

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 8672

9187 HOUSE JUDICIARY

Alaska State Legislature

Legislative Research Agency



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AUG 16 1993

July 8, 1993

MEMORANDUM

TO: Representative Al Vezey

FROM: Carol R. Vandor *CRV*
Legislative Analyst

RE: Public Employment Relations Act (PERA)
Research Request 93.232

You asked about the number of state political subdivisions covered by the Public Employment Relations Act (PERA). Title 23, chapter 40 of the Alaska statutes governs PERA. There is no requirement for a political subdivision to report its status under PERA; therefore, the only way of knowing whether a political subdivision is covered under PERA or has opted-out is if a hearing has been held by the Alaska Labor Relations Agency or a suit has been filed in the courts. Following is a brief discussion of PERA and the Alaska Labor Relations Agency followed by a list of the 15 political subdivisions that are known to be covered by PERA and the 11 that have opted-out of PERA.

Public Employment Relations Act

In June 1972 the State of Alaska enacted the Public Employment Relations Act. The PERA confers upon public employees the right to organize and to bargain collectively with their employers (AS 23.40.080). The Declaration of Policy, set forth in AS 23.40.070, states in part:

The legislature declares that it is the public policy of the state to promote harmonious and cooperative relations between government and its employees and to protect the public by assuring effective and orderly operations of government. These policies are to be effectuated by recognizing the right of public employees to organize for the purpose of collective bargaining; (2) requiring public employers to negotiate with and enter into written agreements with employee organizations on matters of wages, hours, and other terms and conditions of employment; and (3) maintaining merit-system principles among public employees.

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Alaska Statute 23.40.250 defines public employer and public employee as used in the Declaration of Policy as follows:

"public employer" means the state or a political subdivision of the state, including without limitation, a municipality, district, school district, regional educational attendance area, board of regents, public and quasi-public corporation, housing authority, or other authority established by law, and a person designated by the public employer to act in its interest in dealing with public employees.

"public employee" means any employee of a public employer, whether or not in the classified service of the public employer, except elected or appointed officials or superintendents of schools.

An appointed official, defined in 2 AAC 10.220, is a person who exercises significant responsibilities for the public employer in the area of collective bargaining policy formulation and implementation.

The interpretation of PERA as it applies to political subdivisions has been litigated on several occasions since PERA was enacted. The most recent decision, *Kodiak Island Borough v State of Alaska*, Supreme Court File No. S-4891, (June 1993) addressed the issue of the right of public employees to organize for the purpose of collective bargaining under PERA, and the right of a political subdivision to exempt itself. In this case, the borough had adopted an opt-out resolution in 1980 after it became aware of substantial organizational activities by its employees. The court ruled that a political subdivision may not opt-out of PERA after becoming aware of organizational activity by employees. A copy of the decision is attached.

Alaska Labor Relations Agency

For many public employees in Alaska, the Alaska Labor Relations Agency provides enforcement of PERA. The agency is comprised of three members appointed by the governor and confirmed by the legislature. It serves as the labor relations agency under the Public Employment Relations Act and carries out the functions specified in that act. Under Title 23, the agency has the authority to enter into labor management matters when certain situations exist. The agency has several responsibilities, one of which is the investigation and resolution by conciliation of unfair labor practices committed by either employers or employees. The decisions can be enforced by an injunction to cause the prohibited practice to cease and desist. The agency also decides the unit appropriate for the purpose of

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collective bargaining and schedules representation elections and settles issues regarding clarifications of the appropriate unit.

PERA Status

According to the Alaska Labor Relations Agency employees of 15 political subdivisions are known to be covered under PERA and 11 political subdivisions have opted-out. PERA status is pending in three political subdivisions.

Covered

City of Whittier
Bristol Bay Borough
City of Fairbanks
Fairbanks North Star Borough
Ketchikan Gateway Borough
Nome
City of Seldovia
Unalaska
Petersburg
Haines Borough
Thomas Bay Power Authority
City of Dillingham
City of Cordova
City of Hoonah
Kodiak Island Borough

Opted-Out

City of Ketchikan
Wrangell
Seward
North Pole
North Slope Borough
City and Borough of Juneau
Municipality of Anchorage
Sitka
Mat-Su Borough
City of Kodiak
City of Homer

Status Dispute Pending

City of Bethel
City of Kotzebue
City of Haines

I hope this information is useful to you. If we may be of further assistance, please contact this office.

Attachments

Notice: This is subject to formal correction before publication in the Pacific Reporter. Readers are requested to bring typographical or other formal errors to the attention of the Clerk of the Appellate Courts, 303 K Street, Anchorage, Alaska 99501, in order that corrections may be made prior to permanent publication.

RECEIVED
 JUN 07 1993
 Alaska Labor Relations Agency

THE SUPREME COURT OF THE STATE OF ALASKA

KODIAK ISLAND BOROUGH,)	
)	Supreme Court File No. S-489
Appellant,)	Superior Court File No.
)	3AN-90-4512 Civil
v.)	
)	
STATE OF ALASKA, DEPARTMENT)	
OF LABOR, LABOR RELATIONS)	<u>O P I N I O N</u>
AGENCY; and the INTERNATIONAL)	
BROTHERHOOD OF ELECTRICAL)	
WORKERS, LOCAL 1547,)	
)	
Appellees.)	[No. 3965 - June 4, 1993]

Appeal from the Superior Court of the State of Alaska, Third Judicial District, Anchorage, Karen L. Hunt, Judge.

Appearances: Paul H. Cragan, Hughes, Thorsness, Gantz, Powell & Brundin, Fairbanks, for Appellant. Toby N. Steinberger, Assistant Attorney General, Anchorage, and Charles E. Cole, Attorney General, Juneau, for State of Alaska, Department of Labor, Labor Relations Agency and William F. Morse, Associate General Counsel, IBEW LOCAL UNION 1547, for Brotherhood of Electrical Workers, Local 1547, Appellees.

Before: Moore, Chief Justice, Rabinowitz, Burke, Matthews and Compton, Justices.

COMPTON, Justice.
 BURKE, Justice, concurring.
 MATTHEWS, Justice, concurring.

This case arises out of the Department of Labor, Labor Relations Agency's (DOL) ruling that the Kodiak Island Borough's (Borough) 1980 resolution opting out of the Public Employment Relations Act (PERA) AS 23.40.070-.260 was invalid. On appeal to the superior court, Judge Karen Hunt affirmed the DOL ruling. The Borough appeals. We affirm.

I. FACTUAL AND PROCEDURAL BACKGROUND

The material facts are not disputed. In June 1972 the State of Alaska enacted PERA. PERA confers upon public employees the right to organize and to bargain collectively with their employers. However, Section 4 of PERA also permits the legislative body of any political subdivision of the state to reject PERA, preventing its application to the public employees of that subdivision. Section 4 reads:

This Act is applicable to organized boroughs and political subdivisions of the state, home rule or otherwise, unless the legislative body of the political subdivision, by ordinance or resolution, rejects having its provisions apply.

Ch. 113, § 4, SLA 1972. PERA became effective on September 5, 1972.

In 1977 the Borough enacted personnel rules and regulations governing relations with its employees. These rules do not require the Borough to recognize an employees' union nor do the rules expressly reject PERA. In 1979 Kodiak Island Borough Employees' Association (KIBEA) submitted a petition to DOL requesting that KIBEA be recognized as the bargaining

representative for the Borough's general government employees. KIBEA later withdrew its petition for certification in favor of a petition submitted by the Alaska Public Employees Association (APEA).

After becoming aware of this organizing activity, the Borough enacted Resolution No. 79-5-R, rejecting the application of PERA. DOL concluded that the Borough had not validly opted out of PERA. It sought to conduct a representation election under PERA. The Borough refused to allow the election to proceed. As a result DOL filed a lawsuit against the Borough in superior court.

The superior court granted DOL's motion for summary judgment, holding that the Borough had not validly opted out of PERA. DOL then held the certification election. APEA did not secure the requisite number of votes to be certified by DOL as the bargaining representative for the Borough employees.

On January 22, 1980, twelve days after DOL announced the results of the election, the Borough again attempted to reject PERA by adopting Resolution No. 80-5-R. The 1980 resolution is identical to the 1979 resolution:

Resolution No. 80-5-R, exempting Kodiak Island Borough from the Alaska Public Employment Act, Whereas, the assembly believes that the public interest is best served by administration of borough employee relations at the local level, and Whereas, the State Public Employee Relations Act applies to municipalities unless the governing body rejects application of its provisions; Now, therefore, the Kodiak Island Borough Assembly resolves: Pursuant to Section 4, Chapter 113 SLA 1972, the Kodiak Island Borough rejects application of Section 2, Chapter 113, [SLA] 1972, codified as

AS 23.40.070 et. seq., and commonly known as the Alaska Public Employment Relations Act.

In 1989 Borough employees again attempted to organize. The International Brotherhood of Electrical Workers, Local Union 1547 (IBEW), filed a petition with DOL to be recognized as the exclusive bargaining agent for the Borough employees. The Borough objected to the petition, claiming that it had "opted out" of PERA by its 1980 resolution. IBEW asserted that the 1980 opt out resolution was not valid and that DOL had proper jurisdiction.

DOL held a hearing on IBEW's petition for certification and the Borough's objections. DOL ruled that the Borough did not validly opt out of PERA in 1980. The Borough appealed this ruling to the superior court pursuant to AS 22.10.020(d) and Appellate Rule 602(a). The superior court affirmed DOL's decision. It held the 1980 resolution was untimely, since the Borough enacted the resolution after it was aware of organizational activities of its employees.

II. STANDARD OF REVIEW

The superior court was sitting as an intermediate appellate court. Accordingly, its decision is not entitled to deference. Tesoro Alaska Petroleum Co. v. Kenai Pipe Line Co., 746 P.2d 896, 903 (Alaska 1987). DOL held a formal adjudicatory hearing before a neutral hearing officer. Both parties were represented by counsel, examined and cross-examined witnesses and introduced evidence. The hearing officer rendered formal findings of fact and conclusions of law, which were adopted by DOL as its

decision. As to questions of law which do not involve agency expertise we apply the substitution of judgment standard of review. Union Oil Co. of California v. State, 804 P.2d 62, 64 (Alaska 1990). The primary task in this case is to construe two seemingly inconsistent sections of the same statutory scheme. The interpretation of this statute is a question of law to which we will apply our independent judgment.

To the extent that facts are necessary to the determination of the legal question, we will adopt DOL's findings of fact if they are supported by substantial evidence. Commercial Fisheries Entry Comm'n v. Baxter, 806 P.2d 1373, 1374 (Alaska 1991).

III. DISCUSSION

KODIAK ISLAND BOROUGH'S RESOLUTION EXEMPTING THE BOROUGH FROM THE PUBLIC EMPLOYMENT RELATIONS ACT IS NOT VALID

The question presented by this case involves the interplay between the right of public employees to organize for the purpose of collective bargaining under PERA,¹ and the right of a

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1. Alaska Statute 23.40.070 states in relevant part:

Declaration of policy. . . . The legislature declares that it is the public policy of the state to promote harmonious and cooperative relations between government and its employees and to protect the public by assuring effective and orderly operations of government. These policies are to be effectuated by

(continued...)

political subdivision to exempt itself pursuant to section 4 of PERA. We previously examined these two provisions together in State v. City of Petersburg, 538 P.2d 263 (Alaska 1975). In Petersburg, the city's electrical workers signed cards authorizing IBEW to act as their collective bargaining representative. The city council then held a special meeting to exempt the city from the provisions of PERA. Id. at 264. At the time of this meeting the members of the city council were aware of employees' activities concerning the formation of a collective bargaining unit. Id.

