

# Barriers to Freedom of Contract in the Public Sector

By Milla Sanes\*

Currently twenty-four states have “right-to-work” laws, which primarily restrict the rights of workers and employers in the private sector from entering into certain kinds of labor contracts. Federal labor law mandates that unions represent all workers at a workplace, whether they are dues-paying members of the union or not. Meanwhile, state “right-to-work” laws prohibit workers and employers from signing contracts that require all covered workers to contribute to the costs of representation regardless of whether or not the workers choose to join the union.<sup>1</sup>

Legislators in some states have acted to limit freedom of contract for workers and employees by extending “right-to-work” laws to the public-sector. Recent political disputes in Ohio, Wisconsin, Indiana and Michigan, for example, have centered on restrictions to bargaining rights and union activities in the public sector.

The table below summarizes where contract law for public-sector workers stands in each state. The second column of the table lists whether or not there are “right-to-work” statutes in place that cover public-sector workers in that state. A “yes” indicates that the state has a “right-to-work” law that applies to public-sector workers; a “no” indicates that public employees have freedom of contract in those states; a “—” indicates that the state prohibits collective bargaining in the public sector; and an “ \* ” means a state has no specific language on the “right-to-work” or freedom of contract for public workers. The third column details the specific laws. For reference, the next three columns show where public firefighters, police, and teachers (the majority of public-sector workers at the state level) are able to bargain collectively, drawing on our earlier research, “Regulation of Public Sector Collective Bargaining in the States.”<sup>2</sup> The last column lists whether states have “right-to-



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work” statutes governing workers and employers in the private sector.

As mentioned, in the second column, a dash (“—”) indicates that the state has made collective bargaining illegal for public workers so the issue of freedom of contract is moot. North Carolina, South Carolina, Virginia, Texas, Tennessee, and Georgia prohibit all public-sector collective bargaining. However, Texas, Georgia and Tennessee, have passed legislations carving out that right for specific groups of workers – police and firefighters in Texas, fire fighters in Georgia, and teachers in Tennessee. In Tennessee, a “right-to-work” law applies to teacher unions. In Georgia, public employees were specifically exempt from the state’s “right-to-work” law, therefore giving Georgia firefighters freedom of contract. Texas does not address the issue at the state level.

In this report, we only highlight legislation that explicitly restricts the freedom of contract to collect fees to support the union. In some states there are laws that specifically protect this freedom. In Wisconsin, for example, general municipal employees have the right to refrain from joining a union or paying dues, but may be required to pay a reduced amount through a “fair-share agreement.”<sup>3</sup>

Thirteen states have “right-to-work” laws that clearly limit the freedom of contract for public-sector workers. In six of these states (Arizona, Idaho, Kansas, Nevada, Utah, and Virginia), public employees are included in the general “right-to-work” statute that applies to all workers and employers in the state. Kansas and Nevada also have additional “right-to-work” laws that specifically cover public workers. Seven states (Arkansas, Florida, Kansas, Michigan, Nevada, Oklahoma, and South Dakota) have general public employees “right-to-work” laws.

As is sometimes the case with respect to regulations of collective bargaining for firefighters, teachers, and police, some states have “right-to-work” laws specific to those three groups of workers. Tennessee, North Dakota, and Kansas have laws explicitly limiting teachers’ freedom of contract. Alabama has a statute governing firefighters, and Oklahoma has a law covering both firefighters and police.

The legal framework governing the right of unions to collect dues from employees they represent is less clear in several states. In Wyoming the general statute that gives public-sector workers the right to bargain collectively<sup>4</sup> also includes “right-to-work” language. Firefighters and teachers, however, are addressed in other legislation that does not address the issue of freedom of contract. Louisiana and Mississippi have “right-to-work” statutes specifically covering private-sector workers and employers, but does not specify whether public-sector contracts are also restricted under the law. Louisiana allows public-sector collective bargaining through case-law.<sup>5</sup> In Mississippi, only case law addresses public sector collective bargaining.<sup>6</sup> No statute in Mississippi specifically limits these

contracts from requiring dues collection.

According to an analysis of state statutes and case law by the Association of American Educators<sup>7</sup> and the Public Service Research Foundation,<sup>8</sup> Louisiana, Mississippi, and Wyoming have versions of “right-to-work” laws that apply to public-sector teachers. The legality of freedom of contract for other public sector workers is unclear in these four states.

