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State Economic Development and Anti-Unionism: An Exploration of State Union Policy

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ABSTRACT

Variance in state-level restrictions against unions has been studied by researchers for many years, but there has been little research into the economic roots of recent pushes for restrictive legislation, or the roles of bordering states in diffusing restrictive policy. This thesis seeks to explain variance in state union restrictiveness by focusing on the political, economic, and demographic factors that cause a state to be more restrictive or less restrictive to unions. Additionally, my research aims to identify if recent restrictive legislation is a part of larger trend in union restrictiveness that began in 2010. I used American Legislative Exchange Council (ALEC) model legislation to identify ten state-level policies that are restrictive to unions, and my analysis focused on three policies (Right to Work, Project Labor Agreement Preemption, and Prevailing Wage Preemption) to measure state restrictiveness. This study finds evidence that the greater restrictiveness of a state's neighbors makes it more likely that a state will be restrictive to unions, and that increased unemployment reduces the likelihood that a state will be restrictive to unions. In addition, while state union restrictiveness was more prevalent before 2010, the restrictiveness of a state became more dependent on unified Republican control of state government after that year.

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Chapter 1

Introduction

In the late winter of 2011, Wisconsin was at the center of an intense political battle. Fourteen Democratic state senators had fled to Illinois, while state Republicans called for their arrests (Spicuzza & Hall, 2011). Tens of thousands of protestors converged on the state capitol in Madison, and supporters of the Wisconsin protestors gathered in Los Angeles, Chicago, and New York City (Sewell, 2011). The source of the drama was Wisconsin Act 10, otherwise known as the "Wisconsin Budget Repair Bill," a piece of legislation that, among other things, would drastically reduce the collective bargaining rights of public employees in Wisconsin. The controversy that Act 10 generated is understandable when considering Wisconsin's labor history: in 1959, Wisconsin became the first state to allow public sector workers to collectively bargain (Van Alstyne, 2011). Fifty-two years later, the state passed a bill that was similarly radical for public employees, though not nearly as generous to them. Wisconsin's Budget Repair Bill is a notable example of a national trend—industrial states with strong historical ties to the labor movement began passing laws that restricted unions. While some states, like Wisconsin, Michigan, and Indiana passed laws that were highly restrictive to unions, other states passed laws that were less extreme but nevertheless restricted union power.

These state-level shifts towards policies that harm unions inspire the question: why do states pass this restrictive legislation, and why do some states pass more restrictive legislation than others? These questions guide my research, and their answers have important scholarly and political implications. Unions are organizations that can wield significant economic and political power. Striking can shut down a state's economy, and through collective bargaining unions can increase the wages of their members. In the political sphere, unions can mobilize members to support candidates and donate to politicians. Explaining why states pass policies that restrict unions may also provide insight into the aspects of union power that lawmakers find most essential to address. Additionally, since unions can significantly impact economic outcomes for workers, it is important to examine when laws that restrict them may pass, because their passage may lead to significant implications for workers in the state. Overall, an analysis of the factors that predict restrictive union legislation can provide useful insight into how unions interact with political actors, function within a state economy, and can help predict when new restrictive legislation may pass. The study of restrictive union policy may also provider greater understanding into how policies in one state may influence the adoption of those policies in another state.

Other authors have examined the factors that lead to the passage of restrictive union legislation. My research will incorporate factors from many different studies, but will emphasize economic factors. Previous studies have examined the link between state economic development and the passage of right-to-work laws, but no recent study has examined this relationship and included legislation directed at both private and public sector unions in its measurement of the dependent variable. I believe that this approach is important because recent high-profile restrictive legislation came in the period following the Great Recession, and many proponents of restrictive legislation, including Wisconsin Governor Scott Walker, have framed restrictive union legislation as a necessary economic action.

To address why states vary in their passage of restrictive union legislation, I collected data on several policies that are restrictive to unions. The American Legislative Exchange

Council (ALEC), a conservative interest group, writes model legislation on the subject of labor unions. ALEC model policies directed towards labor unions were deemed as restrictive union legislation, and I collected data on state passage of these policies. I also collected data on state economic development, state partisanship, state tax revenue, state union density, and border state union policy. My analysis reveals that lower unemployment makes it more likely that a state will be restrictive to unions, and found that the restrictiveness of neighboring states is a predictor of a state's restrictiveness. Additionally, I find that state partisan control is an important factor in state union restrictiveness, but that the effect of unilateral Republican control of government is a recent phenomenon, only becoming significant after 2010.

Chapter 2

Literature Review

The 1947 passage of the Taft-Hartley Act created new opportunities for states to restrict labor unions, by allowing them to pass Right-to-Work (RTW) laws. Since then, some states have elected to enact these types of laws. Additionally, the growth of public sector unions in the last half of the twentieth century has inspired restrictive legislation from states trying to limit the economic and political costs that public unions can inflict on the government. Unions play a unique role in the political and economic system—they can influence political and economic outcomes at the national and state level (Darmofal et al. 2012). For this reason, many researchers have investigated the factors that influence legislation directed towards unions, and also the reasons for variance in union membership. Union membership has declined, but the level of decline has differed by the state. This body of literature has helped me to formulate theories for what drives variance in union restrictive legislation.

Partisanship

Partisanship of state government is one factor that is thought to influence union restrictive legislation. Republicans are generally found to favor business interests, and numerous studies have examined how the presence or absence of Republican government influences the passage of union restrictive legislation. Both Marc Dixon (2005) and Laura Bucci and Joshua Jansa (2020) found that the partisanship of a state's legislature impacted the passage of restrictive union legislation, with Republican-controlled legislatures being more likely to enact right-to-work laws and restrictive laws directed at public sector unions. The studies present evidence that both historical and present passage of restrictive union legislation is impacted by Republican control of the state legislature—Dixon (2005) studied the historical passage of RTW legislation and Bucci and Jansa (2020) studied more recent passage of restrictive legislation, and both came to the same conclusion that Republican control significantly increases the likelihood that restrictive union legislation will become law.

Furthermore, partisanship appears to impact the specific type of union legislation that a state passes. Magic Wade (2018) found that states controlled by Democrats are more likely to pass legislation that alters the collective bargaining relationship between unions and employers, while Republicans are more likely to pass legislation that hinders the ability of unions to organize and retain their members. Wade's (2018) findings indicate that partisanship has a more nuanced effect on legislation directed towards unions than other studies may suggest—while Republican control of the state legislature may be a good indicator of *some* types of restrictive union legislation, but it does not necessarily predict *all* types of restrictive union legislation. Nevertheless, numerous studies have demonstrated that state partisanship has a significant impact on whether a state passes restrictive union legislation (Dixon 2005; Bucci & Jansa 2020; Wade 2018).

Demographic Factors

Many studies also show how certain demographics within states can influence legislation directed towards unions. The middle class is of particular interest because the growth of the middle class (and now increasing income inequality) has been attributed to high union membership (Mishel 2012; Devinatz 2015). Bucci and Jansa offer evidence that the attitudes of the middle class towards unions can be just as influential in the passage of restrictive legislation towards unions as factors like partisanship and the attitudes of wealthy elites. The importance of middle class attitudes in these studies raises the question—is the passage of restrictive union legislation primarily driven by business interests, or are middle and working-class attitudes towards unions actually leading the charge when states move to restrict (or empower) unions?

There are several other demographics that previous literature has identified as important contributors to the passage of restrictive union legislation. William Moore, Robert Newman, and R. William Thomas (1974) provide a detailed, though dated, analysis of how unionization and blue-collar employment affect the passage of RTW laws. Their study finds that higher unionization rates makes it less likely a state will adopt a RTW law, and higher blue-collar employment makes it more likely that a state will adopt a RTW law. Moore et al.'s (1974) findings are related but distinct from the findings of Bucci and Jansa (2020) and Devinatz (2015); while all these studies agree that the middle and working class are not passive actors when restrictive union legislation is passed, they differ in how they believe these demographics actually exerts influence. It is not clear if the influence of state's middle/working class is primarily exerted because of how these groups operate within their state's economy, or if their influence is realized primarily through political attitudes and expressions.

Interest Groups and Economic Elites

Several studies have highlighted the importance of interest groups in passing state policy. In particular, the influence that interest groups can have when they provide model legislation to state policy makers has been identified as a key factor. Kristen Garrett and Joshua Jansa (2015) studied state policy diffusion and found that model legislation was more likely to influence policy adoption than policy action taken by other states, arguing that the efficiency of model legislation allows it be a highly effective way for interest groups to impact state policy. The American Legislative Exchange Council (ALEC) has been identified as a prime example of an especially effective interest group, because of the qualities described in Loren Collingwood et al.'s (2019) study.

