



StateNotes

Unions/Collective Bargaining

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State Collective Bargaining Policies for Teachers

Update by Michael Colasanti

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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. As collective bargaining spread across the nation, 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 a state allows it, 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. This *ECS StateNote* addresses the following areas of collective bargaining state policy:

- **STATE POLICY:** This section addresses whether a state has a collective bargaining law. Currently, 35 states have such laws.
- **COVERAGE/EXCLUSIONS:** This section presents who is covered under the law, such as teachers, and who may be excluded from coverage, such as superintendents and other school administrators.
- **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 of 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:** This section shows whether a state has a "right to work" law. "Right to work" laws prevent collective bargaining agreements from containing union security clauses that require workers to support and share the costs of union representation. Twenty-two states, mostly located in the southern United States, have a "right to work" law.

- **BARGAINING IMPASSE PROCEDURES:** This section addresses what steps are taken to reach a resolution if an agreement cannot be reached through initial negotiations between a teacher union and a school district. Thirty-four states use mediation, in which a third party attempts to broker an agreement between the two parties. Twenty-nine 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. Twenty-one states provide for voluntary arbitration in which one side or the other can request a hearing. Three states mandate arbitration in which the two sides have to submit to a formal hearing.
- **STRIKES:** This section presents whether strikes by teachers or other public employees are prohibited or permitted under state policy, and, if they are prohibited, whether there are any penalties for those who strike. Twenty-two states prohibit strikes and 13 states permit them. There are penalties for strikes in 13 states, 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 [ALA. CODE § 25-7-12]	No state collective bargaining law			X						
Alaska [ALASKA STAT. §§ 23.40.070 et seq.]	Recognizes the right of public employees to organize for the purpose of collective bargaining.	Certified and non-certified school employees, except for school superintendents	Wages, hours and conditions of employment		X		Mandatory		X	
Arizona [ARIZ. REV.]	No state collective bargaining law			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
STAT. § 23-1302]										
Arkansas [ARK. CODE ANN. § 11-3-303]	No state collective bargaining law			X						
California [CAL. GOV'T CODE §§ 3540 et seq.]	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 employees a voice in the formulation of educational policy.	Public school employees with the exception of managerial, confidential and supervisory employees	Wages, hours and conditions of employment		X	X	Voluntary	X		
Colorado	No state collective bargaining law									

<p>Connecticut [CONN. GEN. STAT. §§ 10-153A et seq.]</p>	<p>Provides rights concerning professional organization and negotiations.</p>	<p>Teachers are covered. Superintendents, assistant superintendents, personnel or budget employees and temporary substitutes are not</p>	<p>Wages, hours and conditions of employment</p>		<p>X</p>		<p>Mandatory</p>	<p>X</p>		
<p>Delaware [DEL. CODE. ANN. tit. 14 §§ 4001 et seq.]</p>	<p>Obligates boards of education and school employee organizations that have been certified as representing their school employees to enter into collective bargaining negotiations.</p>	<p>School employees with the exception of supervisory staff</p>	<p>Wages, benefits, hours, work conditions and grievance procedures</p>		<p>X</p>	<p>X</p>		<p>X</p>		<p>X</p>
<p>Florida [FLA. STAT. §§ 447.201 et seq.]</p>	<p>Grants to public employees the right of organization and representation; requiring the state, local governments, and other political subdivisions to negotiate with bargaining agents duly certified to represent public</p>	<p>All public employees, including teachers</p>	<p>Terms and conditions of employment except those provided for in merit and civil service laws</p>	<p>X</p>	<p>X</p>	<p>X</p>		<p>X</p>		<p>X</p>