More details can be found in the appendix that includes the language of the right to work statutes discussed above.

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- 1 Baker, Dean. 2011. “Right to Work: Representation Without Taxation.” *Truthout*, February 28. <http://www.truthout.org/news/item/90:right-to-work-representation-without-taxation>
  - 2 Sanes, Milla and John Schmitt. 2014. “Regulation of Public Sector Collective Bargaining in the States.” Washington, DC: Center for Economic and Policy Research.
  - 3 §111.70(2)
  - 4 Wyo. Stat. Ann. § 27-7-103
  - 5 Case Law: *Davis v. Henry*, 555 So.2d 457, 459, 133 L.R.R.M. (BNA) 2271 (La., 1990)
  - 6 Case Law: *Jackson v Hazelhurst*, 427 So.2d 134, 137 (Miss. 1983)
  - 7 Association of American Educators and National Right to Work Legal Defense Foundation. “Forced Unionism: What You Should Know.” Association of American Educators. <http://aaeteachers.org/index.php/your-rights>
  - 8 Public Service Research Foundation. “Teachers, Unions and Professional Alternatives: A question of choice.” <http://www.psrp.org/issues/teachers.jsp>

Right to Work Law as Applied to Public Sector Workers			Legality of Collective Bargaining			Private Sector
State	Right to Work	Details	Firefighters	Police	Teachers	Right to Work
Alabama	Yes	Firefighters (§ 11-43-143)	No Statute	No Statute	Legal	Yes
Alaska	No		Legal	Legal	Legal	No
Arizona	Yes	Included in general RTW statute (Ariz. Const. art. XXV Title 23. Chapter 8. Article 1.)	Legal	Legal	No Statute	Yes
Arkansas	Yes	State Employees (§ 19-4-1602) Municipal Employees (§ 14-58-103)	Legal	Legal	Legal	Yes
California	No		Legal	Legal	Legal	No
Colorado	No		Legal	No Statute	Legal	No
Connecticut	No		Legal	Legal	Legal	No
Delaware	No		Legal	Legal	Legal	No
D.C.	No		Legal	Legal	Legal	No
Florida	Yes	Public Employees (§ 447.301.)	Legal	Legal	Legal	Yes
Georgia	—	Collective bargaining illegal for public-sector workers	Legal	Illegal	Illegal	Yes
Hawaii	No		Legal	Legal	Legal	No
Idaho	Yes	Included in general RTW statute (§ 44-2011)	Legal	Legal	Legal	Yes
Illinois	No		Legal	Legal	Legal	No
Indiana	No	Excludes public sector employees from general RTW statute (IC 22-6-6-1, Sec. 1.4)	Legal	Legal	Legal	Yes
Iowa	Yes	Public employees (§§ 20.8 and 20.10)	Legal	Legal	Legal	Yes
Kansas	Yes	Included in general RTW statute (KS Const. §15-12) Teachers (§ 72-5414) Public employees (§ 75-4324)	Legal	Legal	Legal	Yes
Kentucky	No		Legal	Legal	Legal	No
Louisiana	*	Nothing specific to public sector employees	Legal	Legal	Legal	Yes
Maine	No		Legal	Legal	Legal	No
Maryland	No		Legal	Legal	Legal	No
Massachusetts	No		Legal	Legal	Legal	No
Michigan	Yes	Public Employees (§423.209 (2))	Legal	Legal	Legal	Yes
Minnesota	No		Legal	Legal	Legal	No
Mississippi	*	Nothing specific to public sector employees	No Statute	No Statute	Legal	Yes
Missouri	No		Legal	Legal	Legal	No
Montana	No		Legal	Legal	Legal	No
Nebraska	Yes	State employees (§ 81-1386)	Legal	Legal	Legal	Yes
Nevada	Yes	Included in general RTW statute (§ 613.250) Public Officers and Employees (§ 288.140)	Legal	Legal	Legal	Yes
New Hampshire	No		Legal	Legal	Legal	No
New Jersey	No		Legal	Legal	Legal	No
New Mexico	No		Legal	Legal	Legal	No
New York	No		Legal	Legal	Legal	No
North Carolina	—	Collective bargaining illegal for public-sector workers	Illegal	Illegal	Illegal	Yes
North Dakota	Yes	Teachers (15.1-16-07) Public employees (34-11.1-03 and -05)	Legal	Legal	Legal	Yes
Ohio	No		Legal	Legal	Legal	No
Oklahoma	Yes	Firefighters and police (Title 11. Chap 1. §51-101) Municipal employees (§ 51-208)	Legal	Legal	Legal	Yes
Oregon	No		Legal	Legal	Legal	No
Pennsylvania	No		Legal	Legal	Legal	No
Rhode Island	No		Legal	Legal	Legal	No
South Carolina	—	Collective bargaining illegal for public-sector workers	Illegal	Illegal	Illegal	Yes
South Dakota	Yes	Public employees (§3.18.1-3)	Legal	Legal	Legal	Yes
Tennessee	—	Teachers (§ 49-5-603 and -609)	Illegal	Illegal	Legal	Yes
Texas	—	Collective bargaining illegal for public-sector workers	Legal	Legal	Illegal	Yes
Utah	Yes	Included in general RTW statute (§ 34-34-2)	Legal	Legal	Legal	Yes
Vermont	No		Legal	Legal	Legal	No
Virginia	—	Collective bargaining illegal for public-sector workers	Illegal	Illegal	Illegal	Yes
Washington	No		Legal	Legal	Legal	No
West Virginia	No		Legal	Legal	Legal	No
Wisconsin	No		Legal	Legal	Legal	No
Wyoming	*	Nothing specific to public sector employees	Legal	No Statute	Legal	Yes