In Petersburg we looked for the point beyond which the right of the city to reject PERA became subordinated to the rights of the employees to organize. We concluded that "the analysis must turn on both the substantiality of the organizational activities undertaken by the employees and the extent of the City's awareness of those activities." Id. at 267. The city's rejection of PERA after becoming aware of the organizational activities constituted "a gross and impermissible interference with the employees' freedom to choose which collective bargaining association should represent them. . . . [t]he City's prerogative to reject the Act is not to be used as a de facto veto against particular unions" Id. We noted that the city had requested that the employees form their own union rather than join IBEW. Id. We concluded such

1. (...continued)

(1) recognizing the right of public employees to organize for the purpose of collective bargaining.

maneuvering was an attempt to interfere with the employees' rights under PERA. Id.

In this case the Borough contends that DOL and the superior court erred by interpreting Petersburg too broadly. The Borough notes that section 4 expressly allows political subdivisions of the state to reject PERA. It argues that the Petersburg limitation on the employer's right to exempt itself should only apply to situations in which employee PERA rights are being interfered with by favoring one union over another. But, if the employer rejects PERA totally, refusing to deal with any union, section 4 applies.

The Borough thus argues that Petersburg should be read narrowly, prohibiting local government only from favoring one union over another. The Borough claims it engaged in no such favoritism. Rather, the Borough made the decision to avoid collective bargaining in order to manage its employment relations in a way that was beneficial and appropriate to the overall needs, abilities and resources of the community. Since the Borough did not interfere with any specific organizing efforts, it concludes that its election to reject PERA should be upheld.

DOL and IBEW argue that the Petersburg analysis should invalidate any rejection of PERA after employees have exercised their PERA rights. In 1979 Borough employees prevailed in a lawsuit which permitted them to exercise their PERA rights and to decide if a majority of the employees wanted to be represented by APEA. DOL and IBEW argue the Borough's attempt to reject PERA is

invalid because it occurred after the employees exercised their PERA rights.

In City & Borough of Sitka v. International Bhd. of Elec. Workers, Local Union 1547, 653 P.2d 332 (Alaska 1982), we held the opt out from PERA valid even though there had been prior employee organizing efforts. However, we distinguished Petersburg because the employees in Sitka had attempted to organize prior to the passage of PERA. From the time PERA was enacted until Sitka exempted itself there had been no organizing activities. The employees could not have organized in reliance on their PERA rights because PERA had not yet become the law. City & Borough of Sitka, 653 P.2d at 335.

By contrast, in this case Borough employees have already relied upon their PERA rights. The Borough's attempt in 1979 to stop the employees from organizing was an attempt, as in Petersburg, to deny employees their statutory right to organize. The fact that the resolution was passed just twelve days after the employee vote indicates the Borough was still attempting to thwart employee efforts to organize under PERA.²

In Petersburg we limited a local government's ability to exempt itself from PERA once the local government became aware of

2. We reject the Borough's contention that organizing activity had ceased after the election because there were no organizing efforts in the twelve day period preceding the Borough's rejection of PERA. We note that PERA requires employees to wait for one full year following a valid election before they can hold another election. AS 23.40.100. As the organizational hiatus during the twelve day period was consistent with PERA, the lack of organizational activity did not terminate the employees' PERA rights.

substantial steps taken by employees to exercise their PERA rights. Although this holding limits the freedom of political subdivisions to opt out of PERA, we concluded that this result was consistent with the legislature's intent. 538 P.2d at 268. "[A]pplicability of PERA is the rule, exemption the exception." Id. We reaffirm that political subdivisions may not reject PERA after becoming aware of substantial organizational activity by employees.³

IV. CONCLUSION

The Borough's rejection of PERA after it became aware of substantial organizational activity is invalid. The decision of the superior court affirming DOL's determination that the Borough's 1980 resolution was ineffective in rejecting PERA is AFFIRMED.

3. In Anchorage Mun. Employees Ass'n v. Municipality of Anchorage, 618 P.2d 575, 579 (Alaska 1980), we wrote "a public employer which chooses to opt out of PERA must do so promptly, rather than at its leisure" Because we conclude that Kodiak Island Borough's rejection of PERA after it became aware of substantial organizational activity was invalid, we do not reach the question of whether PERA can be rejected seven years after it was enacted.

BURKE, Justice, concurring.

I concur because I am bound by the decision of the court
in State v. City of Petersburg, 538 F.2d 263 (Alaska 1975).

Jackie Nelson-Lizardi
Delta-Greely Educational Support Personnel Association
HC 60 Box 4180
Delta Jct., Alaska 99737
fax#(907) 895-4217

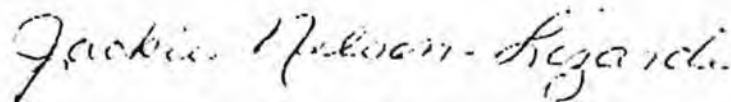
March 20, 1997

Dear Representative Green,

Please **VOTE NO on HB 124**. I am an educational support person (**ESP**) and have worked in Alaskan schools since 1979. I am one of over 20,000 esp in the state. Until 1989, before we came under **PERA (Public Employee Relations Act)**, and were allowed the right to negotiate without specific school board permission, we had very few rights under the law, and were constantly told by vindictive and irresponsible administrators that we had **NO** rights. We were "controlled" by a District Employee Policy Manual that used immeasurable and vague guidelines that were interpreted arbitrarily and capriciously at the whim of a vindictive, overbearing administrator. That Policy Manual and the philosophy behind it, represented **total control and no respect!** Morale was at a constant low as employees never knew where and how the next attack on their livelihood was going to be dealt. There was no system of appeal in place other than the same system and individuals who made the initial ruling. As you can probably imagine, such a "dictatorial" system did not provide an atmosphere conducive to professional camaraderie or development. It did not encourage a "teamwork" approach to sharing and learning. With **PERA** we were finally able to provide input and reach consensus through the negotiation process that enabled us to focus our attentions positively on the growth and development of ourselves, our professions, our students, our district and our community. We know now that if a judgment is made against our character and/or job performance, we have the inalienable right to a **negotiated** "grievance process" which provides for mediation and arbitration and a "**Just Cause**" standard. The premise of "**Just Cause**" has disappeared as elusively as **measurable standards, fair and unbiased evaluations, equity and respect!** The members of our association include secretaries, teacher-aides, custodians, food-service workers, maintenance workers, and other clerical staff. We work day-in and day-out in a partnership mode with the teachers and building administrators of our district and can not see a single, positive, fair, or constructive component of **HB 124!** This bill is a vicious attack on the rights of public employees and does nothing to ensure improvement of quality in education. It demonstrates a **lack** of concern for maintaining the continuity and integrity of instructional programs and environments. It has been my experience over the past 17 years working in Alaska Schools, that when the negotiated agreements, and the agreed upon evaluation systems and plans of improvement were adhered to by professional and responsible administrators, there were no battles being waged that diminished morale. On the contrary, administrative professionalism begat staff professionalism. As the folks who work with children every day, we can tell you from experience, "that children learn by what they see". The established system works! I, my fellow esp, and the majority of the teachers I work with and have met across the

state are constantly, year-after-year providing for their own professional growth and development far beyond the limited parameters of their specific job and profession. They do this because they care about their jobs, their co-workers, and especially the children who are our future, and the reason we do what we do. The education of our children will truly suffer as a result of this attack on public employees. School and staff progressiveness and development will be relegated to a back burner while employee and management efforts will be focused on the legislative and legal battles ahead. The goal of ensuring that we keep **qualified** and **innovative** education employees in the schools through improved, **locally, negotiated** evaluation procedures is **not** achieved through **HB 124**. Please, **do not** cheapen and disregard our hard-won right to organize and bargain with our employers. As someone who had to live and work without these rights, who had to fight to get and keep these rights, I fear and dread the step back into the "**Dark Ages**" that this Legislation would be taking with the passage of this "**bad**" bill. We are in the age of technological enlightenment, don't put out the light of a good public education system with this "**special Interest**" bill. We have been taught that **justice** is "**blind**", but I have always believed that it was "**blind**" to the inequalities and or prejudices unjustly attached to a person's race, sex, color, religion, creed, age, national origin, marital status, socioeconomic/cultural background and political affiliation. **NOT** to a basic right that is **FAIR, JUST** and **EQUITABLE**, as provided under **PERA**! The intent of this bill rewrites that definition, by singling out public employees for this discriminatory treatment! Please do not let this twentieth legislature be known for reintroducing such a politically motivated attack on the rights of a select group of voters under the guise of HB124! Please vote **NO** on **HB 124!** Thank you for your consideration of my concerns with **HB 124**.

Sincerely,



Jackie Nelson-Lizardi, President DGESPA
Delta-Greely Educational Support Personnel Association

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FAX# (907) 895-4217

TO: Representative Green
House Judiciary Committee
FAX# 465-4316

FROM: *Barbara Kamrath*
PO 281
Delta Jct. AK 99737

PAGES W/cover:

Please do not pass HB124 out of committee. PERA works! It has not only benefited the public school employees, but also the administration and school boards by providing a process with clearly defined parameters, and resolutions built in. The process of negotiating under PERA has enabled both parties to clarify language that otherwise would have taken innumerable hours and/or grievances.

Access to the Labor Relations Agency is another valuable benefit of PERA. Before PERA the only means available to settle a conflict was through the courts which, as you know, can be a costly and time-consuming process.

Negotiations under PERA guarantee a fair and equitable means to finality in the bargaining process and an avenue to settle labor disputes. If HB124 became law, labor relations between school district and school employees would be disrupted. Good faith bargaining would give way to politics.

Please vote NO on HB124.

Barbara K. Kamrath

FAX# (907) 895-4217

TO: Representative Green
House Judiciary Committee
FAX# 465-4316

FROM: Gary Cooper
1460 Box 3530
Delta Jct., AK
99737

PAGES W/cover:

Please do not pass HB124 out of committee. PERA has demonstrated its value in labor relations. It has only been in the past several years that school employees have been allowed to participate as a full member under PERA and with the right to the Alaska Labor Relations Board. HB124 will create an inequitable system, within our state where some public and school employees would have the right to bargain and others would not. HB124 would create instability in communities. The vacillating right to bargain or not to bargain could cause a constant state of flux for those who are employed in our schools. A school that has an unstable body of employees cannot provide a quality education or environment for the students of Alaska. We constantly hear that our students are Alaska's most important resource, yet our students and those who are serving our students constantly face cuts in funding, services and equitable rights from you, our legislators and special interest groups.

Please vote NO on HB124.

Gary Cooper

FAX# (907) 895-4217

TO: Representative Green
House Judiciary Committee
FAX# 465-4316

FROM: *James Mead*
Box 186
Delta AK 99757

PAGES W/cover:

Please DO NOT pass HB124 out of committee. This is a "bad" bill with all the earmarks of anti-unionism. It proposes to deny employees their right to organize and participate in their wage structures, working conditions and safety conditions. It destroys morale and discourages productivity among employees. That's a fact we've already "been there and done that". It was Hell. Management dictatory behaviors are enhanced, while employees are exploited.

HB124 would be a regressive move for public employees. Please vote NO on HB124.

James Mead

FAX# (907) 895-4217

TO: Representative Green
House Judiciary Committee
FAX# 465-4316

PAGES W/cover:

FROM: Jackie Nelson-Lizardi

HB124 clearly and simply represents "union busting" tactics. It would take away collective bargaining rights from employees who have enjoyed the security of those rights for about seven years up to approximately twenty-five years. That is WRONG!

PERA fosters and promotes the welfare of public employees around the state, of which school employees a significant number.

I noticed that the State Affairs Committee attached ZERO fiscal notes before passing HB124 out of their committee. Yet, it seems quite evident to me that the enactment of this "BAD" bill could precipitate numerous unfair labor practice charges which would necessitate a significant increase in the work loads of various parties and/or departments. The Department of Labor and the courts will most likely be very busy for quite a while, and we all know that, "time is money".

The RIGHT to collectively bargain is deserved by ALL employees. As classified school employees, we were excluded from any rights that teachers and other public employees had until 1988.

Vote NO on HB124!

