

7 Ways State Lawmakers Can Build Public Sector Union Power

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Contents

- 1 Introduction and summary

- 5 **7 key elements of a successful public employer pro-worker agenda**
 - 5 Train new public employees about the benefits of union membership

 - 7 Facilitate efficient communication between unions and workers

 - 9 Modernize union dues collection

 - 11 Strengthen workers' power at the bargaining table

 - 13 Extend bargaining rights to more workers and make it easier to unionize

 - 17 Partner with unions to train the next generation of public workers

 - 21 Protect public sector jobs with careful review of decisions to contract out

- 24 **Conclusion**

- 25 **Endnotes**

Introduction and summary

After the 2018 U.S. Supreme Court decision in *Janus v. the American Federation of State, County and Municipal Employees, Council 31* (*Janus v. AFSCME*) threatened to undermine government workers' right to come together in strong unions, pro-worker state policymakers across the country responded by enacting a suite of laws to counteract the negative impacts of the decision and maintain strong state-level protections.¹ Six years later, leaders have continued to innovate with policies designed to strengthen public sector collective bargaining rights, extend these protections to more workers, raise pay for the workforce, and partner with unions to train the next generation of public workers.² The public benefits from unions' actions to improve job quality because higher standards and strong labor-management partnerships help to attract and retain well-qualified workers and train the next generation of public servants. Yet many recent advances to support public sector bargaining rights and strengthen partnerships with unionized workers have been enacted in only a handful of states, and in some states, government workers have no bargaining rights at all.

The full report can be found online at:

<https://www.americanprogress.org/article/7-ways-state-law-makers-can-build-public-sector-union-power/>.

Janus v. AFSCME

The Supreme Court's 2018 decision in *Janus v. AFSCME* overturned an almost 50-year-old ruling that protected the power of states to enact strong public sector bargaining laws that promoted labor peace and prevented nonmembers from benefiting from union gains without paying for them.³ The decision prevents public sector unions from collecting fees from workers who benefit from collective bargaining agreements but are not union members, much like private sector "right-to-work" laws that have been shown to hurt unions and the economy and reduce wages for all workers.⁴

Research shows that strong public sector collective bargaining laws help state and local government workers achieve better wages, benefits, and working conditions, and in turn help public employers attract, train, and retain a well-qualified workforce and provide high-quality services to the public.⁵

This report is a toolkit for state policymakers who are looking for reforms that can improve wages and working conditions and address hiring shortages in the public sector by strengthening workers' ability to come together in unions. It updates previous work by the Center for American Progress Action Fund and offers insights for state policymakers by incorporating baseline best practices adopted post-*Janus* with new innovations in an accessible format.⁶ Specifically, the report recommends that pro-worker policymakers:

- 1. Train new public employees about the benefits of union membership:** Allow unionized workers to meet with new hires and educate them on the benefits of union membership at the worksite and online.
- 2. Facilitate efficient communication between unions and workers:** Ensure unions regularly receive updated contact information lists for workers, including email addresses, while protecting workers' privacy.
- 3. Modernize union dues collection:** Allow workers to deduct dues from payroll automatically so that workers deal with one less bill and unions have access to stable finances.
- 4. Strengthen workers' power at the bargaining table:** Respect the right of public sector workers who are not essential to public safety to strike; ensure workers can access critical benefits such as unemployment and health insurance during a strike; and efficiently resolve bargaining conflicts through binding arbitration.
- 5. Extend bargaining rights to more workers and make it easier to unionize:** Grant collective bargaining rights to all public sector workers—including home care and child care workers as well as workers at state and local colleges and universities—and modernize methods of unionizing.

- 6. Partner with unions to train the next generation of public workers:** Build training opportunities and occupation-specific career pathways to attract workers to the public sector, develop a skilled workforce, give workers an opportunity for career growth, and deepen their understanding of essential benefits.

- 7. Protect public sector jobs with careful review of decisions to contract out:** Adopt consistent procedures for determining whether it is in the public's best interest to contract work out.

Adopting these reforms will boost wages and empower public service workers to negotiate for better working conditions. These reforms will also help attract and retain a well-qualified public sector workforce and strengthen local communities for years to come.

