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**UNRELIABLE ALLIES: DEMOCRATS AND THE DECLINE OF PUBLIC
SECTOR UNIONS**

A dissertation submitted in partial satisfaction
of the requirements for the degree of

DOCTOR OF PHILOSOPHY

in

POLITICS

by

Abdullah Wais Hassan

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ABSTRACT

Unreliable Allies: Democrats and the Decline of Public Sector Unions

Abdullah Wais Hassan

Public sector unionization rose dramatically during the 1960s and 1970s – even as private sector unions declined – and by 2010, membership in public sector unions surpassed that of private sector unions. They are now a mainstay of the U.S. labor movement, and wield sizable influence in local, state, and national politics. Yet public employee unions have recently been under political attack, and government employees have suffered losses in employment, compensation and bargaining rights at record levels since the Great Recession. Notably, these assaults have come not just from Republican-led statehouses, but from longstanding Democratic allies.

Public sector unions have traditionally been a bulwark of the Democratic Party, providing Democratic officeholders money and votes. Scholarly accounts emphasize the close alliance Democrats built with public sector unions during the second half of the 20th century. Yet I argue that from the 1990s onward, Democratic-controlled state governments had a hand in weakening public sector unions and undercutting the position of public employees by opting not to expand bargaining rights, and by pursuing pension privatization and cutbacks.

This project delineates public sector union history in four distinct phases (origins, expansion, stagnation and retrenchment), and traces the changing relationship

between public sector unions and Democratic Party officials at the sub-national level. I use federal data, state legislative records, and interviews to examine the politics of the current period of retrenchment. Comparative state-level case studies and a regression analysis of voting on pension legislation in every state legislature reveal that Democratic support for retrenchment hinged on three factors: (1) interest group power and mobilization; (2) efforts of wealthy policy entrepreneurs; and (3) political leadership. I find that public sector unions were able to surmount this more difficult political environment only when labor (1) built coalitions with other interest groups and effectively countered business opposition; (2) secured large Democratic majorities within the statehouse; and (3) won the tacit support of the state's governor. A looming Supreme Court ruling against mandatory union dues means the political environment for public sector unionization will only become more difficult in future years.

DEDICATION

I dedicate my dissertation to my family and especially my loving parents, Yunus and Seemin Hassan. I appreciate all the support my parents and sister, Pernia Hassan, have provided during the last seven years.

Introduction

I. Public Sector Unionization at a Crisis Moment

The public sector in the United States endured an unprecedented economic and political assault during and after the Great Recession of 2007 to 2009. The recession devastated state budgets nationwide and inspired numerous retrenchment efforts. Public employees not only lost jobs and saw their wages fall, but also lost rights in the workplace and suffered pension cutbacks in the years that followed (Sustar 2012; Freeman and Han 2012; Lafer 2013; Hurd and Lee, 2014; Morrissey February 5, 2014). Although membership rates in the public sector have remained far more robust and stable during the last thirty-five years than membership rates in the private sector, unions in the public sector have come under severe strain in recent years (Rosenfeld 2014, 40-41). The percentage of government workers who are unionized declined from the early 1990s to 2016 (from 38.7 percent of the workforce to 34.4 percent), and unions suffered significant membership losses in regions such as the Midwest (Hirsch and MacPherson 2015; Greenhouse, March 4, 2016).⁸

The challenges confronting public employees and unions extend far beyond simple membership rates, however. Public sector workers saw their benefits cut at remarkable rates during the Great Recession era, and millions more were either furloughed or laid off. From 2009 to 2014, the public sector (federal, state and local) lost 634,000 jobs (Desilver, January 14, 2015). From 2007 to 2014 forty-eight states

⁸ In 2016, union membership fell to 10.7 percent, which is the lowest recorded percentage since the U.S. Bureau of Labor Statistics began recording membership rates in 1983.

reduced the generosity of their pension plans. And tens of thousands of public workers watched their collective bargaining rights disappear over the last two decades, as legislatures in the South and Midwest enacted regressive statutes and governors in Kentucky, Indiana, and Missouri rescinded bargaining rights through executive orders (Franklin, June 17, 2005; Stein, January 28, 2016).

Public sector workers and unions face a more difficult environment than at any time since the 1950s, and are opposed by forces that have grown increasingly powerful and coordinated at both the federal and state levels (Slater 2004, Chapter 1; Lafer 2013; Hertel-Fernandez and Kashin 2015; Hertel-Fernandez and Skocpol 2016). The majority of US states⁹ today have adopted right-to-work (RTW) statutes, which prohibit union security agreements and have been shown to depress labor organizing (Ellwood and Fine 1987; Moore 1998). Right-to-work laws, passed in Indiana, Michigan, West Virginia and Wisconsin in recent years, place public and private sector unions under greater financial strain, as unions cannot rely on automatic dues collection to pay for collective bargaining. Right-to-work legislation also has a negative impact on public union membership. Levels of public sector union membership in right-to-work states are one third the level of membership in agency shop states.¹⁰ Studies indicate, for example, that states that implement RTW laws experience a 39 percent decrease in police union membership, a 37 percent decline in firefighter union

⁹Alabama, Arizona, Arkansas, Kansas, Florida, Georgia, Idaho, Indiana, Iowa, Louisiana, Michigan, Mississippi, Nebraska, Nevada, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Wisconsin, and Wyoming.

¹⁰ Agency shop agreements do not require employees to join a union. However, employees hired in workplaces that are agency shops must pay a fee for collective bargaining representation.

membership and a 66 percent decline in public welfare department union membership (Hundley, Fall 1988; Ichniowski and Zax 1991). Such trends suggest that public sector union membership in Indiana, Michigan, West Virginia, and Wisconsin will decline in coming years (Keefe 2015).¹¹

At the federal level, public sector unions faced a serious challenge through the Supreme Court case *Friedrichs v. California Teachers Association* in 2016 (Sullivan, March 29, 2016).¹² Though the Court deadlocked on the case (4-4) another challenge will be heard in 2018, before a full court of nine justices including newly confirmed conservative justice Neil Gorsuch (McIntosh, May 16, 2017).¹³

The implications of these setbacks are far-reaching. As private sector union density in the United States declined steadily beginning in the 1970s, the public sector has become the last major bastion of unionization in the United States and a pillar of middle class job and wage stability. Public sector unions began winning recognition in the early 1960s and experienced an upsurge in membership density shortly thereafter. From 1959 to 2003, public employees in thirty-five states secured full or limited bargaining rights through a complex array of state laws, ordinances and legal opinions. Figure 1.1, on the next page, depicts the contrasting fortunes of the public and private

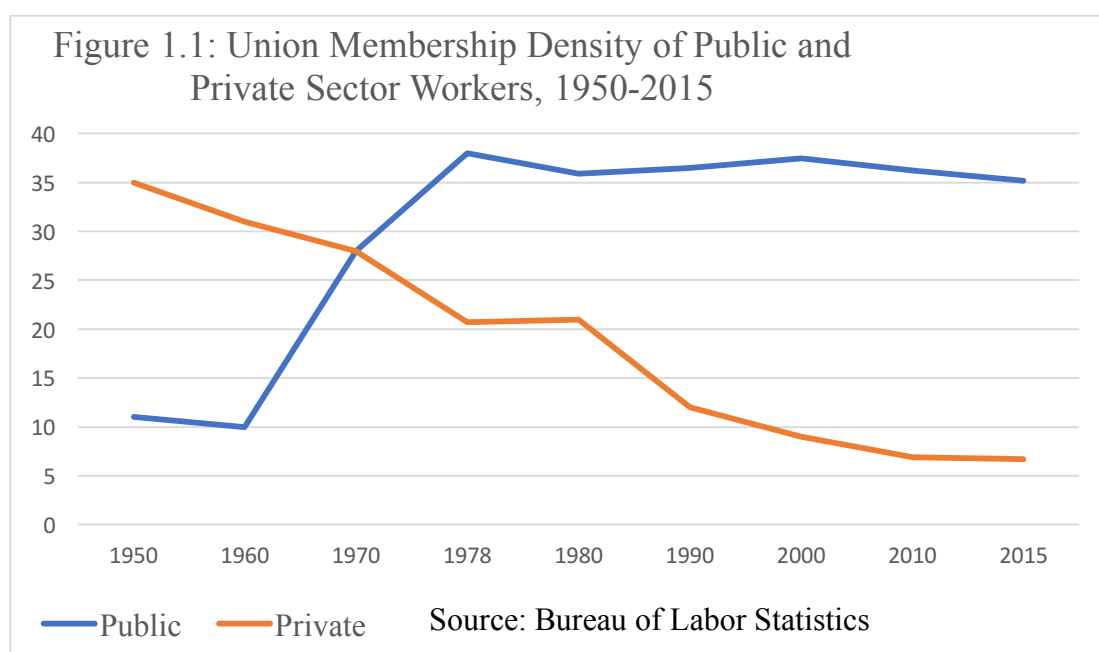
¹¹ Public sector union membership in Wisconsin sank rapidly after Governor Scott Walker's attacks. Membership dropped from 46.6 percent in 2010 to 26.1 percent in 2015 (Hirsch and MacPherson 2016).

¹² At issue in the *Friedrichs* case is the right of public sector unions to collect fair share fees from non-members they are legally required to represent. The death of Supreme Court justice Antonin Scalia in February 2016 deprived conservatives on the court the majority they needed to rule against unions. On March, 29, 2016 the Supreme Court offered a 4-4 split on *Friedrichs*, thus upholding the Court's 1977 pro-agency fee ruling (*Abood v. Detroit Board of Education*).

¹³ *Janus v. AFSCME* (2018) may be the case that overturns *Abood* and eliminates fair-share bargaining fees.

sectors. The private sector union membership rate declined steadily since reaching its zenith point during the mid-1950s, while the public sector membership rate surged in the 1970s and remained relatively steady during the rest of the 20th century (Farber 2005). From 2000 to 2014 the membership rate dropped slightly from 37.5 percent in 2000 to 34.4 percent in 2016.

Figure 1.1: Membership Density of Public and Private Sector Workers 1973-2013



The slight downturn in public sector unionization rates following 2011 coincided with the rise of the Tea Party and the Republican electoral successes in Congress and state legislatures in 2010. In 2010, Republicans gained seven new governorships and achieved more majorities in state legislatures than at any time since 1928 (NCSL 2010). Conservative statehouses leveraged these majorities and the backdrop of the fiscal crisis to launch a major assault on public employee pensions and

bargaining rights. In the most prominent example, newly elected Wisconsin Republican Governor Scott Walker in 2011 blamed public sector workers for the state's massive budget problems, and then passed a law (Act 10) that eliminated public sector bargaining and privatized many state services.¹⁴ Other state policymakers championed this line of criticism, accusing unions of being the primary cause for budget downturns through their demands for ostensibly extravagant pay and pensions (Greenhut 2009; Moe 2011; Lewin, Keefe and Kochan 2012).

Policy changes were debated and introduced in quick succession at the state level. Between 2011 and 2017, thirty-five state legislatures introduced anti-collective bargaining laws and sixteen went on to enact them. Two-thirds of state legislatures also passed pension cutbacks from 2009 to 2014 (Hurd and Lee 2014), requiring employees to assume a larger share of risk for their own retirement. According to the Center for Retirement Research, state and local government workers must now cover half the normal cost of their pensions on average (Munnell, Aubry, and Sanzenbacher 2015).

Republican Party elites and interest group allies, such as American Legislative Exchange Council, initiated a great deal of the most regressive anti-labor legislation after the 2010 conservative resurgence. However, the story of public sector retrenchment is not simply a story of Tea Party insurgency (Hurd and Lee 2014, 14).¹⁵

¹⁴ Resistance to Governor Scott Walker's Budget Repair Bill was fierce during the early spring of 2011. Journalists labeled the massive protests against Walker the 'Wisconsin Uprising.'

¹⁵ In November 2010, eleven states: Alabama, Indiana, Kansas, Maine, Michigan, Ohio, Oklahoma, Pennsylvania, Tennessee, Wisconsin, and Wyoming, became newly 'red' states that featured completely Republican governments.

Public sector unionization has long been politically controversial, and numerous state legislatures, since the early 1990s, have attempted to curb bargaining rights and/or stifle bargaining expansions. In a largely untold part of the story, moreover, Democratic lawmakers and governors have played a larger than expected role in this retrenchment.

II. The Project: Context and Significance

Although there have been journalistic accounts in recent years that have described developments in Wisconsin, this is the first systematic account of how much retrenchment actually occurred in the public sector, who was responsible and how it will affect the political activities of public sector unions. Political science has largely overlooked public worker unions, despite the considerable amount of money and rank-and-file campaigners they provide on behalf of their political allies (Anzia and Moe 2017). Historians have also overwhelmingly focused on private sector unions, neglecting their public-sector counterparts (Shaffer 2002; McCartin 2006). This dissertation provides narrative and analysis to help bridge these gaps while also helping contextualize the current crisis facing public sector unions, and the role of the Democratic Party in that crisis.

The trajectory of public sector unionization is different from that of the private sector. Excluded from the federal National Labor Relations Act (NLRA) public sector unions were forced to seek the right to bargain collectively at the state level. The achievement of bargaining rights in a growing number of states, beginning in the late 1950s, triggered a surge in membership. Public sector union density rose from 13 percent in the early 1960s to thirty-eight percent by 1990 (Slater 2004, 1). Public sector

unionization rates then flattened, but were stable throughout the 1980s and 1990s. Furthermore, general attitudes towards unionization were on an upswing through the 1990s, after the sector's strike activity and radicalism peaked in the early 1980s (Freeman 2007; Saad, September 3, 2009).¹⁶ By 1990, public sector labor law was largely settled and public attitudes towards unions were increasingly positive.¹⁷

Throughout the rise of public sector unions, Democrats were staunch allies. Public sector unions became a core constituency of the Democratic Party, providing Democrats money and volunteers for campaign drives (Greenstone 1977; McCartin 2006, 79).

Republicans and fiscal conservatives, however, became increasingly hostile to the prospect of a heavily unionized public workforce. During the 1970s, conservative interest groups such as the National Right to Work Committee and the Public Service Research Council aggressively mobilized against federal efforts to incorporate public workers within the NLRA (1935) and guarantee them the right to organize (McCartin 2008, 140-141). Democrats' efforts to pass a public sector version of the NLRA, titled the National Public Employee Relations Act, dissipated by 1976.

¹⁶ Although there is not much historical survey data on attitudes on public sector unionization specifically, it is likely that the public viewed such unions more favorably in the early 1990s than in the decades before, due to their lack of radicalism. Gallup polls of union favorability found that approve of unions dipped steadily from a high point of 70 percent in 1965 to its lowest point of 55 percent in 1981 before rising gradually through the 1980s and 1990s. Furthermore, the Worker Representation and Participation Survey found a slight uptick in the percentage of American workers who desired union representation from the mid-1980s at 30 percent to the mid-1990s at 39 percent (Freeman, February 22, 2007).

¹⁷ The majority of state-level bargaining laws were enacted from the mid-1960s through the mid-1970s and a majority of states (33) authorized bargaining for some or all public employees by 1990 (Freeman 1986).

Meanwhile, state campaigns to extend public sector bargaining rights to areas of America, such as the South and Mountain West, which have been traditionally nonunion, met little success during the contemporary era. Democratic legislators introduced legislation to expand collective bargaining in these regions, but efforts stalled as legislation could not clear floor votes or win the approval of a Democratic governor.¹⁸

A striking transformation in the alliance between Democrats and public sector unions took place in the years that followed. Despite the growing legitimacy of public sector unionization, Democrats remained erstwhile allies of this sector through the 1990 to 2014 period, as Democrats failed to back major pro-collective bargaining bills in statehouses while also initiating major pension cutbacks during the past eight years.

The Democratic Party has also pursued pension cutbacks at alarming rates during the Obama years. From 1990 to 2007, state lawmakers initiated fourteen major pension cuts or restructurings (i.e. the introduction of less generous hybrid or defined contribution systems); after 2006, the trend expanded, with lawmakers passing eighty-nine pension reduction laws. Proposals in this later period garnered nearly three-fourths support from all Democratic lawmakers (National Conference of State Legislators Database 2014).¹⁹ Democrats voted for pension cuts at substantially higher rates during the Great Recession era than during the 1990s and early 2000s—yet a close examination of the data shows that fiscal deficits were not the sole or even primary

¹⁸ See Chapter 3 for a fuller discussion of this phenomenon.

¹⁹ Author's analysis of National Conference of State Legislators database, 2015.

explanation for the harsh cutbacks that Democratic state lawmakers embraced.²⁰ Furthermore, during this heightened era of reform, Democratic governors and legislatures in places such as Kentucky, New York and Rhode Island advocated for and in some cases implemented radical pension privatization schemes.²¹

In light of these developments, my project begins with a central question: Given the Democratic Party's reliance on both the financial contributions and electoral mobilization of public sector unions, why have some state legislatures and governors either withheld support to such unions and/or been complicit in their assault? And what does this mean for the relationship between organized labor and the Democrats?

More specifically, I address four broad questions. How widespread is retrenchment and how much of it has happened with Democratic support? Second, how has retrenchment been achieved? Third, why has retrenchment occurred with Democratic support and what explains variation in the party's response to (or initiation of) retrenchment across states? Finally, what are the implications of this disjuncture between Democrats and public sector unions for organized labor more generally and for the longstanding alliance between labor and the Democrats?

III. The Argument in Brief

This study advances a number of arguments concerning both the history of

²⁰ See Chapter 2 and Appendix Table 1 "State Changes to Reduce the Costs of Providing Retirement Plans, 2005-2011" for specific details on the types of pension reform enacted in each state.