## Appendix

### “Right-to-Work” Laws that Apply to Public-Sector Workers

State	Right to Work	Legislative Language
Alabama	Yes	<p><b>§ 11-43-143. Municipal or state firefighters or firemen not to strike, assert right to work, etc; rights to join labor organizations, ect.</b></p> <p>(b) All firefighters serving the state or any municipality in the state either as paid firemen or as volunteer firefighters who comply with the provisions of this section are assured the right and freedom of association, self-organization, and the right to join or to continue as members of any employee or labor organization which complies with this section, and shall have the right to present proposals relative to salaries and other conditions of employment by representatives of their own choosing. No such person shall be discharged or discriminated against because of his exercise of such right, nor shall any person or group of persons, directly or indirectly, by intimidation or coercion compel or attempt to compel any firefighter or fireman to join or refrain from joining a labor organization. (Acts 1967, No. 229, p. 598.)</p> <p><b>Title 25. Industrial Relations and Labor</b>  <b>Chapter 7. Labor Unions and Labor Relations</b>  <b>Article I. General Provisions</b>  <b>§ 25-7-1. Declaration of Policy.</b>                      The right to live involves the right to work. The public and working men and women must be protected. The activities of labor organizations affect the social and economic conditions of the state and the welfare of its citizens. It is declared to be the policy of this state, in the exercise of its police power and in the protection of the public interest, to promote voluntary and peaceful settlement and adjustment of labor disputes and to regulate the activities and affairs of labor organizations, their officers, agents and other representatives in the manner and to the extent provided in this article. (Enacted 1943.)  <b>§ 25-7-2. Definitions.</b>                      When used in this article, the terms defined in this section shall have the meanings herein ascribed to them, unless it clearly appears from the context that some other meaning is indicated:                      (1) LABOR ORGANIZATION or LABOR UNION. Every organization, association, group, union, lodge, local, branch or subdivision thereof, whether incorporated or not, having within its membership employees working in the State of Alabama, organized for the purpose of dealing with employer or employers concerning hours of employment, rates of pay or the tenure or other terms or conditions of employment, but such term or terms shall not include any labor organization or labor union the members of which are subject to the Act of Congress known as the Railway Labor Act.</p>
Alaska	No	
Arizona	Yes	<p><b>Ariz. Const. art. XXV</b>  <b>Title 23. Labor</b>  <b>Chapter 8. Labor Relations</b>  <b>Article 1. Right to Work</b>  <b>Right to work or employment without membership in labor organization</b></p> <p>No person shall be denied the opportunity to obtain or retain employment because of non-membership in a labor organization, nor shall the State or any subdivision thereof, or any corporation, individual or association of any kind enter into any agreement, written or oral, which excludes any person from employment or continuation of employment because of non-membership in a labor organization.</p>