Strong unions benefit government workers and the public

Public sector unions benefit workers by allowing them to negotiate together for better wages and working conditions. This is particularly important because public sector workers earn less than workers with similar levels of education in the private sector. While the public sector pay gap has expanded in recent years, unions reduce it by increasing wages and benefits for public sector workers. One study from the Economic Policy Institute found that in states where state and local government workers have strong bargaining rights, the earnings gap – depicted in this analysis using public sector earnings as a percentage of earnings for comparable workers in the private sector – is far narrower than in states where collective bargaining is banned and unions can negotiate for high-quality benefits. The analysis found that public sector workers earn 19 percent less than in the private sector in states where public sector collective bargaining is banned, compared with only 8.7 percent less in states where public employers are required to negotiate with unions.⁷ For Black workers, Hispanic workers, and workers without a college degree, public sector earnings exceed private sector earnings after controlling for demographic factors in states with stronger public sector union laws. (see Figure 1)

Higher compensation through strong unions – along with other benefits of unions such as labor-management training and recruitment partnerships – in turn help government agencies reduce turnover and fill vacancies. Research shows that higher pay and union membership alike reduce turnover for state

government workers.⁸ Another study finds that school districts with strong teachers' unions do a better job of retaining high-quality teachers than districts with weaker unions.⁹

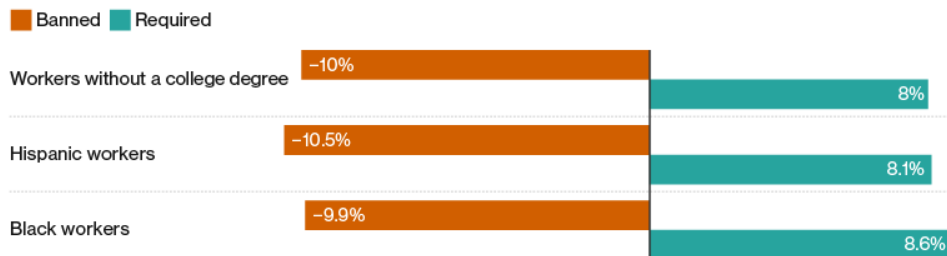
Recruitment partnerships have proven effective for filling vacancies at public employers.¹⁰ Unions are also valuable partners for training workers: By giving workers a voice in the design of training and increasing access to paid on-the-job training, public sector unions help build a skilled workforce, enable new workers to obtain the skills necessary for public employment, and create a viable long-term career pathway in the public sector.¹¹

Strong public sector organizing rights benefit the wider community by increasing the quality of public services and ensuring local communities receive good value in these services. For example, teachers' unions often advocate for smaller class sizes, expansion of public preschool programs, more classroom resources,¹² and reduction of traffic injuries at school crossings.¹³ Similarly, government workers have negotiated for additional resources to ensure qualifying residents are enrolled in state benefits program and price reductions for transit passes.¹⁴

FIGURE 1

Public sector unions narrow the pay gap between public sector and private sector jobs

Difference between public and private sector earnings in states where public sector collective bargaining is banned or required, 2016–2020



Source: Monique Morrissey and Jennifer Sherer, "The public-sector pay gap is widening. Unions help shrink it." (Washington: Economic Policy Institute, 2024).

7 key elements of a successful public employer pro-worker agenda

1. Train new public employees about the benefits of union membership

By giving unions access to new hire orientations, workers can learn about the benefits of union membership and how they can become active participants in their union.

Why states should adopt this reform

For many workers, government work offers their first opportunity to join a union. Many workers start their jobs unfamiliar with how the union negotiates contracts to improve wages and working conditions on their behalf or feel unfamiliar with their legal rights at work.

New hire orientations allow unions to educate workers on the benefits of joining a union, and a 2020 study found that high-quality new member orientations can increase membership and participation in union activities and lead to a lasting positive relationship between workers and their unions.¹⁵ However, in the absence of laws requiring public employers to grant unions access to new hire orientations, workers may miss this opportunity. Orientations about union membership frequently occur during lunch or after hours, when it is much harder for new employees to participate. According to a 2017 study, about one-third of new union members report having participated in an orientation regarding their union, and nearly half of new members had no contact with their union in their first month on the job.¹⁶

How it works

State and local employers should be required to give unions access to new hire orientation sessions and opportunities to meet new employees on-site, during regular working hours. In addition, unions should be given adequate notice for the orientations, the ability to schedule substitute meetings as needed, and the opportunity to negotiate over the terms of their access to new employees—including through online meetings—to reach a solution that works best for the workplace.

How lawmakers can build a successful policy:

- **Require orientations hosted by the union during official new hire orientations that explain workers' legal rights and outline the benefits of joining a union.**

Unions should be given advance notice of new hire orientations to prepare and be able to negotiate over the terms of access to new hire orientations, creating a system that works for both unions and public employers.

- **Guarantee that union orientations last at least 30 minutes and are delivered on-site during regular working hours within 30 days of hire.** Time to meet with union representatives gives workers a chance to learn more about the benefits of joining a union, ask questions about the workplace, and seek help in the onboarding process, all of which can help workers settle into a new role and encourage a healthy relationship between workers and their representatives. Trainings during working hours should not result in deductions from a worker's pay or leave time.