These findings provide useful context for other literature that specifically studies the influence of interest groups on union policy. Michelle Kaminski (2015) argues that the presence of wealthy donors and interest groups was a deciding factor of RTW passage in Michigan. Gordon Lafer (2013) also emphasizes the importance of interest groups, and especially ALEC, in passing restrictive labor legislation in states across the country. These studies all provide compelling arguments that the presence or absence of interest groups and wealthy elites can be deciding factors when it comes to passing restrictive union legislation. Additionally, the findings of the Garrett and Jansa (2015), Collingwood et al. (2019), and Lafer (2012) suggest that not all interest groups have the same level of influence on state policy— there are some qualities can make certain interest groups more impactful than others.

Economic Factors

Economic factors have also been found to contribute to the passage of restrictive union legislation. Several studies have addressed the way that a state's level of economic development, in comparison to other states, can affect the passage of restrictive union legislation. Catherine and Neil Palomba's (1971) study and Darmofal et al.'s (2019) study emphasize that economic comparisons between states are key determinants of both state union policy and state density. Though the studies were conducted decades apart, they are both predicated on the idea that states must compete with each other for business, so economic development between states affects policy and the attitudes of workers towards unions. The studies focus on different dependent variables, but they find that the economic conditions of other states, and especially neighboring states, can lead to more restrictive policy towards unions and decreases in union density.

Other literature also focuses on economic factors as primary predictors of restrictive legislation and decreased union density, but emphasizes economic factors within states rather than between them. For example, Milkman and Luce (2017) offer evidence in favor of John R. Commons' theory that economic downturns cause union density to decline— demonstrating that the operation of unions is affected by changing economic factors. Similarly, a study by David Jacobs and Marc Dixon (2006) found that states with greater "small business dominance" have increased probability of adopting RTW legislation. Furthermore, the poor health of an individual state's economy may manifest in a reduced tax revenue, and this may then trigger restrictive policy towards public sector unions. Richard Freeman and Eunice Han (2012) and Wade (2018) argue that these higher deficits greatly contributed to the passage of restrictive public sector legislation during the Great Recession. In these studies, a state's economic structure and economic strength is important regardless of these factors in other states. This is a critical distinction, because while there appears to be less debate over whether economic factors influence union policy (though some authors would dispute the amount of influence these factors have), there are differing interpretations over why and how these factors influence policy. Studies that primarily examine the economic factors agree that a state's economy has an effect on the policies it adopts, but they differ in what drives this adoption— some argue that adoption is driven by competition, while others argue that adoption is more isolated.

Research Approaches

Researchers have taken several different approaches to analyzing state restrictive labor legislation. One approach has measured restrictive labor legislation predominantly by the presence or absence of RTW legislation in a state. This approach is more common in studies that measure restrictive legislation before 2010, and it is seen in the studies from Dixon (2005), Jacobs & Dixon (2006), Moore et al. (1974), and Palomba & Palomba (1971). These authors measured all fifty states and performed quantitative analyses. In research that analyzes restrictive legislation after the Great Recession, most studies expand the measurement of the dependent variable to include legislation that restricts public sector unions. Authors that include post-recession data have taken several different approaches. Some, like Kaminski (2015), Saltzman (2012), and Cantin (2012), use qualitative case studies to address the research question. These case studies focus on states like Michigan, Ohio, and Wisconsin to analyze the specific factors within a state that contributed to the passage of restrictive union legislation.

Other authors, specifically Bucci (2020) and Wade (2019), have conducted quantitative analyses of all fifty states in order to assess the key causes of restrictive labor legislation. Bucci & Jansa (2020) focused on specific policies that they identified as restrictive to unions, while Wade (2019) included all policies relating to unions passed in every state between 2007 and 2014, and then categorized them as restrictive to unions, permissive to unions, or neutral. Wade also included a qualitative comparison between Wisconsin and several states that passed less extreme labor reform laws.

Overall, there is a fairly robust literature regarding the adoption of restrictive union policy. However, these studies differ in their scope, time period, and the factors that they argue are primary contributors to anti-union legislation. Additionally, even among studies that pinpoint similar causes of restrictive union legislation, there are discrepancies in the exact ways these factors have influence.

Chapter 3

Theory

State union policy is a relatively broad concept that encompasses many policies that define and govern the relationship between employers, employees, and unions. State policy towards unions is limited by federal law. For private employees, most aspects of the relationship between their employers and unions are governed by the National Labor Relations Act, though the Taft-Hartley Act of 1947 does give states the right to enact Right-to-Work (RTW) laws. For workers employed by state or municipal governments, states have more power to set policy. This public-private split is an important distinction to highlight: when state union policy is discussed, states are greatly limited in their ability to pass policy that affects private sector workplaces, therefore much of the variance in state union policy as a whole is a reflection of variance in public sector union policy.

State union policy can grant unions more rights, and state union policy can restrict unions. State policies that are considered restrictive to unions are policies that reduce a union's leverage during collective bargaining, policies that grant workers the "freedom" to not associate with the union at their workplace, and policies that make sustained union representation more difficult at workplaces. Unions exist to bargain with employers on behalf of all members of a bargaining unit. State laws that interfere with the ability of unions to collectively bargain on behalf of all members of a bargaining unit are therefore restricting unions in their state to some extent. It should be noted that the conditions for a law to be considered "restrictive" are not exclusive. Many policies that focus on worker freedom inherently reduce a union's bargaining power by creating a "free rider" problem: for example, a law may allow a worker to opt-out of paying dues in the name of "free association", but the union in that worker's workplace may still be compelled to represent the worker when bargaining for a contract, reducing the union's resources without reducing its workload. Likewise, a law that restructures union election rules (therefore impacting union representation) could subsequently reduce a union's leverage when bargaining for a contract. In other words, while union restrictive legislation can reduce a union's ability to perform its essential functions and can alter the balance of power between unions and employers, many restrictive policies are not restrictive in only one way. While there may be one dimension that restrictive legislation predominantly impacts, most restrictive policies can be restrictive to unions in multiple ways.

Previous literature has examined the passage of restrictive union policies. Some literature focused on a specific policy, like RTW, while other researchers have taken a broader look at the passage of restrictive policies as a whole. This literature has informed my own hypotheses for the variance of passage of restrictive union legislation across states.

Hypotheses

Economic Development

Passing restrictive union legislation may be perceived by state legislators as a method of economic development. In the United States, states are often forced to compete with each other to attract business (Darmofal et al. 2019). While there is debate over whether economic development policy actually plays a substantial role when businesses choose locations, it is nevertheless one of the few aspects of a state's business climate that a policymaker can control. While a legislator cannot manipulate a state's location or access to resources, it can control how favorable that state is to business. This causes a "race to the bottom" phenomenon in terms of economic development policy: a state that deregulates one aspect of their economy pressures another state to take the same action, or they risk (in theory) losing their competitive advantage against that state.

Economic development policy is a relatively broad category of legislation that encompasses policies like tax incentives and investment. Policies towards unions and labor also fall under this umbrella: labor is a costly investment for business, and policies that can reduce this cost or improve the quality of a state's labor force could potentially give a state an advantage over another state. For this reason, restrictive union legislation, especially legislation that restricts a union's ability to organize a workplace (like Right-to-Work legislation), are considered methods of economic development. Furthermore, there is anecdotal evidence that businesses consider aspects of a state's union policy, including Right-to-Work, when considering where to locate their business (Roysdon 2013). States with more restrictive policies have an advantage over states that do not, especially when a business is concerned about the cost of a union.

Though all states exist in a system that naturally puts them in competition with one another, and there is evidence for a "race to the bottom" in state economic development policy, not all states have the same incentive to alter their business climates. It makes logical sense that states with struggling economies would be more likely to pass new policies directed at increasing economic development, as they face more demands from citizens to address problems like high unemployment or low wages. Neil and Catherine Palomba (1971) found that states with lower economic development in comparison to other states are more likely to pass RTW laws, demonstrating evidence for this theory that state economic development affects state union policy. Given the varied severity of the Great Recession in different states, it follows that legislators in states with lower economic development would be more likely to pass restrictive union policy as a method of economic development.

It is important to note that many restrictions over the past decade have been directed towards public sector unions. (Lafer 2013; Freeman & Han 2012). For state and municipal employees, union policy varies by state; there is no federal law governing relations between public employers and employees like there is in the private sector. For this reason, states have more flexibility to restrict or empower public sector unions. As the Great Recession cut state tax revenue and thereby increased state budget deficits (or in states that require balanced budgets, budgets became closer to running a deficit than in previous years), a state's ability to limit union bargaining and organizing power is important to consider. Public employees, while not paid at higher rates than private sector employees, are more likely to be unionized (Cantin 2012). With unionization comes greater bargaining power, and through that, higher wages and more extensive benefits. These factors make public sector unions understandable targets for legislators trying to curtail spending in their states: restricting organizing and/or giving employees the ability to "opt out" of union dues and representation strengthens the power of the government in negotiations with employees, possibly reducing costs for a state with a high deficit. With this in mind, restrictions toward public sector unions may not primarily be motivated by a desire to attract business to a state, but it can still be a reflection of decreased economic development.

