

LEGISLATIVE BRIEF: COLLECTIVE BARGAINING

2009-10 legislative goal

- **Collective Bargaining for Public Employees** – Oppose legislation authorizing local governments to enter into collective bargaining agreements with public employees, or mandating dues check-off programs.

Background

Several public employee unions are pushing to repeal the state’s prohibition on collective bargaining for public employees. Several pieces of legislation were introduced during the 2009 long session.

- H750/S427 (Restore Contracts Rights to State/Local) would repeal the state’s prohibition against collective bargaining and amend two other statutes to allow employees’ and retirees’ associations that engage in collective bargaining with the state to continue to use payroll deductions.
- H1651 (Public Safety Employer-Employee Cooperation) grants collective bargaining rights to public safety employees, including fire, police and EMS personnel, and creates a Public Safety Employee Relations Commission in the Department of Labor. The bill also creates an arbitration process for employees to “settle disputes involving workplace grievances when a resolution cannot be achieved through the employer’s administrative process.”
- S178 would restore the collective bargaining rights to state and local public employees by repealing the ban that was enacted in 1959 (G.S. 95-98).

If the ban on collective bargaining is lifted, every county in the state will have to negotiate for salaries and benefits with groups representing local teachers, firefighters, sheriff’s deputies, EMS employees and others that are unionized. Counties do not have experience in negotiating with these groups.

Collective bargaining for public employees would neither improve county government efficiency nor result in improved services to citizens. The likelihood is that collective bargaining would increase operational costs for county governments, would create an adversarial relationship between management and employees, and would create two classes of employees – those in unions and those not in unions. This would likely result in a deterioration of services. Collective bargaining would also limit a county’s ability to respond to economic crises like the current recession. Instead of reducing county costs by such actions as mandatory furloughs or temporary salary freezes, counties would instead be forced to cut funding to critical services such as education and public safety.

Outlook for 2010

None of the bills were acted upon in 2009 and, therefore, none are eligible for the short session. However, legislators could attempt to resurrect the issue through other vehicles. In January, Governor Beverly Perdue issued an executive order requiring agency heads or their representatives to meet quarterly with the representatives of state employee groups regarding “areas of mutual concern,” which includes “terms and conditions of employment.” Governor Perdue has also said she is against collective bargaining for public employees and issued the order to improve communications with employees. The executive order clarified an earlier one issued by former Governor Mike Easley.

The Association is part of a Coalition for N.C. Jobs that is actively opposing efforts to lift North Carolina’s ban on collective bargaining. Current efforts are focused on possible federal action that could pre-empt state regulations. Senate Majority Leader Harry Reid circumvented the usual committee process and introduced S. 3194 to require mandated public safety collective bargaining — his procedure could bring the bill to the Senate floor at any time. The Coalition has sponsored a survey of all state and federal candidates for office to record their position on collective bargaining.