Jackie Nelson-Lizardi

Jackie Nelson-Lizardi

President DGESPA

Delta-Greely Educational Support Personnel Association

FAX# (907) 895-4217

TO: Representative Green
House Judiciary Committee
FAX# 465-4316

FROM: *Bruce Noonan*
Box 1039
Delta Jct. AK 99737

PAGES W/cover:

I oppose HB 124. Please do NOT pass HB 124 out of committee. Since the early 1970's, state policy extended the statutory right to bargain to public employees. As school employees we have had to struggle for over ten years to establish our rights under PERA. Schools and school employees have developed a successful pattern of bargaining under PERA for nearly eight years.

Bargaining provides us with a participatory way in which to influence decisions that affect our workplaces. It allows us to share in the decision making process our wages and working conditions. We have become more open and responsive to district operations and needs. PERA has offered us a system of give and take that promotes respect, self-esteem and professionalism. Why on earth would you want to eliminate something so positive and successful?

If HB 124 were to become law, labor relations between school districts and school employees would be disrupted and good faith bargaining would give way to politics. It would provide management and school boards latitude to delay and forestall the bargaining process, until the question of continuance under PERA either preempted or interrupted bargaining already in progress. Local governments could use this bill to become "right to work" employers.

Please do not promote this to chaos. Vote NO on HB124.

Bruce Noonan

FAX# (907) 895-4217

TO: Representative Green
House Judiciary Committee
FAX# 465-4316

FROM: *Rachelle E. Purucker*
P.O. Box 1136
Delta Jct., AK 99737

PAGES W/cover:

Please DO NOT pass HB 124 out of committee. If HB 124 becomes law, labor relations between school districts and school employees would be disrupted. Good faith bargaining would give way to politics. Joint decision-making is the modern and equitable way of administering government.

Rachelle E. Purucker

**TO: Representative Green
House Judiciary Committee
FAX# 465-4316**

**From: Dr. Mary Bohanan
P.O. Box 1164
Delta Junction, Alaska 99737**

RE: Note No on HB 124

Thank you for having your staff take the time to read my letter. Alaskan resources and legislators' days are busy ones. Please vote No on HB 124 when it is voted on in Committee. Public School Employees have been able to negotiate acceptable contracts with their local districts since the end of the State Operated School System (1976 - present). Why would this process need to change? What advantages would there be for children and employees? Legislators are able to negotiate law in committees and on the floor of the Legislature. If the process works for all of us, why spend valuable time trying to change the method?

Mary Bohanan

TO: Representative Green
House Judiciary Committee
FAX# 465-4316

FROM: Michelle LaDucor-Beitz
Box 905
Delta Jct. AK 99737

PAGES W/cover:

Please do NOT pass HB124 out of committee. The Public Employee's

Regulation's Act, (PERA) was adopted because the legislature felt it was good public policy. This Act has ensured labor peace and better service to Alaska's citizens and students, because it provides us, the public school employees, a voice.

Evaluations and documentation on private sector management reveal that companies that include their employees in the decision-making process are the most successful. Bargaining accomplishes the same end. As the success applies to the private sector, so it also applies to the public sector regarding this issue. PERA is good public policy unlike HB 124. Please vote NO on HB 124.

Michelle LaDucor-Beitz

PO Box 444
Delta Jet, AK
99737

FAX# (907) 895-4217

TO: Representative Green
House Judiciary Committee
FAX# 465-4316

FROM: Anne L. Yates

PAGES W/cover:

Please DO NOT pass HB 124 out of committee. Unlike the constantly changing and biased terms of employment under district classified employee policy manuals, bargaining experiences and negotiated agreements derived at under PERA have been productive and positive. Our bargaining unit was clearly defined for the first time. This process laid out the blueprint for a GENUINE give and take. In three negotiations since 1989 we have not once begun nor ended the process in an adversarial manner. We did NOT ever get into protracted bargaining, which as you know, can lead to expense for both the employer and employee association, as well as building tensions and frustrations.

Anne L. Yates

FAX# (907) 895-4217

TO: Representative Green
House Judiciary Committee
FAX# 465-4316

FROM:

PAGES W/cover:

Please vote AGAINST HB248. Don't propel us back into the "Dark Ages" that existed before PERA. As school employees we have been the "step-children" of public employee families for too long! Title 14 allowed us to be abused by the school boards and administrators across the state. PERA corrected that injustice. Education employees across Alaska have fought long and hard to achieve the rights of due process afforded us through PERA. Don't allow the time to run out on the equitable treatment of school employees. Make PERA permanent and extend the rights to public school employees which are provided other Alaska public employees. Please vote NO on HB124 thereby allowing us to maintain our DIGNITY through EQUITY in bargaining! As public school employees we already have to suffer with the INEQUITY of not being allowed to receive unemployment compensation during the summer months while we are in a non-work status through another Legislative EDICT. Don't make us your "whipping boys" for yet ANOTHER INJUSTICE by passing this reprehensible bill. I am one of approximately 20,000 education employees in Alaska awaiting your NO vote on HB124. Thank you for your time and consideration in this matter.

Jackie Nelson-Lizardi
Jackie Nelson-Lizardi
President DGESPA

FAX# (907) 895-4217

TO: Representative Green
House Judiciary Committee
FAX# 465-4316

FROM: Cheryl Bobo
Box 174
Delta Jct, AK 99737

PAGES W/cover:

Please do NOT pass HB124 out of committee. Years ago before we were under PERA, some school employees were only allowed to meet and confer with the local administration and hope that they would listen to at least some of the things we were saying.

Under PERA, the administration is finally forced to negotiate with us in good faith. Please do NOT vote for a bill that would eliminate our ability to be on equal footing with other public employees who have the right to bargain our own terms and conditions of employment.

Vote NO on HB124. How can a democratic body as yourself justify taking away our democratic right to negotiate?

Cheryl Bobo



Jan B. Whipple
P.O. Box 36
Delta Jet, AK 99737
FAX# (907) 4217

TO: Representative James
House Judicial Committee
FAX# 465-2381

FROM: *Jan Whipple*

PAGES W/cover:

Please DO NOT pass HB 124 out of committee. It is inherently UNFAIR to remove a right already granted and will seriously disrupt labor relations. HB124 will upset a system that is already working and working well.

There is NOTHING democratic in denying people the right to organize for purposes of free and fair association.

Please DO NOT pass this "BAD" BILL. Vote NO on HB124.

RECEIVED
APR 07 1997

Michelle J. Brown
Box 141
King Cove, AK 99612
(907)497-2351 2:30-4:00 PM
(907)497-2351 after 4:00

April 2, 1997

Representative Joseph Green
State Capitol (MS3101)
Juneau, AK 99801-1182

Dear Representative Green,

I am writing to ask that you do not work to pass HB 124- which would adversely affect school employee bargaining rights.

I was born and raised in Alaska. After graduating from UAF I have taught throughout the state for the past nine years. After eight years of teaching in Alaska I decided to get a law degree so that I could become a more effective child advocate. I graduated from law school in 1996 and passed the Alaska bar that summer. I have chosen to return to teaching rather than use my law degree because I feel that as a teacher I can have a more lasting and positive impact on children's lives. My plan at this time is to remain in the teaching profession and put my law degree on the back burner. My professional pride and enjoyment in teaching was was of the main reasons I decided to return to the classroom. HB 124 could change the teaching profession dramatically by pitting teachers, administrators, school board members, and community members against each other. PERA works. It is a system that allows communication between everyone involved and gives teachers a voice in their profession. If we lose that voice I may decide to leave the classroom.

I have spent many years teaching in small bush communities. The only way small bush communities can attract and keep high quality teachers is through offering an excellent benefit package. If HB 124 is passed and teachers lose the right to bargain teacher benefits will plunge dramatically and many teachers will leave the state. Those that remain will be in very precarious positions.

School boards and the position as superintendent are very political entities. If a teacher were to fall out of favor with either party their job and employee benefits (salary, site where they work...etc.) would be in jeopardy. I have been in districts that have the right to involuntarily transfer teachers and that ability has been used as a weapon to punish teachers whom the superintendent or a particular school board member was unhappy with for personal reasons (i.e. send them to the least desirable site in the district in the hopes of running them out of the district). If HB 124 is passed this could become the norm. The current system of checks and balances of power has worked well- why mess it up?

Currently teachers are a very cohesive group at most of the schools I have been at. They work together, help each other out by sharing teaching materials and ideas, and strive to do what is best for the students. If districts have the right to opt out of PERA teachers will lose the right to bargain and will be thrown into an arena where they must individually negotiate their contract. Teachers may become

adversaries....and how is it possible that that can be the best thing for kids? I would be resentful of a teacher that worked next door to me that made more money than I did because they are "in" with the school board or superintendent. Currently teacher's salaries are based on experience and the number of years a teacher has been in the district. These are fair measures of the worth of a teacher to the district and to the children in their classroom. Who you know; are related to; or are willing to "brown nose" is not a fair way of deciding a teacher's compensation.

If the people in power can unilaterally decide a teacher's salary and teaching conditions teachers may become leery of giving a school board member's child a low grade even if the child earned it, suspending the child because of discipline problems, or in general making sure the child meets the expectations of the school both academically and behaviorally....because what will happen to the teacher next time they have to go in front of the school board and negotiate their contract on an individual basis? In our small Alaskan communities this is not at all far-fetched. I have had either a school board member's child or the superintendent's child in my classroom six out of the nine years I've been teaching. Teacher's need the right to bargain so that they can concentrate on doing their jobs without worrying about unfair consequences of doing their jobs!

The way our system works now teachers feel that they have some control over their working conditions. We bargain for what is the most important to us. After we have negotiated we are satisfied that we have had a say in our professional lives. Most teachers work many hours beyond what they are required because we feel pride in our work and genuinely care about children. It is easy for me to put in extra time and effort because I feel that I am in a partnership relationship with my school district (and all the school districts I have worked for) and since I am treated well and with respect I respond in kind. I feel that I do an exemplary job for my employer and I choose to go the extra mile because I am satisfied with my job. If HB 124 passes I am afraid that the working environment and relationship between teachers and the school district and superintendents will change, and not for the better. Teachers that don't feel like they are being treated fairly and feel a lack of control in their professional lives will probably quit putting so much extra time and effort into their jobs and the kids will suffer.

The current system we have has worked well for many years. We have fought long and hard for the benefits we receive. Please don't vote for a regressive bill that sets teacher's rights back.

I am one of 20,000 school employees in Alaska waiting your NO vote on HB 124. Please write or call me to explain your position on this issue. Thank you for your concern and attention to this matter.

Sincerely,

Michelle J. Brown

Michelle J. Brown

Cole E Lehmann
Box 186
King Cove, Alaska 99612
April 1, 1997

RECEIVED
APR 07 1997

State Capital (MS3101)
Juneau, Alaska 99801

Dear Representative Joseph Green,

As your constituent I am writing you to ask for you vote in opposition to HB124, school employee bargaining rights. I don't understand why PERA needs to be effectively repealed if it is working. Is there some defensible reason that the legislature wants to remove my rights to bargain collectively? PERA provides checks and balances, not giving too much power to either labor or management. By eliminating it, the legislature will tip the balance in favor of management. Is management going to be more efficient than labor? Is the superintendent of Adak an example of effective and cost efficient management?

Please write or call me to explain your position on this issue. Thank you for your attention to this matter.



Cole E Lehmann

447-2845

RECEIVED

APR 11 1997

Doug Brown
Box 141
King Cove, AK 99612
(907)497-2351 2:30-4:00 PM
(907)497-2351 after 4:00

April 2, 1997

Representative Joseph Green
State Capitol (MS3101)
Juneau, AK 99801-1182

Dear Representative Green,

I am writing to ask that you do not work to pass HB 124- which would adversely affect school employee bargaining rights.