Furthermore, it can be argued that lower economic development manifests in a higher budget deficit/a tighter budget and creates a political imperative for action from legislators. Cantin (2012) argues that the perception of public employees as members of the "privileged elite" make public sector unions prime targets for lawmakers trying to reduce state spending. As indicated earlier, economic factors like high unemployment increase demand for legislators to act to improve the economic situation in a state. While I believe one way this demand manifests itself is through policies aiming to strengthen a state's competitive advantage over other states, another way this demand for action may manifest is through policies that aim to reduce state deficits. Wisconsin Act 10 greatly limited public sector unions in the state, and it was framed as a budget repair bill by Governor Scott Walker (Saltzman 2012). I argue that Act 10 became law because it met several needs for lawmakers: it met the Wisconsin constituency's demand for action on the economy, and it targeted a group that non-government workers viewed as more "privileged" than themselves.

The effect of reduced economic development on state budgets pressures lawmakers to act to reduce government spending, and this pressure is exacerbated by the economic conditions that lead to reduced tax revenue in the first place. The perceived cost of less-restrictive union policy and the perception of public employees then causes legislators to act through laws that restrict public unions.

H1: A weaker economy in a state in comparison to other states will increase that state's likelihood of passing restrictive union legislation.

Partisanship

Many studies have looked at how partisanship affects the passage of restrictive union legislation. There are consistent findings that unilateral control of state government by Republican legislatures makes it more likely that a state will pass restrictive union legislation (Bucci 2020). There are several theories for why this is the case. Some of restrictiveness could be attributed to an ideological opposition that Republicans may have with unions. Republicans may be opposed to the idea of the government bargaining with workers, or they may believe some unions restrict "worker freedom" by limiting rights to association (Freeman & Han 2012).

Beyond ideological conflicts, Republican lawmakers are more likely to align themselves with business interests, which tend to conflict with union interests.   Finally, unilateral Republican control of state government may explain restrictive union legislation because of the historic association of Democrats with labor unions. Unions consistently support Democratic politicians, and this is especially true for public sector unions like teachers' unions. There is some speculation that Republicans support restricting public sector unions in order to cut their Democratic opponents off from political funding and the organizational strength of these unions (Wade 2018). Because many prior researchers have demonstrated links between partisanship and restrictive union legislation, and because there are multiple reasons explaining why this link occurs, I also expect to observe this relationship.

H2: Unified Republican control of state government will increase a state's likelihood of passing restrictive union legislation.

H3: Larger Republican majorities in a state legislature increase the likelihood that a state will have a greater amount of restrictive union legislation.

H4: Republican control of the state governorship will increase a state's likelihood of passing restrictive union legislation.

Border State Policy

As stated previously, states often engage in "races to the bottom" when formulating economic development policy. States adopt policies seen in other states, in order to not lose a competitive advantage against that state when it comes to attracting business. This is especially true for states that border each other. While a state's economic incentives or policies may not be the most important factors in business location decisions in comparison to factors like access to resources or workforce quality, state economic policy becomes more important when states are similar in most other regards. In other words, the deciding factor between two very similar states may be a state's economic development policy, including a state's policy towards unions. Therefore, the policies of neighboring states are of interest: states that share borders are more likely to be similar in other regards (especially in terms of access to natural resources) and there is usually not a significant logistical difference between locating in one state or locating in its bordering state (Darmofal et al. 2019). These factors make diffusion of state policy more likely when states border each other, and there appears to be evidence of this in union policy when observing state RTW laws: RTW states are concentrated in the South and Midwest. For these reasons, I expect that union restrictive policies in neighboring states increase the likelihood that a state will pass a union restrictive policy in their own state.

H5: Bordering states with high levels of union restrictiveness will increase a state's likelihood of passing restrictive union legislation.

Union Density

Public opinion influences state policy. Moore et al. (1974) state that while public opinion can be influenced by policymakers, it is predominantly a function of the "state's social, political, and economic structure" (p. 199). One aspect of a state's economic structure is the composition of its workforce-- the industries in which people are employed, and also whether workers are members of unions. It can be expected that union membership informs a person's opinion on unions, and therefore a union member will be more likely to oppose legislation that restricts a union's ability to effectively represent its members. Additionally, unions are special interest groups that play dual roles in the economic and political spheres. They can threaten a state's economy through actions like striking, and they also mobilize members to participate in politics through registration drives, discussions of political issues at union meetings, and get-out-the-vote campaigns (Kerrissey & Schofer 2013). It follows, then, that states with higher rates of union membership face a greater probability of political or economic backlash from union members than states with lower union density. For this reason, I predict that states with higher union density will be less likely to pass restrictive union legislation.

H6: A higher rate of union membership will make a state less likely to be restrictive to unions.

Post-2010 Effect

In 2010, midterm elections were held, and Republicans saw a resurgence in power at both the federal and state levels (Jacobson 2011). Additionally, the Great Recession immediately preceded these elections. Both these factors make 2010 an interesting benchmark year to examine. As Republicans gained new power and economic concerns were a leading issue, it can be expected that states became more likely to be restrictive to unions after this year, as the economic and political factors I predict to lead to union restrictiveness were exacerbated in this time period.

H7: After 2010, states have an increased likelihood of being restrictive towards unions.

Previous research provides helpful groundwork for my hypotheses, and I believe that examining the influence of all these factors will help develop a more comprehensive understanding of the environment that facilitates the passage of restrictive union legislation. Additionally, by focusing economic factors like state economic strength as a predictor of restrictive union legislation, I am able to build on more dated research while considering the new challenges that the Great Recession brought to state economies.

Chapter 4

Research Approach

Time Period and Unit of Analysis

The focus of this thesis is state union policy, specifically state union policies that are restrictive to labor unions. A policy is considered restrictive to unions when it limits some aspect of a union's ability to function as a representative of workers at their workplace. More specifically, a policy is restrictive if it can lead to a reduction in a union's leverage during the collective bargaining process, if it removes requirement for union membership at workplaces, or if it makes sustained union representation more difficult. Overall, I identify ten state policies that fit into one or more of these dimensions of restrictiveness towards unions. Data on these ten policies were collected over several different time periods. My data collection begins in 1947, which is the year the Taft-Hartley Act passed in Congress. The Taft-Hartley Act's passage is a significant milestone for state union policy, because the Act allowed states to pass Right to Work laws, opening the door for the regulation of unions at the state level. For policies where tracking begins in 1947, data collection will continue until 2019. Due to the limited availability of data on other restrictive policies, I will also examine several policies in 2019 and one policy in 2013. My unit of analysis is the state. Policies such Right to Work and other policies towards public sector unions are enacted at the state-level.

Restrictive Policy Variables

The dependent variable is restrictive union policy. As mentioned previously, I identify ten state level policies that are examples of restrictive union policy. These policies were chosen because they are policies that the American Legislative Exchange Council (ALEC) currently or previously promoted as model legislation. ALEC is a conservative interest group that is funded by large companies and whose membership is mostly composed of Republican state legislators. It was founded on the principles of "limited government, free markets, and federalism," and one of its primary functions is to write model legislation for state lawmakers to then introduce in their legislatures (Hertel-Fernandez 2014). Because of ALEC's close association with conservative interests, and because ALEC legislation is introduced in state legislatures at a "non-trivial rate," ALEC's union-related model legislation (that also fit the definition of "restrictive" identified above) were considered as policies that measured a state's restrictiveness towards unions.

Three policies were studied from 1947 until 2019. These policies are Right to Work (RTW), Prevailing Wage preemption, and Project Labor Agreement (PLA) preemption. Right to Work laws allow workers to opt out of joining and paying dues to the union at their workplaces. Data on the presence of a RTW law in a given year was compiled by Devin Caughey and Christopher Warsaw. Prevailing wage and PLA preemptions are laws passed at the state level which prevent county and municipal governments from passing prevailing wage laws and signing Project Labor Agreements. Prevailing wage laws require that contracts signed by municipal governments pay at least the local median wage for the type of work being performed. Similarly, PLAs are contracts signed between unions and local governments that set standards for safety, pay, and benefits during a project. Laws that preempt these policies inherently undercut a union's position during contract negotiations, since there is no "lowest standard" that the contract must legally meet. Data on the passage of PLA and Prevailing Wage preemption laws was collected by the Economic Policy Institute. All restrictive policies were coded as a "1" if the state had that policy in a given year, and a "0" if it did not. Additionally, I included an aggregate variable that is measured as the number of these restrictive policies that a state had in a given year. For example, if a state had a RTW law, a PLA preemption and a prevailing wage preemption law in 2013, their aggregate score would be a three.