- **Grant unions the option of joining online orientations and the ability to schedule a meeting with a new hire during working hours if outside circumstances prevent new hire orientations from being conducted or make it difficult to host on-site meetings with employees.** During the COVID-19 pandemic, remote work and limits on the size of gatherings prevented many new hire orientations from being held in person. Some states passed laws allowing unions to schedule makeup meetings. Unions should have the choice of whether orientations occur in person or online based on workers' needs.

Examples of successful policies:

- Maryland S.B. 819 (2018), a comprehensive reform of labor law for teachers at public schools, requires public schools to grant unions access to new employee processing.¹⁷
- New Jersey A3686 (2018) gives unions the right to meet with newly hired employees during work hours for 30 minutes within 30 days of the hire;¹⁸ Washington S.B. 6229 (2018) allows union representation to take place during work hours at the worksite or a negotiated location.¹⁹
- California S.B. 191 (2022) entitles union representatives to a 30-minute meeting with new hires at the worksite if no orientation takes place and to schedule makeup meetings if an order limits the size of in-person gatherings; however, California’s provisions for makeup orientations will expire in 2025. Lawmakers should consider making such a policy permanent to anticipate future interruptions to in-person orientations.²⁰

2. Facilitate efficient communication between unions and workers

State policymakers should facilitate communication between public sector workers and unions by requiring public employers to provide them with the email addresses and phone numbers of workers within possible bargaining units and ensuring representatives can speak to workers during convenient times. To protect the privacy of public workers, policymakers should bar outside lobbying groups from accessing this information.

Why states should adopt this reform

Workers and labor organizations must be able to communicate with each other as they work to form unions and collectively bargain for wages and benefits. Effective communication ensures that unions are bargaining in the interest of workers, providing important details on the union’s activities, sharing resources with coworkers, and allowing workers to easily reach union representatives. Unions also offer a formal channel for workers and employers to communicate their needs and concerns with one another. Research shows that ongoing worker engagement programs—including worker surveys, bargaining committees, and house calls—lead to higher union win rates and increases in post-election membership levels.²¹

Most workers prefer to communicate via email or phone rather than bulletin boards or mail. However, not all states require employers to give unions access to up-to-date directories of current and potential bargaining unit members, and employees' personal information is not adequately protected in many states.²² Anti-worker organizations have attempted to obtain employees' private information—including their full names, birthdates, email addresses, and salaries.²³ Limiting access to this information is particularly important for victims of domestic violence, stalking, and sexual harassment.²⁴

How it works

Employers should be required to regularly provide unions with up-to-date contact information, including workers' personal cell phones and email addresses, and allow communication via official work email systems. To assure worker privacy and prevent misuse, this information should be exempt from access via freedom of information laws, and communication should be protected from exposure via lawsuit.

Additionally, worker representatives should have regular access to worksites to communicate with existing and potential members. It may be necessary to meet on-site during work hours, but unless laws are passed that grant union representatives access to the workplace, employers may be able to prevent or make it inconvenient for union representatives to meet in person with members during work hours.

How lawmakers can build a successful policy:

- **Require public employers to share the name, position, mailing address, work and personal phone numbers, and work and personal email addresses of all employees in potential bargaining units with unions.** Employers should provide the information for a new employee in a convenient electronic format within 10 days of hiring, with updated information for all employees at least every 30 days and upon request from a bargaining representative.
- **Explicitly exclude public employees' contact information from information requests and define union communication as privileged information.** Not all state laws facilitating communication between unions and workers adequately protect worker contact information from public access. Policymakers should prevent the personal information of public employees from being shared as part of a freedom of information request or during legal proceedings unrelated to lawbreaking activity.

- **Permit unions to contact and meet with members or potential members on-site and during work hours.** Allow union meetings to occur at worksites; ensure union leaders can access worksites without prior approval; and grant unions access to worksite bulletin boards, allow unions to use employer-provided email systems for communication, and allow union information to be posted on human resources platforms.

Examples of successful policies:

- A number of states have passed laws that require public employers to give unions access to contact information for new employees including name, position, address, work and personal phones, work and personal emails in a convenient and electronic format. These laws include California A.B. 119 (2017),²⁵ Maryland S.B. 819 (2018),²⁶ Illinois S.B. 1784 (2019),²⁷ Washington H1200 (2023),²⁸ and Michigan S.B. 169 (2023).²⁹
- New Jersey A3686 (2018) allows unions to meet in government buildings and communicate with members using the public employee email system.³⁰
- Several states have passed laws that protect public sector workers’ personal information from freedom of information requests, including Oregon H.B. 3037 (2015),³¹ Illinois S.B. 1784 (2020),³² and Washington H.B. 1533 (2023).³³
- Washington H1187 (2023) counts union communications with members for representation as “privileged” so the judiciary cannot compel its use in court cases, in the same way courts cannot compel lawyers to testify against their clients and advocates for victims of domestic violence cannot be forced to release information about victims in court.³⁴

3. Modernize union dues collection

State policymakers should make paying union dues as simple as signing up for other employment benefits. This means allowing workers to automatically deduct their union dues and other payments as part of the normal payroll process, allowing unions to initiate the process, and permitting workers to authorize automatic payroll deductions electronically.