I have taught in Alaska the past thirteen years. HB 124 could change the teaching profession dramatically by pitting teachers, administrators, school board members, and community members against each other. PERA works. It is a system that allows communication between everyone involved and gives teachers a voice in their profession. If we lose that voice I may decide to leave the classroom.

I have spent many years teaching in small bush communities. The only way small bush communities can attract and keep high quality teachers is through offering an excellent benefit package. If HB 124 is passed and teachers lose the right to bargain teacher benefits will plunge dramatically and many teachers will leave the state. Those that remain will be in very precarious positions.

School boards and the position as superintendent are very political entities. If a teacher were to fall out of favor with either party their job and employee benefits (salary, site where they work...etc.) would be in jeopardy. I have been in districts that have the right to involuntarily transfer teachers and that ability has been used as a weapon to punish teachers whom the superintendent or a particular school board member was unhappy with for personal reasons (i.e. send them to the least desirable site in the district in the hopes of running them out of the district). If HB 124 is passed this could become the norm. The current system of checks and balances of power has worked well- why mess it up?

Currently teachers are a very cohesive group at most of the schools I have been at. They work together, help each other out by sharing teaching materials and ideas, and strive to do what is best for the students. If districts have the right to opt out of PERA teachers will lose the right to bargain and will be thrown into an arena where they must individually negotiate their contract. Teachers may become adversaries....and how is it possible that that can be the best thing for kids? I would be resentful of a teacher that worked next door to me that made more money than I did because they are "in" with the school board or superintendent. Currently teacher's salaries are based on experience and the number of years a teacher has been in the district. These are fair measures of the worth of a teacher to the district and to the children in their classroom. Who you know; are related to; or are willing to "brown nose" is not a fair way of deciding a teacher's compensation.

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The current system we have has worked well for many years. We have fought long and hard for the benefits we receive. Please don't vote for a regressive bill that sets teacher's rights back.

Sincerely,


Doug Brown



NEA-ALASKA

Affiliated with the National Education Association

NEA-ALASKA POSITION PAPER

HB 124 - Relating to Collective Bargaining
March 11, 1997

House State Affairs Committee

NEA-Alaska opposes HB 124. The bill will allow municipalities or other political subdivisions including school districts to conduct an election to determine if employees are to continue to bargain under the provisions of AS 23.40.070 - 23.40.260.

Since the early 1970's, state policy extended the statutory right to bargain to public employees. School employees struggled for over ten years to establish their rights under PERA. The schools and school employees have developed a successful pattern of bargaining under PERA for nearly six years.

Bargaining provides public employees a good participatory way to influence decisions that affect the work place. At the bargaining table public employees share in the decision-making process affecting wages and working conditions. They have become more responsive and better able to exchange ideas and information on school operations with their administrators. Successful businesses are moving to management models designed to involve employees in a meaningful participatory role. Studies have shown that successful school reform occurs in school districts where mature bargaining relationships exist.

If HB 124 were to become law, labor relations between school districts and school employees would be disrupted. Good faith bargaining would give way to politics. Management and school boards would have greater latitude to delay and forestall the bargaining process. Some school districts could submit the question of continuance under PERA to voters annually or during each round of bargaining. In effect local governments could use this bill to become "right to work" employers. School, municipal, borough or state employees will lose. Inconsistency between units and school districts would occur. The bargaining process would be weakened and in some instances destroyed.

The bill calls for a vote of the people. Who pays for the election? Will the election activate adversarial clashes between the special anti-labor groups with agendas opposed to working people?

Representatives are elected to make decisions for their constituency in view of the public good. HB 124 proposes a poor approach to decision making. The issue of inclusion of school employees under PERA has been debated on the state level. A majority of the legislature, after weighing carefully the facts and information, decided it is good policy. In its declaration of policy, Sec. 23.40.070, "the legislature finds that joint decision-making is the modern way of administering government"

(7)
Date Referred to Committee: February 12, 1997

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 3/11/97

The STATE AFFAIRS Committee considered:

HB 124

HOUSE BILL NO. 124

PERA: LOCAL EXEMPTION/NONNEGOTIABLE ITEMS

"An Act relating to items not subject to collective bargaining and to application of the Public Employment Relations Act to municipalities and other political subdivisions."

recommends it be replaced with the following committee substitute _____ [] the same title
[] a new title

[] additional referral to _____ Committee
[] attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[] fiscal note(s) _____

[] fiscal note(s) _____

[] zero fiscal note(s) Labor, Admin. [] zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Janette James</i>			-	
<i>[Signature]</i>		✓		
<i>[Signature]</i>		✓		
<i>[Signature]</i>	✓			
<i>[Signature]</i>			✓	
<i>[Signature]</i>	✓			
<i>[Signature]</i>			✓	

CHAIR'S SIGNATURE *Janette James*

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 124

Revision Date: _____
 Title: PERA: Local exemption/nonnegotiable
Items
 Sponsor: Representative Vezey
 Requestor: House STA

Department Affected: Labor
 BRU: Office of the Commissioner
 Component: _____
Alaska Labor Relations Agency
 COMPONENT SERIAL NO. 1200

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
---------	--	--	--	--	--	--

CHANGE IN REVENUE FUND SOURCE #						
------------------------------------	--	--	--	--	--	--

FUNDING:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipt						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY97) impact: \$ None

ANALYSIS: (Attach a separate page if necessary)

HB 124 adds privatization or contracting out to the items not subject to bargaining under the Public Employment Relations Act (PERA) and would exclude political subdivisions from coverage under PERA unless the political subdivision, after election among voters, opts to be covered. The bill would also permit the rejection of PERA by election of the voters. The bill would remove a number of employers from the jurisdiction of the Alaska Labor Relations Agency (ALRA). This change might ultimately reduce the workload of ALRA, however the transition and initial disruptions will delay the decrease, if any, long past the effective date of the law. Should the bill result in frequent movements into and out of PERA, the representation workload and attendant petitions or complaints could actually increase agency workload.

Prepared by: Jan Hart DeYoung *JHD* Phone: 269-4895
 Division: Alaska Labor Relations Agency Date: 3/10/97
 Approved by Commissioner: Tom Cashen, Commissioner *Tom Cashen*
 Agency: Department of Labor Date: 3/10/97

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FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 124

Revision Date: _____
 Title: An Act relating to item not subject to collective bargaining
 Sponsor: Vezey
 Requestor: House State Affairs Committee

Department Affected: Administration
 BRU: Personnel
 Component: Labor Relations
 COMPONENT SERIAL NO. 58

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL EXPENDITURES	0	0	0	0	0	0
-----------------------------	----------	----------	----------	----------	----------	----------

CHANGE IN REVENUES ()	0	0	0	0	0	0
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FUND SOURCE:

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY 96) cost: \$ 0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

The changes to the Public Employment Relations Act contained in this bill will have an insignificant program impact on the Labor Relations Section. It will eliminate one additional topic from all the possible subjects of bargaining over the wages, hours and other terms and conditions of employment.

Prepared by: Beverly Reaume *[Signature]*
 Division: Division of Personnel

Phone: 465-4429
 Date: _____

Approved by Commissioner: Mark Boyer *[Signature]*
 Agency: Department of Administration

Date: 3/10/97

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NEA-ALASKA

Affiliated with the National Education Association

NEA-ALASKA POSITION PAPER

HB 124 - Relating to Collective Bargaining
April 21, 1997

House State Affairs Committee

NEA-Alaska opposes HB 124. The bill will remove municipalities or other political subdivisions including school districts from the provisions of AS 23.40.070 - 23.40.260.

Since the early 1970's, state policy extended the statutory right to bargain to public employees. School employees struggled for over ten years to establish their rights under PERA. The schools and school employees have developed a successful pattern of bargaining under PERA for nearly six years.

Bargaining provides public employees a good participatory way to influence decisions that affect the work place. At the bargaining table public employees share in the decision-making process affecting wages and working conditions. They have become more responsive and better able to exchange ideas and information on school operations with their administrators. Successful businesses are moving to management models designed to involve employees in a meaningful participatory role. Studies have shown that successful school reform occurs in school districts where mature bargaining relationships exist.

If HB 124 were to become law, labor relations between school districts and school employees would be disrupted. Good faith bargaining would give way to politics. Management and school boards would have greater latitude to delay and forestall the bargaining process. This bill would bring collective bargaining to a halt. In effect, local governments could use this bill to become "right to work" employers. School, municipal, borough or state employees will lose. Inconsistency between units and school districts would occur. The bargaining process would be destroyed.

The bill calls for a vote of the people to reinstate PERA. Who pays for the election? Will the election activate adversarial clashes between the special anti-labor groups with agendas opposed to working people? What if the

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JUNEAU OFFICE • 114 Second Street • Juneau, Alaska 99801 • (907) 586-3090 • FAX: (907) 586-2744

FAIRBANKS REGIONAL OFFICE • 2118 Cushman Street • Fairbanks, Alaska 99701 • (907) 456-4435 • FAX: (907) 456-2159

ARE TEACHERS' UNIONS HURTING AMERICAN EDUCATION?

A State-by-State Analysis of the Impact of Collective Bargaining Among Teachers on Student Performance

Prepared for the Institute for Wisconsin's Future by:

F. Howard Nelson

Educational Research Consultant

Michael Rosen

Chairman, Economics Department
Milwaukee Area Technical College

Consulting Assistance:

Brian Powell

Associate Professor, Sociology Department
Indiana University

Cover Photo by:

Mary Ann Onorato


**THE INSTITUTE FOR
WISCONSIN'S FUTURE**

759 North Milwaukee Street
Milwaukee, WI 53202
414/963-9882

Executive Director: **Karen Royster**

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municipality decides not to have an election? Will school districts be precluded from bargaining? What happens to other rights given to districts and employees? It is not clear how REAA's would function under this bill. Are they a political subdivision? Would they be able to opt back in to PERA?

Representatives are elected to make decisions for their constituency in view of the public good. HB 124 proposes a poor approach to decision making. The issue of inclusion of school employees under PERA has been debated on the state level. A majority of the legislature, after weighing carefully the facts and information, decided it is good policy. In its declaration of policy, Sec. 23.40.070, "the legislature finds that joint decision-making is the modern way of administering government."

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**THE INSTITUTE FOR
WISCONSIN'S FUTURE**
759 North Milwaukee Street
Milwaukee, WI 53202
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Executive Director: **Karen Royster**

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I. EXECUTIVE SUMMARY

During this 1996 electoral season, public schools and teachers' unions have been repeatedly attacked by Republican candidates as the cause of intellectual and moral decline among American youth. These largely undocumented assertions are situated in the context of a campaign to provide vouchers for privatized education and create a dual educational system in which more children are in private schools.

To evaluate these claims, the Institute for Wisconsin's Future initiated an updated review of the impact of collective bargaining among teachers on the performance levels of school children. This study examines the impact of collective bargaining along with that of region, family income, race, school spending and levels of private school attendance. The focus of the study is the relationship between high, medium and low levels of unionization among teachers and student test scores on the SAT College Entrance exams and the NAEP fourth grade reading tests in a state-by-state comparison.

The results of this study demonstrate clearly that student performance on the tests is significantly better in states with high levels of unionization with all other variables held constant. Average student scores on the SAT exams are 43 points higher in states where over 90% of teachers are unionized than in states where less than 50% of the teachers are covered by collective bargaining or meet-and-confer agreements. Furthermore, when collective bargaining is removed from the analysis, scores drop in **all states**. Those factors found to be significantly related to poor performance are: low household income, race (which is correlated with other measures of socio-economic deprivation), large class size, high absenteeism, and higher rates of private school attendance.

Our findings accord with numerous earlier research studies which show that collective bargaining among teachers does not harm student school performance. In the last ten years, school performance among all children has been improving. Differences in performance occur more **between** states than over time periods. In fact, report after report demonstrates that unionization is associated with more stable, productive school environments with higher test scores. The underlying causes of poor performance among children are primarily socio-economic factors in children's lives and the lack of adequate educational resources.