²¹ Privatization exposes public sector employees to higher risks and in many cases does not generate much if any budgetary savings (Morrissey, June 2013; Morrissey, March 5, 2015). Alaska, Michigan and West Virginia adopted defined contribution or hybrid privatization plans during the 1990s and early 2000s but abandoned these plans once costs skyrocketed (National Institute of Retirement Security, February 2015).

public sector unions and determinants of public sector union expansion and retrenchment. The few historical accounts that have been published about contemporary public sector labor history describe the 2000 to post-Great Recession era as one of contradictory trends, in which public sector union density remained robust, but collective bargaining restrictions were implemented in numerous states. I argue that the period was not mixed or unsettled. Rather, a number of specific and measureable trends (public sector pay, employment, benefit loss, unionization, bargaining) indicate that state and local public employees have entered a period of retrenchment.

Democratic officials, I demonstrate, were often complicit in many of the anti-labor actions (furloughs, layoffs and pension cuts) that reduced the compensation of public workers and retirees during and after the Great Recession. Public sector unions and labor generally have been unsuccessful in their legal attempts to overturn these regressive actions (Pension Litigation Tracker 2016). Statistical analysis, described in Chapter 4, indicates that Democratic lawmakers who voted for pension cuts were not primarily motivated by fiscal deficits or future workforce concerns. Case study analysis shows that Democratic support for retrenchment hinged on three factors: (1) interest group power and mobilization; (2) efforts of wealthy policy entrepreneurs; and (3) political leadership. Retrenchment occurred in Democratic states when Democratic party leaders (such as governors, treasurers, and lower and upper-house leaders) were predisposed towards retrenchment, when policy entrepreneurs and the business lobby

aggressively mobilized for it, and when those advocates met little resistance from labor counter-mobilization.

State Democratic leaders have also been more reluctant to support expansive bargaining legislation during the 1990s and 2000s, after their predecessors endorsed a surge of public sector bargaining laws during the 1960s and 1970s (Slater, Spring 2013).²² I find that public sector unions were able to surmount this more difficult political environment only when labor (1) built coalitions with other interest groups and effectively countered business opposition; (2) secured large Democratic majorities within the statehouse; and (3) won the tacit support of the state's governor.

IV. Democrats and Public Sector Unions in Historical Context

To understand the significance of the Democratic Party's role in the recent crisis that public sector unions face requires a brief historical overview of the relationship between the two allies. For decades, Democratic political elites have relied on public sector unions to deliver financial support and votes in competitive elections. These unions have become bulwarks of the party, making the recent shift in the position of many state Democrats deeply puzzling.

The four largest public sector unions, the American Federation of State, County and Municipal Employees (AFSCME), the National Education Association (NEA) and the Service Employees International Union (SEIU), and the American Federation of Teachers (AFT), are comprised of more than 5 million members and devote

²² More than 30 states enacted public sector bargaining laws from the 1960s to the 1980s, which provided bargaining protections for some or all state and local government workers (Anzia and Moe 2015, 24-26).

considerable resources to the election drives of Democratic candidates (Troy 1994; Moe 2005; Francia 2006, 70; Moe 2011). Public sector unions have propelled Democratic governors to victory in a number of competitive elections, and have even helped tilt some states—such as Colorado—blue (Schrager and Witwer 2010; Haigh, December 6, 2010; Early 2011, 90). Although social scientists have not yet pinpointed the precise measure of this political mobilization (i.e. the percentage of statewide representatives who have been elected because of union mobilization), a growing literature indicates that public sector unionization measurably boosts political participation among members and aids Democratic causes. Recent survey research by Michael Hartney and Patrick Flavin indicates that the passage of mandatory collective bargaining laws for teachers at the state level bolstered political participation among this group since the 1960s. Hartney and Flavin did not find evidence that such laws directly benefited state Democratic parties per se, but political mobilization influenced local elections and school boards and also helped foster progressive educational policy (2015, 25-26).

In addition to voter mobilization, public sector unions also donate millions of dollars in campaign contributions to Democratic candidates. Data from the National Institute on Money in State Politics indicates that public sector unions devote 90 percent or more of donated funds to Democratic candidates rather than their Republican counterparts (National Institute on Money in State Politics 2014; DiSalvo 2015, 73). In fact, AFSCME, the single largest public sector union, devoted ten percent to a third of its budget to political action during the 1990s, and was the greatest PAC contributor

to the Democratic Party during the 2010 elections (Masters 1998, 331; Mullins and McKinnon, October 22, 2010). Public sector unions gave increasing amounts of money to state candidates throughout the late 2000s, even in the midst of the Great Recession. During the 2006, 2008, and 2010 election cycles, these unions spent \$118 million, \$130 million and \$150 million total on state politics, committing an overwhelming percentage of that money to Democratic candidates. The Center for Responsive Politics also found that public sector unions spent approximately \$144 million on federal elections between the years 1998 to 2011, with 98 percent of those funds going to Democratic candidates (DiSalvo 2012).

Union giving has not been confined to any one state or region, reaching to Democratic candidates across states. Teacher unions, in and of themselves, have contributed more to political candidates than nearly any other major interest group since 2000. From 2000 to 2009, business trade groups outspent teacher unions in only fourteen southern and border states. During the 2006 and 2008 elections, teacher unions were the top contributor to political parties and candidates in twenty states, and one of the top three contributors in thirty states (Moe 2011, 291-294).

The Democratic Party's betrayal of public sector unions appears shortsighted and surprising in light of this evidence. Recent retrenchment was not simply a statewide or region-wide phenomenon, but rather nationwide, as left-leaning politicians from across America voted for pension cutbacks and instituted furloughs and wage cuts. Democratic governors, the top party officials in U.S. states, have been complicit in this assault. In fact, a *Wall Street Journal* analysis found that since 2009, Democratic

governors have approved pension cuts at approximately the same rate as Republican counterparts (Martin and Maher, December 29, 2015).²³ Democrats have also ignored other top union priorities, such as the expansion of collective bargaining rights, even when they enjoyed unified control of statehouses.

The Democratic Party's role in retrenchment contradicts both polarization trends within the political parties and expected policy outcomes. Models of the partisanship of Democratic and Republican state and federal legislators illustrate the growing ideological divergence between Democratic and Republican elites since the 1980s (McCarty, Poole, and Rosenthal 2006; Shor and McCarthy 2011). Studies of state policy trends indicate that such ideological polarization shapes state policies, with the Democratic Party pursuing more liberal policies since the 1980s and the Republican Party pursuing more conservative ones (Kelly and Witko 2012; Caughey et al. 2017). Democratic support for liberal policies emerges across a number of differing policy areas including minimum wage laws and tax policies (Reed 2006; Leigh 2008). Democratic backing of public sector retrenchment thus emerges as a notable anomaly to liberal positions of the party in statehouses across the U.S.

Democrats squandered numerous political opportunities to bolster public sector unions during and after the 1990s. Democrats dominated statehouses in the 1990s, and even held considerable power in a number of conservative strongholds in the South. During the 2000s and through the Obama era, Democratic dominance at the state level

²³ Since 2009, 25 of 34 states with Democratic governors have cut retirement benefits for current workers (Martin and Maher 2015).

waned, but Democratic legislators were still in position to expand bargaining rights in a number of regions that have been traditionally hostile to public sector organizing (Jacobson, May 6, 2013).²⁴

Logically, Democrats would appear to have strong incentives both to support collective bargaining legislation and to moderate their demands for public sector pension reform. Reform is risky because it harms public sector unions, a longtime ally of the party, and engenders high fiscal costs in the short-term. Reform measures may entail significant tax increases, unpopular cuts in social services, and protracted legal battles. Representatives who are primarily concerned with re-election (Aldrich and Rohde 2001; Mayhew 2004) would likely opt to shift costs onto later generations of taxpayers and politicians rather than proposing substantial legislation that could threaten future electoral prospects.

Not only were the costs of reform potentially high for Democratic legislators, as the party risked alienating and weakening a key ally, but evidence also indicates that the conservative narrative on public sector compensation (i.e. that public employees are over-compensated) is largely inaccurate. A number of recent empirical studies contradict this claim by demonstrating that public sector workers are relatively undercompensated compared to their private sector counterparts (Bender and Heywood 2010; Keefe 2010; Bender and Heywood 2012) and that public employee payrolls were

²⁴ See Chapter 3, “Partisanship Support and Opposition of Public Sector Unions, 1990-2014” for further details on Democratic support and opposition to union priorities.

not the cause of budget deficits during the Great Recession (Allegretto, Jacobs and Lucia 2011; Freeman and Han 2012).

Despite the fallacies in the conservative narrative, a substantial number of Democratic representatives in both red and blue states echoes these claims and opted to support pension cutbacks at unprecedented rates during the 2007 to 2016 period. Although cutbacks may have seemed to be a commonsensical reaction to large budget deficits, this option was not embraced by Democrats with such widespread fervor during earlier recessions. Government sponsored pension plans have fluctuated in fiscal health since their initial emergence in large U.S. cities in the 1850s (Gale et al. 2016, 6). The first comprehensive review of pension plans did not occur until 1978, which found that the average local and state pension plan was only 50 percent funded (Peng 2008). At the time, the discovery that state pensions were underfunded did not motivate lawmakers to address such shortfalls by either increasing annual required contributions or cutting benefits.

States faced major budget deficits in subsequent post-recession periods, such as 1991 and 2002-2004, but these periods did not inspire the level of backlash against public employees and unions that occurred after The Great Recession (Befort 2012, 234). By 1990, for example, the federal deficit had reached \$350 billion and the level of federal civilian service employment began to decline, which continued through the Clinton years. During this period, a majority of states also endured severe deficits (Befort 2012, 234). Fiscal constraints triggered cutbacks to public sector wages and services, and led to calls for massive public sector privatization to encourage greater

government efficiency and innovation (Flood, Scheuerman and Plotkin 1995; Cooke 2007). Yet state surveys, conducted by the Council of State Governments in 2003, found that large-scale privatization initiatives at the state level never actually materialized. In fact, state agency directors, within the survey, estimated that their agencies had only privatized 10 percent or less of their services (Chi, Arnold and Perkins, Fall 2003). Additionally, only one state, West Virginia, passed a major pension reduction bill in the early 1990s period (Farber 2005).

The next state fiscal crisis in the early 2000s provoked calls for major public sector cutbacks, but pensions and public sector employment were not slashed by state legislatures. In fiscal year 2002, thirty-eight states cut budgets by a record \$13.7 billion (Giertz and Giertz 2004). At the time, the crisis seemed so severe that analysts such as Seth and Fred Giertz of the Congressional Budget Office described it as the worst budget crisis of the last fifty years (112). Yet, a number of states enriched pensions during the late 1990s boom, and did little to scale back promises during the 2001-2002 recession (Koedel, Ni and Podgursky, December 2012; Anzia and Moe 2016). Furthermore, during the early 2000s, public sector employment actually rose 2.2 percent (Lewin 2012).

In short, policy responses to previous recessions and fiscal crises would not have suggested the sharp response that was to come. The state budget crises of FY 2009-2011 inspired state lawmakers to go beyond stopgap-level measures employed during the previous decade, such as service reductions and deferrals of pension payments. Instead, lawmakers pursued far-reaching reforms to the public sector, such

as the restructuring of pension systems. Political scientist Gordon Lafer argues that the Great Recession ushered in a particular approach to cutbacks:

Lawmakers often treated retrenchment not as an undesirable, temporary necessity, but rather as an opportunity to make what they perceived as overdue cuts. It would have been easy, for instance, to structure these cuts as temporary measures, with services set to be restored when economic growth reached a given level or state coffers were replenished. But no legislature took this route (EPI Briefing Paper 2013, 14).

The suspension and in some cases elimination of state employee cost-of-living adjustments provides one prominent example of the deep and often irreversible reforms implemented during the Great Recession era. Between 2008 and 2013, twenty-five states ratified legislation that reduced, suspended or eliminated COLAs for current workers and/or current retirees (Walsh, June 2011; Munnell et al. 2014; Engdahl, October 20, 2014).²⁵ Of these states, three (New Jersey, Rhode Island and Oklahoma) eliminated COLAs for the foreseeable future, either by requiring them to be prefunded (Oklahoma) or by requiring the funded ratio of assets-to-debt to reach 80 percent (New Jersey and Rhode Island). The severe underfunded status of these pension plans makes an eighty percent target for prefunding an exceedingly lofty goal.

Liberal policymakers and unions offered a number of less austere alternatives to COLA reductions and/or pension cuts generally, but such proposals were not embraced in a number of Democratic-leaning states (Moran 2009). Studies by the Center on Budget and Policy Priorities and the Institute of Taxation and Economic

²⁵ Colorado, Connecticut, Florida, Georgia, Hawaii, Illinois, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Jersey, New Mexico, Ohio, Oklahoma, Oregon, Rhode Island, South Dakota, Utah, Washington and Wyoming.

Policy demonstrate that states could have resolved their budget deficits in the Great Recession years had they pursued higher taxes for the top two-percent of income earners, and had taxed capital gains dividends at the same rate as income (Institute for Taxation and Economic Policy, December 2011; Lafer 2013, 15).

Legislatures that implemented significant pension cuts were not swayed by evidence demonstrating that state budget shortfalls were not caused by high levels of employee compensation (Madland and Bunker 2011). Furthermore, many statehouses that implemented significant benefit cutbacks appeared to pay little credence to the more moderate estimates of the pension crisis. Experts from leading pension-centered think tanks, such as the Center for Economic and Policy Research (CEPR) and the National Association of State Retirement System Administrators (NASRA), estimated that overall pension deficits totaled between \$700 billion to \$1 trillion over a thirty year period, far less than the \$4 billion figure over thirty years often cited by conservative media outlets (Eucalitto, September 3, 2013; Boehm, September 6, 2013). The NASRA and CEPR asserted that the crisis was manageable if the stock market recovered and if states did not shirk from annual pension commitments (Baker 2011, 1; NASRA July 2011, Preston, May 4, 2014). These calls for a cautious approach were not heeded by many state legislators, including Democrats. Instead, a number of states embarked on radical reforms.

Perplexingly, Democratic legislators voted for pension cuts even in states that were on relatively strong footing. The Center of Retirement Research and Bloomberg Business' rankings of states with the least and greatest pension liabilities uncovered no

discernable partisanship pattern (Munnell et al. June 2010, Bloomberg, October 2, 2013). In other words, although some blue-leaning states, such as Illinois, faced massive pension burdens, the majority of Democratic states did not confront appreciably worse pension schemes than their Republican counterparts. Thus, one cannot argue that Democratic statehouses engaged in pension reductions simply because their pension systems were significantly worse than Republican counterparts. (See Table 8.2 in the Appendix for a complete ranking of states.) Meanwhile, Democrats in many underfunded states, such as Kentucky, Illinois and Rhode Island, championed controversial reforms such as transitions to defined-contribution or hybrid schemes, even though little evidence exists that such reforms would produce savings.

Democratic support for pension cutbacks was also surprising in the context of the numerous financial concessions union officials agreed to during the Great Recession. Unions located in states that recognize collective bargaining were in many cases willing to concede to furloughs, pay cuts, or other cutbacks in order to placate taxpayers and legislators and save public sector jobs (Freeman and Han 2012, 399).²⁶ In fact, public sector unions in Colorado, Connecticut, Hawaii, Iowa, Maine, Massachusetts, Minnesota, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Washington, and Wisconsin all agreed to significant financial concessions (in the form of furloughs or wage freezes/cuts) prior to pension cutbacks (Moran 2009).

²⁶ In a number of states, public sector unions do not enjoy bargaining rights and/or do not have pension terms explicitly spelled out into union contracts and thus may have little to no influence over negotiations over pensions or other forms of compensation. See Table 2 in appendix for list.

These fifteen states represent slightly more than sixty percent of Democratic-held state legislatures in the post 2008 election and 2010 elections.²⁷

In some states, such as Illinois, Maine, New Jersey, and Pennsylvania, unions offered pension reform proposals to counter the more radical ones being debated in statehouses. Such negotiations between legislatures and unions were largely fruitless (with the exception of Pennsylvania), as legislatures implemented reforms more far-reaching than the ones initially sponsored by unionists (McGuinn 2014, 30-40).²⁸

V. Understanding the Stakes

One final contextual frame is critical to understanding the significance of this project: the stakes of the battle over public sector unions, particularly for certain groups in the U.S. Public sector union decline and the Democratic Party's flagging support has major social implications for middle-class and lower-class workers.²⁹ During the Great Recession, tens of thousands of high-wage and mid-wage positions were lost, with few of these positions actually resurfacing during the economic recovery (Hall and Davis, September 20, 2013). In this context, public sector occupations are a vital source of economic stability. Furthermore, quantitative comparisons of states with high rates of unionization and high rates of public sector employment against states that

²⁷ After the 2008 elections, Democrats held majorities in 23 state legislatures: Alabama, Arkansas, California, Delaware, Connecticut, Hawaii, Illinois, Iowa, Louisiana, Maine, Minnesota, Mississippi, New Hampshire, New Jersey, New Mexico, North Carolina, Oregon, Rhode Island, Vermont, Washington, West Virginia, Wisconsin. After the 2010 elections, Democrats held majorities in 16 state legislatures: Arkansas, California, Hawaii, New Mexico, Illinois, Maryland, Massachusetts, Mississippi, Nevada, New Jersey, Delaware, Connecticut, Rhode Island, Vermont, Washington, West Virginia,

²⁸ See Table 5 in the Appendix for a list of concession agreements between 2006 and 2011.