I included six policies where data is only collected for the year 2019. The policies included in this timeframe are laws that require secret ballot union certification elections, that require authorization for dues check-off, that require a certain level of transparency in the collective bargaining process for public sector unions, that require political funding for unions be collected separately from dues, policies that ban union release time, and laws that ban public sector collective bargaining as a whole. In comparison to the policies included in the 1947 through 2019 dataset, the policies included in the 2019 dataset more closely seek to regulate how a union interacts with its members and acts at its workplace. The 2019 policies do not focus on what items may be included in union contracts, and instead address the environment in which those contracts are formed. In other words, these policies are restrictive because they either make union organizing more difficult, or they make it more difficult for a union to conduct its activities (whether that be collective bargaining or political activities). Data on the 2019 policies were compiled in a report titled "Worker Freedom in the States," which was produced by a conservative interest group called the Commonwealth Foundation. Since the report was published in 2019 (and because other sources on state passage of these policies were unavailable), each state was coded as "1" if they had the policy in 2019 and a "0" if it did not.

Finally, one policy is included from 2013, fair share fee prohibitions. Fair share policies require that members of a bargaining unit pay representation fees to their union, even if they choose not to be members of the union. In 2018, *Janus v. AFSCME* was heard by the Supreme Court, and fair share fees were made illegal for all public employees. However, at the time the information on state fair share prohibition was collected, it was still legal for fair share fees to be collected, but states could choose to ban these fees. Data on state fair share fee prohibitions was compiled by the Minnesota Office of the State Auditor. Similar to the policies included in the 2019 timeframe, this dataset only indicates that a state had a fair share fee prohibition in 2013, not that the prohibition became law in 2013. States that had fair share prohibitions are coded as "1", and as a "0" if they did not.

Explanatory Variables

I am primarily interested in how a state's economic strength affects the passage of restrictive union legislation. To measure economic strength, I have chosen two economic indicators: gross state product (GSP) and state unemployment rate. Data on GSP is available in a dataset compiled by Carl Klarner, and data on state unemployment is available from the Bureau of Labor Statistics. GSP is a measure of state economic output, and it is the state counterpart to gross domestic product. GSP is frequently used as an indicator of a state's economic strength, and in this study it is measured in trillions of dollars. Additionally, since I hypothesize that one reason states pass restrictive union legislation is to attract business to a state, a state's level of economic output can indicate the level of "need" that a state has to attract new business. State GSP is also a useful indicator of the economic pressures a state's government may face. State GSP has a high correlation with state tax revenue, so a state facing a lower GSP may also be facing greater budget constraints, which may then motivate the state to restrict public sector unions to reduce cost. State unemployment rate is another common indicator of economic health, and states with higher unemployment rates are expected to face greater pressure from constituents to strengthen the economy.

Other studies have found evidence that Republican control of state government makes a state more likely to pass restrictive union legislation, and I expect to observe the same relationship. I have included several measures of Republican control of state government. At the most basic level, this control of state government will be measured by a dummy variable, where "1" indicates unified Republican control of state government. A "0" indicates that there is unified Democratic control or that the state government is split between multiple parties. This is the greatest amount of control that Republicans can have over the state government, and for this reason I expect to observe the strongest relationship between this variable and the passage of restrictive union legislation. I also measure Republican control over state government in two other ways: the proportion of Republican members in the state House and Senate, and Republican control of the governorship. Control of state governorship is an important aspect of state partisanship, as state governors can be influential in setting legislative agendas, including in the realm of union legislation, as seen with Governor Scott Walker in Wisconsin. Finally, including a measure of the proportion of Republicans in the state legislature allows for further analysis into the extent that Republican legislators can influence restrictive union legislation passage. Republicans may maintain unified control of state government, but a slim majority may be less effective than a larger majority of Republicans in passing this legislation.

Union membership in a state has also been shown to predict restrictive union legislation passage. This component of restrictive legislation passage is measured by state union density, or the proportion of state workers that are members of a union. This figure includes both public and private sector employees. Data on state union density was compiled by Barry T. Hirsch, David Macpherson, and Wayne G. Vroman.

The restrictiveness of border state union policy may make a state more likely to pass restrictive union legislation itself. This variable was measured by calculating the average of a state's neighbor's overall restrictiveness in a given year. In other words, if Alabama had four neighbors who all had three restrictive policies in 2012, the border state restrictiveness would be measured as a three. The range of this score is between zero and three-- a state that only borders states with total restrictiveness scores of zero would have a border restrictiveness score of zero, and states who only border states with total restrictiveness scores of three would have a border restrictiveness score of three.

Finally, my analysis includes several variables to account for and measure the effect of time. My measurement of the dependent variable only measured as whether a state had a given policy in a year, not whether that policy was passed in that year. Because of this, states tend to increase in restrictiveness over time, and a state's aggregate restrictiveness score may be a reflection on a previous year's restrictiveness. To account for the effect of previous restrictiveness, my analysis includes a lagged dependent variable. This variable was measured as the total restrictiveness score that a state had the year before. In addition to this, I also included a dummy variable for the year 2010. This year was of interest because there appears to be an increase in restrictive union legislation after 2010, and because the 2010 midterm elections saw a resurgence for Republicans at both the state and national level (Jacobson 2011). This variable (called the After 2010 variable) was coded as a "0" if the year was before 2010, and a "1" if the year was 2010 or after. Finally, my analysis includes an interaction variable between unified Republican control of state government and the After 2010 variable, in order to measure if Republican legislative priorities regarding unions changed after 2010 or have remained consistent over time. This variable is coded as "1" if the year is 2010 or later, and if the state had unified Republican control of state government. In all other cases, this variable was coded as a "0".

Chapter 5

Data Analysis

Descriptive Statistics

RTW, PLA Preemption, and Prevailing Wage Preemption

The data reveal interesting patterns about the adoption of restrictive policies towards unions. Right to Work is the earliest and also most adopted policy: when it became legal for states to adopt it in 1947, twelve states passed it in that year, and as of 2019, twenty-eight states have adopted Right-to-Work laws. The Right to Work laws provide a useful insight into general trends in the passage of restrictive union legislation. Approximately 63 percent of states with RTW laws passed their laws between 1947 and 1957, and from the 1960s until the 2000s, approximately one state became a RTW state every decade. These trends changed in the 2010s, during which Indiana, Kentucky, Michigan, Missouri, Wisconsin, and West Virginia all became RTW states. Though six states becoming RTW over the course of decade seems small in comparison to seventeen states becoming RTW in the 1940s and 1950s, these six states nevertheless account for 18 percent of RTW passages and represent a considerable change from the stagnancy of the previous five decades.

PLA preemptions and Prevailing Wage preemptions were enacted during a more limited period of time. Arizona passed the first Prevailing Wage preemption in 1984, and no state followed until Utah in 2001. Similarly, Utah became the first state to pass a PLA preemption law in 1995. Despite the shorter timeframe from when states began enacting these two laws, a fair amount of states have passed PLA preemptions and prevailing wage preemptions in the last forty years. In particular, PLA preemptions have become fairly popular in their adoption: since 1995, twenty-one states have passed PLA preemptions. These laws also appear to follow the same trend as RTW laws: in 2010, only two states had PLA preemptions laws. The largest number of states passed PLA preemptions between 2016 and 2017, with five states making the policy law. State passage of prevailing wage follows the 2010s trend of union restriction, though to a lesser extent than PLA preemption passage. Eleven states in total have passed prevailing wage repeal laws, but in 2010 only two states had laws that preempted municipal prevailing wage statutes. The figures one and two illustrate the passage of PLA preemptions, prevailing wage preemptions, and RTW over time.