Arkansas	Yes	<p><b>§ 19-4-1602. Payroll deductions.</b></p> <p>(a) Deductions from the payrolls of state employees, both regular and extra help, are authorized only for the following purposes:</p> <p>...</p> <p>(7) Payment of union dues, when requested in writing by state employees;</p> <p><b>Ark. Code Ann. § 14-58-103. Withholding of membership dues.</b></p> <p>(b) (1) Effective January 1, 2006, upon receipt of a written request signed by a full-time municipal employee who is represented by a union or professional association, the municipality shall withhold membership dues of the union or professional association from the salary of the employee.</p> <p>(2) The withholding request authorized by this section shall be on a form provided to the employee by the municipality.</p> <p>(c) After a withholding request is received by the municipality and after withholding of an employee's dues is started under subsection (b) of this section, the withholding shall be discontinued only upon receipt of a written notice of cancellation signed by the employee.</p> <p>(d) The municipality shall transmit all dues that are withheld under this section to the union or professional association representing the employee within five (5) days of the end of the pay period.</p>
California	No	
Colorado	No	
Connecticut	No	
Delaware	No	
Dist of Columbia	No	
Florida	Yes	<p><b>Part II. Public Employees</b></p> <p><b>§ 447.301. Public employees' rights; organization and representation.</b></p> <p>(1) Public employees shall have the right to form, join, and participate in, or to refrain from forming, joining, or participating in, any employee organization of their own choosing.</p> <p>*** (Enacted 1974.)</p> <p><b>§ 447.501. Unfair labor practices.</b></p> <p>(1) Public employers or their agents or representatives are prohibited from:</p> <p>(a) Interfering with, restraining, or coercing public employees in the exercise of any rights guaranteed them under this part.</p> <p>(b) Encouraging or discouraging membership in any employee organization by discrimination in regard to hiring, tenure, or other conditions of employment.</p> <p>***</p> <p>(2) A public employee organization or anyone acting in its behalf or its officers, representatives, agents, or members are prohibited from:</p> <p>(a) Interfering with, restraining, or coercing public employees in the exercise of any rights guaranteed them under this part</p> <p>....</p> <p>(b) Causing or attempting to cause a public employer to discriminate against an employee because of the employee's membership or nonmembership in an employee organization or attempting to cause the public employer to violate any of the provisions of this part.</p> <p>*** (Enacted 1974.)</p>
Georgia	—	Public-sector collective bargaining illegal

Hawaii	No	
Idaho	Yes	<p><b>Idaho Code §§ 44-2001 through 44-2011</b></p> <p><b>Chapter 20. Right To Work</b></p> <p><b>§ 44-2001. Declaration of public policy.</b> -- It is hereby declared to be the public policy of the state of Idaho, in order to maximize individual freedom of choice in the pursuit of employment and to encourage an employment climate conducive to economic growth, that the right to work shall not be subject to undue restraint or coercion. The right to work shall not be infringed or restricted in any way based on membership in, affiliation with, or financial support of a labor organization or on refusal to join, affiliate with, or financially or otherwise support a labor organization. (Enacted January 31, 1985; Approved by Referendum November 4, 1986.)</p> <p>...</p> <p><b>§ 44-2011. Applicability.</b> -- The provisions of this chapter are applicable to all employment, private and public, including all employees of the state and its political subdivisions. (Added by S.L. 1995, ch. 178, § 1.)</p>
Illinois	No	
Indiana	No	Excludes public sector employees from general RTW law [IC 22-6-6-1, Sec. 1.(4)]
Iowa	Yes	<p><b>Iowa Code Ann. §§ 20.8, 20.10 and 731.1 through 731.8.</b></p> <p><b>Title I. State Sovereignty and Management</b></p> <p><b>Subtitle 8. Personnel</b></p> <p><b>Chapter 20. Public Employment Relations (Collective Bargaining)</b></p> <p><b>§ 20.8. Public employee rights</b></p> <p>Public employees shall have the right to:</p> <ol style="list-style-type: none"> <li>1. Organize, or form, join, or assist any employee organization.</li> <li>2. Negotiate collectively through representatives of their own choosing.</li> <li>3. Engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection insofar as any such activity is not prohibited by this chapter or any other law of the state.</li> <li>4. Refuse to join or participate in the activities of employee organizations, including the payment of any dues, fees or assessments or service fees of any type. (Enacted 1974.)</li> </ol> <p><b>§ 20.10. Prohibited practices</b></p> <ol style="list-style-type: none"> <li>2. It shall be a prohibited practice for a public employer or the employer's designated representative willfully to: <ol style="list-style-type: none"> <li>a. Interfere with, restrain or coerce public employees in the exercise of rights granted by this chapter.</li> <li>...</li> <li>c. Encourage or discourage membership in any employee organization, committee or association by discrimination in hiring, tenure, or other terms or conditions of employment.</li> <li>...</li> </ol> </li> <li>3. It shall be a prohibited practice for public employees or an employee organization or for any person, union or organization or their agents willfully to: <ol style="list-style-type: none"> <li>a. Interfere with, restrain, coerce or harass any public employee with respect to any of the employee's rights under this chapter or in order to prevent or discourage the employee's exercise of any such right, including, without limitation, all rights under section 20.8. (Enacted 1974.)</li> </ol> </li> </ol>

