

## The Case for Unionizing State Government Unraveled:

*Executive Order Not Needed, Exposes Citizens and Workers to Harm*

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*By Benjamin DeGrow, Education Policy Analyst*

Colorado Governor Bill Ritter's November 2007 executive order that has introduced union representation to state government through employee "partnership agreements" is misguided. Under the terms of the order, unions can achieve "exclusive representative" status. Collecting signatures from 30 percent of employees in an occupational unit is needed to hold an election. Unions win representation with a majority of ballots cast.

On March 19, 2008, the Association of Colorado State Patrol Professionals (ACSPP) won the first "partnership agreement" election, earning the right to serve as "exclusive representative" of Colorado's 700 uniformed state troopers. The most active organizing group has been the Colorado WINS union coalition. Elections to certify Colorado WINS as the "exclusive representative" for five of the seven remaining classes of state employees are currently pending.

The contradictions, omissions, and other fallacies promoted by defenders of Ritter's executive order show that the policy change really was not necessary. A full public debate before the change might have addressed the following issues more clearly:

- **The executive order clearly gave union leaders collective bargaining power:** Since unions can act as "exclusive representatives" over state employees, the argument that "employee partnerships" are not "collective bargaining" is entirely inaccurate.

- **A failed union partnership in California nursing homes largely has been ignored:** The partnership dissolved in 2007 as employee concerns remained ignored, and health care problems were kept hidden from the public.
- **Union partnerships touted as successful examples are irrelevant:** The partnership approach has been found to bring some improvements to workplaces embroiled in conflict-oriented union bargaining. But these results are not transferable to Colorado state government, where collective bargaining did not exist before the order was issued.
- **Research shows that unionization will not improve Colorado government efficiency:** Progressive States Network (PSN) mischaracterized a North Carolina State study by citing union-friendly opinion as though it were the consensus of academic research.
- **Prior partnerships in state government show union representation is not needed:** Examples of labor-management cooperation in the Department of Transportation and a large employee survey on cost-saving ideas were done without collective bargaining.

Despite Ritter's statements that his order was designed to solve alleged inefficiencies, unions leaders and others have advertised it as a means to improve employee health insurance benefits. However, careful analysis likewise shows these claims to be exaggerated and misleading:

- Colorado does not compare favorably to other states in employer HMO contributions, but most Colorado state employees choose the more generous PPO plan.
- Even with the smaller HMO contribution, total compensation compares favorably:
  - Colorado state employees earn 7.6 percent more than private-sector employees
  - Colorado state employees earn more than state employees in all neighboring states, except Nebraska
- Retention of Colorado state employees is better than advertised by PSN: Among neighboring states, only non-bargaining Utah retains more state workers.

While seeking to solve a non-existent problem, Ritter's order also opens the door to more harm:

- **“Exclusive representation” likely will lead to costly binding arbitration:** Washington state government faces \$3 billion in new personnel costs, following binding arbitration.
- **Unions will be able to collect coercive agency fees from non-member state workers:** Despite the governor's assurances, the order does not prohibit agency fees from being imposed on state workers, even if less than a majority approve union representation.
- **The remedy for preventing disruptive state employee strikes is weak:** A new law outlawing state employee strikes needs stronger provisions to provide a real deterrent.
- **It provides momentum toward mandatory government union bargaining:** Union clout may expand to push state laws requiring unionized organization of employees in counties, cities, and school districts across Colorado.

Revoking the order would be the ideal policy outcome. As *The Denver Post* observed: “Unions have been thriving only in the public sector, and Ritter's order ensured that they will continue to flourish there—at least until there's a new governor to overturn the order.”

In lieu of overturning Ritter's order, the following measures would mitigate or prevent some of the problems it has created:

- To ensure public accountability, enact a law that guarantees all negotiations—including actual meetings and their records—be open, accessible, and transparent to citizens.
- To fulfill Ritter's stated intention, enact a law that ensures a state employee cannot be forced to pay union fees without his or her consent.
- To preserve public order, amend the no-strike law for state employees to include real and meaningful consequences.

True partnerships do not need third-party union officials to act as exclusive representatives.

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For more information, see Independence Institute Issue Paper 4-2008, *A Shaky Foundation, A Potential Threat: Analyzing Colorado State Union “Employee Partnerships”* <http://www.i2i.org/articles/4-2008.pdf>

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