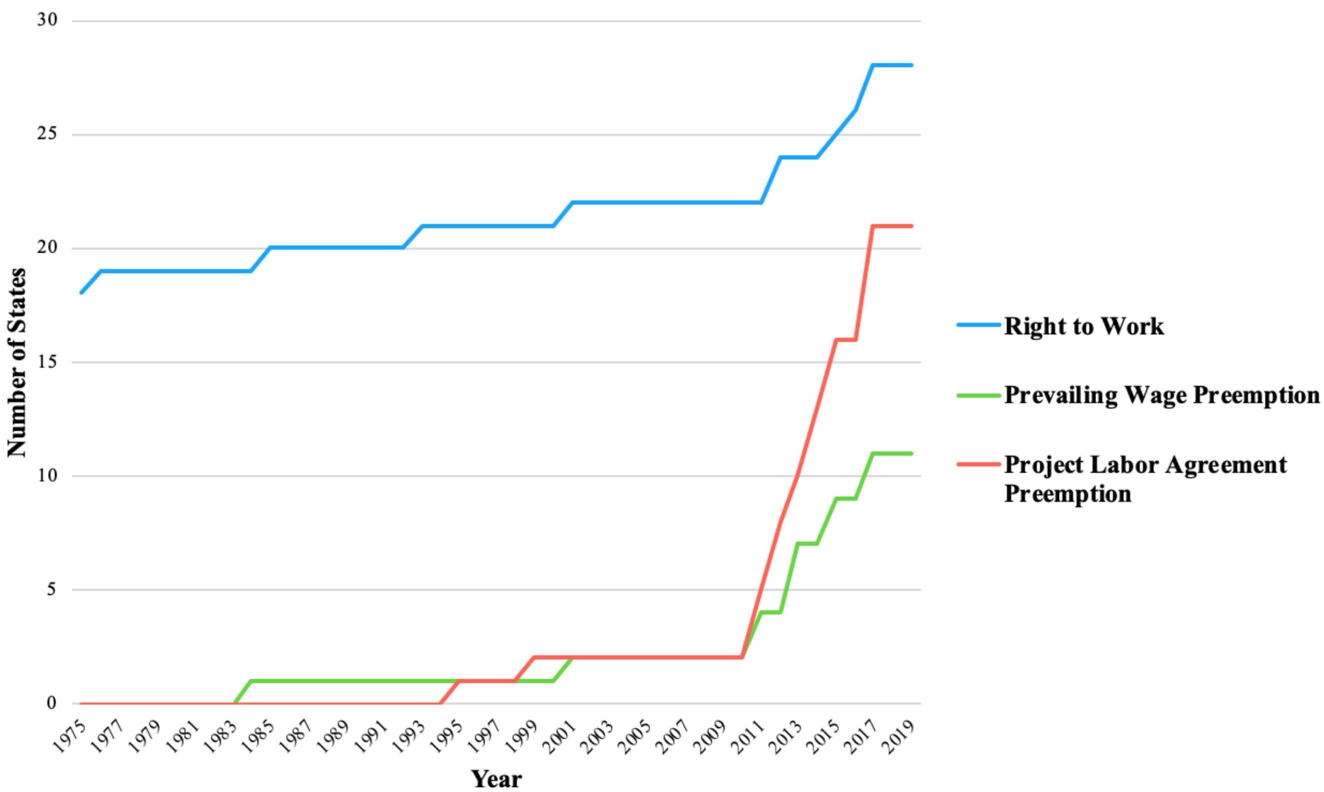

Figure 1. RTW, Prevailing Wage Preemption, and PLA Preemption Over Time.

The figure shows that PLA and Prevailing Wage preemption policies did not become common until very recently.

As figure 1 indicates, RTW was a popular policy prior to 1975, but it has seen gradual growth over time and slightly stronger growth after 2010. PLA and prevailing wage preemption laws had been present in a small number of states before 2010, but substantial growth in state adoption only occurred after 2010. It also important to note that the number of states with PLA preemptions and prevailing wage preemptions were equal in 2010, but after that year PLA preemptions became more popular.

Just as there are differences in the adoption of restrictive policies over time, there are also differences in adoption between states. As of 2019, twenty-one states did not have RTW laws, PLA preemptions, or PLA preemptions. The most restrictive states (i.e., the states that had all three policies) were Arizona, Kansas, Louisiana, Tennessee, and Utah. The average number of restrictive policies that a state had in 2019 was 1.2. Of the five states that only had one policy, the most common policy to have was RTW (one state, Montana, had a PLA preemption law). While the frequency of RTW in comparison to other policies makes this understandable, it is nevertheless interesting to note because RTW is arguably a more controversial and more well-known policy than PLA preemptions are, making its adoption presumably more difficult.

Table 1. First States by Policy.

Right to Work	PLA Preemption	Prevailing Wage Preemption
Alabama	Arizona*	Arizona*
Arizona*	Louisiana*	Georgia*
Arkansas	Montana	Idaho
Florida	Tennessee*	Kansas
Georgia*	Utah*	Louisiana*
Iowa		Tennessee*
North Carolina		Utah*
Nebraska		
Nevada		
South Dakota		
Tennessee*		
Virginia		*=One of first states for multiple policies.

The table shows the first states to pass RTW, PLA preemption, and prevailing wage preemption laws. The first five states to pass a specific policy were included in the table, unless multiple states passed a policy in a given year, causing the number of states with the policy to exceed five.

Table 1 highlights patterns of innovation for restrictive union policies. For RTW, PLA preemption, and prevailing wage preemption policies, there is considerable overlap between the states that were among the first to enact a specific restrictive policy. In particular, Arizona and Tennessee have all three policies and both were each one of the first states to enact these policies. This pattern indicates that there are some states that have been consistently restrictive to unions across time, and that these restrictive states find new ways to restrict unions over time.

2019 Policies

The six policies included in this dataset allow for a general overview of recent union restrictive policies, and can also help illustrate which states are more restrictive to unions and which states are less restrictive. The table below summarizes the frequency of each policy I measured in 2019.

Table 2. Frequency of Restrictive Policies in 2019.

Policy Name	Number of States with Policy in 2019
Secret Ballot Only Elections	16
Dues Check-off Authorization	7
Public Employee Bargaining Transparency	16
Separate Funding for Political Contributions	10
Union Release Time Ban	37
Public Sector Collective Bargaining Ban	3

The table measures the number of states with a given policy. Data was collected by the Commonwealth Foundation.

The most common policy was a union release time ban, followed by secret ballot election provisions and public employee bargaining transparency policy. The frequency of the union release time bans in comparison to the other policies measured is slightly misleading. In reality, no state has an outright ban on union release time; rather, several states have actually passed laws that require union release time for public employees. Since states do not ban union release time, a more restrictive state is one where union release time provisions are decided in union contracts, rather than mandated by state law. With that in mind, the thirty-seven states that do not protect union release time are still noteworthy, but the frequency of this policy perhaps reflects the fact that restrictiveness in this area is characterized by a lack of action rather than by the action taken by the state.

The least common policy was bans on collective bargaining for all public employees. Only three states (North Carolina, South Carolina, and Virginia) had this policy. It is possible that the small number of states with this policy is a reflection on the relative restrictiveness of a total collective bargaining prohibition. The other policies measured in this time period restrict unions (and especially public sector unions), while still allowing unions to exist and function as workplace representatives. Effectively, a public sector collective bargaining ban can do the job of many policies at once: for example, it is not necessary for a state to mandate transparency during public sector contract negotiations if unions cannot collectively bargain in the first place. The restrictiveness of this policy is important to highlight, because if restrictiveness is measured solely by the number of restrictive policies a state has enacted, North Carolina, South Carolina, and Virginia may appear less restrictive than they are in reality. Additionally, several other states ban collective bargaining for some employees (but not all). These states are Tennessee, Texas, Indiana, and Georgia. As these states did not ban public sector collective bargaining as a whole, they are not coded as having bans, but their caveats to public sector collective bargaining still make them notable exceptions to the other forty-three states that do not ban any type of public sector collective bargaining.

Taking these six policies into account, table 3 and figure 2 provide a snapshot of the most restrictive and least restrictive states in 2019.

Table 3. State Restrictiveness in 2019.

Least Restrictive	More Restrictive	Most Restrictive
California	Oklahoma	Iowa
Oregon	Missouri	Wisconsin
Washington	Indiana	

Least Restrictive refers to states that have zero policies. More restrictive refers to states that have four policies, and most restrictive refers to states that have five policies.

