

## OVERVIEW - STATEWIDE COLLECTIVE BARGAINING FOR TEACHERS

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### In General

Statewide collective bargaining for teachers results in a statewide collective bargaining agreement for teachers. There are, however, considerable variations in the models for such bargaining. For example, the employer for purposes of bargaining may be the state, a coalition of school districts, or some combination thereof. The scope of bargaining may include wages, hours, and working conditions, or be limited to a statewide salary schedule. There may be only one agreement, or a master agreement negotiated at the state level with supplemental agreements negotiated at the local level.

Statewide collective bargaining for teachers is authorized only in Hawaii. It has been the subject of comprehensive legislation introduced in at least three states. (Minnesota, Oregon, and Vermont.) It has also been the subject of various executive and legislative studies in three more states. (Massachusetts, Pennsylvania, and Rhode Island.)

### Laws in Other States

- Hawaii – The education governance system in Hawaii is unique. There is a single statewide school board, and there are no local school boards and no local school districts. Consistent with the governance system, statewide collective bargaining for teachers was authorized in 1970. The Governor, together with the Board of Education and the Superintendent of Education, bargains with teachers and certain other personnel of the Department of Education. Mandatory subjects of bargaining include wages, hours, contributions to the health benefits trust fund, grievance procedures, and other terms and conditions. Prohibited subjects are classification, benefits provided by the health benefits trust fund, recruitment, examination, initial pricing, and retirement benefits. Exceptions to the statewide collective bargaining agreement may be requested by a school community council, and must be reviewed by a state committee. Cost items which require an additional appropriation must be reviewed by the Legislature. The process of impasse resolution includes mediation and alternative remedies such as binding arbitration. Strikes are lawful in certain circumstances.

### Legislation in Other States

- Minnesota - Legislation introduced in 2001 would have created a statewide bargaining unit of teachers, and abolished local bargaining units. For purposes of contract negotiations and grievance arbitration, the Commissioner of Children, Families, and Learning would have been the employer. (For other purposes, school districts would have continued to be employers.) The exclusive bargaining representative of the teachers would have been the largest union of educators in the state. A master agreement for all teachers would have established the salary schedule. Supplemental agreements would have been authorized, so long as they did not interfere with the salary schedule. School districts would have been eligible for state revenue to compensate them for changes in salary and benefits resulting from the statewide collective bargaining agreement. See Minnesota H.F. No. 346 (2001).

- Oregon – Legislation introduced in 2005 would have enabled statewide collective bargaining with both teachers and nonlicensed employees. (Separate agreements with teachers and nonlicensed employees would have been authorized.) For purposes of collective bargaining, the state would have been the public employer of school district employees except superintendents and administrators. The scope of bargaining would have included the salary schedule, benefits, and other terms and conditions. Regional adjustments to the salary schedule would have been permitted. See Oregon HB 3163 (2005). Bills introduced in 1993, 1995, and 1997 were similar except as noted. See Oregon HB 3616 (1993) (prohibiting local differentials in salaries), HB 2636 (1995) (also prohibiting local differentials), and HB 3637 (1997) (prohibiting strikes and setting penalties).
- Vermont – Legislation introduced in 2007 would have enabled two tiers of collective bargaining with teachers. At the state level, the scope of bargaining would have included salaries, benefits, leave, and grievance procedures. While negotiating, the Governor would have been required to consider recommendations from the Commissioner of Education and local school boards. After negotiating, the Governor also would have been required to request from the General Assembly the amount necessary to fund the agreement. At the local level, the scope of bargaining would have included other economic conditions and mutually agreed-upon matters. Local school boards would have been prohibited from paying more or less than salaries negotiated between the state and the negotiating unit, except for certain extra days and activities. Strikes would have been lawful in specified circumstances. See Vermont H. 178 (2007).

### **Studies in Other States**

- Massachusetts - Governor Patrick released his Education Action Agenda in 2008. The items listed for the long term (2016-20 and beyond) included a statewide master teacher contract.
- Pennsylvania - Legislation introduced in 2001 would have established a task force to study statewide collective bargaining for all teachers. See HB 1653 (2001).
- Rhode Island – The budget for FY 2004 required the state Department of Administration to conduct a cost/benefit analysis of a statewide teacher contract.

**Prepared For:** Basic Education Finance Task Force  
Work Session on October 20, 2008

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## COMPARISON CHART - STATEWIDE COLLECTIVE BARGAINING FOR TEACHERS

	<b>Hawaii Ch. 89 H.R.S. (Law)</b>	<b>Minnesota H.F. 346 (2001) (Legislation)</b>	<b>Oregon HB 3163 (2005) (Legislation)</b>	<b>Vermont H. 178 (2007) (Legislation)</b>
<b>Statewide Bargaining</b>				
<b>Representation</b>	For negotiations, the public employer is the Governor (3 votes), together with the Board of Education (2 votes), and the Superintendent of Education (1 vote).  A unit of teachers and certain other personnel.	For contract negotiations and grievance arbitration, the Commissioner of Children, Families, and Learning is the employer.  A unit of all K-12 teachers.	For collective bargaining, the state is the employer, and the Department of Administrative Services bargains on behalf of the state.  Two units, one of teachers and one of nonlicensed employees.	For negotiations, the state is the employer, and the Governor or the Governor's representative negotiates on behalf of the state.  A unit of teachers.
<b>Scope</b>	<ul style="list-style-type: none"> <li>▪ Statewide salary schedule</li> <li>▪ Hours</li> <li>▪ Contributions to health benefits trust fund (but not health benefits)</li> <li>▪ Grievance procedures</li> <li>▪ Other terms and conditions</li> </ul> <p>Note that scope does not include retirement benefits.</p>	<ul style="list-style-type: none"> <li>▪ Statewide salary schedule</li> <li>▪ Benefits</li> </ul>	<ul style="list-style-type: none"> <li>▪ Compensation</li> <li>▪ Benefits</li> <li>▪ Other terms and conditions</li> </ul> <p>Note that salary schedules may be adjusted regionally.</p>	<ul style="list-style-type: none"> <li>▪ Salary (days and hours)</li> <li>▪ Insurance benefits</li> <li>▪ Leave (not extended leave)</li> <li>▪ Duration of contract</li> <li>▪ Grievance procedures</li> </ul>
<b>Impasse Resolution</b>	Mediation and alternate procedures culminating in arbitration.  Strikes permitted in specified circumstances.	Mediation and arbitration.  Strikes permitted in specified circumstances.	Mediation, fact-finding, and arbitration.  Strikes permitted in specified circumstances.	Mediation, fact-finding, and arbitration.  Strikes permitted in specified circumstances.
<b>Local Bargaining</b>				
<b>Scope</b>	Not applicable. However, school community councils may request exceptions.	Not applicable. Existing local units are abolished.	Silent.	<ul style="list-style-type: none"> <li>▪ Other economic conditions</li> <li>▪ Other agreed-upon matters</li> <li>▪ Alternative grievance procedures</li> </ul>

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