Public education faces serious problems but teachers organizing to secure decent wages and working conditions is not one of them. Growing poverty, social instability, high rates of mobility and household disorganization devastate children's lives. Governmental cuts in resources for school hiring, teacher training and educational resources have led to larger class size, inadequate educational materials and reduced programming in many schools. Increased learning disabilities and behavior problems compound the problems in more crowded classrooms. Advocates of privatized education claim they will improve student performance by "breaking the educational monopoly of public schools and teachers' unions." Data from this study demonstrates that "breaking the unions" will hurt, not help students' performance.

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Our findings accord with numerous earlier research studies which show that collective bargaining among teachers does not harm student school performance. In the last ten years, school performance among all children has been improving. Differences in performance occur more **between** states than over time periods. In fact, report after report demonstrates that unionization is associated with more stable, productive school environments with higher test scores. The underlying causes of poor performance among children are primarily socio-economic factors in children's lives and the lack of adequate educational resources.

Public education faces serious problems but teachers organizing to secure decent wages and working conditions is not one of them. Growing poverty, social instability, high rates of mobility and household disorganization devastate children's lives. Governmental cuts in resources for school hiring, teacher training and educational resources have led to larger class size, inadequate educational materials and reduced programming in many schools. Increased learning disabilities and behavior problems compound the problems in more crowded classrooms. Advocates of privatized education claim they will improve student performance by "breaking the educational monopoly of public schools and teachers' unions." Data from this study demonstrates that "breaking the unions" will hurt, not help students' performance.

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II. INTRODUCTION

The conservative attack on public education in general and teachers' unions in particular has grown more heated. Public schools and teachers' unions are held culpable for declining test scores, failing to prepare students for the workforce, reduced intellectual capacity among American young people and a deteriorating work ethic. Robert Dole has focused on this issue in presidential campaign speeches attacking teachers' unions as the principal cause of academic decline. In a national column, pundit Cal Thomas stated that, "the National Education Association promotes its own narrow agenda while working against the interest of most children and their parents." This war on public education and unionized teachers waged through conservative think tanks and their media spokespersons is based on a viewpoint that public education is a non-competitive monopoly. According to this analysis, educational improvements can only be achieved by breaking up the public school monopoly and the monopoly of the teachers' union, privatizing education and creating a deregulated educational marketplace.

These negative views of public education and the impact of teachers' unions are at variance with a number of reputable studies that have researched the impact of teacher unionization on student performance. These studies demonstrate that:

- a) scores in many national performance tests are improving, particularly in some regions of the country;
- b) the primary variations in test scores occur between states, not over time;
- c) teachers' unions have increased productivity and quality in schools by helping to regulate working conditions;
- d) the real determinants of lower student performance are primarily socio-economic factors in children's lives and educational resources.

Following a review of this body of research, IWF provides an updated examination of whether collective bargaining has a negative impact on student performance in a state-by-state analysis of the relationship between levels of teacher unionization and student scores on two national tests of student knowledge.

III. PRIOR RESEARCH

In February, 1990, at the request of the Bush Administration, the Strategic Studies Center at the Sandia National Laboratory in New Mexico began a comprehensive review of the effectiveness of K-12 education in the United States. The request was apparently made in the belief that the Laboratory would find a system of failing K-12 schools, thus providing a rationale for a national school voucher system.

To the surprise of many K-12 critics, the researchers at Sandia reported the following conclusion in April, 1992: "Our most detailed analyses to date have focused on popular measures used to discuss the status of education in America. We looked at data over time to put performance of the current system in proper perspective. To our surprise, on nearly every measure we found steady or slightly improving trends". (Carson, Huelskamp, and Woodall, p.259).

A 1996 report by the National Science Foundation found that student achievement in Math and Science as measured by the National Assessment of Educational Progress exams has improved for all ethnic groups over the last 15 years. These achievements vary widely from state to state with some states performing at a level equal to the best performing nations in the world and some states at a level equal to the worst performing nations. In addition, the racial gap in performance levels, while still evident, was narrowing.

A 1996 report by the college board indicates that American students continue to improve their SAT scores. Math scores were the best in more than two decades. The scores on ACT college entrance tests have also risen. (Tabor; 2/27/96).

In *The Manufactured Crisis* (1995), authors Berliner and Biddle challenge those who argue that today's students are not as intelligent or able as students of the past. They offer the following points: "... since 1932 the mean IQ for white Americans age two to 75 has risen about .3 points each year (p. 43). Scores for other groups are not available. In the United States, today's youth probably average about 15 IQ points higher than did their grandparents and 7.5 points higher than their parents on the Stanford-Binet and Wechsler tests". (p. 43).

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Berliner and Biddle note that "... evidence from the NAEP also does not confirm the myth of a recent decline in American student achievement. Instead, it indicates a general pattern of stable achievement combined with modest growth in achievement among students from minority groups and from 'less advantaged' backgrounds". (pp. 25-26).

In addition to schooling, other factors that determine student performance are social factors such as family size, household income, race, gender, region and discrimination. In a critical examination of state and regional variations in SAT performance, Powell and Steelman found that the decline in national test scores cited by critics of public education did not reflect the major test score differences **between** states which are much larger than the decline in test scores **over time**. Studies asserting a pattern of lowered College entrance test scores over time have failed to adjust for the increased number of students taking the tests as college education becomes an option for more than an elite minority. These variations in test score results on a state-by-state basis were due to factors such as family income, percentage of students taking the test, race, gender, class size, urbanization, etc. (Powell and Steelman; 1984). In their 1996 study, Powell and Steelman found that higher per pupil expenditures and lower teacher/student ratios are significantly correlated with higher test scores on the SAT and ACT exams. Graham and Husted replicated the 1984 Powell findings in a 1992 comprehensive analysis of test scores and the socio-demographic characteristics of the test takers and their families. The findings showed that race, sex, income and parents' educational level are significant determinants of student performance in addition to state participation rates. Denigration of public schools and their teachers based on studies that do not include these key variables have no basis in fact. (Graham and Husted; 1993).

Studies on the impact of teacher unionization show that overall, students benefit. An analysis of teacher unions and productivity found that union school districts are seven percent more productive for average students and three percent more effective overall (Ebert and Stone, 1987). Freeman and Medoff (1979) and other research indicates that unions may increase productivity by reducing worker turnover in the schools, expanding teacher training opportunities and improving communication between workers and management. Richard Murnane found that seniority rules for teaching contracts that base wage levels and job security on seniority promoted the educational goals of public education more effectively than performance-based contracts. (Murnane; 1987).

A 1991 report by Paul Grimes and Charles Register examines the impact of teachers' unions on the test performance of African American students on the SAT exam. The article teachers' unions

and Black Students' Scores on College Entrance Exams demonstrates that external factors such as class size, size and location of school, race and socio-economic status are significant factors in determining student test performance and that all students in unionized schools scored 3 percent higher on SAT exams. Holding other factors constant, African-American students in unionized schools score almost 104 points above the black students in non-union schools. (Grimes and Register; 1991).

One study by Michael Kurth in 1987 often cited by conservatives contradicts these findings. In a published comment on the Kurth article, Nelson and Gould (1988) demonstrate that the Kurth study has serious deficiencies in its methodology. These include a failure to establish a base relationship between test performance and the level of collective bargaining before Kurth postulated the increase in collective bargaining as a cause for the fall in test scores. There were numerous other problems in the methodology:

- Kurth misrepresented variations in SAT scores and failed to take into account the percentage of high school graduates taking the test in each state.
- His study used inconsistent and inappropriate timing factors (i.e. the lag time between initial unionization and that period of impact on student performance).
- The research included states with collective bargaining agreements in the block of non-union states.
- The research failed to include variables such as race and gender (factors that Powell and Steelman had found to be significant indicators of state performance levels in 1984).
- The research mistimed the lag effects of social changes such as family size, stability and levels of parent education. (Nelson and Gould, 1988).

Nelson and Gould corrected many of the problems in the Kurth analysis and found that "the results clearly indicate that collective bargaining is associated with higher SAT scores no matter what equation is used ..." (Nelson and Gould, 1988).

Despite the research showing that unions are not responsible for poor test scores, school violence and all other forms of educational pathology, advocates of privatization continue to assail public education and teachers. The Institute for Wisconsin's Future initiated this study to update and re-analyze data on standardized testing by both high school students and grade school students to assess if collective bargaining among teachers in Wisconsin and other states negatively impacts the performance of students.

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IV. METHODOLOGY

A. Measures of Performance.

This study utilizes the 1995 SAT scores for public and private high school seniors from the Educational Testing Services as well as scores from the 1994 NAEP grade four reading exams for public school systems as the indicators for students' performance.

The Scholastic Aptitude Test (now called the Scholastic Assessment Test) was originally normed in 1941 on a population of 10,654 white males who primarily attended private universities in the East. The test measures student knowledge in two areas, verbal and mathematical, and is designed to predict academic success in college. Scores on the SAT are not reported as the number or percent of correct answers (there are 138 questions), but as a scale score, ranging from 400 to 1,600.

In this study, the SAT scores are adjusted based on the percentage of high school seniors taking the exams in each state, because in some states a low percentage of test takers (the very best students who intend to go to out-of-state schools) naturally raises the average score. In some parts of the country, the ACT is more commonly used than the SAT. Measurement experts who have investigated the drop in SAT scores have concluded that the most important reason for the decline was due to the fact that a greater number of students, especially those with weaker high school records, began to take the SAT. In short, beginning in the mid-1960's, takers of the SAT became a less elite population of high school students. Thus, in recent years, more than one million students take the SAT annually. Compare this figure with the 10,654 who originally took the SAT in 1941.

The National Assessment of Educational Progress (NAEP) reading tests are representative of all fourth graders in public schools. Since 1969, the NAEP has tested national samples of students ages nine, thirteen, and seventeen. Only fourth grade reading scores have been released on a state-by-state basis.

B. Dependent Variables.

Union impact is measured by the percentage of teachers in each state covered by either collective bargaining or meet-and-confer agreements. States are considered highly unionized if over 90% of teachers are covered by collective bargaining agreements. The state is designated as moderately unionized state if 50-90% of the teachers are covered by collective bargaining or meet-and-confer agreements. The state is designated a non-union state if less than 50% of state teachers are covered by collective bargaining or meet-and-confer agreements. The three-way classification was created for presentation purposes. The statistical model is based on the percent of teachers in districts with collective bargaining contracts.

C. Independent Variables

Regression analysis is used to weight the impact of race, income, school expenditures and urbanization on school performance levels. The percent of high school seniors taking the SAT test in each state is factored into the analysis and shown as a separate outcome for the SAT impact analysis.

D. Sources of Data

Test Takers is the percentage of high school graduates taking the SAT, and *Test Takers Squared* is the quadratic term necessary to describe the non-linear relationship between *Test Takers* and *Sat Score* identified by Powell and Steelman (1984).

The union variables are based on new data (U.S. Department of Education). *Collective Bargaining and Meet-and-Confer Only* are based on 1994 Schools and Staffing Survey from the National Center for Education Statistics in 1994. The *Spending Per Pupil* (current expenditures only) is from the National Center for Education Statistics, 1995. *Percent Minority* (percentage of test takers) is data from the Educational Testing Service, 1995.

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V. ANALYSIS

Table 1 shows a summary analysis of the impact of collective bargaining on student test performance on the SAT and NAEP national exams holding all other variables constant. For the SAT exams, high levels of unionization in states are positively correlated with higher tests scores adjusted for the rate of test participation. The average score for students in highly unionized states is almost 30 points higher than in states where less than 50% of the teachers are covered by collective bargaining or meet-and-confer agreements. Removal of all effects associated with collective bargaining is correlated with a reduction in the average SAT scores of 36 points in high-union states and 12 points in low-union states.

The impact of collective bargaining on average scores for the NAEP reading exam is also positive. The average reading score in highly unionized states is 217 compared to 209 in non-union states. Removal of all effects associated with collective bargaining results statistically in a drop of nine points in the average score in unionized states.