Kansas

Yes

**Chapter 44. -- Labor and Industries**

**Article 8. -- Employee and Employer Relations**

**Right to Work Amendment**

**Kan. Const. art. 15, § 12**

**§ 12. Membership or nonmembership in labor organizations.** No person shall be denied the opportunity to obtain or retain employment because of membership or nonmembership in any labor organization, nor shall the state or any subdivision thereof, or any individual, corporation, or any kind of association enter into any agreement, written or oral, which excludes any person from employment or continuation of employment because of membership or nonmembership in any labor organization. (Adopted November 4, 1958.)

**Chapter 72.--Schools**

**Article 54.--Teachers' Contracts**

**Professional Negotiations**

**§ 72-5414. Professional employees' rights; representation of employees and school boards; negotiations.**

Professional employees shall have the right to form, join or assist professional employees' organizations, to participate in professional negotiation with boards of education through representatives of their own choosing for the purpose of establishing, maintaining, protecting or improving terms and conditions of professional service. Professional employees shall also have the right to refrain from any or all of the foregoing activities. . . .

(Enacted 1970.)

**§ 72-5430. Prohibited practices; evidence of bad faith.**

. . . .

(b) It shall be a prohibited practice for a board of education or its designated representative willfully to:

(1) Interfere with, restrain or coerce professional employees in the exercise of rights granted in K.S.A. 72-5414;

. . . .

(3) discriminate in regard to hiring or any term or condition of employment to encourage or discourage membership in any professional employees' organization;

. . . .

(c) It shall be a prohibited practice for professional employees or professional employees' organizations or their designated representatives willfully to:

(1) Interfere with, restrain or coerce professional employees in the exercise of rights granted in K.S.A. 72-5414. . . .

(Enacted 1977, as amended 1980.)

**Chapter 75.--State Departments; Public Officers and Employees**

**Article 43.--Public Officers and Employees**

**Public Employer-Employee Relations**

**§ 75-4324. Employees' right to form, join and participate in employee organizations.**

Public employees shall have the right to form, join and participate in the activities of employee organizations of their own choosing, for the purpose of meeting and conferring with public employers or their designated representatives with respect to grievances and conditions of employment. Public employees also shall have the right to refuse to join or participate in the activities of employee organizations. (Enacted 1971.)

**§ 75-4333. Prohibited practices; evidence of bad faith.**

		<p>....</p> <p>(b) It shall be a prohibited practice for a public employer or its designated representative willfully to:</p> <p>(1) Interfere, restrain or coerce public employees in the exercise of rights granted in K.S.A. 75-4324;</p> <p>....</p> <p>(3) Encourage or discourage membership in any employee organization, committee, association or representation plan by discrimination in hiring, tenure or other conditions of employment, or by blacklisting;</p> <p>....</p> <p>(c) It shall be a prohibited practice for public employees or employee organizations willfully to:</p> <p>(1) Interfere with, restrain or coerce public employees in the exercise of rights granted in K.S.A. 75-4324. . . . (Enacted 1971.)</p>
Kentucky	No	
Louisiana	?	Nothing specific to public sector employees
Maine	No	
Maryland	No	
Massachusetts	No	
Michigan	Yes	<p><b>Public Employment Relations (Excerpt)</b></p> <p><b>Act 336 of 1947</b></p> <p><b>423.209 Public employees; rights; prohibited conduct; violation.</b></p> <p>Sec. 9.</p> <p>(1) Public employees may do any of the following:</p> <p>(a) Organize together or form, join, or assist in labor organizations; engage in lawful concerted activities for the purpose of collective negotiation or bargaining or other mutual aid and protection; or negotiate or bargain collectively with their public employers through representatives of their own free choice.</p> <p>(b) Refrain from any or all of the activities identified in subdivision (a).</p> <p>(2) No person shall by force, intimidation, or unlawful threats compel or attempt to compel any public employee to do any of the following:</p> <p>(a) Become or remain a member of a labor organization or bargaining representative or otherwise affiliate with or financially support a labor organization or bargaining representative.</p> <p>(b) Refrain from engaging in employment or refrain from joining a labor organization or bargaining representative or otherwise affiliating with or financially supporting a labor organization or bargaining representative.</p> <p>(c) Pay to any charitable organization or third party an amount that is in lieu of, equivalent to, or any portion of dues, fees, assessments, or other charges or expenses required of members of or public employees represented by a labor organization or bargaining representative.</p> <p>(3) A person who violates subsection (2) is liable for a civil fine of not more than \$500.00. A civil fine recovered under this section shall be submitted to the state treasurer for deposit in the general fund of this state.</p>
Minnesota	No	
Mississippi	?	Nothing specific to public sector employees
Missouri	No	
Montana	No	