	employees.									
Georgia [GA. CODE ANN. § 34-6-21]	No state collective bargaining law			X						
Hawaii [HAW. REV. STAT §§ 89-1 et seq.]	Recognizes the right of public employees to organize for the purpose of collective bargaining; requiring the public employers to negotiate with and enter into written agreements with exclusive representatives on matters of wages, hours, and other conditions of employment.	All public employees, including teachers	Wages, hours and conditions of employment, excluding retirement, health benefits and recruitment examinations		X	X	Voluntary		X	
Idaho [IDAHO CODE §§ 33-1271 ET SEQ; 44-2001]	Empowers the board of trustees of each school district, including specially chartered districts to, upon its own initiative or upon the request of a local education organization representing professional	Teachers, excluding superintendents, supervisors and principals	Conditions of employment	X	X	X		X		

	employees, enter into a negotiation agreement with the local education organization or the designated representative(s).									
Illinois [115 ILL. COMP. STAT. 5/1 et seq.]	Permits educational employees to organize, form, join or assist in employee organizations and requires employers to negotiate and bargain with organizations representing employees.	Public school employees, with the exception of supervisors, short-term or part-time employees, and students	Wages, hours and conditions of employment		X	X	Voluntary		X	
Indiana [IND. CODE ANN. §§ 20-29-1-1 et seq.]	Provides that school employees and employers have the right and obligation to bargain collectively.	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 appropriation	X	X	X	Voluntary	X		X

<p>Iowa [IOWA CODE §§ 20.1 et seq.; 731.1]</p>	<p>Permits public employees to organize and bargain collectively.</p>	<p>All public employees, including teachers, but excluding confidential and temporary employees</p>	<p>Wages, hours, vacation time, insurance, holidays, leave, overtime, seniority, and health and safety issues, among others</p>	<p>X</p>	<p>X</p>	<p>X</p>	<p>Mandatory</p>	<p>X</p>		<p>X</p>
<p>Kansas [KAN. STAT. ANN. §§ 72-5410 et seq.]</p>	<p>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, maintaining, protecting or improving terms and conditions of professional service.</p>	<p>Teachers, excluding administrative employees and retirees</p>	<p>Wages, hours, holiday and sick time, retirement, insurance benefits, grievance and disciplinary procedures, termination and non-renewal of contracts, among others</p>		<p>X</p>	<p>X</p>		<p>X</p>		

Kentucky	No state collective bargaining law.									
Louisiana [LA. REV. STAT. ANN. § 23:981]	No state collective bargaining law.			X						
Maine [ME. REV. STAT. ANN. TIT. 26 §§ 961 et seq.]	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.	All municipal employees; including school employees. Superintendents and assistant superintendents, temporary, seasonal, and on-call employees are excluded	Wages, hours, grievance arbitration, and working conditions		X	X	Voluntary	X		
Maryland [MD. CODE ANN., EDUC. §§ 6-401 et seq.; 6-501 et seq.]	Maryland has two collective bargaining laws that cover school employees: #1: Pertains to certified employees #2: Pertains to non-certified employees	#1: Teachers, excluding county superintendents #2: Non-certified public school employees, excluding management personnel and confidential employees	Wages, hours and working conditions	X ⁱ	X	X		X		X

Massachusetts [MASS. ANN. LAWS CH. 150E, §§ 1 et seq.]	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.	All public employees, including teachers	Wages, hours, performance standards and conditions of employment		X	X	Voluntary	X		X
Michigan [MICH. COMP. LAWS §§ 423.201 et seq.]	Provides for public employees to organize together or to form, join or assist in labor organizations, to engage in lawful concerted activities for the purpose of collective negotiation or bargaining or other mutual aid and protection, or to negotiate or bargain collectively with their public employers through	Municipal and local government employees, including teachers	Wages, hours and conditions of employment		X	X		X		X

	representatives of their own free choice.									
Minnesota [MINN. STAT. §§ 179A.01 et seq.]	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 be in written agreements.	All public employees, including teachers	Hours, fringe benefits, grievance procedures and conditions of employment, excluding retirement benefits		X		Voluntary		X	
Mississippi [MISS. CODE ANN. § 71-1-47]	No state collective bargaining law			X						
Missouri [MO. REV. STAT. § 105.510]	Although the state has a collective bargaining law, teachers at schools, colleges and universities are excluded from it.									
Montana [MONT. CODE ANN. §§ 39-31-	Encourages the practice and procedure of	All public employees, including	Wages, hours, fringe benefits and conditions		X	X	Voluntary		X	