Why states should adopt this reform

Automatic payroll deductions make paying dues convenient and predictable for workers and employers: Workers have one less bill to pay, and worker organizations can manage their finances more reliably. Automatic dues deduction costs the state very little to administer and helps overcome the barriers created by the Supreme Court’s *Janus v. AFSCME* decision.³⁵ Allowing workers to sign up for dues deduction in the most convenient way ensures that administrative barriers or simple oversight do not prevent workers from signing up for union membership. This allows unions to focus on important goals other than dues collection—in fact, payroll dues deduction has been shown to have a small positive effect on wages.³⁶ Although allowing deductions through payroll is the norm in the private sector, the policy has come under attack since the *Janus* decision, with Arkansas, Florida, and Kentucky all passing laws that limit or ban dues deduction in 2023.³⁷

How it works

Union dues are paid via automatic payroll deductions. Workers sign up via an online portal—typically the same portal used for health insurance and retirement benefits. This allows workers to start deductions as part of the onboarding process and establishes an annual window to opt out. A similar process can even be set up for nonmembers represented by a union if *Janus v. AFSCME* is overruled in the future.

How lawmakers can build a successful policy:

- **Give all employees the option to automatically deduct their union dues payments as part of payroll.** Both workers and employee organizations should be able to make requests to initiate payroll deductions, and workers should be able to submit dues deduction electronically. Retired employees also should be able to make deductions from their retirement allowances to cover retiree dues.
- **Allow workers to authorize automatic union due deductions from payroll electronically, in the same way they currently authorize automatic deductions for other benefits such as health insurance.** Employers should be required to allow deductions to create a window of time each year when workers may opt out of dues payments, further ensuring dues collection is predictable and reliable for unions while making it convenient for workers to manage.

- **Enact trigger laws requiring nonmembers benefitting from union-negotiated contracts to pay fair share fees.** While *Janus v. AFSCME* bans states from collecting fair share fees, states should enact trigger laws allowing unions to negotiate to restart fee collection if the decision is overturned via the courts or an act of Congress.

Examples of successful policies:

- California A.B. 1937 (2018) allows unions and other employee organizations to request payroll deductions.³⁸
- Illinois S.B. 1784 (2020) allows workers to submit dues deduction authorization electronically.³⁹ New Jersey A3686⁴⁰ and Delaware HB314,⁴¹ both passed in 2018, create a time window each year when workers can opt out of dues payments.
- Michigan H4004 (2023) enacts a trigger clause that would allow unions to negotiate agreements requiring workers in bargaining units that benefit from collective bargaining agreements to pay “fair share” agreements if the *Janus* decision is overturned.⁴²

4. Strengthen workers’ power at the bargaining table

States should enact robust dispute resolution mechanisms such as granting public sector workers in non-public-safety roles the right to strike and enacting strong binding impasse resolution standards. This would help equalize power between workers and employers and allow for more productive bargaining.

Why states should adopt this reform

Workplace negotiations are fair and efficient when workers and employers have power at the bargaining table and incentives to compromise. While employers’ power in this relationship is derived from provision of pay and benefits, workers’ power comes from their ability to withhold labor. Yet, many state laws stack the deck against workers. Only 12 states permit public sector workers to strike, and no state has passed a law expanding strike rights to public sector workers since the *Janus* decision in 2018.⁴³ Even when workers can legally strike, they are discouraged from doing so if penalties against employers who break the law are weak or they are prohibited from

accessing unemployment or health insurance to support themselves and care for their family members during a strike. Moreover, while arbitration requirements are often used as an alternative resolution procedure for workers without strike rights, too often these laws provide only weak incentives for recalcitrant employers to negotiate in good faith.

Rather than minimizing strike costs, weak dispute resolution laws force workers to resort to unregulated strikes and allow the costs of striking to spiral out of control while weakening workers' ability to bargain for the common good.⁴⁴ By contrast, research shows that strikes help workers raise pay while keeping costs of negotiation to a minimum—for example, research finds that teacher strikes increase compensation and improve student-teacher ratios, and they do not reduce student achievement outcomes.⁴⁵

How it works

Policymakers should grant public employees who are not essential for public safety the power to strike when contract negotiations fail and provide them access to essential benefits during work stoppages. In addition, strong arbitration requirements, with enforceable timelines and binding standards requiring both parties to adhere to an arbiter's findings, will encourage good faith negotiations. Illegal activity that undermines productive negotiations can be discouraged by enforcing these labor laws with meaningful civil penalties.