Nebraska	Yes	<p><b>Chapter 81. State Administrative Departments</b>  <b>Article 13. Personnel</b>  <b>(C) State Employees Collective Bargaining Act</b>  <b>§ 81-1386. Prohibited practices; enumerated; expressions permitted.</b>  ...  (2) It shall be a prohibited practice for any employer or the employer's negotiator to:  ...  (c) Encourage or discourage membership in any employee organization, committee, or association by discrimination in hiring, tenure, or other terms or conditions of employment. . . . (Enacted 1987.)</p>
Nevada	Yes	<p><b>Title 53. Labor and Industrial Relations</b>  <b>Chapter 613. Employment Practices</b>  <b>Right to Work</b>  <b>§ 613.230. “Labor organization” defined.</b>  As used in NRS 613.230 to 613.300, inclusive, the term “labor organization” means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other conditions of employment. (Adopted November 4, 1952)  <b>§ 613.250. Agreements prohibiting employment because of nonmembership in labor organization prohibited.</b>  No person shall be denied the opportunity to obtain or retain employment because of nonmembership in a labor organization, or shall the state, or any subdivision thereof or any corporation, individual or association of any kind enter into any agreement, written or oral, which excludes any person from employment or continuation of employment because of nonmembership in a labor organization. (Adopted at General Election 1952.)</p> <p><b>Title 23. Public Officers and Employees</b>  <b>Chapter 288. Relations Between Governments and Public Employees</b>  <b>§ 288.140. Right of employee to join or refrain from joining employee organization; discrimination by employer prohibited; limitations on nonmember acting for himself; membership of law enforcement officer</b>  1. It is the right of every local government employee, subject to the limitation provided in subsection 3, to join any employee organization of his choice or to refrain from joining any employee organization. A local government employer shall not discriminate in any way among its employees on account of membership or nonmembership in an employee organization.  2. The recognition of an employee organization for negotiation, pursuant to this chapter, does not preclude any local government employee who is not a member of that employee organization from acting for himself with respect to any condition of his employment, but any action taken on a request or in adjustment of a grievance shall be consistent with the terms of an applicable negotiated agreement, if any.  3. A police officer, sheriff, deputy sheriff or other law enforcement officer may be a member of an employee organization only if such employee organization is composed exclusively of law enforcement officers. (Enacted 1969.)</p>
New Hampshire	No	
New Jersey	No	
New Mexico	No	
New York	No	