Table 1.

Impact of Collective Bargaining on College Entrance Examinations And Grade 4 Reading

	High Level Collective Bargaining States*	Medium Level Collective Bargaining States	Non-Bargaining States
1995 SAT (50 states)			
Percent of teachers with:			
Collectively bargained contract	98.0	63.5	6.1
Meet-and-confer agreement	1.6	21.6	11.6
SAT Adjusted for test-taking rate	979	966	936
Average Rank	18	26	41
SAT adjusted for collective bargaining effects	943	933	928
Change in score	-36	-35	-8
Average Rank	21	28	32
1994 NAEP Grade 4 Reading (39 states)			
Percent of teachers with:			
Collectively bargained contract	98.5	58.1	6.1
Meet-and-confer agreement	1.2	23.3	11.6
NAEP Grade 4 Reading	217	217	209
NAEP adjusted for collective bargaining effects	208	209	207
Change in score	-9	-8	-2

*High level of collective bargaining states have 90% or more teachers covered by collective bargaining. Medium level states have 50% to 89% of teachers covered and low level states have less than 50% of teachers covered.

Table 2.

SAT Scores in Collective Bargaining States

Adjusted for Percentage of Students Taking Tests¹

	Bargaining Law	Percent of Teachers		Adjusted* for Test-taking Rate State SAT
		Collectively Bargained Contract	Meet and Confer	
High Average		98.0	1.6	979.3
Wisconsin	x	100.0	0.0	996.1
Maryland	x	100.0	0.0	988.5
New Jersey	x	100.0	0.0	979.1
Hawaii	x	100.0	0.0	962.9
Florida	x	100.0	0.0	949.5
Rhode Island	x	100.0	0.0	969.1
Pennsylvania	x	100.0	0.0	961.1
New York	x	99.7	0.0	972.4
Massachusetts	x	99.6	0.0	983.8
Maine	x	99.4	0.0	976.9
New Hampshire	x	99.3	0.0	1016.1
Connecticut	x	99.0	1.0	983.9
Indiana	x	99.0	1.0	956.9
Oregon	x	98.7	6.9	1012.7
California	x	98.5	1.4	956.5
Alaska	x	98.3	1.3	992.6
Washington	x	98.2	1.4	997.5
Ohio	x	98.1	1.5	962.3
Iowa	x	97.3	1.4	1000.7
Michigan	x	96.7	2.6	966.8
Illinois	x	96.4	2.3	991.1
Vermont	x	95.7	0.0	981.9
Delaware	x	95.0	5.0	977.9
Nevada	x	94.4	5.4	930.1
Montana	x	93.0	3.8	988.1
Minnesota	x	92.6	7.4	1008.1
Medium Average		63.5	21.6	966.8
Idaho	x	83.0	13.0	931.6
Nebraska	x	82.3	15.3	973.1
South Dakota	x	78.9	25.5	969.7
Utah		76.4	21.4	972.1
Kansas	x	76.4	21.1	983.1
Tennessee	x	74.7	3.5	978.2
Colorado		69.3	20.3	989.7
North Dakota	x	66.3	28.1	1008.7
Oklahoma	x	58.4	13.4	950.1
New Mexico	x	54.5	11.0	948.3
Wyoming		34.0	35.0	929.2
Missouri	x	7.7	51.6	968.1
Low Average		6.1	11.6	936.0
Kentucky		20.9	13.9	932.3
Arkansas		17.3	11.7	912.2
Louisiana		16.0	3.1	944.1
Arizona		15.1	17.2	946.6
Alabama		1.8	15.3	946.9
Georgia		1.7	0.2	934.0
Mississippi		0.0	8.4	934.1
West Virginia		0.0	12.6	893.8
Virginia		0.0	32.0	976.0
Texas		0.0	16.0	951.6
North Carolina		0.0	7.8	941.8
South Carolina		0.0	1.5	918.9
National Average		68.1	8.8	966.1

*Estimated SAT score if 35.4 percent of graduating seniors took the SAT (the national average) using regression coefficients from equation 3, Table 5.

¹ Unadjusted SAT scores in Table A1 in the Appendix.

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Florida	x	100.0	0.0	949.5
Rhode Island	x	100.0	0.0	969.1
Pennsylvania	x	100.0	0.0	961.1
New York	x	99.7	0.0	972.4
Massachusetts	x	99.6	0.0	983.8
Maine	x	99.4	0.0	976.9
New Hampshire	x	99.3	0.0	1016.1
Connecticut	x	99.0	1.0	983.9
Indiana	x	99.0	1.0	956.9
Oregon	x	98.7	6.9	1012.7
California	x	98.5	1.4	956.5
Alaska	x	98.3	1.3	992.6
Washington	x	98.2	1.4	997.5
Ohio	x	98.1	1.5	962.3
Iowa	x	97.3	1.4	1000.7
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Montana	x	93.0	3.8	988.1
Minnesota	x	92.6	7.4	1008.1
Medium Average		63.5	21.6	966.8
Idaho	x	83.0	13.0	931.6
Nebraska	x	82.3	15.3	973.1
South Dakota	x	78.9	25.5	969.7
Utah		76.4	21.4	972.1
Kansas	x	76.4	21.1	983.1
Tennessee	x	74.7	3.5	978.2
Colorado		69.3	20.3	989.7
North Dakota	x	66.3	28.1	1008.7
Oklahoma	x	58.4	13.4	950.1
New Mexico	x	54.5	11.0	948.3
Wyoming		34.0	35.0	929.2
Missouri	x	7.7	51.6	968.1
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Kentucky		20.9	13.9	932.3
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National Average		68.1	8.8	966.1

* Estimated SAT score if 35.4 percent of graduating seniors took the SAT (the national average) using regression coefficients from equation 3, Table 5.

¹ Unadjusted SAT scores in Table A1 in the Appendix.

Table 2 shows the 50 states categorized by the level of teacher unionization correlated with the SAT scores adjusted for *Test Takers and Test Takers Squared*. National rankings are shown for each category. The national average for all states is an adjusted SAT score of 966 and a ranking of 25th. This table demonstrates that the states with the highest level of teacher unionization (90% or more of teachers covered by contracts) have an average adjusted SAT score of 979. States with moderate levels of collective bargaining (50%- 83%) have an average SAT score of 967. Those states with the lowest levels of teacher organization (0 - 21%) have an average score of 936.

On the following page, Table 3 shows the statistical impact of removing effects associated with collective bargaining from the 50 states on SAT scores. States are divided into the three levels of union participation for presentation purposes. This table shows that the removal of effects associated with collective bargaining is correlated with lower scores in all states, even those with low unionization levels. In states with high levels of collective bargaining (90% +), subtracting the effects associated with collective bargaining results in a drop in the average SAT score from 979 to 943. In states with moderate levels of collective bargaining (50% - 83%), removal of collective bargaining effects is tied to a drop in the average score from 967 to 933. In states with low levels of collective bargaining or meet-and-confer participation (0 - 20%), removal of all collective bargaining is correlated with a drop in the average SAT score from 936 to 928.

Table 3.

Estimated Impact on SAT Scores of Removing Collective Bargaining Effects

State	Percent of Teachers Collectively Bargained (Contract)	Meet and Confer	SAT Adjusted* For: Test Taking Rate	W/O Collective Bargaining SAT Scores	Change
High Average	98.0	1.6	979.3	943.5	36
Wisconsin	100.0	0.0	996.1	960.4	36
Maryland	100.0	0.0	988.5	952.8	36
New Jersey	100.0	0.0	979.1	943.4	36
Hawaii	100.0	0.0	962.9	927.2	36
Florida	100.0	0.0	949.5	913.8	36
Rhode Island	100.0	0.0	970.0	933.4	36
Pennsylvania	100.0	0.0	961.1	925.4	36
New York	99.7	0.0	972.4	936.8	36
Massachusetts	99.6	0.0	983.8	948.3	36
Maine	99.4	0.0	976.9	941.4	35
New Hampshire	99.3	0.0	1016.1	980.6	35
Connecticut	99.0	1.0	983.9	948.0	36
Indiana	99.0	1.0	956.9	921.1	36
Oregon	98.7	6.9	1012.7	973.9	39
California	98.5	1.4	956.5	920.6	36
Alaska	98.3	1.3	992.6	956.8	36
Washington	98.2	1.4	997.5	961.7	36
Ohio	98.1	1.5	962.3	926.5	36
Iowa	97.3	1.4	1000.7	965.2	35
Michigan	96.7	2.6	966.3	930.4	36
Illinois	96.4	2.3	991.1	955.5	36
Vermont	95.7	0.0	981.9	947.7	34
Delaware	95.0	5.0	977.9	941.3	37
Nevada	94.4	5.4	930.1	893.6	37
Montana	93.0	3.8	988.1	952.9	35
Minnesota	92.6	7.4	1008.1	971.1	37
Medium Average	63.5	21.6	966.8	932.8	34
Idaho	83.0	13.0	931.6	895.1	36
Nebraska	82.3	15.3	973.1	935.6	37
South Dakota	78.9	25.5	969.7	928.1	42
Utah	76.4	21.4	972.1	933.6	39
Kansas	76.4	21.1	983.1	944.7	38
Tennessee	74.7	3.5	978.2	949.7	29
Colorado	69.3	20.3	989.7	954.2	35
North Dakota	66.3	28.1	1008.7	970.2	39
Oklahoma	58.4	13.4	950.1	922.2	28
New Mexico	54.5	11.0	948.3	923.0	25
Wyoming	34.0	35.0	929.2	898.6	31
Missouri	7.7	51.6	968.1	938.1	30
Low Average	6.1	11.6	936.0	927.7	8
Kentucky	20.9	13.9	932.3	917.5	15
Arkansas	17.3	11.7	912.2	899.8	12
Louisiana	16.0	3.1	944.1	936.7	7
Arizona	15.1	17.2	946.6	932.1	14
Alabama	1.8	15.3	946.9	938.2	9
Georgia	1.7	0.2	934.0	933.3	1
Mississippi	0.0	8.4	934.1	929.7	4
West Virginia	0.0	12.6	893.8	887.2	7
Virginia	0.0	32.0	976.0	959.1	17
Texas	0.0	16.0	951.6	943.2	8
North Carolina	0.0	7.8	941.8	937.7	4
South Carolina	0.0	1.5	918.9	918.2	1
National Avg.	68.1	8.8	966.1	937.2	

*Effect of bargaining rights based on collective bargaining and meet-and-confer coefficients in equation 3 in Table A1 in the Appendix. Bargaining rights adjustments is applied SAT scores adjusted for the number of test takers. See Table 2.

Table 3.