²⁹ I use the Pew Research Center's definition of the middle-class for this study. Pew defines the middle-class as the "portion of workers making between 67 percent to 200 percent of the median household income" (2016, 4). In 2014 dollars, such an income range translates to \$30,000 to \$88,000 annually.

scored low on both indices found the latter possessing higher rates of working poverty. Sociologists David Brady, Regina Baker, and Ryan Finnigan discovered that union decline from 1991 to 2010 had an effect on working poverty within states even after controlling for a state's economic performance and social policies (2013).³⁰ Furthermore, economic comparisons of public sector and private sector employees with similar education and skill levels indicate that public sector unionization greatly benefits less skilled workers by helping boost their average level of pay (Asher and DeFina 1999; Keefe 2010).³¹

Unionization also offers workers relatively high benefit levels and job security (Keefe 2010, 5; Biggs and Richwine 2014, 10).³² Unionized public workers earn more and enjoy greater benefits than non-unionized public workers, with less educated workers receiving the greatest union wage premium (Munnell et al. 2011).³³ Due to these wage premiums and the substantial size of the public sector, public sector unionization can be seen as a pillar of the American middle class.

Any decline in public sector union membership will also have major implications for growing wage inequality in the U.S. The collapse of the U.S. private

³⁰ Brady defined one as being working poor if “she resides in a household with less than 50 percent of the national median household income and at least one employed member (2013, 6).”

³¹ High school graduates working in the public sector earn on average \$3,284 more in total compensation than counterparts in the private sector and public sector workers with some college education earn \$4,930 more in total compensation (Keefe 2010, 7). Researchers disagree over whether college-educated unionized public workers do better than counterparts in the private sector.

³² Andrew G. Biggs and Jason Richwine's research methodology places a higher premium on public sector job security than previous research studies (2014, 11-13). These assumptions drive their conclusion that public sector workers earn more than private sector counterparts.

³³ Munnell et al. find that higher educated public sector workers tend to be paid substantially less than counterparts in the private sector even after considerations of superior benefit packages in the public sector (2011).

sector labor movement contributed to growing inequality levels among men and women (Hacker and Pierson, 2010; Western and Rosenfeld 2011; Rosenfeld 2014, 81-82). Because public sector unions advocate for private sector workers, devastation of the public sector labor movement would likely intensify wage inequality (Rosenfeld 2014, 76).

In addition to serving as a bulwark for the middle class overall, the public sector is a vital employment base for both women and communities of color. Its decline compounds the historic wealth gaps that these demographic groups have faced. In 2011, for example, women encompassed 59.5 percent of employment within state and local governments. They were disproportionately hurt by massive public sector job loss during the 2007 to 2014 period (Mayer 2014, 9).³⁴ In fact, women working within the public sector were arguably the hardest hit demographic group during the Great Recession. Seventy-percent of the 765,000 public sector jobs lost between 2007 and 2011 belonged to women (Cooper, Gable and Austin, May 2012). African-Americans were also disproportionately hurt by the hollowing out of the public sector during those years. Twenty percent of the job loss that occurred from 2007 and 2011 affected the African-American community.³⁵

Public employee unions—like the union movement in general—are a major source of stability and economic security for both women and communities of color.

³⁴ In contrast, in 2011 women comprise 46.7 percent share of total private-sector employment (Cooper et al, 2012).

³⁵ African Americans, like women, have been traditionally overrepresented in the public sector. Blacks account for 12.9 percent of state and local public sector jobs and 10.3 percent of private sector jobs (Cooper, et al. 2012).

Union advocacy has helped women gain a stronger foothold within the nation's labor markets. Women comprise forty-five percent of the total national union membership base and account for sixty percent of the unionized public workforce (Jones et al. 2014).³⁶ Of the 14.75 million union members in 2015, 5.07 million were women.

On average women belonging to unions earn 13 percent more (about \$2.50 extra an hour) than women that are not unionized. The union wage advantage benefits women across educational levels and ethnicities (Fredrickson 2015, 88-93). Furthermore, the gender wage gap for women in unionized jobs is half as large as the wage gap for female workers in the non-union workforce (Jones et al. 2014). A recent report by the Federal Office of Personnel Management indicates that the wage gap in the unionized public sector has dropped dramatically since the early 1990s (2014).³⁷

Unions remain the largest mass membership organization representing underrepresented communities of color and one of the few national organizations that advocate consistently for middle-class and working class interests (Bronfenbrenner and Warren 2007, 143; Gilens 2013; Madland and Corley 2014). Roughly one in five African American adults work for the public sector, and blacks comprise a disproportionate portion of total public sector union membership.³⁸ Black public sector employment more than doubled between 1940 and 1976, while public sector

³⁶ Of the 14.75 million union members in 2015, 5.07 million were white women, 1.14 million were black women and 892,000 were Latina women (Bureau of Labor Statistics, 2015).

³⁷ In 1992, women in federal workforce made 70 cents on the dollar compared to men. In 2014, that disparity shrank to 87 cents to the dollar (OPM 2014).

³⁸ The Bureau of Labor Statistics found that in 2015, black workers registered higher union membership rates in 2015 (13.6 percent) than white workers (10.8 percent), Asian workers (9.8 percent), and Latino workers (9.4 percent).

unionization also became increasingly non-white during this period (Moreno 2006, 279). By 1984, blacks comprised more than 40 percent of all AFSCME members and currently account for the bulk of the rank and file public employee membership within a number of Eastern cities (Moreno 2006, 281; Francis 2011, 210). Furthermore, African American polling data indicates that blacks remain the most receptive demographic group to unionization (Bayard 2015).³⁹ Other studies suggest that a revitalized labor movement may help traditionally marginalized groups such as Latinos vote at higher rates (Francia and Orr 2014, 952). Without greater Democratic support, public sector unions will have difficulty energizing this growing demographic group.

This study provides not only an assessment of the hardships inflicted by the Great Recession on different demographic groups, but also tracks the changing relationship between Democratic elites and public sector unions. This relationship merits attention because it bears major implications for party politics in the U.S., particularly for the Democratic Party's organizational ability and electoral chances in future contested elections. Here, too, the stakes are high.

Tensions between labor and the Democratic Party were fully evident during the 2016 presidential election, as union households supported Donald Trump (R) at surprisingly strong rates. Hillary Clinton won union households nationwide by just eight percentage points (51 to 43 percent), the smallest margin of victory for a Democratic presidential candidate since 1984. Donald Trump even outperformed GOP

³⁹ Black workers registered higher union membership rates in 2015 (13.6 percent) than white workers (10.8 percent), Asian workers (9.8 percent), and Latino workers (9.4 percent). (Bureau of Labor Statistics 2015).

icon Ronald Reagan among white union members (Bump, November 10, 2016). Such differences proved decisive in battleground states such as Ohio and Pennsylvania (Jamieson, November 14, 2016). Many post-election analysts have argued that Clinton's, and by extension the Democratic Party's, economic message did not resonate with these voters, and that the establishment's growing ties with Wall Street hurt her electoral prospects (Hohmann, November 17, 2016; Noden, November 17, 2016). Furthermore, early data compiled by the National Education Association (NEA) and American Federation of Teachers (AFT) indicates that a substantial minority of members voted for Trump: one in five AFT members and one in three NEA members supported Trump (Toppo, November 23, 2016). While the latest election may simply be an anomaly, many who work or study the labor movement are convinced that it is an alarming reflection of the growing disconnect between labor and the Democratic Party (Noden, November 17, 2016; Pierce, November 23, 2016).

Public sector union decline bears major implications for the entire US labor movement, as the public sector remains its most robust and resilient sector. The public sector now boasts more members than the private sector, as public sector unionization rates climbed steadily during most of the post-WWII period, even as private sector unionization began to decline.

By the mid-1970s, nearly one-third of public sector workers were unionized, compared to only 10 percent in the 1950s (Jost 325). In fact, in 1955 public employee unions only had 400,000 members but by 1973 this number exploded to 3.13 million (Zieger and Gall 2002, 163; Hirsch and Macpherson 2015). The union membership

rate in the public sector increased sharply during the 1970s, from 25 percent in 1975 to about 36 percent in 1980 (Farber 2005, 1). In contrast, the 1970s saw a decline in private sector unions as total membership rates fell from 27 percent in 1970 to approximately 20 percent in 1980 (McCartin 2008, 147). Now less than 7 percent of private sector workers are unionized (Bureau of Labor Statistics 2015).

This decline in membership means that the labor movement is an increasingly regionalized entity that aspires to influence national politics. In fact, half of all union members work in just six states: California, New York, Pennsylvania, Illinois, New Jersey and Ohio (Russell 2011, 222). Unions are still able to leverage their influence to enact pro-labor policies in some instances. The United Auto Workers' agitation for the GM and Chrysler bailouts of 2009 and Service Employees International Union's efforts to raise the minimum wage in Oregon and cities such as Seattle, San Francisco, Los Angeles, and New York during the last three years are a few recent positive examples of union influence (Greenhouse, August 19, 2015; Worstall, January 12, 2015; Wong, April 12, 2016). An imperiled public sector labor movement, in short, endangers the modest gains some workers have won in this difficult economic climate.

VI. Contributions to the Literature

This dissertation reexamines three central fields of literature in its exploration of the Democratic Party-public employee union relationship; namely, the literatures on the Democratic Party, on pension retrenchment, and on state-level policymaking.

First, this project builds on scholarship on the Democratic Party and labor by analyzing this relationship at the sub-national level, and identifying the factors that

drove Democratic legislators to support public sector bargaining legislation. Next, I turn to the pension retrenchment literature to seek explanations for why Democratic lawmakers supported pension cutbacks at such high rates during the Great Recession era. Researchers have only published a handful of studies analyzing motivations behind public employee pension retrenchment and these past studies have not analyzed interest group pressures, policy entrepreneurship, fiscal or workplace variables sufficiently. Previous studies have also not provided much analysis of gubernatorial decision-making in the face of retrenchment pressures. This dissertation contributes to gubernatorial scholarship by describing how interest groups and policy entrepreneurs pushed Democratic governors towards conservative policy choices.

A number of political scientists and sociologists have chronicled both the disintegration of the “New Deal” coalition and organized labor’s tensions with the Democratic Party since the 1970s (Davis 1980, Davis 1985; Selfa 2008). Many labor scholars since the 1980s have pointed in part at the corporatization of the Democratic Party to explain labor’s declining post-war fortunes. Labor activists such as Mike Davis deemed the relationship between the Democratic Party and labor as an unequal and unproductive one for labor, because of the massive resources that unions devoted to the party in the post-World War II era, and the paltry legislative returns they obtained in exchange (Davis 1980).⁴⁰ Davis points to the integral role that labor played in

⁴⁰ Davis specifically used the ‘barren marriage’ metaphor to describe this relationship. The previous generation of New Left historians, from the 1960s and 1970s, critiqued Marxist and leftist movements of the early 20th century. Labor scholars writing in this tradition such as Ronald Radosh and Stanley Aronowitz blamed labor’s postwar struggles on strategic decisions it made in the 1930s and 1940s (Roof 2011, 232)

President Harry Truman's miraculous victory in 1948 and the Democratic presidential victories of the 1960s, as testaments to its vital role in the success of Democrats.

Critiques produced in the 1990s, attributed labor's inability to win greater political victories both to the Democratic Party's fecklessness and to labor leadership's growing conservatism (Smith, 1992). Sharon Smith argues that the AFL-CIO felt little pressure to take more militant, anti-capitalist stands during the postwar period, because there was no legitimate political party to the left of the Democrats to punish conservative AFL-CIO leaders for their bureaucratic complacency (1990).

These historiographies discount the fragmented nature of the American political system and the decentralized character of the Democratic Party. Davis points to labor's inability to repeal the Taft-Hartley Act (1947) and Landrum-Griffin Act (1959) as examples of discord between the Democratic Party and organized labor. While it is true that the private sector labor movement won few major federal legislative victories after the National Labor Relation Act (1935), it would be inaccurate to classify the entire post-war alliance between the Democrats and labor as unproductive for labor. New Left critics neglect organized labor-Democratic Party advances during the 1960s and 1970s (such as those between public employee unions and Democratic policymakers at the subnational level) beneath the federal government.⁴¹ These accounts treat the Democratic Party as a unified, centralized bloc when, at times it

⁴¹ See Barkin 1961's book *The Decline of the Labor Movement and What Can be Done* for an early overview of labor's misfortunes. Also see David Brody's "The Old Labor History and the New: In Search of an American Working Class," for an extended discussion of New Left critiques of the labor movement.

functions more as a coalition of social groups and/or political leaders with divergent ideologies (Grossmann and Hopkins 2015, 119). Democratic Party members often hold ideologically conflicting views about labor, with such views being regionally based (Burnham 1965).

Davis and Smith's accounts tend to disregard the institutional constraints that organized labor would need to surmount to make major legislative gains. To pass favorable collective bargaining legislation during the post-World War II era, for example, organized labor would have needed to overcome super-majoritarian institutions such as the Senate filibuster and/or the presidential veto (Roof 2011, 11).

Some scholars, argue instead that labor's alliance with the Democratic Party endures. In his 1999 book, *The Unions and the Democrats: An Enduring Alliance*, Taylor Dark makes the boldest case for this position. Dark argues that the two standard measures of union political power—size of the total membership and the level of union density—are not the most relevant indices of union power (29). To determine the level of union power, Dark argues, one must shift focus from measures of union density and to instead analyze the level of coordination between union leaders and Democratic presidents at different historical moments, and measure the political resources deployed by unions.

Dark's more optimistic assessment of labor's relationship with the Democratic Party is also problematic. He too ignores policy successes and failures at the subnational level. In fact, Dark pays insufficient attention to policy outcomes even at the federal level when assessing the Democratic Party's relationship to organized

labor.⁴² Dark's emphasis on coordination and bargaining among union and political elites, rather than policy success on items that foster collective bargaining, severely weakens his argument. The primary purpose of unions is, after all, to serve as bargaining agents for employees within a management-labor relations framework that strongly advantages employers. An assessment of the union and Democratic politics that largely glosses over this background condition arguably does not capture the relationship substantively (Amberg 1999).

In short, I argue that these accounts oversimplify the historical record by focusing too narrowly on industrial unionism at the expense of public sector unionism and downplay the role of institutional constraints in the policy process. More optimistic assessments of the Democratic-labor relationship, such as Dark's, pay insufficient attention to policy outcomes.

Only a few historical case studies provide analysis of the Democratic Party and organized labor's relationship and incorporate public sector unionization within their descriptions. In his 2008 article, "A Wagner Act for Public Employees': Labor's Deferred Dream and the Rise of Conservatism, 1970-76," Joseph McCartin provides one such case, focusing on the National Public Employee Relations Act (NPERA). In his article, McCartin describes why the NPERA failed to muster sufficient Democratic support during the mid and late 1970s, when Democratic majorities in Congress grew in the wake of the Watergate scandal. The National Public Employee Relations Act, a

⁴² Dark only points to a few relatively minor Congressional acts (The Plant Closing Act of 1988) and executive orders (President Bill Clinton's executive order to lift the ban on rehiring of air traffic controllers) as examples of labor's sustained influence over the Democratic Party (Dark 172).

measure that would have extended collective bargaining rights to public employees, represents one of the greatest defeats public sector employees faced at the federal level. McCartin finds that Democratic legislators renounced their support of NPERA because a 1976 Supreme Court decision, *National League of Cities v. Usery*, cast doubt on the legality of the NPERA. Democrats were not willing to take a risky vote for a law that may not have survived judicial review.

The story of public sector bargaining did not end with the collapse of NPERA, however. Few scholars have analyzed the role of federalism in shaping the path of public sector unions and most have paid scant attention to Democratic Party-public employee alliances at the local level. Federalism may encourage innovation at the local level (Freeman and Rogers 2007, 205), but this governing structure also leaves public sector unions vulnerable to retrenchment (Walker 2014, 180-181). National-level rights become reinforcing over time, and create path-dependent pressures to uphold institutional structures (Pierson 2004, 70). Public employee unionism was excluded from the institutional stability provided by the New Deal labor legislation for private-sector workers and little industrial relations, political science or historical literature captures the sometimes contentious but sometimes fruitful relationship that Democrats have had with public sector unions during the late 20th century.

In fact, only a handful of studies have explored the determinants of public sector bargaining victories during the upsurge period in the 1960s and 1970s. Miller and Canak (1988) found that strike activity and party incumbency were driving forces behind public sector bargaining legislation during the 1960 to 1977 period. But they

fail to incorporate the influence of business groups in their analysis, saying very little about how business counter-mobilization affected legislative outcomes in different states (264).⁴³ Gregory Saltzman examines the reasons Ohio and Illinois were unable to enact comprehensive bargaining rights until the 1980s, and the factors that facilitated the passage of such laws in 1983. Saltzman's work provides little leverage in understanding the broader trends, however: he points to idiosyncratic factors in these two cases, which may not be relevant in other states as drivers of public sector bargaining legislation (1988, 42).⁴⁴ My case study analysis in Chapter Five, of failed and successful state legislative campaigns to expand public sector bargaining rights seeks to address this gap in the literature by examining both business, local government, and union interaction.

Contemporary literature on labor politics has also largely failed to describe the complex relationship that public sector unions (and organized labor generally) enjoy with Democratic elites. Recent works focus upon the influence that the American Legislative Exchange Council and its corporate allies have had on public sector union retrenchment (Lafer 2013; Hertel-Fernandez and Kashin 2015; Hertel-Fernandez and Skocpol 2016). These pieces do not discuss Democratic participation in the recent

⁴³ Miller and Canak did not possess data for business mobilization during their specified time period. Their multiple regression model incorporates other factors such as total unionization, public sector unionization, strike rates and political party control.