North Carolina	—	Public-sector collective bargaining illegal
North Dakota	Yes	<p><b>Title 15.1. Elementary and Secondary Education</b></p> <p><b>Chapter 15.1-16. Teacher Representation and Negotiation</b></p> <p><b>15.1-16-07 Representative organizations - Participation.</b></p> <p>1. An individual employed as a teacher may form, join, and participate in the activities of a representative organization of the individual's choosing for the purpose of representation on matters of employer-employee relations.</p> <p>2. An individual employed as an administrator may form, join, and participate in the activities of a representative organization of the individual's choosing for the purpose of representation on matters of employer-employee relations.</p> <p>3. Any individual employed as a teacher or as an administrator may refuse to join or participate in the activities of a representative organization.</p> <p><b>Chapter 34-11.1. Public Employees Relations Act</b></p> <p><b>34-11.1-03 Membership in organizations.</b></p> <p>No employee may be denied the right to be a member of an organization of employees or be intimidated or coerced in a decision to communicate or affiliate with an organization. . . . (Enacted 1985.)</p> <p><b>34-11.1-05 Prohibited acts.</b></p> <p>No agency, appointing authority, organization, or employee may directly or indirectly:</p> <p>...</p> <p>3. Require any agency employee to invest or contribute earnings in any manner or for any purpose, except for participation in the employees retirement program. (Enacted 1985.)</p>
Ohio	No	
Oklahoma	Yes	<p><b>Title 11. Cities and Towns</b></p> <p><b>Chapter 1. Municipal Code</b></p> <p><b>Collective Bargaining</b></p> <p><b>Article LI. Fire and Police Arbitration</b></p> <p><b>§ 51-101. Public policy of fire and police arbitration law</b></p> <p>C. It is declared to be the public policy of the State of Oklahoma that no person shall be discharged from or denied employment as a member of any paid fire department or police department in any municipality of this state by reason of membership or nonmembership in, or the payment or nonpayment of any dues, fees or other charges to, an organization of such members for collective bargaining purposes as herein contemplated. . . . (Enacted 1977.)</p> <p><b>Article LI-A. Oklahoma</b></p> <p><b>Municipal Employee Collective Bargaining Act</b></p> <p><b>§ 51-208. Prohibited practices</b></p> <p>A. It shall be a prohibited practice for any municipal employer or exclusive bargaining representative to refuse to negotiate in good faith with respect to the scope of negotiations as defined in Section 8 of this act.</p> <p>B. It shall be a prohibited practice for a municipal employer, its designated representatives, or its supervisors to:</p> <p>1. Interfere with, restrain or coerce municipal employees in the exercise of rights granted by this act;</p> <p>2. Dominate or interfere in the administration of any employee organization;</p> <p>3. Encourage or discourage membership in any employee organization, committee, or association or take a position for or encourage or discourage exclusive representation of employees</p>

Oregon	No	
Pennsylvania	No	
Rhode Island	No	
South Carolina	—	Public-sector collective bargaining illegal
South Dakota	Yes	<p><b>Title 3. Public Officers and Employees</b></p> <p><b>Chapter 3-18. Public Employees' Unions</b></p> <p><b>3-18-2. Rights relating to labor organizations--Designation of representatives--Discrimination against employees exercising rights as misdemeanor--Good faith negotiations--Intimidation</b></p> <p>Public employees shall have the right to form and join labor or employee organizations, and shall have the right not to form and join such organizations. . . . It is a Class 2 misdemeanor to discharge or otherwise discriminate against an employee for the exercise of such rights . . . . It shall be unlawful for any person or group of persons, either directly or indirectly to intimidate or coerce any public employee to join, or refrain from joining, a labor or employee organization. (Enacted 1969, as amended 1980.)</p> <p><b>3-18-3.1.</b></p> <p><b>Unfair practices of employers defined</b></p> <p>It shall be an unfair practice for a public employer to:</p> <p>(1) Interfere with, restrain, or coerce employees in the exercise of rights guaranteed by law;</p> <p>. . . .</p> <p>(3) Discriminate in regard to hire or tenure or employment or any term or condition of employment to encourage or discourage membership in any employee organization . . . . (Enacted 1973.)</p> <p><b>3-18-3.2.</b></p> <p><b>Unfair practices of employee organizations defined</b></p> <p>It is an unfair practice for an employee organization or its agents to:</p> <p>(1) Restrain or coerce an employee in the exercise of the rights guaranteed by this chapter. However, this subdivision does not impair the right of an employee organization to prescribe its own requirements with respect to the acquisition or retention of membership therein;</p> <p>. . . .</p> <p>(3) Cause or attempt to cause an employer to discriminate against an employee in violation of subdivision 3-18-3.1(3) or to discriminate against an employee with respect to whom membership in such organization has been denied or terminated on some ground . . . . (Enacted 1973, as amended 1993.)</p>
Tennessee	—	<p>Public-sector collective bargaining illegal</p> <p><b>Professional Educators Collaborative Conferencing Act (Enacted 2011)</b></p> <p><b>§ 49-5-602 Part definitions</b></p> <p>As used in this part, unless the context otherwise requires:</p> <p>...</p> <p>(8) “Professional employee” means any person employed by any local board of education in a position that requires a license issued by the department of education for service in public elementary and secondary schools of this state supported, in whole or in part, by local, state or federal funds, but shall not include any members of the management team, as defined in this part, or a retired teacher who is employed as a teacher in accordance with title 8, chapter 36, part 8;</p> <p>(9) “Professional employees' organization” means any organization with membership open to professional employees, as</p>

defined in subdivision (8), in which the professional employees participate and that exists for the purpose of promoting the professional status and growth of educators and the welfare of students...