Estimated Impact on SAT Scores of Removing Collective Bargaining Effects

Slate	Percent of Teachers Collectively Bargained Contract	Meet and Confer	SAT Adjusted* For: Test Taking Rate	W/O Collective Bargaining SAT Scores	Change
High Average	98.0	1.6	979.3	943.5	36
Wisconsin	100.0	0.0	996.1	960.4	36
Maryland	100.0	0.0	988.5	952.8	36
New Jersey	100.0	0.0	979.1	943.4	36
Hawaii	100.0	0.0	962.9	927.2	36
Florida	100.0	0.0	949.5	913.8	36
Rhode Island	100.0	0.0	970.0	933.4	36
Pennsylvania	100.0	0.0	961.1	925.4	36
New York	99.7	0.0	972.4	936.8	36
Massachusetts	99.6	0.0	983.8	948.3	36
Maine	99.4	0.0	976.9	941.4	35
New Hampshire	99.3	0.0	1016.1	980.6	35
Connecticut	99.0	1.0	983.9	948.0	36
Indiana	99.0	1.0	956.9	921.1	36
Oregon	98.7	6.9	1012.7	973.9	39
California	98.5	1.4	956.5	920.6	36
Alaska	98.3	1.3	992.6	956.8	36
Washington	98.2	1.4	997.5	961.7	36
Ohio	98.1	1.5	962.3	926.5	36
Iowa	97.3	1.4	1000.7	965.2	35
Michigan	96.7	2.6	966.3	930.4	36
Illinois	96.4	2.3	991.1	955.5	36
Vermont	95.7	0.0	981.9	947.7	34
Delaware	95.0	5.0	977.9	941.3	37
Nevada	94.4	5.4	930.1	893.6	37
Montana	93.0	3.8	988.1	952.9	35
Minnesota	92.6	7.4	1008.1	971.1	37
Medium Average	63.5	21.6	966.8	932.8	34
Idaho	83.0	13.0	931.6	895.1	36
Nebraska	82.3	15.3	973.1	935.6	37
South Dakota	78.9	25.5	969.7	928.1	42
Utah	76.4	21.4	972.1	933.6	39
Kansas	76.4	21.1	983.1	944.7	38
Tennessee	74.7	3.5	978.2	949.7	29
Colorado	69.3	20.3	989.7	954.2	35
North Dakota	66.3	28.1	1008.7	970.2	39
Oklahoma	58.4	13.4	950.1	922.2	28
New Mexico	54.5	11.0	948.3	923.0	25
Wyoming	34.0	35.0	929.2	898.6	31
Missouri	7.7	51.6	968.1	938.1	30
Low Average	6.1	11.6	936.0	927.7	8
Kentucky	20.9	13.9	932.3	917.5	15
Arkansas	17.3	11.7	912.2	899.8	12
Louisiana	16.0	3.1	944.1	936.7	7
Arizona	15.1	17.2	946.6	932.1	14
Alabama	1.8	15.3	946.9	938.2	9
Georgia	1.7	0.2	934.0	933.3	1
Mississippi	0.0	8.4	934.1	929.7	4
West Virginia	0.0	12.6	893.8	887.2	7
Virginia	0.0	32.0	976.0	959.1	17
Texas	0.0	16.0	951.6	943.2	8
North Carolina	0.0	7.8	941.8	937.7	4
South Carolina	0.0	1.5	918.9	918.2	1
National Avg.	68.1	8.8	966.1	937.2	

*Effect of bargaining rights based on collective bargaining and meet-and-confer coefficients in equation 3 in Table A1 in the Appendix. Bargaining rights adjustments is applied SAT scores adjusted for the number of test takers. See Table 2.

On the next page, Table 4 shows the NAEP test results for 39 states grouped in levels of teacher participation in collective bargaining and the statistical impact of removing collective bargaining on NAEP scores in those states. Thirteen states did not participate in the grade four reading tests. This table demonstrates that the states with the highest level of teacher unionization (90% +) have an average adjusted NAEP score of 217. States with moderate levels of collective bargaining (50%- 83%) have an average NAEP score of 217 and those states with the lowest levels of teacher organization (0 - 21%) have an average score of 209. The national average for all states is a NAEP score of 214.

This table also indicates that the removal of effects associated with bargaining is correlated with lower scores in all states, even those with low unionization levels. In states with high levels of collective bargaining (90%+), the elimination of collective bargaining is correlated with a drop in the average SAT score from 217 to 208. In states with moderate levels of collective bargaining (50% - 83%), removal of unionization is correlated with a drop in the average score from 217 to 209. In states with low levels of collective bargaining or meet-and-confer participation (0 - 20%), removal of all collective bargaining effects results in a statistical drop in the average NAEP score from 209 to 207. The national average for all students without collective bargaining drops statistically from 214 to 208.

Regression Analysis

Thus far, we have adjusted average test scores for the effect of collective bargaining on school performance. The impact of collective bargaining indicated in the preceding tables takes into account other factors impacting school performance such as household income, class size, urbanization and region by using regression analysis. The regression analysis tables below describe the additional impact of these variables.

There are two models in this regression analysis: the first is one without collective bargaining, which looks solely at background factors; the second model includes collective bargaining and the set of factors. To understand how variables interact, no one factor can be analyzed alone. It is necessary to control for other variables through a numerical weighting process.

Table 4.

NAEP Scores and the Impact of Removing Collective Bargaining*

State	Percent of Teachers Collective Bargaining Contract	Percent of Teachers Meet and Confer Agreement	NAEP Grade 4 Reading	W/O Collective Bargaining NAEP Grade 4 Reading	Change
High Average	98.5	1.2	216.8	208.0	- 9.3
Wisconsin	100.0	0.0	225.0	216.0	- 9.0
Rhode Island	100.0	0.0	221.0	212.0	- 9.0
New Jersey	100.0	0.0	220.0	211.0	- 9.0
Pennsylvania	100.0	0.0	216.0	209.0	- 9.0
Maryland	100.0	0.0	211.0	202.0	- 9.0
Florida	100.0	0.0	206.0	197.0	- 9.0
Hawaii	100.0	0.0	202.0	193.0	- 9.0
New York	99.7	0.0	213.0	204.0	- 9.0
Massachusetts	99.6	0.0	224.0	215.0	- 9.0
Maine	99.4	0.0	229.0	220.0	- 9.0
New Hampshire	99.3	0.0	224.0	215.0	- 9.0
Connecticut	99.0	1.0	223.0	214.0	- 9.0
Indiana	99.0	1.0	221.0	212.0	- 9.0
California	98.5	1.4	198.0	191.0	- 9.0
Washington	98.2	1.4	214.0	205.0	- 9.0
Iowa	97.3	1.4	224.0	215.0	- 9.0
Delaware	95.0	5.0	207.0	197.0	-10.0
Montana	93.0	3.8	223.0	214.0	- 9.0
Minnesota	92.6	7.4	219.0	209.0	-10.0
Medium Average	58.2	23.3	217.4	209.0	- 8.3
Nebraska	82.3	15.3	221.0	211.0	-10.0
Utah	76.4	21.4	218.0	208.0	-10.0
Tennessee	74.7	3.5	214.0	207.0	- 7.0
Colorado	69.3	20.3	214.0	205.0	- 9.0
North Dakota	66.3	28.1	226.0	216.0	-10.0
New Mexico	54.5	11.0	206.0	200.0	- 6.0
Wyoming	34.0	35.0	222.0	214.0	- 8.0
Missouri	7.7	51.6	218.0	211.0	- 7.0
Low Average	6.1	11.6	209.1	207.0	- 2.0
Kentucky	20.9	13.9	213.0	209.0	- 4.0
Arkansas	17.3	11.7	210.0	207.0	- 3.0
Louisiana	16.0	3.1	198.0	196.0	- 2.0
Arizona	15.1	17.2	207.0	203.0	- 4.0
Alabama	1.6	15.3	209.0	207.0	- 2.0
Georgia	1.7	0.2	208.0	208.0	- 0.0
North Carolina	0.0	7.8	215.0	214.0	- 1.0
West Virginia	0.0	12.6	214.0	212.0	- 2.0
Virginia	0.0	32.0	214.0	210.0	- 4.0
Texas	0.0	16.0	213.0	211.0	- 2.0
South Carolina	0.0	1.5	205.0	204.0	- 0.0
Mississippi	0.0	8.4	203.0	202.0	- 1.0
National Avg.	61.0	9.0	214.0	208.0	- 6.8

*States not included in this study are: Alaska, Idaho, Illinois, Kansas, Michigan, Nevada, Ohio, Oklahoma, Oregon, South Dakota and Vermont because they did not participate in NAEP.

Table 4.

NAEP Scores and the Impact of Removing Collective Bargaining*

State	Percent of Teachers		NAEP Grade 4 Reading	W/O Collective Bargaining NAEP Grade 4 Reading	Change
	Collective Bargaining Contract	Meet and Confer Agreement			
High Average	98.5	1.2	216.8	208.0	- 9.3
Wisconsin	100.0	0.0	225.0	216.0	- 9.0
Rhode Island	100.0	0.0	221.0	212.0	- 9.0
New Jersey	100.0	0.0	220.0	211.0	- 9.0
Pennsylvania	100.0	0.0	216.0	209.0	- 9.0
Maryland	100.0	0.0	211.0	202.0	- 9.0
Florida	100.0	0.0	206.0	197.0	- 9.0
Hawaii	100.0	0.0	202.0	193.0	- 9.0
New York	99.7	0.0	213.0	204.0	- 9.0
Massachusetts	99.6	0.0	224.0	215.0	- 9.0
Maine	99.4	0.0	229.0	220.0	- 9.0
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Connecticut	99.0	1.0	223.0	214.0	- 9.0
Indiana	99.0	1.0	221.0	212.0	- 9.0
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Louisiana	16.0	3.1	198.0	196.0	- 2.0
Arizona	15.1	17.2	207.0	203.0	- 4.0
Alabama	1.6	15.3	209.0	207.0	- 2.0
Georgia	1.7	0.2	208.0	208.0	- 0.0
North Carolina	0.0	7.8	215.0	214.0	- 1.0
West Virginia	0.0	12.6	214.0	212.0	- 2.0
Virginia	0.0	32.0	214.0	210.0	- 4.0
Texas	0.0	16.0	213.0	211.0	- 2.0
South Carolina	0.0	1.5	205.0	205.0	- 0.0
Mississippi	0.0	8.4	203.0	202.0	- 1.0
National Avg.	61.0	9.0	214.0	208.0	- 6.8

*States not included in this study are: Alaska, Idaho, Illinois, Kansas, Michigan, Nevada, Ohio, Oklahoma, Oregon, South Dakota and Vermont because they did not participate in NAEP.

Table 5 shows results from regression models for the SAT test scores using demographic, fiscal and union variables. The percentage of test takers participating is statistically significant at the 5% level in both models, that the percentage of minority students is statistically significant in model 1 at the 5% level, and collective bargaining is statistically significant at the 5% level in model 2. Income, per-pupil education spending, percent of graduates from private high schools, and the regional impact of southern states did not show a statistically significant effect on test scores in the analysis including unionization. In equation 1, where unionization is omitted, percent minority had a larger and statistically significant effect on test scores. Income had a somewhat larger effect and was weakly significant at the .15 level in the equation without unionization effect. Both higher minority student populations and income are moderately correlated with unionization.

Table 5.

**Regression Models of State SAT Scores
(Verbal and Math Combined) on Demographic, Fiscal and Union Variables**
(All T values are in parentheses)

	Mean	[1]	[2]	[3]
SAT (Math& Verbal)	986			
Test Takers	35.2%	- 6.53* (8.96)	- 6.016* (8.36)	- 5.944* (8.62)
Test Takers Squared	1940	0.0525* (5.67)	0.04332* (4.511)	0.0424* (4.68)
Percent Urban	68.1%		0.16 (0.453)	- 0.278 (0.784)
Private H.S. Grads	9.5%		0.437 (0.515)	0.588 (0.706)
Spending Per Pupil	\$ 5,309		0.0025 (0.58)	- 0.0005 (0.12)
Income Per Capita	\$20,958		0.0039 (1.52)	0.0023 (0.925)
Percent Minority	20.5%		- 1.204* (2.59)	- 0.23 (0.44)
Collective Bargaining	56.8%			0.357* (1.96)
Meet-and-Confer Only	8.9%			0.528 (1.09)
South (1=yes)				- 9.61 (0.76)
Constant		1094	1007	1038
N		50	50	50
Adjusted R-Squared		0.87	0.901	0.92
*Significant at 5% level				

On the following page, the regression models for the NAEP test scores using demographic, fiscal and union variables show somewhat different results in **Table 6** but the correlation between unionization and higher test results is clear. The differences in results are not surprising since the NAEP test measures the achievement of all 4th grade students, not just the college bound. In this analysis, the percent of students in the states graduating from private schools is negatively correlated with high test scores. The larger the number of students in private schools, the poorer the test scores. This result is statistically significant at the 5% level. In bivariate analysis, income per capita in the state is positively related to higher test scores via other variables in the regression model. Percent of minority students is also negatively correlated with higher test scores at a significant level without collective bargaining. When collective bargaining is factored in, minority fades to insignificance. High absence rates in a state is correlated with lower test scores at a significant level. The percentage of children in classes of less than 25 is correlated with higher test scores at a statistically significant level. Collective bargaining is also significant with higher levels of collective bargaining associated with higher test scores. (See Table A2 in the Appendix.)