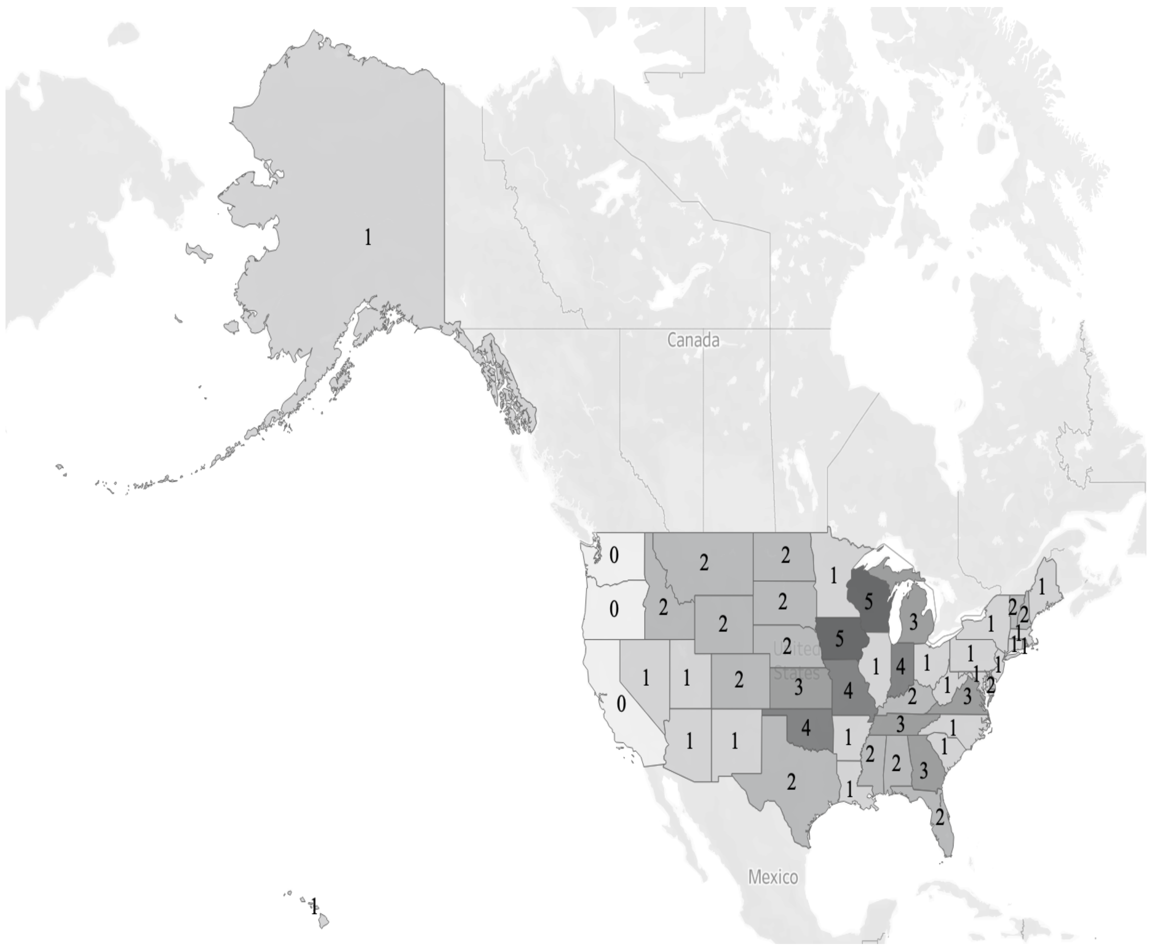

Figure 2. Map of Total Restrictiveness.

The number refers to the number of policies that each state had in 2019. Bordering states tend to have similar numbers of restrictions, and inner states tend to have more restrictions than coastal states.

Figure 2 illustrates patterns in the regional spread of union restrictiveness. Bordering states tend to have similar numbers of restrictions. The most restrictive states are concentrated in the middle of the country, while states on the coasts (and especially the West Coast) tend to have less restrictions. These patterns in restrictiveness indicate that the policies of a state's neighbors may affect that state's policies towards unions, and that internal factors in a state are not the sole contributors to the passage of restrictive union legislation.

Though these six policies are limited to one year of observation and therefore not included in the regression, the patterns observed and the frequency of certain policies point to interesting trends in restrictive union policies. States have a variety of ways beyond RTW laws, PLA preemptions, and prevailing wage preemptions to restrict unions, and some policies appear to be fairly popular. Indeed, the popularity of certain policies over others suggests that not all restrictive policies carry the same weight with legislators. An analysis of these policies over a longer time frame would be useful to see if the explanatory variables included in this analysis have relationships with these policies.

Fair Share Fee Prohibitions

The dispersion of fair share fees shows a similar regional pattern in fair share fee prohibitions. In 2013, twenty-three states banned fair share fees. The map below highlights regional patterns in fair share fee prohibitions.

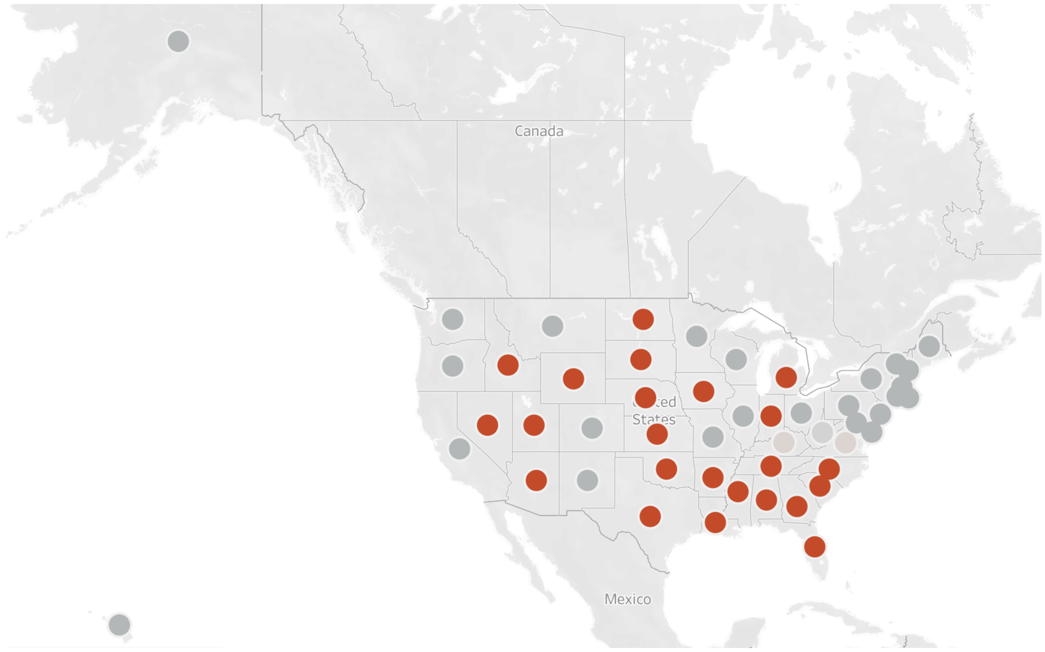

Figure 3. Regional Distribution of Fair Share Fee Bans.

A red dot indicates that a state bans fair share fees. The distribution of fair share fee prohibitions is concentrated in the South, Midwest, and Rocky Mountain regions.

Similar to the regional patterns of the 2019 policies, some areas are more likely to have restrictive policies than others. Fair share fees were not included in the regression because of the limited time frame where data was available. However, fair share prohibition laws do provide another example of regional patterns in restrictiveness, and their dispersion across states is useful to highlight because fair share fee prohibitions are relatively more restrictive policies and the year where data was available, 2013, was in the midst of a time period of growth for other restrictive laws like PLA and prevailing wage preemptions. Though fair share prohibitions are no longer state policies because of the *Janus v. AFSCME* case, data collection on fair share fees that includes year of passage might still provide further insight into the factors that make restrictive union policy more likely.

Independent Variables

I am particularly interested in the way that state economic strength effects state union restrictiveness. Figure four illustrates general trends in the economy beginning in 1975, when all state indicators become available. State indicators such as gross state product and tax revenue have gradually increased, but unemployment fluctuates. In 2019, based on the indicator of GSP, the states with the lowest levels of economic development were Vermont, Wyoming, Montana, and South Dakota. GSP is not a perfect indicator: Vermont has one of the lowest unemployment rates, but its low GSP can suggest that its economy is struggling more than it is in reality. This is an important indication to make, because if the unemployment rate was the sole economic indicator being used, the states with the lowest level of economic development would be Alaska, West Virginia, Mississippi, and Louisiana.

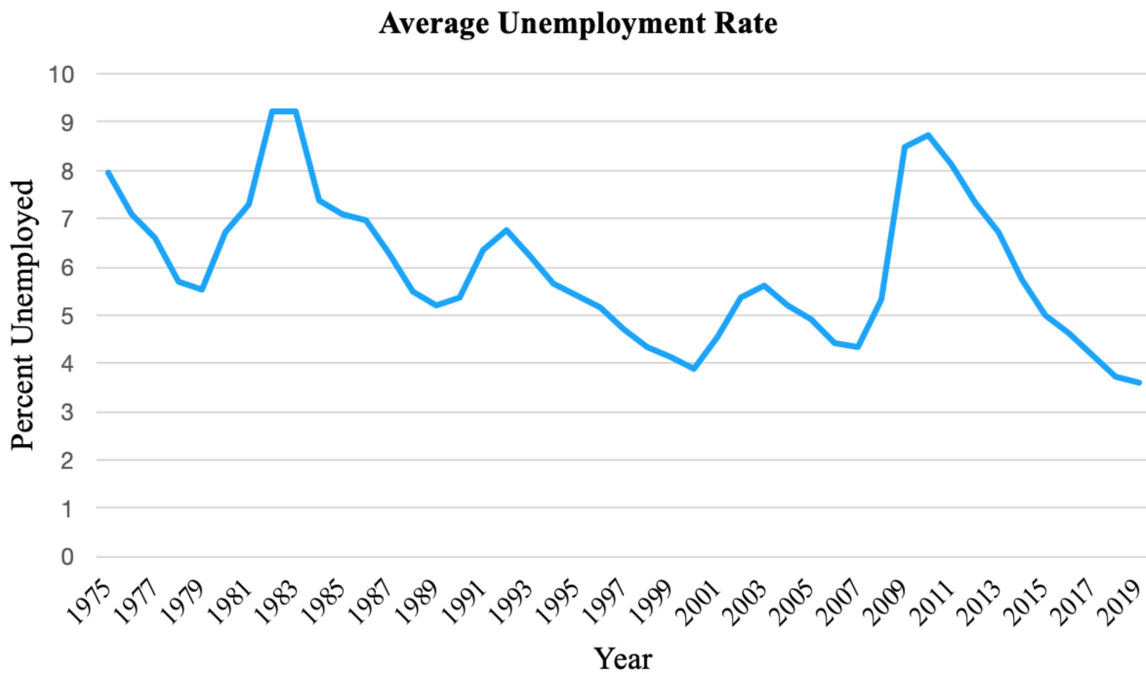

Figure 4. Average State Unemployment Rate.