**§ 49-5-603. Rights of professional employees**

Professional employees have the right to self-organization, to form, join or be assisted by organizations, to participate in collaborative conferencing with local boards of education through representatives of their own choosing and to engage in other concerted activities for the purpose of other mutual aid and benefit; provided, that professional employees also have the right to refrain from any or all such activities.

**§ 49-5-609. Unlawful acts**

(a) It is unlawful for a board of education or its management personnel

to:

(1) Impose or threaten to impose reprisals on professional employees or discriminate against professional employees by reason of their exercise of rights guaranteed by this part;

(2) Interfere with, restrain or coerce employees in the exercise of the rights guaranteed in § 49-5-603;

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(5) Encourage or discourage membership in any organization by discrimination in hiring, granting of tenure or other terms or conditions of employment. The board of education or management personnel may express any views or opinions on the subject of employer-employee relations; provided, however, that such expression contains no threat of reprimand, discharge or promise of benefits;

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(b) It is unlawful for a professional employees' organization or its representatives to:

(1) Cause or attempt to cause a board of education to engage in conduct violative of this part; provided, that this subdivision (b)(1) shall not be construed to impair the right of professional employees' organizations to prescribe their own rules with respect to operation involving the acquisition or retention of membership;

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(3) Interfere with, restrain or coerce professional employees or a board of education in the exercise of rights granted in this part;

...

(7) Coerce or attempt to intimidate professional employees who choose not to join a professional organization.

Texas

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Nothing specific to public sector employees

Utah

Yes

**Utah Code Ann. §§ 34-34-1 through 34-17**

**§ 34-34-1. Short title.**

This chapter shall be known and may be cited as the “Utah Right to Work Law.” (Enacted 1955.)

**§ 34-34-2. Public policy.**

It is hereby declared to be the public policy of the state of Utah that the right of persons to work, whether in private employment or for the state, its counties, cities, school districts, or other political subdivisions, shall not be denied or abridged on account of membership or nonmembership in any labor union, labor organization or any other type of association; and further, that the right to live includes the right to work. The exercise of the right to work must be protected and maintained free from undue restraints and coercion. (Enacted 1955.)

Vermont

No

Virginia	—	Public-sector collective bargaining illegal  <b>Va. Code Ann. §§ 40.1-58 through 40.1-69</b> Article 3. <i>Denial or Abridgment of Right to Work.</i> <b>§ 40.1-58. Policy of article.</b> -- It is hereby declared to be the public policy of Virginia that the right of persons to work shall not be denied or abridged on account of membership or nonmembership in any labor union or labor organization. (Enacted 1947; amended 1970.) <b>§ 40.1-58.1. Application of article to public employers and employees.</b> -- As used in this article, the words, “ <i>person</i> ,” “ <i>persons</i> ,” “ <i>employer</i> ,” “ <i>employees</i> ,” “ <i>union</i> ,” “ <i>labor union</i> ,” “ <i>association</i> ,” “ <i>organization</i> ” and “ <i>corporation</i> ” shall include but not be limited to public employers, public employees and any representative of public employees in this State. The application of this article to public employers, public employees and their representatives shall not be construed as modifying in any way the application of § 40.1-55 to government employees. (Enacted 1973.) ... <b>§ 40.1-62. Employer not to require payment of union dues, etc.</b> -- No employer shall require any person, as a condition of employment or continuation of employment, to pay any dues, fees or other charges of any kind to any labor union or labor organization. (Enacted 1947; amended 1970.)
Washington	No	
West Virginia	No	
Wisconsin	No	
Wyoming	?	Nothing specific to public sector employees
Source: National Right to Work Legal Defense Foundation ( <a href="http://www.nrtw.org/c/msrtwlaw.htm">http://www.nrtw.org/c/msrtwlaw.htm</a> )		