
THE CASE AGAINST MONOPOLY(*) BARGAINING

** All "collective bargaining" statutes call for the inclusion of "exclusivity" — the right for one agent to speak for all members of the bargaining unit. This establishes a monopoly situation in which individual nonunion teachers, who may disagree with union goals, have no voice in their own employment conditions.*

EXCLUSIVITY VS. LOCAL CONTROL

Granting a monopoly voice to a private organization to negotiate public policy is essentially relinquishing control of governmental decisions to a third party. Governmental decisions must be made by the authority of, and be accountable to, the electorate; i.e., citizens and taxpayers. To the extent that unions increase their own power in the decision-making process, other legitimate interest groups (students, parents, independent teachers, administrators, businesses) lose influence.

THE EXPENSE OF MONOPOLY BARGAINING

The costs of monopoly bargaining have been amply documented to result in increased tax dollar costs both at the local and state level.¹ Some of these costs are found in:

- a. *District expenses:* outside negotiators, central office time, secretarial/clerical staff time, employee release time, strike costs, and school board member increased time.
- b. *State expenses:* review board (Public Employee Relations Board), salaries and expenses of attorneys, hearing officers, secretaries, clerks, messengers, etc., and judiciary expenses generated by bargaining laws.

In a June, 1990 review of their state's 20-year-old bargaining law, the Pennsylvania School Board Association (PSBA) stated: "An analysis of the cost to negotiate, litigate and administer the contracts. . . indicates that Act 195 has cost school districts (taxpayers) nearly \$900 million."² This figure represents nearly \$45 million per year. With more than 500 school districts in the state, that computes to nearly \$90,000 per school district per year.

In 1991, California's "Little Hoover Commission" stated that the collective bargaining process improperly controls how school districts spend the majority of general fund monies. The state, in reimbursing districts for collective bargaining costs, had set aside \$32 million for 1991-92.³

The comparative per-pupil costs, shown below, also reveal substantial differences between the bargaining and nonbargaining states' tax expenditures for education, as well as in their annual rate of increase:

*PER-PUPIL COSTS:	1989	1990	\$ Incr.	% Incr.
National average	\$4541	\$4890	\$349	7.1%
Bargaining states	\$4859	\$5259	\$400	8.2%
"Agency shop" states	\$5419	\$5896	\$477	8.8%
Nonbargaining states	\$3738	\$3957	\$219	5.8%

*Figures from NEA DATASEARCH, "Rankings of the States, 1990"

UNION OFFICIALS WANT TO CONTROL EDUCATIONAL POLICY, NOT JUST BARGAIN

A 1986 study by Steven Goldschmidt and Leland Stuart found that *educational policy* provisions, defined as those that affect education programs more than teachers' working conditions, are far more extensive than previous studies suggest. Of 80 contracts sampled, 46 percent were found to contain provisions regulating *the curriculum*; 59 percent, provisions regulating *student placement*; and 96 percent, provisions regulating *teacher placement*. The authors concluded that this extensive policy bargaining has *reduced the capacity of many school districts to respond to changing expectations for public education*.⁴

MONOPOLY BARGAINING IS DETRIMENTAL TO THE EDUCATION PROCESS

There has been no measurable indication that states with monopoly bargaining laws have substantially improved the education of children. In fact, recent statistics point to the opposite. The U.S. Department of Education's Annual State Education Performance Charts reveal:

- a. The combined (verbal and math) SAT scores in 1977 and 1982 show that 63 percent (12 out of 19) of the nonbargaining states were above the median score for all states. Only 42 percent (13 out of 31) of the bargaining states were above the median.⁵
- b. In 1984, 1986, 1988, and 1990, the corresponding figures were 65 percent (11 out of 17) for the nonbargaining states and 42 percent (14 out of 33) for the bargaining states. (The number of bargaining states increased in 1984 to 33 when Ohio and Illinois passed their public employee bargaining laws.)