State unemployment fluctuated over time. Data was collected by the Bureau of Labor Statistics.

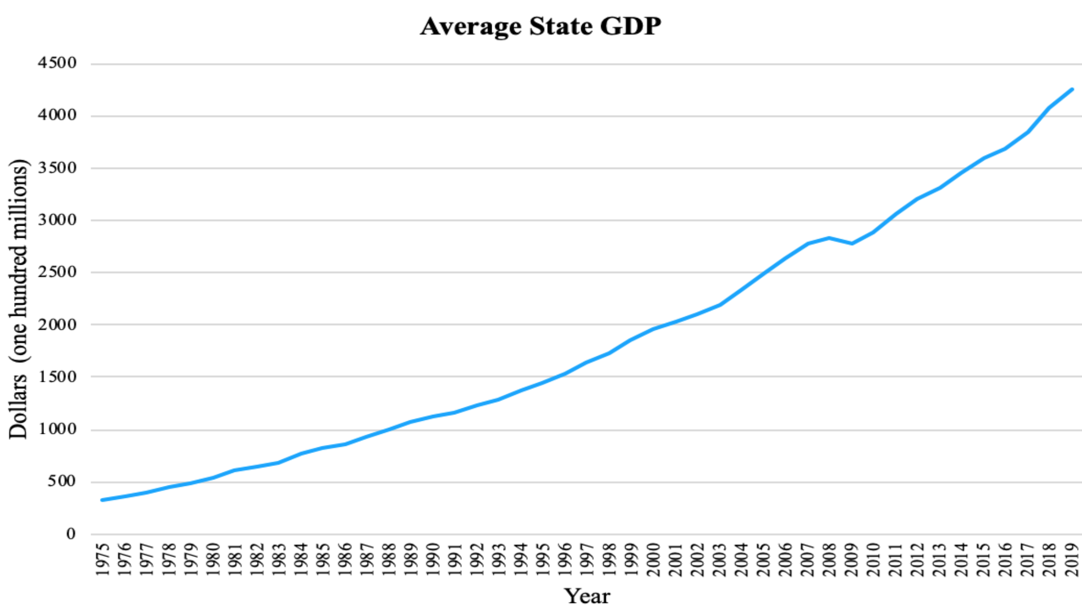

Figure 5. Average State GDP Over Time.

Gross state product gradually increased over the last five decades. Data was compiled by Karl Clarner.

Regression Analysis

The multivariate regression reveals that political and state demographic variables consistently play significant roles in a state's restrictiveness towards unions. This regression used panel data starting in 1975 (when all economic data became available) and continues until 2019. The dependent variable across all five models was a state's total restrictiveness score: the aggregate score based on the number of policies that had in a given year. The regression restrictiveness score only includes RTW, Prevailing Wage preemption, and PLA preemption policies, because these are the only variables that were covered over time and where enough variation exists. I ran five models to cover four sets of variables. All models included the lagged dependent variable as an explanatory variable. The first model includes political variables, the second model includes political and economic variables, and the third regression includes political, economic, and demographic variables. The fourth and fifth models include political, economic, and demographic variables, and add the After 2010 variable and the interaction variable between After 2010 and unified Republican control of state government. Table four summarizes the results from the regressions.

Table 4. Regression Results.

DV = Total Restrictions	**Model 1**	**Model 2**	**Model 3**	**Model 4**	**Model 5**
Lag Total Restrict	0.863***	0.858***	0.850***	0.858***	0.842***
Std. error		0.009	0.009	0.01	0.012
Political Variables					
Democratic Governor	0.003	0.004	0.005	0.006	0.007
Std. error	0.008	0.008	0.008	0.008	0.008
Unified Republican Control	0.034**	0.033**	0.031*	0.034**	0.015
Std. error	0.012	0.012	0.012	0.012	0.014
Republican Legis. Proportion	0.006	-0.006	0.00041551	-0.037	-0.026
Std. error	0.026	0.026	0.027	0.031	0.032
Economic Variables					
State GDP		0.002	-0.006	0.007	0.013
Std. error		0.018	0.021	0.022	0.022
State Unemployment		-0.007***	-0.007***	-0.005**	-0.006**
Std. error		0.002	0.002	0.002	0.002
State Demographics					
State Union Density			0.001	0.0006	0.0002
Std. error			0.001	0.001	0.001
Border State Restrictiveness			0.048**	0.063***	0.058***
Std. error			0.016	0.017	0.017
Time					
After 2010				-0.034*	-0.052***
Std. error				0.013	0.02
Republicans After 2010					0.074***
Std. error					0.02
**=.05*					
***=.01*					
****=.001*					

The table shows the regression results from the five models.

State Partisanship

The regression reveals that state partisanship is a significant factor in the restrictiveness of a state towards unions. I tested the state governor party, Republican unified control of state government, and the proportion of the Republican legislators in the House and Senate in all five models. Republican unified control of state government yielded statistically significant results, with a p-value less than .05 across the first four models. Interestingly, the fifth model revealed that the effect of Republican unified control of state government only became significant after 2010. Previous research has shown a relationship between unified Republican control of state government, but the addition of the interaction variable demonstrates that this relationship is a more recent phenomenon.

The insignificance of the proportion of Republicans in the legislature indicates that the strength of the legislative majority is less important than possessing control of the governorship and legislature. This is an important factor to examine, especially in conjunction with the fact that unified control of state government only becomes significant after 2010. Union restrictiveness is clearly a partisan issue, but it is a recent partisan issue that does not significantly vary by the strength of the Republican majority. In addition, the regressions demonstrate that the party of a state's governor does not appear to have the same impact on union restrictiveness. Though recent high-profile restrictive union legislation has been promoted by state governors, the governor's party affiliation is not significant.

State Economic Development

The regressions reveal that state unemployment rate plays a significant role in state union restrictiveness. In the last four models, state unemployment rate had a significant negative relationship with state restrictiveness with p-values less than .01. Though this is the opposite of the relationship that I predicted, the finding indicates that state economies do affect the restrictiveness of state union policy. I initially predicted that higher state unemployment rates create an imperative for action from state legislators, who then enact restrictive policies in hopes of attracting business to the state while also hurting a group of workers that non-unionized employees often view as “privileged” (Cantin 2012). My analysis reveals the opposite, and one possible explanation for this is that states facing higher unemployment levels may be reluctant to introduce legislation that could jeopardize the salaries or protections of still-employed workers within a state. State legislators facing criticism for higher unemployment may wish to avoid additional criticism from unionized employees. Considering that state unemployment rate is likely a more visible economic indicator to citizens than GDP, lowered restrictiveness towards unions indicates that legislators do not wish to disrupt the labor relations status quo when a visible economic challenge is affecting the state.

State GDP had an insignificant relationship with state union restrictiveness. This finding, coupled with the negative relationship between unemployment and restrictiveness, is interesting when considering the ways that union restrictive policies have been promoted by legislators. Recent legislation, such the Wisconsin Budget Repair Act, has been promoted as economic legislation to combat low economic development within a state. My analysis reveals that states with lower GDP and higher unemployment are not more likely to be restrictive towards unions, suggesting that restrictive union legislation is not passed because of dire economic need, but rather because restrictive union legislation is a Republican priority.

As indicated previously, a state may score high on one economic development variable and lower on the other economic development variable. Because of this, it is important to recognize that only one variable was significant in the model. Lower unemployment makes a state more likely to be restrictive towards unions, but there was no significant relationship between GDP and restrictiveness. As neither of these variables are perfect indicators of a state’s economic development, it is difficult to draw broader conclusions about the effect of a state’s overall level of economic development on restrictiveness towards unions.

State Union Density

While previous literature has found a negative relationship between state union density and restrictive union policy, the addition of the lagged dependent variable in my analysis reveals that this relationship is insignificant. The lag variable measures the number of restrictions a state had in the previous year. While it is possible that state unionization may have some effect on the restrictiveness of a state towards unions (by preventing the passage of a restrictive policy or preventing a policy from being introduced in the first place), it is also possible that restrictive legislation lowers union density. This regression began in 1975, when RTW laws had already been passed by a substantial number of states, so it was unable to account for union density rates in states that had passed RTW laws earlier.

