8 **State Counts for Strike Policy**

	1969	1984
Permitted with qualifications	1	9
Prohibited	18	15
Prohibited with penalties	7	23
No provision	24	3

Table 9 **Summary Bargaining Environment Statistic (sum of all variables)**

State	1984	1969
Alaska	156	80
Delaware	129	118
Florida	135	55
Montana	158	70
Pennsylvania	132	80
Washington	146	121
Connecticut	160	118
Hawaii	162	70
Iowa	135	60
Maine	123	77
Massachusetts	137	127
Michigan	131	108
Minnesota	142	84
New Hampshire	125	70
New Jersey	132	115
New York	130	115
Oregon	160	92
Rhode Island	126	114
South Dakota	105	60
Vermont	143	130
Wisconsin	129	96
California	119	81
Nebraska	113	54
Oklahoma	91	70
Idaho	92	74
Nevada	104	65
Kansas	115	60
Kentucky	87	70
Texas	69	51
Maryland	79	70
North Dakota	70	60
Wyoming	63	63
Missouri	82	82
Utah	65	55
New Mexico	82	74
Arizona	62	55
West Virginia	82	82
South Carolina	60	60
Arkansas	56	55
Illinois	77	79
Indiana	88	70
Louisiana	79	75
Colorado	66	70
Ohio	58	65
Mississippi	55	55
Tennessee	72	70
Georgia	73	69
Alabama	51	49
Virginia	40	73
North Carolina	65	65

exceptions are the "0" and "1" values of the variables; the value "1" generally represents a restriction on the relevant activity, while "0" typically represents "no provision." Thus, with a recoding so that the 0's and 1's in the variables are interchanged, a simple sum of all the variable values across all five functions in a state is a good overall indicator of how amenable the state is to public sector unions and collective bargaining.[5] The value of this statistic is shown for both the years 1984 and 1969.

The states listed first tend to have higher values in this table, although not in exact order. Again, this indicates that states with strong provisions in one area also tend to have them in others; the same holds true for states with weak, antibargaining, or no provisions. The general trend toward stronger and more provisions is illustrated by a comparison of the two columns in table 9. Most states' summary statistics increased significantly between 1969 and 1984, while a few remained the same or decreased over the period. The states with the most probargaining environments as of 1984 are Hawaii, Connecticut, and Oregon. The early leaders in this area are Vermont, Massachusetts, and Washington. Of the remaining states, almost all experienced a significant change in their public sector bargaining environments.

In sum, the 1970s were a period of tremendous growth in laws protecting the existence and activities of public sector unions. Although the laws written during this period demonstrate marked consistency in the language used and issues addressed, the range of different bargaining environments is quite broad, whether we compare across functions, across states, or over time. This evolving legal framework is a rich source for investigations, whether they concern wages, strikes, or any other outcome associated with public sector collective bargaining. Our data set is intended to make such investigations easier to design and implement and also to allow further research into the evolution of the laws themselves.

Notes

1. Previous attempts to provide similar information in compact form exist. The U.S. Department of Labor's *Summary of Public Sector Labor Relations,* published approximately every second year since 1971, contains descriptions of public sector collective bargaining policies in the fifty states plus the District of Columbia and several territories. It is a particularly useful reference since it includes descriptions not only of codified laws, but also of important case decisions and Opinions of State Attorneys General, each of which is often used to define state policy.

The AFSCME Research Division provided us with a computer printout of the fifty states' legal provisions as of March 1985. Their information covers

most of the relevant dimensions of the laws but does not indicate when changes occurred nor list provisions specifically prohibiting bargaining or union security arrangements.

A broader attempt, which includes the coding of provisions into numerical form and covers the fifty states in the years 1966 and 1979, was made in December 1984 by Berkeley Miller of the University of South Florida. This data set aids longitudinal investigation but omits important dimensions of the laws, particularly in the areas of union security and impasse procedures.

Finally, John Burton of Cornell University has recorded the status of most of the relevant dimensions of the laws since about 1950 and has provided us with tables summarizing the laws and when changes occurred. Our data set is closest in form and content to his information, although ours has been coded into numerical form and stored on computer disk.

2. Our procedure was to use the U.S. Department of Labor's (DOL) *Summary of Public Sector Labor Relations* to discern which states had codified laws and where these laws could be found in the statutes, then to review the statutes. Since some laws had been repealed and hence were not listed in the DOL *Summary,* we were careful to use all available sources to locate and copy any previous laws not currently on the statutes.

Constructing complete legislative histories entailed difficulties. Many of the laws had significant amendments. Since the state statutes contained only current versions of the laws and typically did not explain any amendments made, we had to look up most amendments in the session law files to see when and if significant revisions were made. Frequently, we would read an amendment only to discover that it simply changed a wording.

The laws were then carefully read and the dimensions that we deemed relevant (see tables 1A–1E) were noted. Using fourteen variables and a numerical coding scheme of our own design, the laws were translated onto code sheets. For those states which did not have laws on the books, we used the DOL *Summary* and other sources to find relevant cases and Office of Attorney General (OAG) rulings. Where the laws and cases were ambiguous, we telephoned a source in the state (usually the state Public Employment Relations Board or the Office of the Attorney General) to obtain an accurate interpretation.

3. The data set is arranged as follows. Each observation contains the status of all fourteen variables for a particular functional group in a particular state for one year. The states are ordered alphabetically, and within each state the functional groups are ordered as follows: state employees, police, fire fighters, teachers, other local employees. For example, the first observation is for state employees in Alabama during the year 1955; the 30th observation is for Alabama state employees in the year 1984; the 151st observation is for Alaska state employees in the year 1955, etc. To avoid confusion, each observation includes eighteen variables; the fourteen legal variables, plus variables indicating the state, functional group, month, and year. For years in which no change in the law occurs, the month variable is coded as "00"; for years in which the law changes, the month variable is coded as the month that the change became effective. For some cases and OAG decisions, the exact effective date is unknown; the month is coded as "13" in these instances, making it clear that a change has occurred. Finally, since states varied in the up-to-dateness of their available statutes, the final observation for different state-functional groups typically corresponds to different dates. The earliest date is January 1984, the latest is April 1985, hence some state-functional groups contain thirty-one rather than thirty observations.

4. January 1984 is the most recent date we could use and still insure complete accuracy for all fifty states. Researchers should note that Ohio passed a comprehensive law effective April 1984, and Illinois passed a law effective January 1984 for teachers and July 1984 for all other groups. These laws are included in the data set, but they are not included in the tables presented here.

5. For example, the collective bargaining rights variable was recoded so that the value 0 represents "collective bargaining prohibited" and the value 1 represents "no provision on collective bargaining." This recoding was done for all variables except for "type of arbitration" and "strike policy." The "type of arbitration" variable was excluded from calculation of the summary statistic presented in table 9, as no natural ordering exists for this variable. The strike variable was recoded so that the value 2 represents "no provision," the value 0 "prohibited with penalties specified," and the value 1 "prohibited with no penalties specified." Data set users may want to devise similar recoding schemes.

References

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