⁴⁴ Democratic representatives in Chicago resisted unionization because of their fear that unionization would hurt patronage networks. The death of Mayor Richard J Bailey in 1976 dampened opposition to unionization. Ohio was unable to win bargaining until 1983, because the state was not controlled by a Democratic governor and Democratic controlled legislature during the 1960s or 1970s.

attacks against public employee unions, and offer no explanations for the party's indifference (and in some cases hostility) to collective bargaining expansions.

The literature on welfare state retrenchment⁴⁵ and pension retrenchment is vast, but these works do not provide a solid theoretical foundation for explaining pension cutbacks within U.S. states. Comparative welfare state scholars have attempted, since the 1980s, to explain welfare state retrenchment and reform within advanced industrial economies (Starke 2006, 104). Much of this research program is theoretically biased towards explaining stability rather than change, as scholars have found that welfare states remain resilient even in the face of economic pressures and demographic challenges (Green-Pedersen and Haverland 2002, 49). Thus scholars have concluded, for example, that cutbacks are difficult in democratic societies because welfare programs are popular with the public and vested special interests and voters can punish political leaders who seek retrenchment. Under these conditions, political leaders committed to dismantling the welfare state will look for blame avoidance strategies to minimize accountability for unpopular policies (Pierson 1994).

Some welfare retrenchment scholars have examined the role of left-orientated parties and leaders in carrying out cutbacks, and their attempts to minimize any type of backlash from aligned constituencies (Levy 1999; Ross 2000, Green-Pedersen 2002). Researchers are not in agreement over the role or relevance of political parties in

⁴⁵ The welfare state can be conceptualized as an instance where the state devotes “considerable fiscal resources aimed at the socialization of risk and the enhancement of cohesion in society. It presupposes substantial government responsibility for the provision of social security, health care, education, housing, social services, unemployment insurance, family allowances, pensions and so on” (Vivekanadan and Kurian 1). Welfare states are also typically distinguished by their income redistribution and risk protection functions (Streeck and Thelen 41).

explaining change, however, with some scholars holding that institutions or ideas rather than parties elucidate outcomes (See Pierson 1994; Tsebelis 2002; Schmidt 2003).

The party-centered welfare retrenchment studies that have been done, moreover, do not provide sufficient insight into the public employee pension cuts in the U.S., because they operate under a different series of assumptions and describe mechanisms of blame avoidance not relevant to state employee pension reform. Fiona Ross, a leading proponent of the “parties matters” thesis within welfare retrenchment literature, argues that in some cases, left-oriented political leaders and parties are better situated to enact retrenchment than their right-oriented peers because left-oriented parties enjoy more credibility among voters for the position that cuts are necessary and not vindictive. Ross states:

Cuts imposed by the left may be viewed as trade-offs for increased spending in other policy areas, absolute essentials, strategic necessities, or, at a minimum, lower than those that would be experienced under parties of the right. Whereas rightist governments run the risk of being perceived as mean-spirited and socially negligent when they impose losses, the left may even be viewed as fiscally prudent and economically responsible (2000, 165).

Ross backs this assertion with a case study of one of Democratic President Bill Clinton’s signature achievements, passage of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) in 1996. Divided government during Clinton’s first term allowed the Democratic Party to diffuse blame for a policy reform that eliminated the Aid to Families with Dependent Children Program and forced more single low-income mothers into the workforce (Ross 170-171). Democrats could attribute some of the blame for this retrenchment policy onto a Republican-led Congress eager to impose an austerity mandate.

The PRWORA reform differs too significantly from state employee pension reforms to serve as a useful theoretical model for public employee pension retrenchment. First, state employee pensions serve middle-class constituencies that are better organized politically in U.S. states than AFDC welfare mothers. Researchers have found that middle-class involvement has an impact on the possibility of retrenchment (Korpi and Palme 2004, Lindblom and Rothstein 2004). Thus, while parts of the public may consider both AFDC benefit payments and state employee pension benefits to be excessively generous, public employees are better organized through unions to oppose cuts. Unlike AFDC welfare payments, pension benefits are often perceived as a well-earned right and thus enjoy broader support among populations. Furthermore, state Democratic leaders who endorsed state employee pension cuts seemed unconcerned with the blame avoidance mechanism that Ross claims was central to the passage of PRWORA. In other words, pension cuts in U.S. state legislatures are more likely to occur when either party controls both the governor's mansion and legislature, not when government is in divided hands.⁴⁶

Other scholars have offered party-centered accounts of pension retrenchment in Europe, but these models are problematic and have little salience to the U.S. case. Many of these models depict party bargaining in Europe in which three or more parties compete for parliamentary seats (Anderson 2001; Green-Pedersen 2002). In his 2002 book, *The Politics of Justification: Party Competition and Welfare State Retrenchment*

⁴⁶ Less than 15 percent of pension cutbacks occurred within divided government settings. See Chapter 4 for a fuller discussion of pension cuts and partisan behavior.

in Denmark and the Netherlands from 1982 to 1998, Christoffer Green-Pedersen describes disability, pension, and unemployment insurance retrenchment in Denmark and the Netherlands. Green-Pedersen anticipates that retrenchment would occur most drastically when left-wing and right-wing governments form grand coalitions in Denmark and the Netherlands. The results on the ground do not match Green-Pedersen's predictions, however. In fact, purple governments in the Netherlands (governments composed of left and right wing parties) cut very little (as measured by total social spending) when they held power during the 1994 to 2002 period. Instead, the most extensive retrenchment occurred during the 1980s, when the Christian Democratic party and right-wing parties in the Netherlands were aligned (Romke 2004, 590). Green-Pedersen points to the economic crisis in the early 1980s to explain this deviation from his model (132). Too often, party-centered accounts of welfare retrenchment rely excessively on exogenous variables such as economic shocks to explain away deficiencies within their models (Starke 2006. 112).

Researchers have published a few quantitative studies of public employee pension reform, but these works do not adequately analyze the Democratic Party's participation in such reform. Surprisingly, studies that examine pension retrenchment within U.S. states during the 1990s and 2000s have not identified any obvious political variable as the primary driver of such reforms. Michael Thom, in studies of pension privatization in select U.S. states and pension cuts across America during the late 1990s and 2000s, found little evidence that Republican legislative or gubernatorial partisanship drove reform (Thom 2013; Thom 2015). Put another way, Thom found

that states under Republican control were not any more likely to cut pensions than states under Democratic leadership.

Furthermore, quantitative studies found that fiscal variables (state debt, pension debt, pension funded ratio) have little effect on the likelihood that states will enact privatization schemes (Munnell et al. 2012) or other reforms, such as reductions in state COLA formulas or increases in retirement age (Thom 2015, 8). In fact, states that suffered from higher levels of debt and/or possessed greatly underfunded pension systems were no more likely to enact privatization than states with healthier fiscal outlooks.

In his 2015 article, “The Drivers of Public Sector Pension Reform Across the U.S. States” Michael Thom argues that policy diffusion was the primary catalyst behind pension cuts during the 1999 to 2012 period, but he offers no description of how this mechanism operates during the Great Recession and post-recession years (Thom 2015, 10). Inexplicably, Thom argues that policy diffusion shaped outcomes but he found no evidence that bordering states sought to imitate each other (10). He does not examine individual representative voting patterns (his analysis revolves around states as a political unit), interest group influence, or the interaction of representatives with interest groups. In addition, his model, which revolves around single event history analysis, does not fully capture all reform in the 1990s or 2000s, as it ignores states that have implemented numerous reforms in multiple years. The model simply codes reform enactment for the first year in which a state modifies the costs of its pension system and excludes all subsequent years (2015, 6). Such a model can miss instances

where a state revisited its pension system because the previous reform appeared inadequate. In Chapters Four and Six, I build on this prior scholarship by offering case studies of Democratic Party support for retrenchment and developing a more comprehensive model of pension voting.

Finally, this dissertation engages the literature on state policymaking. State politics scholars have found consistent linkages between mass opinion and elite policymaking (Erikson, Wright and McIver 1993; Brace and Boyea 2008), but the connection is not present in a significant number of cases (Burnstein 2003). There is scant evidence that state lawmakers pursued retrenchment simply because voting publics opposed public employee unions or public workers. The Wisconsin Uprising of 2011 may have been fueled by growing resentment against the public sector (Walsh 2012; Bermeo and Bartels 2014; Walsh 2016), but there is no evidence that this was a national or even Midwestern phenomenon. In fact, citizens in Ohio, a state that shares many similarities with Wisconsin, overturned a regressive retrenchment law (SB 5) in November 2011. Ohio's Republican leadership passed the anti-collective bargaining law only a few weeks after Wisconsin's Uprising, but the law has not been resurrected since 2011.

Because public opinion provides little insight into variation and degree of public sector union retrenchment, one must turn to legislative and gubernatorial bargaining to understand this phenomenon. Gubernatorial agenda setting has received a great deal of attention in a number of recently published books, as scholars track how governors delineate a public agenda during speeches, and pursue that agenda through their

influence over the budgetary process (Rosenthal 2009; Kousser and Phillips 2012; Rosenthal 2013).

Yet, collective bargaining and pension legislation was not a first-order priority for many Democratic governors during the Great Recession era. Much less has been written about the circumstances that drive governors and legislators of the same party to pursue controversial issues that are not clearly on the gubernatorial agenda. How do governors and state policymakers react during times of constraint (such as a recession) and what circumstances compel governors and Democratic legislative leaders to pursue retrenchment?

King and Catlett-King's study of the 2001 Oklahoma right-to-work initiative campaign, and Michael Pierce's study of former Democratic Arkansas Governor Orval Faubus (1955 – 1967), are the only studies I am aware of that describe the Democratic Party's endorsement of anti-labor retrenchment policies during the second half of the 20th century. Both works explore the reasons Southern Democratic lawmakers pursued right-to-work legislation. Neither case study is analogous to labor retrenchment during the 21st century. Faubus opposed labor organizing in the state because he feared that labor's alliance with African-Americans would threaten his support from white segregationists (Pierce 2012, 108). Oklahoma Democrats in the upper and lower statehouse consented to placing State Question 695, a right-to-work initiative, on the September 25, 2011 ballot. Oklahoma voters approved State Question 695 largely because the business mobilization campaign framed support of the law as an act of patriotism in the context of the September 11 terrorist attack (King and Catlett-King

2007, 12). Pension and labor retrenchment measures considered in this dissertation materialized under a different political context and debates over these measures did not involve national security, patriotism, or the issue of segregation.

VII. Chapter Overview

This dissertation addresses the central questions of this project and contributes to these literatures through a mixed-methods approach. Chapter 2 traces public sector unionization trends from the early 20th century to the contemporary era, providing a brief overview of key turning points. This chapter revisits some of the history that many labor historians and Taylor Dark neglect in their monographs. More broadly, the chapter's historical account serves as a corrective to the lack of attention to public sector unions in many standard accounts of U.S. labor history. Bringing the public sector back into the story, I argue, is essential for understanding the condition and character of the American labor movement today—including its demographic profile and its mode of operating—and for understanding labor's relationship with the Democratic Party.

Chapter 3 delves further into these historical trends to examine the roles of Democrats and Republicans in public sector labor's rise and decline. The chapter begins by surveying competing explanations of why public sector unions have been vulnerable to retrenchment in the current period, including the institutional weakness that was produced by their exclusion from the National Labor Relations Act, which governs private sector unions. The chapter then focuses on examining the role of partisan politics—charting how public sector unions have fared according to measures

of levels of public employment and union density, bargaining rights, and pay and benefits, under varying state conditions of Democratic, Republican, or mixed control.

Chapter 4 builds upon this partisan analysis by examining how Democratic and Republican representatives voted on pension retrenchment. Here, I return to the same phenomenon that Thom broached in his 2015 study, but I utilize a more comprehensive methodology. The chapter offers a logistic regression analysis of representative voting on pension cutbacks (N = 14603) to examine whether Democrats were voting more frequently for pension cuts during the Great Recession era than during the previous decade. This regression also examines the role of a range of factors in explaining pension vote outcomes, including state economic and fiscal circumstances, the funding ratio of pensions, political-institutional characteristics (including levels of party competition and the existence of term limits), party identification, and union contributions to legislators, to assess whether and how such contributions influenced the shape of reform in Democratic states.

Chapters Five and Six provide case studies that examine both pension retrenchment and collective bargaining legislation in purple and blue states. The case studies compare two groups of states—Colorado, Iowa, and New Mexico—on the issue of collective bargaining rights, and Connecticut and Rhode Island on the issue of pension reform. In each group, states shared important demographic, economic, and political characteristics, but the outcome of policy battles diverged in important ways. The comparison provides insight into the conditions under which Democrats will thwart or advance priorities for public sector unions.

The Conclusion, Chapter 7, closes with an assessment of the ramifications of retrenchment for future state budgets, public employee worker benefits and unionization. In the last chapter, I also speculate about the future relationship between public sector unions and the Democratic Party.

Chapter 2: The Rise and Decline of Public Sector Unions

I. A New Periodization of Public Sector Union History

This chapter traces the rise and fall of public sector unions during the 20th and 21st century while also devoting attention to compensation trends within the public sector. My primary focus is on state and local unions rather than federal workers because the state and local government sector vastly outnumbers the federal workforce. Furthermore, state and local government workers endured most of the backlash that occurred during both the 2000s and the Tea Party mobilization of 2009 through 2011.⁴⁷

This chapter advances three historical claims about public sector unionization and labor history in general that I will demonstrate through an examination of secondary literature and data analysis. I offer a critique of standard 20th century labor historiography by arguing (1) that much or most of the standard literature in labor history excludes public sector unions, which means that (2) the historiography of organized labor is inaccurate or at least incomplete. Lastly, this chapter demonstrates that (3) recent periodization of public sector labor history is both limited and inadequate. I argue that 20th and 21st century public sector labor history is best understood as consisting of four distinct phases: origins, expansion, stagnation and retrenchment. Recent accounts of public sector unionism divide the history into only three phases—origins, expansion and stagnation. In the following pages, I offer a

⁴⁷ Richard Kearney and Patrice Mareschal's *Labor Relations in the Public Sector* provides a brief overview of federal unions (pages 53-60). See Margaret C. Rung's *Servants of the State*, especially Chapter 4, and Edna Johnston's "Rendering a Permanent Service: Organized Labor and Federal Workers in the United States, 1900-1932" (PhD dissertation University of Virginia 2006) for a discussion of federal workforce organizing during the early 20th century.

periodization that makes two essential correctives. First, I argue that the stagnation period itself should be understood as a period of stability and relative strength for public sector unions, rather than a period of defeat and impending decline. Second, I argue that a distinct period of retrenchment began at the outset of the 21st century, and that this needs to be understood as a phase in public sector unionization that is separate and distinct from the preceding “stagnation” period that began in the late 1970s. Before delving into my periodization I provide a brief overview and critique of the standard 20th century labor history account.

A number of landmark works within US labor history have omitted public sector labor history from their narratives but have offered volumes of treatment for private sector unions (Shaffer 2004; McCartin 2006, 73-74). Works such as Michael Goldfield’s *The Decline of Organized Labor in the United States* (1987), Melvyn Dubofsky’s *The State and Labor in Modern America* (1994) and Nelson Lichtenstein’s *State of the Union: A Century of American Labor* (2002) only devote a few pages to public sector labor history. Such neglect makes it difficult to understand changes in unionization over time and the current circumstances of and challenges facing organized labor in the US. Public sector unions helped transform the character of the labor movement while ushering in the emergence of merit-based civil service systems in lieu of the type of machine-style politics that dominated the 19th and early 20th centuries (Johnston 1994, 61-62; Ryan 2011, 6-7).

Because historical accounts tend to center labor history around private sector unionization the historiography that these accounts offer is flawed. Standard accounts

trace the precursors of contemporary unions (primarily to the late 19th century) and chart a period of rapid expansion during the New Deal and through the mid-1950s (Lichtenstein 1995; Laslett 1996). Historical accounts offer differing explanations for why private sector union density declined after 1955 and why industrial unionism hollowed out by the 1980s.⁴⁸ Although explanations differ somewhat, labor historians tend to treat the post-WWII period as one of labor decline as labor laws such as the Taft-Hartley Act (1947) propelled successful anti-labor mobilization campaigns (Hogler 2015, 108-110). Social scientists call particular attention to the 1980s in explanations of union decline, as the decade witnessed the rise of a more hostile political climate within the federal government and pronounced deindustrialization that decimated heavily unionized industries (Gross 1995; Farber and Western 2002). Analysts point to declines of union density, legislative defeats (such as the Labor Law Reform Act of 1978), diminished strike activity, increases in concession bargaining and stagnation in compensation as evidence of union decline during the 1980s and beyond (Ferguson and Rogers 1981, 20; Goldfield 1986, 6-7; Moody 2007). Private sector union density continued to decline through the next three decades, with membership in 2016 standing at only 10.7 percent (Bureau of Labor Statistics 2017).

