

Texas Public Policy Foundation

# Government Reform

## Legislator's Guide to the Issues 2017-18

### Unions and Labor Policy



#### The Issue

Texas is a Right to Work state, meaning Texans cannot be forced to join a union to get a job. Unlike states that do not have this employee protection, Texas employees and employers have not seen control of wages, work standards, and other labor-management policy shift almost entirely to unions. However, Texas' growing influence on national policy has made it a target for Big Labor in recent years, and there are still problems that need to be addressed.

In the private sector, unions like the Service Employees International Union, National Nurses United, and the Communications Workers of America have used federal law or pressure tactics, such as “corporate campaigns,” to make significant inroads into Texas. A number of union officials have either tacitly or explicitly asserted they and their agents have a right under federal labor law to stalk employees and supervisors of targeted businesses, even if that causes them to fear for their persons or property.

One tactic often used is negative publicity to push companies into “neutrality agreements,” under which companies might provide personal contact information for employees, give unions access to employees in the workplace, and prevent employees from voting in secret-ballot elections. Neutrality agreements often prevent employers from disseminating information to employees about the downsides of unionization. At the Providence Memorial Hospital and Sierra Medical Center in El Paso, a putative “neutrality” policy actually denied nurses opposed to unionization access to non-work areas at the hospital to make their case to their fellow employees, while giving preferential access to union organizers.

Section 617.002 of the Texas Government Code states that an official of the state or a political subdivision of the state may not enter into a collective bargaining contract with a labor organization regarding wages, hours, or conditions of employment of public employees. However, a number of legal loopholes allow public employers to break this law and make special deals with labor organizations. One example is Sec. 174.023, also known as the “Fire and Police Employment Relations Act,” which excludes firefighters and police officers from Texas’ collective bargaining ban. Furthermore, the state boosts public employee membership for unions by acting as the agent for the payment of employee dues by deducting them from paychecks.

Public school districts have their own loophole: adopting “exclusive consultation” policies that allow only one designated organization to meet and confer with the school board about educational issues and employment conditions. As a result, Texas school board decisions often closely resemble what union officials advocate, and their employment policies impose the same “single salary schedules” that are pervasive in states where teachers are overwhelmingly unionized.

Unions have recently increased their influence over labor policy in Texas hospitals, airlines, janitorial companies, and government. Unfortunately, many employees never receive the benefits they expect from unionization due to the fact that benefits are allocated according to union standards, such as seniority or level of education. The fact is there is no magic formula through which firms can promptly and sharply raise the pay and benefits of their employees, without cutting jobs and/or hours, while continuing to offer their clients a competitive price for their services and turn a profit. Unions do not offer stable economic solutions, nor do they offer balanced relationships in the workplace.

Texas has led the nation in economic growth for the last 15 years, not by handing employer and employee rights over to Big Labor but by protecting their rights to communicate directly and create mutually beneficial arrangements. In the public and private sectors, employers have had more flexibility to innovate, generate better levels of production, and pay productive employees more.

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Texas legislators can maintain this effect by closing the loopholes in Texas' ban on collective bargaining in the public sector, and limiting unions' coercive practices in the private sector.

### The Facts

- Texas' government unionization rate is roughly 20%.
- The current "meet and confer" agreement between the city of Houston and the Houston Organization of Public Employees union is more than 100 pages.
- There are 17 Texas cities that have passed referenda allowing exclusive union bargaining in fire departments.
- Thirty cities have allowed exclusive union bargaining in police departments.

### Recommendations

- Prohibit automatic deduction of union dues from public workers' paychecks.
- Eliminate all practices and repeal all provisions that are inconsistent with Texas' ban on exclusive union bargaining for public employees (Sec. 617.002).
- Empower employees to seek injunctive relief against union officials and employers who violate Texas' Right to Work law.
- Prohibit employers from handing over employees' names, addresses, and other personal information to union organizers.
- Prohibit employers from entering into neutrality agreements with unions.
- Prevent union representatives from participating in government inspections of non-union worksites without employer consent.

### Resources

[\*State Labor-Management Policy and the Texas Model\*](#) by Stanley Greer, Texas Public Policy Foundation (Feb. 2015).

[\*The Texas Miracle and Labor Policy\*](#) by Bill Peacock, Texas Public Policy Foundation (April 2015).