Results Considering All Evidence, SAT and NAEP

Taking into account evidence from the NAEP 4th Grade reading test and the more limited SAT college boards, there is strong evidence that there is a positive relationship between collective bargaining and higher scores in both the SAT and NAEP tests. Income is a significant factor for the SAT scores. For the NAEP reading scores, low income, large class size, high absence rates, minority enrollment, and the level of private school attendance are correlated with low performance levels at the state level.

Data indicates that states with collective bargaining have SAT scores, adjusted for the percentage of high school test takers, almost 40 points higher than the states with minimal collective bargaining or meet-and-confer rights and the statistical impact of removing collective bargaining is a drop in state performance levels of 35 points in the average state score. The same results are demonstrated for the NAEP test where states with high levels of collective bargaining show test results nine points higher than states with low levels of collective bargaining. The removal of all collective bargaining from all states is associated with a seven point drop in scores for all fourth grade students.

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Table 6.

**Regression Models of State Grade 4 Public School NAEP Reading
"Scores On Demographic, Fiscal and Union Variables"**

(All T values are in parentheses.)

	Mean	[1]	[2]
Grade 4 NAEP Reading	214.5		
Percent Urban	68.6%	0.019 (0.259)	- 0.04 (0.56)
Private H.S. Grads	10.2%	- 0.435* (2.83)	- 0.466* (3.23)
Spending Per Pupil	\$5,253	0 (0.024)	- 0.001 (0.641)
Income Per Capita	\$20,921	0.001* (2.45)	0.001 (1.85)
Percent Minority	21.7%	- 0.373* (4.25)	- 0.136 (1.27)
Percent IEP or LEP	14.2%	0.271 (1.37)	0.026 (0.137)
High Absence Rate	15.0%	- 0.356* (2.87)	- 0.271* (2.4)
Class Size Under 25	66.6%	0.147* (3.12)	0.202* (4.31)
Collective Bargaining	56.7%		0.0933* (3.2)
Meet-and-Confer Only	8.9%		0.125 (1.75)
Constant		194.3	195.4
N		38	38
Adjusted R-Squared		0.76	0.815

*Significant at 5% level

VI. CONCLUSION

The data generated in this study demonstrate that collective bargaining is not responsible for poor student performance. In fact, in states with high levels of teacher unionization, student scores on standardized tests are higher than in states with low levels of teacher participation in collective bargaining or meet-and-confer activities. There are many possible explanations for the higher scores obtained in states with unionized schools. Through negotiations, unionized teachers have more leverage over conditions that impact school performance such as class size, academic resources, teacher training, academic and social support services than non-union educators. In addition, higher wages and benefits, as well as negotiated grievance procedures obtained through unionization, create a work environment that encourages teacher stability and commitment, essential characteristics of an effective school.

Socio-economic factors such as low household income, large class size, high rates of absenteeism, higher percentages of minority students and larger numbers of persons graduating from private schools are significantly correlated with lower test scores. After controlling for these variables, the impact of unionization changes little.

In short:

- Collective bargaining is not a destructive force in public education. Students have higher test scores in unionized states.
- Contrary to the claim of privatization advocates, there is no evidence that increased competition from private schools improves public school performance.
- Socio-economic factors are the crucial factors in determining student performance.
- Class size matters. Smaller classes are correlated with improved test performance.

Public education faces a number of serious problems that do impact children's education and performance. Efforts by teachers to organize for decent wages and working condition standards is not one of them. Poverty rates among children continue to rise across the country. Social and financial instability contributes to high rates of mobility and disorganization, particularly among low-income households. Federal and state budget cuts have led to a reduction in resources for school hiring, teacher training, and educational resources resulting in larger class size with inadequate

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programming in many schools. Often, social and economic deprivation lead to increased learning disabilities and behavior problems which compound the difficulties encountered in more crowded classrooms and schools.

The criticisms leveled at teachers' unions are generally tied to an overall negative assessment of public education and proposals to privatize education. These advocates claim that privatized education will improve student performance by "breaking the educational monopoly of public schools and teachers' unions." Data from this study demonstrates that "breaking the unions" will hurt, not help, student performance. The issues that must be faced and dealt with are more fundamental. The public school system is a crucial institution established to educate children from numerous and diverse communities. To provide a quality education for these children requires the school system to adapt and respond effectively to pervasive and difficult social conditions. Fragmenting the system, reducing resources and jeopardizing the stability of the teaching staff will not further this goal.

VII. APPENDIX

Table A1.

SAT Scores in Collective Bargaining States

State	SAT	Percent Of Seniors	Adjusted* for Test-taking Rate Taking SAT
High Average	943.5	48.4	979.3
Wisconsin	1073	9	996.1
Maryland	909	64	988.5
New Jersey	898	70	979.1
Hawaii	889	57	962.9
Florida	889	48	949.5
Rhode Island	888	70	969.1
Pennsylvania	880	70	961.1
New York	892	74	972.4
Massachusetts	907	80	983.8
Maine	896	68	975.1
New Hampshire	935	70	1016.1
Connecticut	908	81	983.9
Indiana	882	58	956.9
Oregon	947	51	1012.7
California	902	45	956.5
Alaska	934	47	992.6
Washington	937	48	997.5
Ohio	975	23	962.3
Iowa	1099	5	1000.7
Michigan	1033	11	966.3
Illinois	1048	13	991.1
Vermont	901	68	981.9
Delaware	897	68	977.9
Nevada	917	30	930.1
Montana	1009	21	988.1
Minnesota	1085	9	1008.1
Medium Average	1037.3	10.6	966.8
Idaho	979	15	931.6
Nebraska	1050	9	973.1
South Dakota	1068	5	969.7
Utah	1076	4	972.1
Kansas	1060	9	983.1
Tennessee	1040	12	978.2
Colorado	980	29	989.7
North Dakota	1107	5	1008.7
Oklahoma	1027	9	950.1
New Mexico	1015	11	948.3
Wyoming	1001	10	929.2
Missouri	1045	9	968.1
Low Average	943.3	31.4	936.0
Kentucky	999	11	932.3
Arkansas	1005	6	912.2
Louisiana	1021	9	944.1
Arizona	944	27	946.6
Alabama	1029	8	946.9
Georgia	854	65	934.0
Mississippi	1038	4	931.1
West Virginia	932	17	893.8
Virginia	896	65	976.0
Texas	893	47	951.6
North Carolina	865	60	941.8
South Carolina	844	58	918.9
National Average	966.1	35.3	966.1

* Estimated SAT score if 35.4 percent of graduating seniors took the SAT (the national average) using regression coefficients from equation 3, Table 5.

VII. APPENDIX

Table A1.

SAT Scores in Collective Bargaining States

State	SAT	Percent Of Seniors	Adjusted* for Test-taking Rate Taking SAT
High Average	943.5	48.4	979.3
Wisconsin	1073	9	996.1
Maryland	909	64	988.5
New Jersey	898	70	979.1
Hawaii	889	57	962.9
Florida	889	48	949.5
Rhode Island	888	70	969.1
Pennsylvania	880	70	961.1
New York	892	74	972.4
Massachusetts	907	80	983.8
Maine	896	68	976.9
New Hampshire	935	70	1016.1
Connecticut	908	81	983.9
Indiana	882	58	956.9
Oregon	947	51	1012.7
California	902	45	956.5
Alaska	934	47	992.6
Washington	937	48	997.5
Ohio	975	23	962.3
Iowa	1099	5	1000.7
Michigan	1033	11	966.3
Illinois	1048	13	991.1
Vermont	901	68	981.9
Delaware	897	68	977.9
Nevada	917	30	930.1
Montana	1009	21	988.1
Minnesota	1085	9	1008.1
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National Average	966.1	35.3	966.1

* Estimated SAT score if 35.4 percent of graduating seniors took the SAT (the national average) using regression coefficients from equation 3, Table 5.

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CONTRACTING PROVISIONS OF CURRENT COLLECTIVE BARGAINING AGREEMENTS

UNIT:	GENERAL GOVERNMENT	SUPERVISORS	LABOR, TRADES, AND CRAFTS	PUBLIC SAFETY	AVTECH	CORRESPONDENCE STUDIES
	Feasibility study or operational analyses required before contracting unit work.	Formal feasibility study must address potential cost savings and other benefits.	Must conduct a cost efficiency study before contracting unit work that will result in layoff of unit member.	If decision to contract has potential of displacing members, must conduct feasibility study or review of operational analyses.	Formal feasibility study required before contracting unit work.	If decision to contract has potential of displacing members, must conduct formal feasibility study.
	Feasibility study or operational analyses must cover potential costs and benefits.	Formal feasibility study must include all costs, including wages, benefits, administrative costs, agency overhead, program supervision, and audits.	Cost efficiency study must show work can be performed with less cost before layoff can occur.	Feasibility study or review of operational analyses must address potential costs and benefits.	Formal feasibility study must address potential cost savings and other benefits.	Formal feasibility study must address potential cost savings and other benefits.
	Must notify union within two weeks of decision to initiate study or review operational analyses.	Formal feasibility study must also determine the cost of performing the work with members.	Contractor required to pay contractual hourly rates plus at least \$2.55 per hour in lieu of benefits.	Decision to contract unit work cannot precede feasibility study or review of operational analyses.	Decision to contract unit work cannot precede formal feasibility study.	Decision to contract unit work cannot precede formal feasibility study.

UNIT:	GENERAL GOVERNMENT	SUPERVISORS	LABOR, TRADES, AND CRAFTS	PUBLIC SAFETY	AVTECH	CORRESPONDENCE STUDIES
	Notice must include job classifications and work areas affected.	Must notify union within one week of decision to conduct a formal feasibility study, including job classifications and work areas affected.	Contractor must furnish certification of wages and/or certified cost of benefits upon written request.	Must notify union within 2 weeks of decision to initiate study or review operational analyses.	If contracting would displace members, must notify union of decision to conduct formal feasibility study, indicating work to be contracted.	Must notify union of decision to conduct formal feasibility study.
	Must notify union of results of feasibility study or review of operational analyses with all pertinent statistical and analytical information to be considered in contacting decision, including total cost savings.	Must notify union at least 30 days in advance of intent to issue bids where result would be displacement of member.		Notice must include job classifications and work areas affected.	Must notify union of results of feasibility study with all pertinent information considered in contacting decision.	After formal feasibility study must notify union at least 30 days in advance of intent to issue bids.

UNIT:	GENERAL GOVERNMENT	SUPERVISORS	LABOR, TRADES, AND CRAFTS	PUBLIC SAFETY	AVTECH	CORRESPONDENCE STUDIES
	Must notify union of final decision regarding contracting.	Notice must include all pertinent information upon which the decision to contract is based, including total cost savings anticipated.		Must notify union of results of feasibility study or review of operational analyses with all pertinent statistical and analytical information to be considered in contacting decision, including total cost savings.	After formal feasibility study must notify union at least 15 working days in advance of intent to issue bids.	During 30 day period, state cannot release any bids.
	If decision is to contract and will directly displace employees, must provide union with 30 days notice of intent.	During 30 day period, state cannot release any bids.		Must notify union of final decision regarding contracting.	During 15 working day period, state cannot release any bids.	During 30 day period, union will have opportunity to submit an alternate plan.
	Union may submit an alternate plan, if submitted within 15 days, plan must receive fair consideration.	During 30 day period, union will have opportunity to submit an alternate plan.		After formal feasibility study must notify union at least 30 days in advance of intent to issue bids if contract will result in layoff of members.	Union will have opportunity to submit an alternate plan.	State must give fair consideration to alternate plan.