The trajectory of public sector unionism is markedly different; which suggests that the declension narrative is overly simplistic. The public-sector labor movement

⁴⁸ Filippelli and McColloch (1994) argue that anti-Communist purges in the 1950s inhibited labor's militancy and vision and irrevocably harmed the labor movement. Kim Moody blames unions' increasing bureaucratization for their gradual decline. Moody argues that as unions became larger in the post-war era they become more bureaucratic and less militant and their leadership was excessively conservative (1988). Other scholars point to the hostile constraints that labor law and the collective bargaining system impose on labor radicalism (Van Wezel Stone 1981, 1517; Tomlins 1985).

manifested much later in time and was grounded by different institutional arrangements than the private sector labor movement (Slater 2004, 8-9). Most public-sector unions trace their origins to the early 20th century. By the time of the New Deal, both the number of public employees, and their unionization rate (under 10 percent) remained relatively modest, and that rate of unionization remained stable through the late 1950s, even as the unionization rate in the private sector exploded (Walker 2014, 186-194). Public employee unionization experienced its period of rapid expansion from the late 1950s to the mid-1970s, and the strength of the sector remained relatively steady (measured by membership, bargaining rights and compensation) through the first decade of the 21st century, even as private sector unionization declined precipitously.

Correcting the understanding of the trajectory of organized labor in the U.S. to account for the distinct history of public sector unionism is critical to understanding the state of labor today, when nearly half of all union members work in the public sector, and public sector unions play a preeminent role in the American labor market and American politics.

Scholars within the fields of political science, sociology and history have yet to produce book-length treatments of 20th century public sector labor history to match the extensive work done on industrial unionism. The limited existing scholarship on public sector unionism typically divides the history into three phases— origins, expansion and stagnation (typically defined by levels of public sector union density and/or the related character of public sector labor law (McCartin 2006, 80-81; McCartin 2008).

I argue that this periodization needs adjustment to mark the emergence of a retrenchment phase during the 21st century. A number of recent journalistic and academic pieces describe the difficulties public sector unions face during the 21st century (Sagrans 2011; McCartin 2013; Stein and Marley 2014) but recent assessments have not explicitly delineated the Bush II or Obama years as being distinct from the post 1970's 'stagnation era'. Some analysts remain hopeful that public sector unions can regain lost bargaining rights and scale back the imposed pension cuts characteristic of the Great Recession era (Slater 2013, 534-535; Thom, November 4, 2014). Daniel DiSalvo's *Government Against Itself* and Mallory and Emily Factor's *Shadow-Bosses*, recent books by prominent conservative commentators, even argue that public sector unions are more powerful than ever before (DiSalvo 2015; Factor and Factor 2015). Such assessments pay insufficient attention to the setbacks that public sector labor has encountered and the factors that distinguish the 21st century from earlier decades.

The following chapter will offer an alternative periodization where I specifically assess the usefulness of the stagnation and retrenchment categories, while dividing the four eras: nascent (or origins), upsurge, stability and retrenchment into distinct intervals. I reject the 'stagnation' label because it is problematic. The stagnation label implies that unions made no significant gains during the 1980s and 1990s, an obvious falsehood. The stability designation also emphasizes the general resilience that public sector unions demonstrated during the post-1970s period.

This historical overview lays the groundwork for addressing the relationship between public sector unions and the Democratic Party and the politics of recent retrenchment, which are addressed in detail in subsequent chapters.

II. Nascent Period, 1919 to 1958

By the early 20th century, most of the leading entities of the public sector labor movement had been established originally as employee associations. Two of the largest public sector unions, the Service Employees International Union (established as the Building Services Employees International Union) and the American Federation of State, County, and Municipal Employees (AFSCME) were established in the Midwest in 1921 and 1932 respectively. The American Federation of Teachers (AFT) and National Education Association (NEA), the country's largest teacher unions, emerged even earlier, the AFT in 1916 and the NEA in 1857. These employee associations had conservative mission statements aimed primarily at the protection and professional advancement of their members and the reform of the civil service system (Slater 2004, 164-165).

Despite their initial conservatism, public sector organizing generated substantial opposition in the early 20th century. The 1919 Boston Labor Police Strike inspired much of this opposition and generated enduring and widespread public animus towards public workers. On September 9, 1919, 1,100 police officers walked off the job for two days. Wide-scale looting and chaos broke out in the city (Burns 2014, 18-19). Public backlash against strikers was fierce and long-lasting: unions affiliated with the American Federation of Labor adopted no-strike pledges, and district courts

repeatedly ruled against public worker attempts to organize during the 1920s, 1930s and 1940s (Slater 2004, 83). Postal workers and police officers had begun organizing at significant rates at the turn of the century but the reaction to the 1919 police strike depressed all momentum.

In addition to fears about strikes, there were other concerns about unionization in the public sector. One of the most prominent was the fear that public sector bargaining would comprise the delegation of governmental power to private entities (Slater 2004, 77). This became known as the non-delegation doctrine. Correspondence between President Franklin D. Roosevelt and National Federation of Federal Employees president Luther Steward indicates that FDR shared this view (Slater 2004, 83). In a 1937 letter to Steward, FDR states:

The very nature and purposes of Government make it impossible for administrative officials to represent fully or bind the employer in mutual discussions with Government employee organizations. The employer is the whole people, who speak by means of laws enacted by their representatives in Congress... Particularly, I want to emphasize my conviction that militant tactics have no place in the function of any organization of Government employees (Rung 2002, 109).

Without FDR's advocacy, public sector unions could muster little political support for incorporation into the foundational law governing private sector labor relations in the U.S. The National Labor Relations Act (1935), also known as the Wagner Act for its Senate sponsor, helped spur massive unionization within the private sector because it provided private sector workers the right to organize without penalty and outlawed some practices employers often utilized at the time to prevent unionization. The Wagner Act also created a federal agency, the National Labor

Relations Board, to oversee union representation elections and investigate possible violations of the law.

Many historians and political scientists consider public sector labor's exclusion from the Wagner Act to be the most critical turning point in the sector's 20th century history (McCartin 2006; Walker 2014, 181-182). This exclusion meant that public sector workers would have to seek protections at the state and local levels. The unionization process would be slow and arduous, as unions had to organize from locale to locale under differing state laws. The public sector's exclusion also shaped the strategies organized labor would pursue in later periods and meant that public sector labor relations would remain decentralized (Slater 2004, 97). In other words, government unions would increasingly turn to political bargaining and political pressure to win bargaining recognition through state-by-state and locality-by-locality campaigns. Public sector unions could not win recognition through National Labor Relations Board elections, the standard process within the private sector, and thus attempted to pressure public officials to codify agreements.

From the early 20th century through the 1950s, public sector unions relied mainly on political alliances with liberal politicians rather than workplace actions such as strikes or boycotts to win bargaining rights. The private sector strike rate, averaging 350 strikes of 1,000 workers or more each year, was more than 10 times the public sector strike rate during the 1950s (Burns 21-22). Court hostility stymied bargaining legislation in the early 20th century and prevented public sector unions from striking. In a number of cases, such as *Frederick v Owens* (1915), *McNatt v. Lawther* (1920)

and *CIO v. Dallas* (1946), courts upheld municipal bans that prohibited public workers from joining unions (Slater 2004, 73-74). State courts, in cases such as *Mugford v. Mayor of Baltimore* (1945), often applied the non-delegation doctrine to argue that city officials were not allowed to surrender their discretion and authority to labor officials (Slater 77). Public sector workers received little latitude from courts during the early 20th century even as a number of unions adopted no-strike pledges and even renounced formal collective bargaining rights (Slater 83).⁴⁹

Although public sector workers made few major organizing gains during the nascent period, the sector grew in size as public sector employment rose rapidly in the post-World War II era. In 1940, the US employed only 2.9 million state and local workers. The size of this workforce increased by more than 150 percent to 4.7 million by 1960 (Walker 188; Slater 2004, 162; Kearney and Mareschal 2014, 18-19).⁵⁰ The surge in public employment helped swell the ranks of the American Federation of Teachers, National Educational Association and American Federation of State, County and Municipal Employees. In their early history, chapters of these organizations often behaved more like professional associations than many unions, prioritizing civil-service reform over demands for better wages and safer working conditions (Goulden 1982; Shaffer 2002; Ryan 2011, 66-69). Timid national leadership and institutional resistance from courts helped circumvent radicalism in this period.

⁴⁹ See decision in *CIO v. Dallas* (1946) for an example of court hostility to public bargaining, even when the local union proposed an extremely limited definition of bargaining (Slater 83).

⁵⁰ Most of the growth in public employment in this period occurred within the ranks of state and local government. In 1940, the US employed 1.1 million federal workers. By 1960, state and local government employment far surpassed federal employment as the US employed 4.1 million state employees and 1.8 million local employees (Slater 9).

The first major state employee pension systems were also created during the nascent period. Large cities such as New York began offering pension plans in the mid-1880s, but states did not begin constructing pension systems until Massachusetts first did so in 1911. Even then, states were slow to follow Massachusetts' lead. Only six states enacted employee pension systems by 1930. It would take another 17 years before all states had adopted employee pension systems for at least some of their full-time workers (Gale et al. 2016, 5).

III. Upsurge Period, 1958 to 1976

In the upsurge period, public sector unions at the state and local level experienced their first institutional breakthroughs as states with strong labor movements and progressive traditions enacted laws providing collective bargaining rights to some government workers. This development was facilitated by the growing alliance between public sector unions and the Democratic Party. Democratic leaders supported new public sector labor laws and issued executive orders to grant public employees the right to join unions, particularly as public employee unions became increasingly active in electoral politics. Wisconsin's AFSCME, the founding chapter of the organization, spent a decade building support for a public sector bargaining law and finally won approval for a statute in 1959. The election of Democratic governor Gaylord Nelson in 1958 served as a turning point in its struggle, as unions in the state

worked patiently to build majorities in the statehouse and facilitate Nelson's ascension (Slater 2004, 180).⁵¹

In the Northeast, activism of militant public sector labor leaders such as Jerry Wurf in New York and Bill McEntee in Philadelphia compelled New York mayor Robert F. Wagner Jr. (D) and Philadelphia mayor Richardson Dilworth (D) to authorize the first formal recognition of AFSCME chapters in large cities (Goulden 1982; Ryan 2011, 138). By the late 1950s, attitudes against public sector unionization began to soften given low strike rates among government workers in the early 20th century (Slater 2004, 159-160).

The upsurge period marked not only a greater acceptance of public sector unionization but also ironically, a wave of strike activity. Government analyst Jack Stieber found that from 1958 through 1970 the strike rate among public employees increased by more than ten-fold. From 1958 to 1970, the number of strikes of public workers rose from 15 to 412 per year and the number of workers involved in these strikes increased to 333,500 from a mere 1,720 (Steiber 1973). Public workers opted to strike in such massive numbers even in the face of punitive labor laws that expressly prohibited public employees from striking.

The increasingly militant character of some public employee unions was an outgrowth of both the social change and turmoil of the time and the changing demographics of the labor movement. Yo/ung people, women and racial minorities

⁵¹ For the decade before passage of the Wisconsin Public Employee Bargaining Act, Democrats had received 20-30 percent of their funds from unions.

entered public service careers at substantial rates during the 1960s and 1970s, changing the composition of public sector labor unions (Kearney and Mareschal 2014, 21). Their activism spurred the enactment of more permissive public sector bargaining laws in a number of states and localities. In some cases, the strike threat even induced moderate Republican state legislators to support public sector collective bargaining during this period (Anzia and Moe 2015, 45).

The spread of public sector bargaining statutes encouraged the growth of public union membership during this expansive period (Farber 1987; Waters et al. 1994). From 1960 to 1980, state legislators introduced more than one hundred public sector collective bargaining proposals. These measures proposed either to provide public employees a comprehensive bargaining law that covered all occupations, or to provide specific groups of public employees bargaining rights. More than 30 states enacted public sector bargaining laws during the upsurge period (Anzia and Moe 2015, 45). Public sector union membership exploded in this friendlier legal environment, as membership rolls climbed from 1 million in 1960 to over 3 million in 1976. This addition of over 2 million members to public sector labor ranks represented 80 percent of total union growth in the period (Slater 2004, 5). Public sector union growth was a heavily regionalized phenomenon, as the more industrialized and urbanized states enacted statutes granting bargaining rights and in rare cases strike rights. In contrast, regions such as the South that had been historically opposed to unionization largely resisted any progressive labor laws (Kearney and Mareschal 67).

Developments in the public sector stood in stark contrast with the trajectory of industrial unionism. Private sector union membership reached its apex during the mid-1950s, and declined steadily throughout the 1960s and 1970s.⁵² As it expanded, public sector unionization had long-lasting effects on the overall labor movement. Sam and Jake Rosenfeld state:

The rise of public-employee unions transformed the labor movement itself, strengthening its left-liberal side against the hawkish, culturally traditionalist “hard-hat” wing. Public- and service-sector unions counted higher percentages of female and minority members than the old-guard unions did, and they brought the labor movement closer to civil rights, feminist, and countercultural groups (July 12, 2015).

The overall size of the public sector continued its impressive growth in the upsurge period. The percentage of the U.S. labor force employed in the public sector increased from 15.1 percent in 1960 to nearly 18 percent by the late 1970s (Rosenfeld 2014, 42-43). As the public sector grew and became more heavily unionized and more professionalized, public employee pension systems expanded to accommodate this larger workforce. In 1962, only five million employees were enrolled in state pension plans. From 1962 to 1977, the number of employees enrolled in state pension systems doubled. Like bargaining legislation, state and local pension expansion was a gradual process and grew state-by-state in a piecemeal fashion. In contrast, federal workers were incorporated into a comprehensive pension system, the Civil Service Retirement System, in 1920 (Gale et al. 2016, 2). The vast majority of pension systems

⁵² In 1953, the private sector union membership peaked at 28.4 percent (Mayer 2004). During the early 1950s, the private sector membership rate hovered at 35%. Nearly a third of US workers belonged to unions at the time (Walker 2014, 176).

implemented at during the 1960s and 1970s were defined benefit systems that helped reduce employee turnover.⁵³

Although public sector unions gained legitimacy in this period and workers won critical benefits, public workers failed in their efforts to win arguably their most critical battle in the era. From 1970 to 1976, public sector unions, with some fledgling support from other allies in the private sector, mounted an aggressive effort to pass the National Public Employee Relations Act (NPERA). Envisioned by some advocates as a Wagner Act for public employees, the NPERA would have enshrined government workers' right to bargain with their employers. Business pressure and the Supreme Court's negative 1976 ruling in *National League of Cities v. Usery* sapped momentum for the NPERA (McCartin 2008, 147-148). Had it passed, public sector unions would have likely shifted their focus away from electoral strategies and instead moved towards greater workplace organizing. The failure of the NPERA meant that public sector unions had to devote energy protecting what they won rather than concentrating on passing progressive labor policies for members and vulnerable communities. Furthermore, the NPERA's failure meant that state statutes that prohibited public sector bargaining such as those in many Southern states (South Carolina, North Carolina, Tennessee, and Georgia) would remain in force (McCartin 2008, 124).

IV. Stability Period, 1976-2000

⁵³ Defined benefit systems require employee and employer matching contributions and guarantee a payout based on length of service and salary earned. A large subset of public employees are excluded from Social Security and rely solely on pension benefits for retirement income. A 2015 study by the Brookings Institution found that as of 2008, Social Security did not cover 27 percent of the 23.8 million local and state government workers (Gale et al. 2015, 2).

The failure of the NPERA served as a bookend for the upsurge period, a harbinger of the many challenges that public sector unions would face in the 1970s and 1980s. Historians and political scientists have labeled the post-1970s period as a plateau or stagnation era, as unions faced a more mobilized and energized right-wing (McCartin 2008, 147-148; Walker 2014, 175). The 1980s to 2000 period was a more constrained political era for public sector unions, but in terms of union density and compensation, it was also a stable one. In this era, public sector unions struggled to reproduce the legislative victories prevalent in the 1960s and early 1970s. Yet public workers made significant gains in other arenas. These advances are at times overlooked by scholars focusing on labor law developments. Most notably, real wages for public workers increased during much of the 1990s and workers also received significant pension benefit hikes during the same period. In contrast, the post-1970s period was disastrous for the private sector labor movement, as continued deindustrialization decimated heavily unionized industries such as auto and steel. From 1970 to 2000, the private sector unionized density rate fell from 27 to 9 percent (Bureau of Labor Statistics 2000).

The failure of the NPERA in 1976 channeled the public sector labor movement towards state and local bargaining campaigns. This reality meant that the movement would be increasingly regionalized, as public sector labor unions had the most success organizing in states dominated by Democratic legislatures. The fiscal environment of the 1970s made such organizing increasingly difficult. Public workers, like the rest of the populace, felt increasingly constrained by the stagflation crisis of the 1970s.

Municipal and state governments repelled union demands more frequently in this more difficult fiscal environment, which led to a spike in the number of unpopular strikes (McCartin 2005, 78-81; McCartin 2010, 229).

Conservatives used the fiscal downturn, strikes and fears over the NPERA to help mobilize voters to pass tax revolts. By the late 1970s, property tax limits passed in blue states such as California and Massachusetts. Such limits not only limited tax rates for property owners but also deprived local officials the ability to hike taxes. Conventional narratives allege that the property tax limits imposed through California's Proposition 13 (1978) and Massachusetts' Proposition 2½ (1980) were reactions by angry suburban homeowners against rising tax rates and the growing size of government (Schrag 1998). Sociological and historical studies indicate that the tax revolt also represented voters' growing disenchantment and fear of public sector labor's power (Johnston 1995, 37-39; McCartin 2006, 83-84; McCartin 2008, 148).

In 1981, President Ronald Reagan decertified the Professional Air Traffic Controllers Organization (PATCO), a federal union that attempted to stage one of the boldest strikes of the 20th Century (McCartin 2011). The decertification of the union and termination of its workers sent a chilling effect throughout the labor movement. In the wake of the PATCO debacle, public sector unions were much more reluctant to strike or threaten to strike, while the private sector strike rate plummeted.⁵⁴ The public

⁵⁴ The number of government worker strikes dropped by 40 percent between the years 1980 to 1982 (Lewin 1986, 247). New York, a state notorious for harboring militant public sector unions, only averaged two strikes per year in the first five years following the PATCO decision. In contrast, between 1974 and 1981, New York state averaged 20 strikes per year (Donovan 1990, 205-206).

sector's strike level never again approached the rates prevalent during the 1960s and 1970s.