How lawmakers can build a successful policy:

- **Extend the right to strike to all public sector workers who are not essential for public safety.** The right to strike is fundamental and should be recognized for all public employees who are not firefighters or police, or are essential for upholding public safety or have custodial responsibility for patients. Workers should be allowed to strike over failure to bargain, contract noncompliance, and legislative actions that affect working conditions.
- **Use strong arbitration standards to facilitate negotiation.** Arbitration laws should require employers and workers to submit to mandatory mediation and binding arbitration if negotiations run past a fixed period of time.⁴⁶ Arbitration procedures should require both sides to adhere to the arbiter's finding when negotiations do not produce an agreement. In most cases, binding arbitration should function as a compliment rather than a substitute for strike rights.

- **Guarantee continued access for workers to health care coverage and unemployment benefits.** Workers should be entitled to retroactive pay and benefits increases after a new contract is negotiated, and they should be able to submit health insurance claims for care received during a strike and use state unemployment benefits.
- **Incentivize public employers to negotiate efficiently.** Public employers should be prevented from replacing striking workers with temporary or permanent replacements. In addition, employers and unions should be required to reach an agreement within 120 days from the start of negotiations, after which the negotiations should automatically go to binding arbitration.
- **Assess meaningful penalties for unfair labor practices and empower unions to bring unfair labor practice claims.** Set fines of up to \$1,000 per employee per violation to discourage employers from violating workers' rights and undermining workers' ability to come together in a union.

Examples of successful policies:

- California A.B. 237 (2021) ensures continued access to health care coverage during a strike,⁴⁷ and Michigan repealed Public Act 54 in 2023, allowing retroactive insurance claims to be made when a new contract is reached.⁴⁸ New Jersey A4772 (2023) allows workers on strike to obtain unemployment benefits.⁴⁹
- Nevada A.B. 378 (2023) requires arbitration and mediation to ensure contracts are reached quickly and accelerated the timeline for arbitration to trigger if a contract agreement is not reached.⁵⁰
- California S.B. 931 (2022) empowers unions to bring unfair labor practice claims and provides penalties for violations.⁵¹

5. Extend bargaining rights to more workers and make it easier to unionize

State policymakers should ensure that public sector bargaining laws cover employees not only of state and local government agencies but also universities and community colleges and publicly supported child care and home care providers. States can demonstrate their commitment to free and fair union selection processes by allowing workers to select a union through card check and voluntary recognition.

Why states should adopt this reform

Federal labor laws exclude state and local public sector workers from coverage.⁵² Instead, states have the authority to ensure that workers whose jobs are funded through state and local spending are able to exercise their bargaining rights. This includes direct public employees—such as workers at state and local government agencies, public schools, and public colleges and universities—as well as child care providers for families receiving public support and Medicaid-funded home care workers, and potentially graduate student workers at private universities.

Excluding public sector workers from bargaining rights disproportionately harms women and workers of color. Women made up 60.1 percent of the state and local public sector workforce in 2019 compared with 46.7 percent in the private sector, and similarly, Black workers comprise 13.5 percent of the public sector workforce compared with 11.5 percent of the private sector.⁵³ Home care workers—who are explicitly excluded from bargaining rights under the National Labor Relations Act (NLRA)—are predominantly women and disproportionately people of color, and they struggle with low wages and few to no benefits.⁵⁴

Even at public employers, workers face an uphill battle to organize a union. However, state lawmakers can legalize alternative methods for certifying unions as bargaining representatives.

Colorado and Virginia: Expanding public sector organizing

In recent years, two states that previously offered no statutory collective bargaining right for public sector workers enacted laws allowing employees at some levels of government to unionize. Public sector workers in Colorado had no legal right to unionize until a 2007 executive order certified a single union for state workers that was unable to negotiate binding contracts and had no statutory organizing protection.⁵⁵ In 2020, Colorado passed H.B. 20-1153, which allowed some state employees to unionize and established procedures for union elections while enabling payroll deductions for dues, requiring employers to provide contact information to unions, and giving unions access to new hire orientations.⁵⁶ Colorado further extended bargaining rights to county employees for counties with more than 7,500 people in 2022⁵⁷ and passed S.B. 23-111 in 2023, which extended the right to discuss workplace issues and form

employee organizations to employees of smaller counties, cities, school districts, public universities, and some hospitals, but still excluded these workers from the right to bargain collectively.⁵⁸