101 et seq.]	collective bargaining to arrive at friendly adjustment of all disputes between public employers and their employees.	teachers. Clerks and administrators of school districts are excluded	of employment							
Nebraska [NEB. REV. STAT. §§ 48-217; 81-1369 et seq.]	Recognizes the right of state employees in bargaining units to organize for the purpose of collective bargaining and requires state employees represented by an exclusive collective-bargaining agent to negotiate with and enter into written agreements on matters of wages, hours, and other terms and conditions of employment.	State employees including teachers	Hours, wages, and other conditions of employment	X	X	X			X	
Nevada [NEV. REV. STAT. ANN. §§ 288.010 et seq.; 613.250]	Recognizes the right of every local government employee, subject to limitations, to join any employee	Local government public employees, including employees of	Wages, hours, sick leave, vacation time, insurance benefits, teacher	X	X	X	Voluntary	X		X

	organization of his choice or to refrain from joining any employee organization. Every local government employer must negotiate in good faith through one or more representatives concerning the mandatory subjects of bargaining.	school districts	preparation time, materials and supplies for classrooms, grievance and arbitration procedures, and discharge and disciplinary procedures							
New Hampshire [N.H. REV. STAT. ANN. §§ 273-A:1 et seq.]	Provides that it is the obligation of the public employer and the employee organization certified by the board as the exclusive representative of the bargaining unit to negotiate in good faith.	All public employees, including teachers	Wages, hours and conditions of employment		X	X	Voluntary	X		
New Jersey [N.J. STAT. ANN. §§ 34:13A-1 et seq.]	Employer-Employee Relations Act gives public employees the right to form or join a union and have the right to be represented in collective	All public employees, including teachers	Conditions of employment and grievance procedures		X	X	Voluntary	X		

	negotiations by that union.									
New Mexico [N.M. STAT. ANN. §§ 10-7E-1 et seq.]	Guarantees public employees the right to organize and bargain collectively with their employers.	Public employees, including teachers	Wages, hours, and other conditions of employment, including the impact of professional and instructional decisions		X		Voluntary	X		X
New York [N.Y. CIV. SERV. LAW §§ 200 et seq.]	Public Employees Fair Employment Act 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 employee organizations representing public employees that have been certified or recognized.	All public employees, including teachers	Wages, hours, conditions of employment and grievance procedures		X	X	Voluntary	X		X
North Carolina [N.C. Gen. Stat. § 95-79]	No state collective bargaining law.			X						

<p>North Dakota [N.D. CENT. CODE, §§ 15.1-16-01 et seq.; 34-01-14]</p>	<p>Provides that an individual employed as a teacher or administrator may form, join and participate in the activities of a representative organization of the individual's choosing for the purpose of representation on matters of employer-employee relations.</p>	<p>Teachers and administrators</p>	<p>Wages, hours, conditions of employment and labor-management relations</p>	<p>X</p>	<p>X</p>	<p>X</p>		<p>X</p>		<p>X</p>
<p>Ohio [OHIO REV. CODE ANN. 4117.01 et seq.]</p>	<p>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 bargaining</p>	<p>All public employees, including teachers, and excluding, among others, assistant superintendents, principals, and assistant principals</p>	<p>Wages, hours, healthcare benefits, conditions of employment and the modification of any collective bargaining provision</p>		<p>X</p>	<p>X</p>	<p>Voluntary</p>		<p>X</p>	