Although the number and size of public sector unions remained stable, union leaders had trouble securing comprehensive bargaining statutes within this more conservative political environment. During the 1980s, only two state governments (Illinois and Ohio) extended bargaining rights to public employees, while New Mexico was the only state to pass a landmark bargaining bill in the 1990s (Saltzman 1988, 41-42; Kearney and Mareschal 2014).⁵⁵ Rather than championing unionization political leaders in both parties advocated privatization and other pro-market measures to increase efficiency in government at all levels. In fact, Democratic President Bill Clinton devoted part of his domestic agenda to shrinking and streamlining government. A 2003 survey by labor researcher Richard Hurd found that Clinton's initiative, the National Partnership for Reinventing Government, helped shrink the federal workforce by nearly 20 percent relative to total employment during the 1990s (Hurd 2003). A 1995 survey of the largest American cities found that the privatization ethos had also been embraced by the municipal sector during this period (Dilger et al. 1997).⁵⁶

Privatization more severely affected the federal workforce than the state and local workforce, however local and state sector employment grew in the aggregate during the 1980s and 1990s. In fact, during this entire quarter-century, public sector employment only dipped during the early 1980s recession (Freeman 1988, 195).

⁵⁵ See Chapter 5 for a more extensive discussion on this topic.

⁵⁶ Fifty percent of America's largest cities privatized their waste disposal, 48 percent privatized building security and 40 percent outsourced street repair (Dilfer et al. 1997).

The economic expansion of the 1990s was characterized by declines in manufacturing and federal government employment and the rapid upsurge of service and state and local government sectors (Labonte and Makinen 2002, 22-23). In the 1990s, state and local government employment increased from 15.286 million workers in 1990 to 17.6 million workers in 2000 (Labonte and Makinen 2002). Although the aggregate number of workers increased, as a share of total employment the government sector remained stable. In the late 1970s, government accounted for 17 percent of the total nonfarm U.S. workforce, dipping only slightly to 16 percent in 2000 (Rosenfeld 2014, 42).

Public sector union membership also remained stable during this entire era. The public sector unionization rate dipped only slightly from its peak in the late 1970s to 2000 (39 to 37.5 percent). Public sector unionization was resilient during this time partly because public sector employment was so robust during the 1990s. As state and local public sectors grew during the 1990s expansion, public sector unionization unsurprisingly ticked upwards. During the 1990s, public sector union membership increased by one percentage point from 36.5 percent in 1990 to 37.5 percent in 2000. In this span of time, public sector unions gained 617,195 members (Farber 2005; Hirsch and MacPherson 2015).

In contrast, the trends for private sector unions were mixed at best. Private sector union membership dropped from 20 percent in 1980 to 10 percent by 2000 (Walker 2014, 176). The total number of union members in the United States peaked

in the late 1970s at over 20 million. Private sector unions enjoyed a few notable successes in the 1990s but the sector also suffered from scandal.⁵⁷

Private sector union organizers faced a more difficult organizing environment in many respects than public sector unions during the post-1970s era. While economic downturns during this period turned municipal and state executives against unions, civil service laws made it more difficult for employers to fire unionized workers. Sociologists Kate Bronfenbrenner and Tom Juravitch compared public and private sector union certification campaigns and found that “workers in the private sector were almost six times more likely to be fired and not reinstated before a union election than they were in the public sector” (1994, 18). Bronfenbrenner and Juravitch’s analysis of union certification elections during 1991 to 1992 found that public sector unions win 85 percent of such elections, compared to only 48 percent in the private sector (1994, 1). Public sector managers generally refrained from the intimidation tactics against employees that their private sector counterparts frequently utilized.

Public sector workers also made significant compensation gains, in terms of pay and pension coverage, during the late 20th century. From the late 1970s to 2000, the number of public employees covered by state or local pension plans grew to more than 20 million workers from the previous 10 million-member mark (Rajnes 2001).

⁵⁷ The election of John Sweeney as the president of the AFL-CIO in 1995 energized organizers disenchanted by the federation’s bureaucratic and conservative politics, but private sector unions could do little to bolster their declining ranks. Unions such as the SEIU and Teamsters did have some successful organizing drives during the 1990s. SEIU organized low-wage women and people of color in Justice for Janitor campaigns and the Teamsters lead a major strike against UPS in 1997 (Kearney and Mareschal 342-343). However, Teamsters president Ron Carey was removed from office after he was implicated in a campaign contribution violation in 1997.

During this time period, states conducted their first audits of their employee pension systems.⁵⁸ The first audit in 1978 found that pension plans were only fifty percent funded. Funding ratios of pension plans gradually improved in the 1980s and 1990s, reaching 100 percent in the early 2000s (Peng 2008). The 1990s decade was characterized by the proliferation of laws that expanded pension benefits for public workers. In fact, from 1999 to 2001 state legislatures passed 97 laws that expanded pension benefits for state and local government workers (Anzia and Moe 2016, 7).

Real wages for public workers also grew impressively during the 1990s, before stagnating during the 21st century. Public sector wages grew by 7.71 percent, in real terms, over the decade (Mishel and Shierholz August 2013; Gould February 2015), and public sector wage growth kept pace with overall real earnings growth (6.9 percent) for full-time workers during the 1990s (Ilg and Haugen March 2000, 22).

The 1980s and 1990s, in short, were a period of stability—not stagnation for public sector unions. The tremendous momentum public employee unions displayed in the upsurge period had largely stalled by the 1980s, but the sector did not undergo the tremendous losses endured by their private sector counterparts. In terms of compensation growth, public employees, like much of the labor sector, reaped some gains from the economic upswing of the 1990s.

V. Retrenchment Period, 2000-2014

⁵⁸ State and employee pension plans were never regulated by the Pension Benefit Guaranty Corporation, the main regulatory body of the federal government.

Public sector unions faced significant political opposition during the 1980s and 1990s, but it was not until the 21st century that they experienced the wide-scale rollback of public sector labor rights. Between 2000 to 2014, both federal and state lawmakers took hostile actions against government unions. Although union membership rates did not decline drastically in these years, the era featured enough setbacks to be labeled a retrenchment period. The reasons for the shift to retrenchment, defined as legislative rollbacks of bargaining rights, job losses, pension cuts and wage freezes, are the subject of subsequent chapters.

No single seminal event in the early 2000s marked the emergence of this more challenging era for public sector unions, and its defining moment did not occur until 2011, the Wisconsin Uprising. However, public sector unions began losing ground in a number of states by the turn of the century. In many cases, the shift began with the rise to power of Republican governors and/or state legislators seeking to roll back or limit the gains of public sector unions. In 2004 and 2005, Republican governors Mitch Daniels (Indiana), Ernie Fletcher (Kentucky) and Matt Blunt (Missouri) revoked bargaining rights granted by their Democratic predecessors (Bacon, February 24, 2005). In 2009, Arizona Republican governor Jan Brewer followed suit and revoked a “meet and confer”⁵⁹ executive order issued the previous year by her predecessor

⁵⁹ Meet and confer activity is prevalent within the public sector bargaining environment but it denies unions equal standing in the process. Under meet-and-confer policies, the employer possesses final decision-making authority and is not obligated to negotiate or sign a final contract with employees (Kearney and Mareschal 72). Richard Kearney and Patrice Mareschal, labor relations scholars, also find that meet and confer statutes are “typically less comprehensive in their treatment of labor relations issues, such as determining and representing bargaining units, establishing an administrative framework and settling disputes and Unfair Labor Practices (72, 2014).”

Democrat Janet Napolitano (Kearney and Mareschal 69). Two years after the Brewer action and in the wake of the 2007 to 2009 recession and its profound impact on many state budgets, the attack on public sector bargaining would reach its crescendo pitch. In 2011, twenty-four state legislatures introduced laws limiting collective bargaining rights for public employees (Slater, June 2011; Hurd and Lee 2014, 17).⁶⁰ Fifteen of these twenty-four states passed laws that impede bargaining by restricting the financial and recognition procedures that public sector unions had relied upon previously.⁶¹ Between 2011 and 2015, a total of 55 bills were introduced across U.S. state legislatures that either restricted public sector bargaining rights or limited unions' ability to collect dues from members (NCSL Collective Bargaining Database).⁶² In a number of states, unions can no longer rely on dues-check off arrangements⁶³ to guarantee financing and also must stand for elections on an annual basis to remain certified bargaining agents (Slater 2013, 9-10).

Alongside these new limitations, public sector unions faced major obstacles in efforts to win expansive bargaining rights in this period. Only three states under Democratic control (Maryland, New Mexico and Washington) passed comprehensive bargaining statutes during this time period. All three of these states had enacted

⁶⁰ See Appendix Table 8.1 for list of bills introduced in 2011.

⁶¹ See Appendix Table 8.1 for list of laws passed in 2011.

⁶² See Appendix again for list of bills introduced.

⁶³ Dues check-off clauses are in written in featured in some employee contracts. Under dues-check off arrangements, employees voluntarily authorize regular deductions of wages to pay off union dues rather than offering a union separate individual payments. Union prefer dues-check off clauses because it reduces complexities of collecting individual check payments.

bargaining rights for particular classes of public employees during previous eras. Dozens of other efforts to expand bargaining stalled during this time.

It is important to note that the attack on labor unions was not simply confined to the public sector. Conservatives took aim at private sector unions through a surge of right-to-work proposals that flooded twenty-nine state legislatures from 2011 to 2015 (NCSL Right-to-Work Resources 2015).⁶⁴ Right-to-work laws prohibit union security agreements, which means that employees cannot be forced to join a union or pay any cost for union representation. Many of the right-to-work proposals introduced during the 2000s and beyond introduced new right-to-work provisions in states governed by union security agreements or called for stiffer penalties for those in violation of existing right-to-work laws. From 2011 to 2016, Michigan, Indiana and Wisconsin and West Virginia became right-to-work states. During this period, the private sector unionization rate steadily declined to less than 7 percent of the workforce.

The public sector union membership rate did not dip as precipitously—dropping from 37.5 to 35.2 percent from 2000 to 2014—though there is some evidence of the negative impact of the new anti-union laws. Membership rates are closely linked to the rise and decline of the government sector. Public employment also suffered two significant slumps during the 2000 to 2014 period as the sector shed thousands of jobs. During the early 2000s, public sector employment continued the upward trend that characterized the 1990s until employment peaked in February 2003 (Hatch 39). State government employment declined slightly in 2004, as states faced \$12.6 billion and

⁶⁴ See Appendix Table 8.1 for list of RTW bills introduced from 2011 to 2015.

\$14.5 billion shortfalls in fiscal years 2002 and 2003 (43).⁶⁵ State and local government employment recovered slightly after 2004, but crested at 19.8 million jobs in August 2008 (Dadayan and Boyd, January 2013, 5). By the end of 2014, the sector employed 630,000 fewer people than at its peak.⁶⁶ In contrast, private sector employment surpassed its pre-level Great Recession peak in 2013. Not surprisingly, union membership rates tracked these trends.

During the early 2000s, the membership rate grew slightly as the government continued to expand.⁶⁷ However, the public sector faced mounting membership losses during the Great Recession (Greenhouse, January 21, 2011). From 2007 to 2014 the public sector lost 344,507 unionized members. Thirty states witnessed a decline in their unionized public sector workforces (Hirsch and MacPherson 2016). Teacher unions suffered the bulk of such losses. The National Education Association lost a staggering 230,000 members from 2010 to 2014 (Sawchuk, June 3, 2014).

During this retrenchment period, public workers who were fortunate enough to keep their jobs suffered from pension cuts and wage declines or wage stagnation. During the 1990s, public workers in various states enjoyed pension hikes, and pension

⁶⁵ State government jobs fell by 23,000 from 2003 to 2004, but local government jobs actually increased by 11,000 during the same period (Hatch 42).

⁶⁶ State government employment fell from 5.2 million in August 2008 to 5.025 million in July 2013. Local government employment peaked at 14.61 million in July 2008 but fell to a low of 14.02 million by March 2013, a drop of 3.7 percent. From December 2007 to December 2013, state government employment declined by 1.3 percent, local government employment declined by 2.9 percent, and private sector employment dropped 3 percent or 3.5 million jobs (Dadayan and Boyd 5).

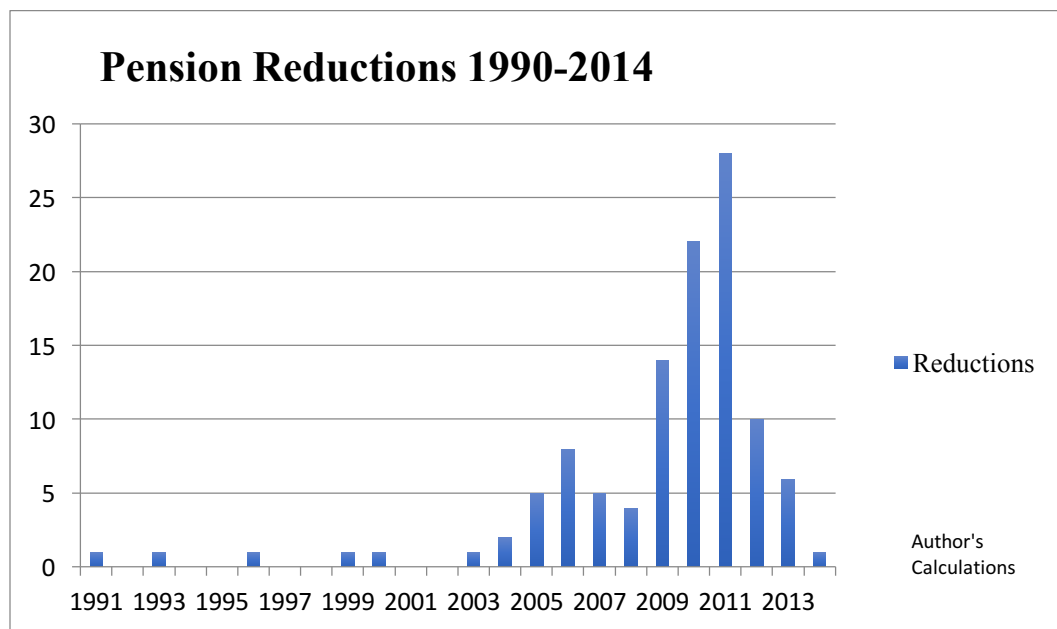
⁶⁷ From 2002 to 2007, public sector union membership grew by 216,000 members as state and local government employment continued to expand (Hirsch and MacPherson 2016).

cuts were rare (National Conference of State Legislators Pension Database 2016).⁶⁸ In the early 2000s, unfunded liabilities became an increasing concern and rhetoric denouncing public workers as being “overpaid” became more pronounced (Pew Center of the States, 2010; Zuckerman, September 10, 2010). Figure 2.1, on the next page, notes the sudden rise of pension retrenchment legislation in U.S. statehouses from 2006 to 2014. During the 2000 to 2014 period, forty-eight legislatures enacted 101 statutes that reduced pension benefits for state workers.⁶⁹ The vast majority of cuts were passed during and after the Great Recession period, from 2006 to 2014. Reforms included privatization of pension schemes, hikes in employee contributions required from public employees and decreased benefit levels for current/and or new employees.

⁶⁸ During the 1990s, state legislatures passed only six laws that altered defined benefit systems or introduced defined contribution tiers into state plans: WV HB 311 (1991), IN HB 1943 (1993), IN HB 1646 (1995), MI HB 6229 (1996), MT HB 79 (1999) and WA HB 1206 (1995).

⁶⁹ I excluded Nebraska from my tally because its legislature is non-partisan.

Figure 2.1: Pension Reductions 1990-2014

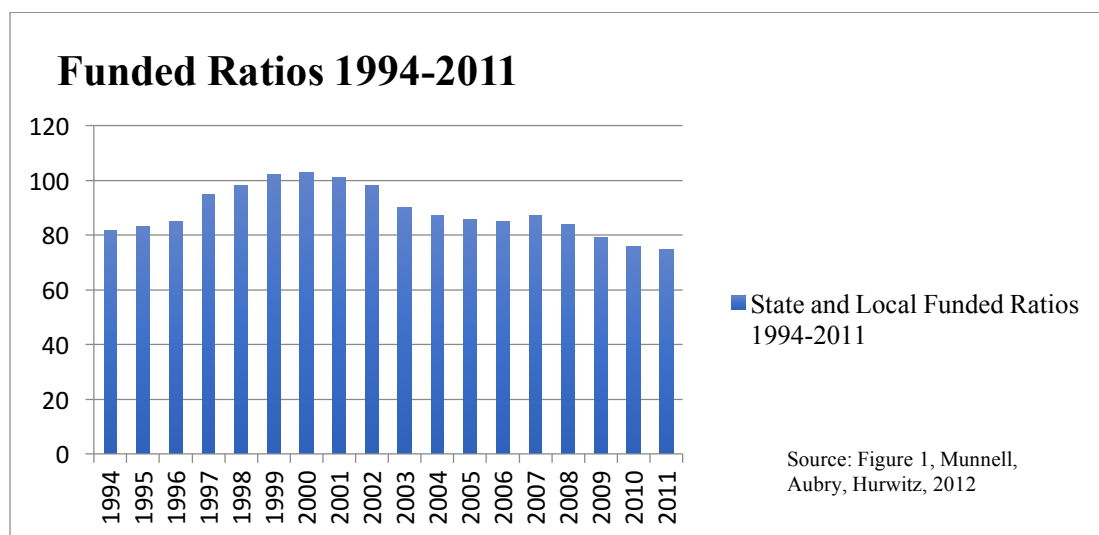


Public pension systems, a somewhat arcane topic, rose on states' policy agendas as state budget deficits soared during the Great Recession. A number of think tanks (such as the Center for Retirement Research) and financial analysts (such as Moody's) estimated the damage the historic downturn had done to pension assets by assessing each state's funded ratios. The funded ratio of a pension plan—the plan's assets divided by its actuarially funded liability—provides one reliable metric of a plan's financial health.⁷⁰ In the early 1990s, ratios of assets to liabilities hovered around 80 percent for 126 of the largest statewide plans in the U.S., then rose to 103 percent by

⁷⁰ The funded ratio metric illuminates a plan's overall health but comparisons between pension plans across states and across sectors (public versus private) remains difficult because different plans employ different discount rates when evaluating long-term liabilities.