Virginia, where public sector collective bargaining had been illegal since 1977, amended its law in 2020 to allow cities, towns, school boards, and counties to grant local public employees the right to collectively bargain via local resolution or ordinance – but does not require these jurisdictions to enact bargaining laws.⁵⁹ As of 2022, six counties and cities have legalized collective bargaining for workers at public employers,⁶⁰ and city and county workers in two of them secured their first contracts; however, state workers are still excluded from collective bargaining, and each county or municipality structures its local collective bargaining law its own way, if they pass a law allowing bargaining at all.⁶¹

Both Colorado and Virginia can go further. Colorado lawmakers should consider extending the right to collective bargaining to all publicly supported employees, including public school teachers, county and city employees, and other workers granted limited organizing rights under S.B. 23-111. Virginia bargaining protections still exclude state employees, and most counties have not yet passed any collective bargaining law. State lawmakers should repeal its statewide public sector collective bargaining prohibition to enable all public employees to come together in unions, as well as establish a single statewide labor board and common set of procedures for union elections enabling public workers in every county to organize rather than rely on a patchwork of local laws. Virginia cities and counties should pass laws that allow public sector workers to unionize and collectively bargain.

How it works

State policymakers should extend collective bargaining rights to public workers who are not currently able to form a union under either the NLRA or state laws, including workers at public colleges and universities, home care and child care workers, and temporary employees. State policymakers should also act now to ensure undergraduate and graduate student workers at private universities can legally bargain if current federal standards regarding student organizing rights change.

Policymakers should modernize their public employee collective bargaining laws to make it easier for workers to organize a union by codifying card check and allowing public employers to recognize unions voluntarily. Card check allows workers to form unions by signing authorization cards; once a majority of workers have signed authorization cards, the union is recognized as the bargaining representative and can start work on contract negotiation. Some employers would prefer to voluntarily recognize the union in the first place, allowing negotiations to begin earlier and skipping a contentious election that risks starting negotiations off on the wrong foot, but public employers are not always legally allowed to voluntarily recognize unions.

How lawmakers can build a successful policy:

- **Allow public sector employees at the state and local level to unionize.** As of 2022, six states ban collective bargaining for public employees, and nine states have no statewide law but allow local jurisdictions to establish bargaining rights.⁶² Some states only allow specific public sector employees, such as teachers or firefighters, to bargain collectively.⁶³ Granting collective bargaining rights across the public sector would empower more workers to negotiate for better wages and working conditions, which would in turn attract more workers to public sector jobs.
- **Extend bargaining rights to other groups of workers.** This may include home-based care workers such as home health aides and home child care workers; workers at public universities and community colleges, including student workers; workers within the judicial system; workers at legislative offices; professional civil servants excluded from organizing; child care and home care workers employed by the state; and temporary workers hired directly by state agencies. Only 11 states have collective bargaining laws for home-based care workers,⁶⁴ and only half of all states guarantee bargaining rights for faculty at community and four-year colleges.⁶⁵ Policymakers should also act now to guarantee bargaining rights for student workers at private universities and colleges. Though nearly 40 percent of graduate student workers were unionized in 2024, the legal status of student worker unions at private universities has changed in recent years. If federal policy changes in the future, legal jurisdiction over these workers may again fall to the states.⁶⁶ Finally, many workers at public employers are excluded from bargaining because they have hiring, firing, and disciplinary powers over other workers, but this authority should not be the sole reason a worker is not allowed to unionize.⁶⁷

- **Modernize the union election process.** Allow state labor boards to certify unions via “card check.” Workers should be able to sign their authorization cards electronically, and public employers should have the option to recognize the union voluntarily when workers have achieved support of a majority of workers.

Examples of successful policies:

- California A.B. 378 (2019) expanded the right to organize to workers at family home child care providers.⁶⁸ Illinois passed the first law extending bargaining rights to home care workers in 2005, and 11 states in total established collective bargaining rights for home care workers as of 2023.⁶⁹
- California also extended collective bargaining rights to temporary state employees with A.B. 1484 in 2023, treating them the same as a full-time member of a bargaining unit and giving the union access to their job description, wages and benefits, length of employment, and how to apply to permanent positions.⁷⁰ Washington expanded organizing rights to assistant attorneys general (S.B. 5297) in 2019;⁷¹ managers at agencies (H.B. 1122) in 2023;⁷² and legislative employees (S.B. 6194) in 2023.⁷³ Maryland expanded collective bargaining to community college employees in 2021 with S.B. 746.⁷⁴
- Maine L.D. 2032 (2024) allows public employers to voluntarily recognize public sector unions,⁷⁵ and both Maine’s law and Maryland H.B. 984 (2023) allow certification via card check.⁷⁶ Oregon H.B. 2573 (2023) allows authorizations to be signed electronically.⁷⁷

6. Partner with unions to train the next generation of public workers

Before the COVID-19 pandemic, state and local governments struggled to staff many jobs. Since then the public sector has had a far slower recovery at the state and local level than the private sector.⁷⁸ Governments can hire and retain well-qualified workers by partnering with labor unions to develop high-quality training programs.