Further, in a 1987 study, Michael Kurth demonstrated a statistically significant negative impact of monopoly bargaining on student SAT performance. Kurth's study was controlled for all of the variables that educators assert could have an effect on SAT scores, including per-pupil spending, teacher salaries, divorce rate, urbanization, school district consolidation, etc. Teacher monopoly bargaining still showed a negative impact on test results.⁶

In addition, teacher strikes consistently follow collective bargaining legislation, *whether or not*

strikes are declared legal. Data from the U.S. Bureau of Labor Statistics illustrate that approximately 300% more strikes occur in states with monopoly bargaining laws.⁷ Numerous studies have proven that strikes not only contribute to negative attitudes of students but substantially reduce learning as measured in reading and math test scores.⁵

MONOPOLY BARGAINING INCREASES UNION OFFICIALS' POLITICAL POWER

Bargaining is essentially a political contest. Myron Lieberman, in his book *Public Sector Bargaining*, states it accurately: "To achieve the maximum gains in bargaining, the union must first create support among its constituents for unrealistic and indefensible objectives. It must then persuade the public that public management is... 'not negotiating in good faith'; otherwise, management would make the concessions... The strategy is to embarrass or shame public management into concessions as the only way to avoid public criticism, regardless of whether it is related to bargaining issues."⁸

Resulting from this "power play," unfair labor practices escalate, divisive public conflict accelerates, union involvement in school board elections proliferates, and parents/citizens/taxpayers' participation is diminished. As union officials increase their political power at the local level, it is then exerted at the state and national levels to accomplish the social and political goals of the union hierarchy; goals that may or may not be those of America's citizenry.

THERE IS NO PUBLIC OUTCRY FOR MONOPOLY BARGAINING

There has been no survey, poll, or consistent evidence to show that America's citizens — or even her *teachers* — want a public sector bargaining law. The only voices demanding such legislation are those belonging to public employee union officials, the ones who have the most to gain from monopoly power.

Since the loudest of the voices have come from the National Education Association (NEA) and its affiliates, it should be remembered that one of the major legislative goals of the NEA is *the repeal of all Right to Work laws.*

At a Virginia Education Association (VEA-NEA) conference on collective bargaining, NEA president Keith Geiger stated, "Nothing, I repeat nothing, is more central to everything NEA stands for and tries to achieve than the right of education employees to bargain collectively."⁹

The following 17 states do not have a monopoly bargaining law over teachers.

Alabama	Louisiana	Texas
Arizona	Mississippi	Utah
Arkansas	Missouri	Virginia
Colorado	New Mexico	West Virginia
Georgia	North Carolina	Wyoming
Kentucky	South Carolina	

REFERENCES

1. Kendrick Scott, "The Case Against Collective Bargaining in Public Education," Kentucky School Board Journal, Spring, 1982.
2. "Act 195 20-Year Review," Pennsylvania School Boards Association (PSBA) Bulletin, June, 1990.
3. "California Commission Says Statewide Teacher Agreements Could Save Money," Government Employee Relations Report, July 1, 1991.
4. Steven M. Goldschmidt & Leland E. Stuart, "The Extent and Impact of Educational Policy Bargaining," Industrial and Labor Relations Review, Vol. 39, No. 3, April, 1986.
5. Charles W. Baird, "Pennsylvania's Act 195: Twenty Years of Folly," Government Union Review, Summer, 1989.
6. Michael Kurth, "Teachers' Unions and Excellence in Education: An Analysis of the Decline in SAT Scores," Journal of Labor Research, Vol. VIII, No. 4, Fall, 1987.
7. "Public Sector Bargaining and Strikes," Public Service Research Council, 1982.
8. Myron Lieberman, Public Sector Bargaining, Lexington Books, D. C. Heath & Co., 1980.
9. "Geiger Stresses Importance of Collective Bargaining," Virginia Journal of Education, Virginia Education Association, February, 1991.

ADDITIONAL REFERENCES

J. Curtis Rose, "The High Price of Bargaining," Government Union Review (special edition), Fall, 1980.

Charles Rice, "Collective Bargaining for Public Employee Unions," The Indiana Policy Review, February, 1990.

"The Impact of Mandatory Collective Bargaining Laws on a School Board's Ability to Govern," Gary Smit, Frederick Frank, Robert Rosemier, Government Union Review, Spring, 1983.

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