1999 (Zorn 1997, 47-54; Munnell et al. April 2009, 5-6).⁷¹ As depicted in Figure 2.2, below, funded ratios dropped significantly over the next decade.

Figure 2.2: State and Local Funded Ratios 1994-2011



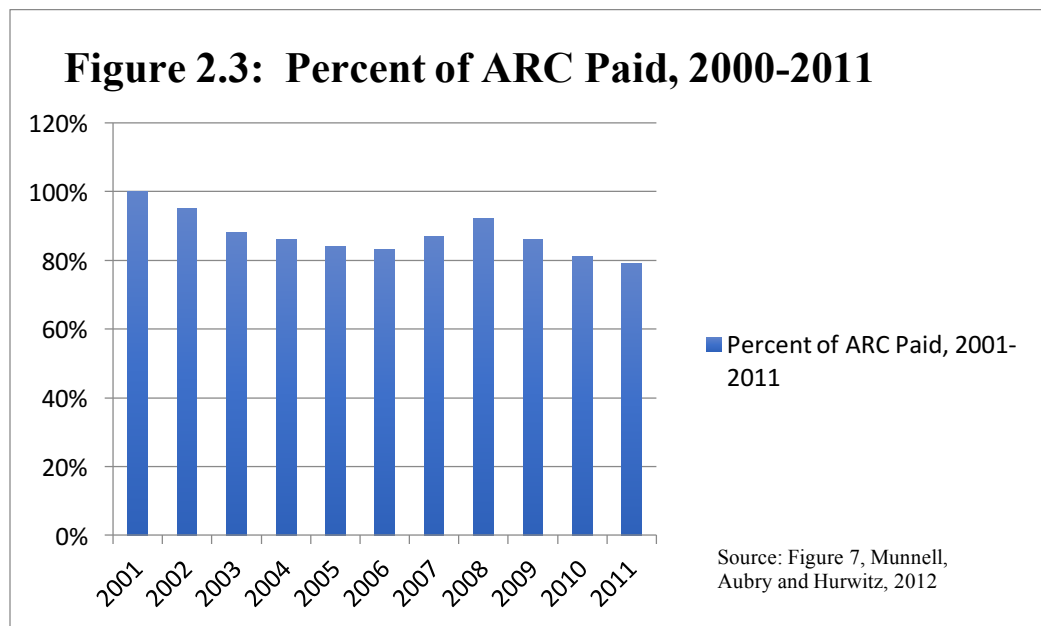
The stock market crash of 2008 wiped out millions in pension fund assets, but was not the sole driver of plunging ratios. Historic shortfalls could have been mitigated had policymakers set aside larger rainy-day funds during surplus years and funded pension systems responsibly. Policymakers lacked foresight during boom periods, such as the 1990s and early 2000s, and often refused to make the recommended Annual Required Contributions to their pension systems. (The ARC denotes the amount of the annual pension payment that is required, according to actuaries, to keep pace with newly accruing pension liabilities, and to amortize past pension liabilities.) A 2008

⁷¹ While actuaries and government officials have not formulated a definitive understanding of what constitutes ‘fully-funded’ and ‘underfunded’ pension plans, ratios of less than 80 percent are typically labeled as underfunded by experts (Munnell et al. 2009; U.S. Government Accountability Office 2008).

report by the Center for Retirement Research found that 44 percent of the 126 plans analysts examined did not make 100 percent of their ARC in 2006 (Munnell et al. May 2008, 5). Over a ten-year-period, the percent of the ARC paid by state legislatures gradually declined during the 2000s from 100 percent full funding in 2001 to 79 percent funding in 2011. A 2013 Moody report on pension liabilities concludes:

The states that have the largest relative pension liabilities have at least one thing in common: a history of contributing less to their pension plans than the actuarially required contributions (ARC). In an effort to reduce current expenditures, states that underfund simply increase the portion of their liability that must be amortized, resulting in ever-greater ARCs that become even more difficult to meet (June 2013).

Figure 2.3, below, depicts how states consistently underfunded their pension plans during the 2000s decade.



Pension cuts were not the only loss confronted by public employees in these years. Public sector paychecks also flattened during the retrenchment period, as wage

gains made in the 1990s dissipated. In the early 2000s, wage growth in the public sector slowed considerably but still outpaced annual inflation. The Bureau of Labor Statistics Employment Cost Index indicates that wages in both the public and private sectors grew by a little more than 2 percent from 2000 to 2007 for those who possessed a college degree (Mishel and Shierholz August 2013, Figure C). The Great Recession and weak recovery marked the end of this positive trend and the emergence of a new period in which the wages of public sector workers lagged behind those of their private sector counterparts. From 2007 to 2014, public sector wages fell by about 1.3 percent in real dollars, while private sector wages rose incrementally by 0.3 percent (Morrissey, February 5, 2014). Private and public sector wages grew in lockstep from 2000 to 2007 but private wages did not experience as great a drop during the Great Recession and post-recession years (Morrissey 2014; Gould 2015).

VI. Conclusion

This chapter provides a more complete periodization of public sector labor history than what is available in the recent literature and in the process provides a more comprehensive historiography of 20th and 21st century labor history. Historians too often conflate labor history with private sector trends and thus neglect the differing trajectories and histories of public and private sector unions. Private sector unionization surged after the passage of the Wagner Act (1935) and declined precipitously during the Reagan era. In contrast, public sector unions experienced major unionization growth and institutional breakthroughs twenty-five years after the Wagner Act and remained resilient during the 1980s and 1990s. Many historical

accounts neglect these differing stories and have written little about major public sector unions such as AFSCME or SEIU or major labor leaders such as AFSCME's most militant leader Jerry Wurf.⁷²

This chapter corrects the historical record by offering a distinct four-part periodization of public sector labor history. Past accounts organize public sector labor history into three phases—origins, expansion and stagnation. I argue that stagnation is not the proper description of the post-expansion phase. I offer evidence of public sector unionization rates, certification election successes and compensation trends to illustrate that the late 1970s to 2000 period was a period of stability—not one of stagnation.

Lastly, this chapter illustrates that public sector employees and unions are now mired in a retrenchment period distinct from the stability period of the late 20th century. Public sector bargaining restrictions and pension and wage cuts are all characteristics of the retrenchment period that distinguish it from previous eras. A closer examination of key indicators of public sector union strength – including levels of public sector employment and unionization, public sector pay and pensions, and bargaining rights – demonstrates a distinct shift in the 2000-2014 period, from an era of stability and strength, to one of retrenchment.

⁷² A few notable exceptions include Johnston's *Success While Others Fail: Social Movement Unionism and the Public Workplace* (1994), Slater's *Public Workers: Government Employee Unions, the Law, and the State 1900-1962*, Francis' *AFSCME's Philadelphia Story: Municipal Workers and Urban Power in the Twentieth Century* (2011), McCartin's *Collision Course: Ronald Reagan, the Air Traffic Controllers, and the Strike that Changed America* (2011), and Burn's *Strike Back: Using the Militant Tactics of Labor's Past to Reignite Public Sector Unionism Today* (2014). A non-academic, Joseph Goulden, wrote the only biography of Jerry Wurf.

Chapter 3: Democrats, Republicans, and Public Sector Unions, 1990-2014

I. Explaining Retrenchment

The history of public sector unionism in the United States presented in Chapter 2 suggests a distinctive periodization, in which the era others have called “stagnation” can more accurately be understood as two distinct periods, one of relative stability and strength, from 1976 to 2000, and a second period of retrenchment, from 2000 to 2014. This revised historical account also poses a question: what explains the shift from stability to retrenchment?

Although few scholars have recognized (or sought to explain) the retrenchment trend beginning in the 2000s, the events in Wisconsin in 2011 spurred a number of studies addressing this issue. The Wisconsin Uprising protests were a series of demonstrations in February 2011, against the state GOP’s Act 10 Budget Repair Bill. The Budget Repair Bill eliminated public sector bargaining and severely cut funding for public services in the state. The Wisconsin Uprising, centered in Madison, Wisconsin were grounds for some of the largest left-centered protests in the U.S. since the Vietnam War and have inspired both journalists accounts and scholarly treatises (Nichols 2012).⁷³ Most studies focused on the question of how and why public sector

⁷³ See Nichols (2012) and Stein, and Marley (2013) for journalistic accounts. See Cantin (2012) and Freeman and Han (2012) for academic accounts.

unions were vulnerable to political attacks, and had limited success in countering them, in states such as Wisconsin, Ohio, and Indiana in the wake of the Great Recession.

These works suggest some initial (if speculative) scholarly explanations for the broader pattern of retrenchment I have identified. Some point to the institutional weaknesses of public sector unions. Both Walker (2011) and Rosenfeld (2014) argue, for example, that the exclusion of public sector workers from the Wagner Act in the 1930s and the failure of the NPERA in the 1970s meant that public and private sector labor law would remain bifurcated. Public sector and private sector workers would be less likely to unite to press for shared goals (Walker 2014, 177). Furthermore, institutional exclusion of public sector unions from federal labor law meant that government worker unions had no floor of protection. In other words, the existence of policy alternatives in non-bargaining states makes it difficult for union supporters to claim that bargaining is a fundamental right in the public sector. Without federal recognition, Republican policymakers could pass restrictive statutes in particular states and point to other non-bargaining states as justification for restrictions. For example, Governor Scott Walker in Wisconsin and the Republican dominated statehouse used the experience of neighboring state Indiana (which revoked an executive order allowing bargaining six years before) as a template and justification for the revocation of worker bargaining rights (Walker 181). Walker invoked many of the same arguments against public sector unions that have been popular since the Boston Police strike of 1919. In an op-ed piece in the *Wall Street Journal*, Walker cited the non-delegation argument as

a motivation for his actions and claimed that unionization stifles innovation in the public sector while inflating the salaries of government workers (March 10, 2011).

Other works point to the broader pattern of private sector union decline as a contributing factor to the challenges facing public sector unions (Ahlquist 2012). They argue that the weakness of U.S. labor law and the precarious position of the U.S. labor movement stifled robust resistance to retrenchment policies in the 21st century. For example, the national branch of the AFL-CIO attempted to oppose anti-collective bargaining proposals in Wisconsin through electoral politics rather than attempting a more ambitious alternative such as a state-wide strike by public workers (Henwood, June 6, 2012). The failed recall movement against Scott Walker sapped unions of the tremendous momentum they had built during the uprising. Some labor activists and academics argue that unions would have undertaken more militant and possibly successful actions if labor leaders were more visionary and labor law was more permissive (Wang and Lampert, April 26, 2011).⁷⁴

Furthermore, the weakness of the private sector labor movement deprived public sector unionists of a common argument often employed during the upsurge years to justify unionization. In the 1960 and 1970s, public sector union organizers could point to the private sector's robust unionization rate as compelling reason to extend bargaining rights to more government workers (Ahlquist 2012; McCartin 2013). In the

⁷⁴ Labor law in the U.S. is generally hostile to workplace activism. Only 12 U.S. states allow public sector strikes and Wisconsin is not one of them (Bass, March 11, 2014). The Taft-Hartley Act (1947), a federal law, also prohibits other forms of workplace radicalism such as the secondary boycott.

current environment of low union density, such an argument is exceedingly hard to make.

Still other accounts of public sector union retrenchment point to the role of race and the way racial frames were mobilized to explain how politicians built support for cuts and restrictions. Critical race researchers such as Joseph Lowndes, Hannah Walker and Dylan Bennett argue that GOP lawmakers generated support for restrictive labor laws by employing racial frames that reinforced negative stereotypes of black public workers (Lowndes 2012; Walker and Bennett 2015, 195-196). In the piece, “The Whiteness of Wisconsin’s Wages” (2015), Walker and Bennett indict Governor Scott Walker’s rhetoric appeals for Wisconsin’s Act 10 of 2011. Walker and Bennett argue that in editorials Governor Walker strategically used populist slogans such as the “Midwestern work ethic” and delineated contrasts of the public worker “haves” versus the taxpayer “have-nots” in order to evoke a distinct black/white dichotomy. More specifically, Walker and Bennett allege that Governor Walker used this rhetoric to juxtapose white rural Wisconsin against non-white Milwaukee⁷⁵ and imply that public sector workers lacked honesty and a work ethic (195-196). The racial line of inquiry is both new and underdeveloped as such analysis is confined primarily to the Wisconsin Uprising. More research is needed of other prominent cases to demonstrate that racial animus was in fact a primary catalyst of retrenchment.

Each of these lines of argument offer important insights. But none of them adequately explains either the broad turn toward retrenchment, or the timing and

⁷⁵ Milwaukee is more than a third African-American and its public sector workforce is diverse.

variation among states in how retrenchment has played out. Rigid institutional accounts obscure the activism and mobilization of unions and liberal activists against retrenchment. Coalitional alliances between Democrats and labor and active mobilizing by public sector unions affected policy outcomes in states such as Ohio and Oregon (Cooke, September 11, 2013). In the most dramatic example of this, Ohio voters repealed SB 5 in November 2011, which was a law similar to Wisconsin's Act 10. The referendum on Senate Bill 5, a law that eliminated public sector bargaining rights, passed by a wide margin after an aggressive campaign by unions and the state's Democratic elites (Noden, November 17, 2016). Institutional explanations cannot explain the divergence between Wisconsin and Ohio, two Midwestern states that possess similar institutional structures. Governors in both states have moderate institutional power (in terms of appointments, power over the budget and veto power) and both legislatures are highly professionalized⁷⁶ (Donovan, Mooney and Smith 2009, 265; National Conference of State Legislators, June 1, 2014).

Likewise, race appears to be an insufficient primary explanation for policy outcomes, because researchers have not presented sufficient evidence that GOP voters or politicians supported retrenchment because of racial animus. Walker and Bennett analyzed speeches and letters to the editor but uncovered no instance of a GOP politician or supporter using blatant racial language to support Act 10. Furthermore, in-depth interview-based studies of Wisconsin voters between 2007 and 2011 identified

⁷⁶ Professionalization is defined by length of legislative session, salary of member and staff and size of staff.

rural consciousness rather than racial hatred as being the driving force behind public sector retrenchment. Katherine Walsh, of the University of Wisconsin at Madison, conducted interviews of hundreds of rural Wisconsin voters prior to the passage of Act 10 and did not find racial animus to be a driver of rural hostility.⁷⁷

Perhaps the most compelling explanation emphasizes the role of parties: the turn to retrenchment was driven by the ascendance of Republican and decline of Democratic political control, particularly at the state level. This certainly seems to provide a promising explanation for many of the recent high-profile anti-union campaigns, such as those led by newly-elected Republican governors in Wisconsin, Ohio, and Indiana. Yet here, too, the picture is complicated. Retrenchment, it turns out, has often been acceded to and sometimes driven by Democratic as well as Republican policymakers. As Chapter 1 indicates, this is surprising, given the close link between unions and Democratic policymakers during the rise of public sector unionism, and the longstanding alliance between the two in electoral politics and policy battles.

This chapter begins a closer examination of the relationship between Democratic policymakers and public sector unions from the 1990s to the present. It demonstrates that the alliance between organized labor and the Democratic Party has not produced the solid and consistent support by Democrats for public sector unions that might be expected.

⁷⁷ Walsh found the majority of respondents to be angry about governmental waste committed by ‘arrogant urban elites’ but no respondent expressed an overtly racial attitude about the diverse composition of Wisconsin’s public sector (Walsh 2012, 526-528).

The chapter examines the role of Democratic and Republican lawmakers in supporting or opposing legislation regarding public sector unions from 1990 to the present, and assesses how public sector unions fared during this period in states under Democratic, Republican, and mixed control. I track five variables that are critical concerns of public employee unions, namely employment levels, unionization rates, wages, pensions, and collective bargaining rights.⁷⁸ In particular, I examine whether and when Democrats at the state level were positioned to advance or block legislation related to public sector unions; and where they were positioned to do so, how they voted. I also consider these patterns in the context of the overall strength and standing of public sector unions and workers in this period, based on broader indicators (such as unionization rates, levels of public employment, and public sector pay) which are influenced by policy decisions, among other political and economic factors.