Why states should adopt this reform

State and local governments have struggled to fill available roles even as experienced workers leave the public sector because of low pay. As a result, employment in state and local public sector jobs only recently returned to their prepandemic levels.⁷⁹

Partnering with unions to deliver targeted training can help advance current workers to more demanding roles and attract new ones to the public sector. Labor-management partnerships are being used across the country to attract a new generation of public servants as the Baby Boomer generation retires, expand opportunity by building career pathways for public work, ensure the government workforce reflects the diversity of the community it serves, and educate workers on the unique benefits of public employment. Research finds that employer investment in high-quality training programs helps recruit and retain skilled workers as well as improve work quality, boost productivity, and strengthen employee relations.⁸⁰ Worker involvement in developing training material for teachers has also been shown to correlate with significantly higher student achievement rates.⁸¹

How it works

Policymakers should evaluate state hiring and retention needs and prioritize filling vacancies by expanding the use of labor management training partnerships, including registered apprenticeships and benefits trainings as well as targeted community member recruitment.

How lawmakers can build a successful policy:

- **Partner with unions to target hard-to-fill positions and advance current employees.** Worker-led training through partnerships with labor unions not only offers workers pathways for career advancement by improving skills to take on more demanding public sector jobs but also boosts worker power. New or expanded partnerships can be initiated during bargaining, but can also be funded or facilitated through legislative or executive action. Cities and states have partnered with unions to establish training programs to recruit and retain teachers,⁸² nurses,⁸³ child care workers,⁸⁴ and sanitation workers.⁸⁵

- **Build stronger recruitment pipelines for trainees from underrepresented communities.** Labor-management partnerships should connect to community organizations, worker organizations and public universities, and public workforce systems in targeted recruitment efforts. Targeted populations can include women, workers of color, disabled workers, and workers from economically disadvantaged communities or those with significant barriers to employment.

- **Develop partnerships with unions to offer training for employees on health and retirement benefits.** Many new public sector employees are signing up for a job with benefits for the first time, and even experienced workers often need help selecting the appropriate health and retirement options. By partnering with unions to deliver benefits training, public employers can help to standardize training across the government, improve training quality by giving workers a voice, deepen new employees' understanding of the value of public benefits systems, and ensure workers understand how bargaining helps guarantee the value and stability of these programs. This training can help boost workers' savings and wealth and ensure that they select the most appropriate health care plans to meet their needs and budgets—and thereby support better long-term health outcomes.

- **Combine training with proven strategies for improving job quality.** Advance training programs as part of a larger strategy to improve outcomes for workers and service recipients. This strategy can be particularly powerful in industries where poor job quality drives high turnover rates. Washington state, for instance, enacted a series of laws designed to improve access and quality of subsidized child care.⁸⁶ Along with a capital gains tax directed toward expanding access to subsidized care and recognition of the right of subsidized care providers to bargain collectively with the state over rates, benefits, and other work conditions, the state initiated a training program to create a child care worker substitute pool to support continuity of care.

Examples of successful policies:

- Washington state's Imagine Institute, created through collective bargaining between the state and the Service Employees International Union (SEIU) 925 members, provides professional development tools and training and builds career pathways for workers in the child care industry as part of a comprehensive effort to improve access to affordable high-quality care.⁸⁷

- The Worker Education and Resource Center partnership between Los Angeles County and SEIU Local 721 helps workers including women and LGBTQ+ residents; youth transitioning out of foster care; residents from low-income communities with high unemployment rates; homeless residents and residents transitioning out of homelessness; and residents currently or formerly involved with the criminal justice system with access entry-level government employment and to prepare for the county’s civil service exam.⁸⁸
- Uplift Oregon—a partnership launched following a 2017 executive order from Gov. Kate Brown (D)⁸⁹ to improve and expand training between the state of Oregon, SEIU Local 503, and AFSCME Council 75—trains new public employees to understand and effectively navigate state health and retirement benefit plans.⁹⁰

Increasing public sector hiring by upholding good pay

Although public sector workers provide essential services for the public, they are often paid lower wages than their private-sector counterparts. Workers in state or local public sector roles typically expect to earn 86 cents on the dollar compared with similar private sector jobs,⁹¹ and wage growth in the public sector has struggled to keep up with the private sector.⁹²

Public sector unions are effective at negotiating stronger wages for workers, which in turn can help attract more workers to fill vacancies at public employers; however, lawmakers must also ensure publicly supported employers are adequately funded to accommodate increases in pay. Policymakers can work with union leaders to ensure public employers have the necessary funding to respond to collectively bargained pay increases.