Border State Policy

The restrictiveness of bordering state union policy has a significant positive relationship with a state's union restrictiveness, with a p-value of less than .01. A state bordering other restrictive states is more likely to be restrictive towards unions. This finding is significant because it reveals that restrictive union policy is likely not only a reflection on internal factors within a state. Clearly, the actions of other nearby states make a state more likely to take similar actions. This demonstrates that one way that state policy diffusion occurs is through adoption by neighboring states, as these states are likely to have similar characteristics and so similar policy effects may be expected by legislators. One theory behind the impact of state economic development on restrictive union policy is that states adopt restrictive policies in order to compete with neighbors for business. Though my economic variables did not have the expected relationship to union restrictiveness, the significance of border state restrictiveness suggests that there is merit to this theory, and that states do not adopt restrictive policies in a vacuum. A restrictive union policy may not be a method of internal economic development, but it could still signal to outside businesses that that state is an attractive location for business. A state does not necessarily need to be struggling economically to wish to attract business to the state, and a border state's adoption of a business-friendly policy could interfere with this ability.

Post-2010

The After 2010 variable revealed that the passage of restrictive union legislation became less likely after 2010. This is understandable, as RTW is the most common restrictive policy and most RTW laws passed prior to 2010. However, the interaction variable highlighted the importance of restrictive union legislation to Republican legislators after 2010: after 2010, unified Republican control of state government made it more likely that a state would be restrictive to unions. Before 2010, the effect of unified Republican control of state government was insignificant. This is important to note, because it signifies shifting legislative priorities for Republicans in the new decade.

The significance of Republican control after 2010 may have been driven by wealthy conservative donors and the organizations they fund, including ALEC. Kaminski (2014) credits the passage of a RTW law in the historically-labor friendly Michigan to the influence of wealthy donors who were willing to fund primary challenges to reluctant Republican legislators, and who wanted to pass restrictive union laws to challenge the political influence of Democrat supporting unions. While Michigan is a singular case, it may represent a larger shift in corporate interests after 2010 in favor of promoting restrictive union legislation. At a national level, ALEC is an interest group that may be uniquely suited to this promotion: it is largely funded by corporations, it includes a network of connection between legislators and donors, and it produces model restrictive union legislation that greatly reduces the workload for legislators and allows for easy policy diffusion (Hertel-Fernandez 2014).

Additional support for an ALEC-led push for restrictive union policy after 2010 can be found through materials produced by ALEC. Though ALEC produced restrictive union model legislation prior to 2010, it appears that their focus and publications may have shifted after this year to increase support for union restrictive policies. In a yearly publication titled “Rich States, Poor States,” that ranks states by economic policies and spending, far more attention is focused on the effect of unions in a state economy in the 2011 edition than the 2009 edition. The 2009 edition focuses almost exclusively on state tax policy, while the 2011 edition focuses on a wider array of policies, including union policy. The 2011 edition names public employees as “America’s Protected Class,” and states that “Public sector unions are literally bankrupting the state to an extent that we have never before witnessed” (Laffer et al. 2011). Though this is anecdotal evidence and does not demonstrate an increased push for the specific policies included in this study, it does show an increased focus on unions by ALEC that could help partially explain why Republicans after 2010 were more likely to favor union restrictions. Further analysis into the causes of the shift in Republican priorities after 2010 would be useful, including an examination of the shift (if any occurred) in interest group promotion of restrictive union legislation.

Chapter 6

Conclusion

My research attempted to identify the factors that lead to variance in state restrictions on labor unions. While much policy towards private sector unions is formulated at the federal level, states do have opportunities to restrict and empower private sector unions, and they have considerable influence on public sector union policy. There are a variety of ways that states can restrict unions, with some policies simply restricting certain aspects of how a union operates, and other policies banning collective bargaining for entire groups of workers in a state. Of the policies that I examined over time, Right to Work laws were the most common, followed by PLA preemption laws and Prevailing Wage preemption laws.

Previous literature has consistently found that political control is an important contributor to restrictions on labor unions. My research affirmed this finding: unified Republican control of state government increases the likelihood of a state being restrictive towards unions. My analysis also found that is effect is a recent phenomenon: before 2010, unified Republican control of state government did not have a significant effect on state restrictiveness. Additionally, my research has built on earlier research by finding that state unemployment rate and the restrictiveness of bordering states influence restrictive union policy. Though previous research has identified state economic development as a contributor to the passage of restrictive union legislation, this connection had not been examined in more recent years. Unemployment rate was found to have a negative relationship with state restrictiveness: as a state's unemployment level increases, it becomes less likely to be restrictive to unions. Though this was the opposite of the relationship I expected, this finding still reveals an important interaction between a state's economy and its union policy. Furthermore, recent high-profile union legislation (such as the Wisconsin Budget Repair Act) have been promoted by legislators as methods to address struggling state economies. Though unemployment rate is only one component of economic development, the relationship between lower unemployment and higher restrictiveness suggests that restrictive union policy is not a method of economic *development*, despite the fact that it is sometimes promoted this way.

In addition, the effect of neighboring state union policy demonstrates that state union policy is not solely based on internal factors, and this effect reveals a pattern in the diffusion of state union policy. While previous literature has looked at the diffusion of union density rates across neighboring states, my research shows that union policy can also have an effect across state lines. Future research should examine why neighboring state policy matters to states formulating union policy, as my theory that lower economic development drives restrictive union policy lacked support. Additionally, it may be useful to compare border state union policy with other mechanisms of policy diffusion, such as through special interest groups like ALEC.

A major limitation of my research was the small number of restrictive policies that I was able to track over time. Though data was initially collected on ten restrictive union policies, I was only able to examine three policies over time. A more robust measurement of restrictiveness may have yielded different results, and it would be beneficial for future research to include an expanded measurement of restrictiveness with more policies included. An expanded measurement of restrictiveness over time may also reveal new patterns in the factors that cause a state to adopt one type of restrictive policy over another. My analysis relied on an aggregate score of three policies to measure overall restrictiveness, and I was unable to examine the differences that led a state to adopt a RTW law in comparison to what led a state to adopt a PLA preemption or Prevailing Wage preemption law. Individual policies differ in their level of restrictiveness, and research that accounts for this differing level of restrictiveness could provide even greater insight into the factors that make a state restrictive to unions.

State union policy can have social, political, and economic components. While union membership has gradually decreased since its peak in the 1950s, the public outcry over restrictive laws and the continued adoption of restrictive policies shows that unions have not faded from relevance. Analyzing why states vary in their restrictiveness towards unions can help to predict where new restrictions may be introduced, and can also provide greater understanding of the functions of unions that state legislators view as most crucial to address through policy.

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ACADEMIC VITA

Hannah Oleynik

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EDUCATION

The Pennsylvania State University, University Park, PA *2017- 2021*
Schreyer Honors College, Paterno Fellows Program
Bachelor of Arts: Political Science, Labor and Employment Relations
Minor: French and Francophone Studies

EXPERIENCE

Pennsylvania State University, University Park, PA *January 2020-May 2021*
Resident Assistant

- Serve as a mentor and resource for 40 undergraduate students
- Organize and execute events to facilitate community building and promote co-curricular educational goals
- Communicate university policy, upcoming events, and community expectations through floor meetings, one-on-ones, email, and GroupMe

Pennsylvania State University, University Park, PA *May 2019-August 2019*
Student Engagement Network Intern

- Assisted in the creation of a freshman seminar course by producing lesson materials and creating example projects for students in the course
- Served as student representative and provided feedback on departmental and university-wide engagement initiatives
- Connected students to professional and personal development opportunities available through university resources

Pennsylvania State University, University Park, PA *May 2018- August 2018*
Orientation Leader

- Facilitated discussions with incoming students about diversity, safety, health, academics, and goal-setting
- Worked in teams with fellow student leaders to accomplish tasks and provide excellent and efficient customer service to 8K+ students and families
- Regularly engaged and presented to students and families in group settings ranging from 15 - 200 people

LEADERSHIP

Orthodox Christian Fellowship, Penn State University *August 2020-May 2021*
President

- Facilitated creation of weekly newsletter with resources and information for eighty listed members of organization
- Collaborated with executive board members to plan monthly virtual lectures and discussions in lieu of weekly in-person meetings

Liberal Arts Ambassadors, Penn State University *October 2018 - January 2020*

- Provided information and insight about the College of Liberal Arts to prospective and current students
- Served as a representative of the college at various admissions, career week, and graduation events

SKILLS: Fluency in French writing/reading, proficient in French speaking. Proficiency in R statistical software and Excel.