	agreements.									
Oklahoma [OKLA. STAT. TIT. 70 §§ 509.1 et seq.]	Strengthens methods of administering employer-employee relations through the establishment of an orderly process of communications between school employees and the school district.	Public school employees, including principals and assistant principals	Wages, hours, fringe benefits and work conditions			X		X		X
Oregon [OR. REV. STAT. §§ 243.650 et seq.]	Obligates public employers, public employees and their representatives to enter into collective negotiations with willingness to resolve grievances and disputes relating to employment relations and to enter into written and signed contracts evidencing agreements resulting from such negotiations.	All public employees, including teachers	Wages, hours, sick leave, vacation time, grievance procedures and other conditions of employment		X	X	Voluntary		X	

<p>Pennsylvania [PA. STAT. ANN. TIT. 43 §§ 1101.101 et seq.]</p>	<p>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 result of such bargaining.</p>	<p>All public employees, including teachers</p>	<p>Wages, hours and conditions of employment</p>		<p>X</p>	<p>X</p>	<p>Voluntary</p>		<p>X</p>	
<p>Rhode Island [R.I. GEN. LAWS §§ 28-9.3-1 et seq.]</p>	<p>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.</p>	<p>Teachers, excluding superintendents, principals and assistant principals</p>	<p>Wages, hours, working conditions and other terms of employment</p>		<p>X</p>		<p>Voluntary</p>		<p>X</p>	

South Carolina [S.C. Code Ann. § 41-7-20]	No state collective bargaining law.			X						
South Dakota [S.D. CODIFIED LAWS §§ 3-18-1 et seq.; 60-8-3]	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 agency or representatives designated by it with respect to grievance procedures and conditions of employment.	All public employees, including teachers and school administrators	Wages, rates of pay, hours and conditions of employment	X	X	X		X		X
Tennessee [TENN. CODE ANN. §§ 49-5- 601 et seq.; 50- 1-203]	Recognizes the rights of professional employees of boards of education to form, join and assist professional employee organizations to meet, confer, consult and	Teachers, excluding managerial employees	Wages, working conditions, insurance benefits, grievance procedure, student discipline, payroll deductions, leave and	X	X	X	Voluntary	X		X

	negotiate with boards of education over matters relating to terms and conditions of professional service.		fringe benefits							
Texas [TEX. LAB. CODE ANN. § 101.052]	No state collective bargaining law for teachers.			X						
Utah [Utah Code Ann. §§ 34-20-1 et seq.; 34-34-4]	Provides that employees have the right to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection.	All public employees, including teachers	Wages, hours and conditions of employment	X	X				X	
Vermont [VT. STAT. ANN. TIT. 16, §§ 1981 et seq.]	Teachers and administrators may select organizations to represent them in collective	Teachers and school administrators	Wages, grievance procedures and other conditions of employment		X	X	Voluntary		X	

	negotiations with the school board.									
Virginia [VA. CODE ANN. § 40.1-60]	No state collective bargaining law.			X						
Washington [WASH. REV. CODE §§ 41.59.010 et seq.]	Employees shall have the right to self-organization, to form, join or assist employee organizations, to bargain collectively through representatives of their own choosing.	Teachers, excluding administrative officers	Wages, hours and conditions of employment		X	X	Voluntary	X		
West Virginia	No state collective bargaining law.									
Wisconsin [WIS. STAT. §§ 111.70 et seq.]	Creates the Municipal Employment Relations Law, which gives public employees the right to bargain collectively.	Municipal employees, including teachers	Wages, hours and conditions of employment		X	X	Voluntary		X	
Wyoming [WYO. STAT. ANN. § 27-7-109]	No state collective bargaining law.			X						

This ECS StateNote was originally compiled by Carl Krueger, researcher, ECS National Center on Governing America's Schools, with financial support from the Joyce Foundation. 2008 update by Michael Colasanti, associate researcher, ECS Information Clearinghouse.

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Helping State Leaders Shape Education Policy

ⁱ Some non-certificated employees are exempt from this “right to work” provision