7. Protect public sector jobs with careful review of decisions to contract out

State governments seeking to protect taxpayers and workers and promote quality services should carefully review decisions to determine whether it is in the public's best interest to contract out government work to the private sector.

Why states should adopt this reform

Excessive use of contracting out not only weakens the ability of government officials to oversee taxpayer-funded work, but also frequently results in worse jobs for local communities because many of the industries where privatization has been prevalent—such as food services and laundries—are characterized by poverty wages and widespread violations of basic workplace laws.⁹³ Governments who contract out excessively not only reduce their ability to oversee both quality of jobs and quality of benefits provision, but they also risk funding a race to the bottom among private sector contracts that lowers costs by reducing wages in order to win competitive bids.⁹⁴ Often, the government can provide services at competitive costs to the taxpayer compared with contracted private sector providers.

How it works

When the government considers contracting services out, consistent criteria for evaluating the decision to contract out not only ensure that the public receives high-quality public services but also prevent state and local governments from subsidizing low-quality jobs at private employers and losing control over decisions that can affect the government's ability to achieve its public goals. Governments should consider whether public employees can capably and cost-effectively perform services in decisions to contract out and whether engaging private sector services reduces public accountability or job quality.

How lawmakers can build a successful policy:

- **Establish a presumption of public service delivery.** Create guardrails to ensure that governments use government employees, if available, and do not contract out core government services such as inspection and enforcement of health and safety standards; responsibilities overseeing and setting regulations for contracted services; and criminal or civil law enforcement.

- **Adopt consistent procedures and a comprehensive cost analysis for determining whether it is in the public’s best interest to contract work out.** Important factors to consider when deciding whether to contract out work include the quality and long-term sustainability of privatized services and additional costs of contracting out, such as monitoring and enforcing existing contracts, fixing poorly executed contracts, and providing public assistance to contractors’ workers who receive low wages and benefits. In addition, review should assess the economic and social impacts of contracting out services including working conditions for contracted workers and the impact on the larger community.
- **Allow government workers to submit in-house bids to provide public services or propose reorganizations or changes to service delivery in response to a privatization proposal.** Provide existing workers a right of first refusal and require that all new positions pay wages and benefits comparable to existing compensation levels. To support successful proposals, empower employee bid teams by providing information, technical assistance, leave, and collaboration with management employees, as well as transparent and accessible public notices, meetings, and databases. Require a competitive bidding process when contracts expire and accept in-house bids from government workers—while ensuring that in-house bids are not used to avoid paying decent wages and benefits.
- **Hold contractors to strong baseline job quality standards, such as prevailing wages.** Baseline standards, such as prevailing wages that require contractors to pay workers at least the average already earned by workers for similar work in the area, prevent a race to the bottom among contractors and ensure the government does not support poor quality jobs.

Examples of successful policies:

- As of 2022, at least 11 states plus the District of Columbia had implemented laws that set limits on when the government can contract out public work, evaluate bidders for public contracts on a range of comprehensive criteria, and require contracts to meet baseline standards for responsibility.⁹⁵
- Minnesota requires that before entering into or approving a general service contract valued more than \$5,000, the commissioner of the Minnesota Department of Administration confirms that no current state employee is able and available to perform the services for which the contract calls.⁹⁶

- Oregon requires that state and local agencies demonstrate that contracting out work would reduce costs more than using its existing personnel and resources and is prohibited from privatizing services if the cost analysis demonstrates that the lower wages and benefits paid by the contractor are the “sole reason” why contracting out would be cheaper.⁹⁷
- Maryland requires state agencies considering contracting out services to conduct an analysis of alternatives to the proposed contract and to meet with the representative of the affected public sector workers to discuss alternatives.⁹⁸
- Rhode Island requires that bargaining representatives of workers potentially affected by a proposal to privatize state services receive six months’ advance notice as well as the opportunity and technical assistance to create an “in-house” bid.⁹⁹

Conclusion

State policymakers establish the rules under which workers at state and local government employers can organize. Since the 2018 decision in *Janus v. AFSCME*, many states have taken advantage of this power to increase unions' and workers' ability to educate workers on the benefits of union membership, communicate with members, form unions more easily and in sectors that have previously been unable to unionize such as home-based care workers, and bargain from a stronger position for better wages and working conditions. Policymakers in every state can learn from other states that have successfully developed new policies to strengthen public sector unions. Increasing bargaining power and modernizing labor law for public sector workers will help improve wages, working conditions, and job security for public employees.

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