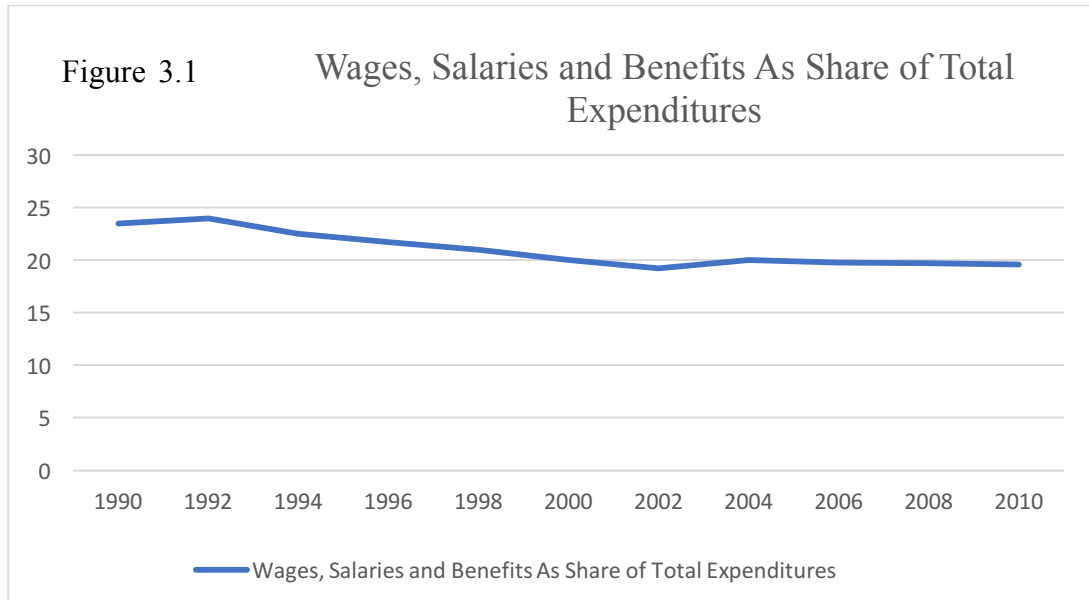
The chapter demonstrates that Democrats have squandered numerous opportunities to bolster public sector unions over the past 25 years. During the 1980s and 1990s, Democrats held 55.6 percent of all seats in state legislatures. Democratic control slipped during the 2000 to 2011 period, as Democrats only retained 48.6 percent of all seats (Donovan 2014, 167). Although the Democratic Party's control of state legislatures during the 2000s was not as extensive as in previous decades, the party still had opportunities during the 1990-2014 period to enact comprehensive bargaining

⁷⁸ While the overall trends of all five variables highlight the setbacks public sector unions have experienced during the 21st century, public pensions and public employee bargaining are directly influenced by policy choices by state legislators and thus garner the bulk of my focus in this dissertation.

legislation in many of the states that lacked it.⁷⁹ Equally important, Democratic lawmakers were positioned to block pension reductions and other retrenchment initiatives in these years, but failed to do so – and in some cases, championed such initiatives.

In many instances, Democrats have not been supportive of public sector union's top priorities during the contemporary era, a marked contrast with the type of partnership forged during the upsurge period. One of the most striking components of the rise of public sector unions during the 1960s and 1970s was their symbiotic relationship with Democratic mayors and state legislators. During this time, party leaders and public sector unions worked together for shared political goals (McCartin 2006, 79). This fruitful relationship soured during the 2000s, as public workers became a convenient scapegoat for many political leaders, including both Democratic and Republican state legislators. In this period, public workers were increasingly perceived as being 'overpaid' or the new 'privileged class' even as employee compensation remained largely flat during the 2000s decade (Zuckerman, September 10, 2010). As depicted below in Figure 3.1, employee compensation as a share of total state and local government expenditures hovered between 19 to 23 percent from 1992 to 2009 (Madland and Bunker 2011). There is no evidence that public employee salaries or compensation ballooned during the 1990s, early 2000s or during the beginning of the Great Recession in 2007.

⁷⁹ I limit my focus to the 1990 to 2014-time period partly because of data availability. This twenty-five-year time span is long enough to allow one to draw meaningful comparisons between eras of Democratic and Republican rule.



The Democratic Party is a contentious arena, where labor has traditionally held a central place (Cowie 2010, 80-85). The Democratic Party’s failure to back public sector unions during this current period is striking in the context of the fruitful relationship Democrats forged with labor since the New Deal era. Since the passage of the National Labor Relations Act, unions and Democrats have closely collaborated to win federal elections. Local alliances date back even earlier in U.S. history (Scholzman October 2013; Scholzman 2014). Furthermore, Democrats cannot win major policy initiatives at the federal level without the backing of public employee allies. This disjuncture is also puzzling because public sector unions remain a major financial backer of Democratic elites in a majority of American states.

My analysis of the role of partisanship in retrenchment begins, in Section II, with a brief discussion of trends in party control of state governments. Sections III and IV then turn to the role of Democrats in supporting or blocking initiatives important to public sector employees. Section III examines pension legislation and Section IV looks at collective bargaining legislation. The final sections examine macro-level developments (in blue, red, and competitive states) in pay, unionization, and employment levels in the public sector.

II. Party Control in the States

In order to assess the role of Democratic Party's policymakers in advancing or reversing the trend toward retrenchment, one must first assess the party's standing in state legislatures relative to its Republican counterpart. In this study, I rely on the widely-utilized index of party competition developed by political scientist Austin Ranney (1976) to summarize the Democratic and Republican Party's electoral partisanship trends in U.S. states from 1990 to 2014. The Ranney Index averages three indicators of partisan competition: the proportion of gubernatorial votes won, the proportion of state senate and state house seats won, and the proportion of time that a governor's office and legislative houses are under the control of each party.

The Ranney Index of party control ranks states considered more and less Democratic (and inversely more and less Republican) within the given time period. The scale ranges from 1.000 to 0, with a score of 1 indicating complete Democratic control of the state government during the given period of time, and a score of 0 indicating Republican control. States are deemed "modified one-party Democratic

control” if their Party Control index score ranges from .650 to 0.8, and are defined as “modified one-party Republican control” if their score ranges from .1500 to .3499. States that fall in the range of .3400 to .6499 are two-party competitive states.

I employed Ranney Index scores to construct Table 3.1, below, which classifies states as being Democratic, Republican or competitive during the 1990 to 2014 period.⁸⁰ I add two categories to the table (Lean Democratic and Lean Republican) in order to better specify which states could be considered left-leaning and right-leaning during the time span under study (Odum 2012).⁸¹ My categorical divisions are: Modified Republican rule (0-.29 scores on Party Control index), Lean Republican (.3-.39), two party competition (.4-.59), Lean Democratic (.6-.69) and Modified Democratic rule (.7-.8). My table spans the years 1990 to 2010, as 2010 is the latest year available on the online published dataset of Ranney Index scores (Klarner et al. 2013).

Table 3.1: State Ranney Index Scores 1990-2010

State	Ranney Party Control
Modified Democratic Rule	
1.) Arkansas	.721
2.) Hawaii	.730
3.) Maryland	.801

⁸⁰ Karl Klarner of Indiana State University offers a comprehensive dataset of state partisan scores dating back to the 1940s (<http://www.indstate.edu/polisci/klarnerpolitics.htm>). His data set offers scores for the level of Democratic or Republican party control of each state for 4, 6, 8 or 10 year intervals. I averaged 10 year intervals to arrive at my delineation of Democratic and Republican states.

⁸¹ A number of authors that reference the Ranney Index modify it slightly to suit their needs (see Odum pgs. 23-24). The index was originally constructed during the 1940s when there were true one-party states in the U.S. (i.e. the Party Control Index score would nearly approximate 1 or 0). In the past thirty years, there are no true one-party states (now scores range from slightly above .800 to slightly below .200). Thus, researchers adjust Ranney’s original categories to highlight partisanship shifts and adjust for the lack of extreme values in the index.

4.) Massachusetts	.794
5.) New Mexico	.708
6.) North Carolina	.701
7.) Washington	.715
8.) West Virginia	.727

Lean Democratic

9.) Alabama	.621
10.) California	.640
11.) Connecticut	.633
12.) Kentucky	.601
13.) Louisiana	.610
14.) Maine	.630
15.) Mississippi	.635
16.) New Jersey	.621
17.) Rhode Island	.670
18.) Vermont	.650

Two Party Competition

19.) Alaska	.410
20.) Arizona	.405
21.) Colorado	.460
22.) Delaware	.570
23.) Georgia	.551
24.) Illinois	.590
25.) Indiana	.407
26.) Iowa	.510
27.) Kansas	.402
28.) Michigan	.430
29.) Minnesota	.510
30.) Missouri	.480
31.) Nevada	.470
32.) New Hampshire	.410
33.) New York	.580
34.) Oklahoma	.420
35.) Oregon	.570
36.) Pennsylvania	.560
37.) Tennessee	.480
38.) Wisconsin	.530
39.) Wyoming	.400

Lean Republican

40.) Montana	.387
41.) North Dakota	.301

42.) Ohio	.360
43.) South Dakota	.311
44.) Texas	.350
45.) Virginia	.380
Modified Republican Rule	
46.) Idaho	.180
47.) Florida	.283
48.) Nebraska	.270
49.) South Carolina	.276
50.) Utah	.190

The eighteen states classified as Democratic in Table 1 are more urban than the eleven states classified as Republican, and boast a slightly higher proportion of the U.S. population. In 2012, these Democratic states claimed 34 percent of the U.S. population while Republican counterparts claimed 25 percent of the U.S. population. Some states labeled above as Democratic, particularly in the South, have longstanding anti-union and anti-statist traditions and have moved dramatically towards the GOP in recent decades. The Democratic Party's dominance of state legislatures during the 1990s, and for that matter most of the post-WWII period, was a direct outgrowth of its dominance of the South (Fiorina 1994, 305).

By the early 2000s, the GOP began to make inroads in the South, and partisan control of statehouses began to vacillate between Democrats and Republicans. Democrats won majorities during the 2006 to 2010 period, but lost these gains in the wake of the remarkable Tea Party insurgence of 2010 (Byler, November 11, 2014). After the Tea Party wave had settled, Republicans gained full control of 25 state legislatures (both the House and Senate), 11 more than they controlled before 2010. By 2014, the GOP enlarged its margin of control, picking up 68 state chambers. This

was a historic achievement, as the GOP dominated more state legislatures than it had during any point since the Civil War (Wolf, November 11, 2016).

As indicated earlier, the upsurge in public sector unionism from the late 1950s to the mid-1970s was often directly related to actions by Democratic governors or state legislatures, and the ties between the Democratic Party and public sector unions grew to be extensive and strong in these years. Conversely, the aggressive anti-union climate of the post-2000 period was led by the rise to power of prominent anti-union Republican governors and state legislatures.

The balance of power between the Democratic and Republican parties clearly plays a role in the trajectory of public sector unions. What is striking about the evidence presented here is that public employees' gains and losses do not correlate to partisan trends as would be expected: unions did not always make gains in regions that trended blue and in some cases suffered significant losses in Democratic-unified state legislatures.

III. Partisan Voting and Pension Legislation

Pension retrenchment has been one of the most politically salient and personally costly setbacks for public employees in recent decades, as public workers, especially new hires, experienced significant pension reductions. It also represents an arena of Republican and Democratic convergence. Republican support for pension reduction bills introduced in state legislatures was consistently strong during the entire 1990 to 2014 period, but Democratic support increased substantially during the 2006 to 2014 time period.

My analysis of roll-call votes on pension reduction bills (summarized in the next chapter) found that Democratic support for pension cuts increased from 63 percent during the 1990 to 2006 time span to 73 percent during the 2006 to 2014 time period. Democrats also voted for more radical pension cuts and restructurings during the Great Recession era than they had in the past. Republican support was steady throughout the entire period, at 83 percent rate from 1990 to 2006 and 77 percent from 2006 to 2014.

Even in the wake of the turn toward retrenchment, public employee pension systems are still mostly structured as traditional defined benefit schemes. Defined benefit plans offer a fixed, pre-establishment benefit level for employees based on length of service and salary history, while defined contribution plans are predicated on the individual investment returns employees experience during their career. Surveys of the largest state plans by the Public Pension Coordinating Council in the 1990s, found that defined benefit plans were the primary benefit scheme in the public sector. During the 1990s, 92 percent of plans were defined-benefit plans, while four percent were defined contribution plans and four percent were hybrid plans that featured defined benefit and defined contribution components (Zorn 1997, 34). A decade later, public sector participation in defined benefit plans remained high, at 79 percent of the total public workforce (Employee Benefit Research Institute 2008; Neumann, July 10, 2010).

During the late 2000s and beyond, legislators from both parties began to implement defined contribution and hybrid schemes that increased retirement insecurity while reducing state liability. Public sector union leaders across multiple

state governments expressed opposition to the idea, because 401k and hybrid plans are typically more expensive to manage and are more financially volatile (Greenhouse, February 28, 2011; Munnell et al. January 2012). During the 1990s and early 2000s, Republican governors and legislatures initiated the majority of mandatory privatization initiatives, generally imposing defined contribution plans, in state employee pension systems.⁸² The two most prominent cases in these years, in Alaska and Michigan, were initiated by Republican governors eager to phase out defined benefit pension systems for defined contribution tiers. Michigan Governor John Engler in 1996 and Alaska governor Frank Murkowski in 2005 both initiated reform proposals that closed defined benefit plans in their states and introduced defined contribution-hybrid replacements, despite the sound financial footing of existing plans (Shepro 2012; Danker 2013, 12-13). At the time of reform, both states' defined benefit plans were nearly 100 percent funded. The governors, nonetheless advocated the defined contribution alternative because such plans would provide employees greater control of their individual retirement accounts while ostensibly saving taxpayers' money (Danker 12). In the earlier part of the time period (1990 to 2006), Alaska and Michigan were outliers, as the majority of pension restructuring during these years involved optional tiers rather than the imposition of mandatory defined contribution schemes.⁸³

⁸² Structural reforms of pension plan take one of two forms: (1) restructuring that requires new or existing employees to enroll in defined-contribution (401k) plans or (2) restructuring that allows employees to choose between optional DC tiers or remain in defined benefit schemes.

⁸³ From 1990 to 2006, 6 states (AK, IN, MI, NE, OR, WV) passed reform measures that introduced a mandatory DC account, while 8 states (CO, FL, MT, ND, OH, SC, VT, WA) passed measures that introduced optional DC accounts.

This pattern changed during the Great Recession era, when state legislatures began to move in a more radical direction. Between 2007 and 2014, ten states adopted mandatory defined contribution or hybrid systems.⁸⁴ As of this writing in late 2016, all but Louisiana's major reform of 2013 have survived court challenges. In some cases, Democrats were in charge: Democratic governors and legislatures in Kentucky, New York and Rhode Island implemented defined contribution or hybrid plan pension schemes, despite strong opposition from public employee unions.

IV. Partisan Voting and Collective Bargaining Legislation

As with pensions, public sector unions had little success defending bargaining rights from retrenchment in the contemporary era. Attacks on collective bargaining actually occurred earlier than the surge in pension cuts, as Republican governors revoked executive orders in the early 2000s and legislatures restricted teacher bargaining and strike activity in the 1990s. During the 1990s and early 2000s, twelve bills were introduced in state legislatures that attempted to curb public sector bargaining.⁸⁵ Some were successful. In the 1990s, six bills, for example, were enacted in state legislatures that limited the bargaining rights of public school teachers and university faculty, while Virginia enacted a comprehensive collective bargaining ban (Slater 2013, 7-8).⁸⁶

⁸⁴ Georgia, Kansas, Kentucky, Louisiana, Michigan, Oklahoma, Rhode Island, Tennessee, Utah and Virginia.

⁸⁵ VA SB 962 (1993), WI SB 44 (1993), IL HB 206 (1995), MI Public Act 112 (1994), MT HB 493 (2001), OH HB 152 (1995), OR SB 750 (1995) and PA SB 494 (1998), OK HB 1002 (2005), OK HB 1004 (2005). Colorado also introduced anti-strike bills in 1995 and 1996.

⁸⁶ VA SB 962 (1993), WI SB 44 (1993), IL HB 206 (1995), MI Public Act 112 (1994), OH HB 152 (1995), OR SB 750 (1995) and PA SB 494 (1998).

The next wave of anti-bargaining legislation emerged a decade later, when thirty-five state legislatures introduced bills limiting collective bargaining rights for public employees between 2011 and 2015 (Slater, June 2011; Hurd and Lee 2014, 17).⁸⁷ Fifteen of these thirty-five states passed laws that impede bargaining by restricting the financial and recognition procedures that public sector unions had previously relied upon.⁸⁸ In a number of states, unions can no longer rely on dues-check off arrangements to guarantee financing, and must stand for elections on an annual basis to remain certified bargaining agents (Slater 2013, 9-10).

There was a clear partisan tilt in support for initiatives: Democrats voted for collective bargaining restrictions at a 28 percent rate, while state Republican representatives voted for such laws at a 92 percent rate. But Democratic support for anti-collective bargaining legislation ticked upwards after the 1990s. During the 1990s, Democrats voted for such laws at a 19 percent rate, (while Republicans voted for such legislation at a 96 percent rate). From 2011 to 2013, 31 percent of Democrats voted to support the anti-collective bargaining legislation that emerged after the Great

⁸⁷ AZ H 2367 (2011), AZ S 1325 (2011), AZ SB 1484 (2012), AZ SB 1485 (2012), AZ SB 1486 (2012), AZ SB 1487 (2012), CA AB 961 (2011), CO HB 1189 (2008), CO SB 38 (2011), CO SB 112 (2011), CO HB 1320 (2011), CO HB 1087 (2013), CO HB 1107 (2013), CT H 5190 (2011), FL SB 830 (2011), IA HF 525 (2011), IA HF 549 (2015), ID SB 1108 (2011), IL H1 (2011), IL SB 7 (2011), IN SB 575 (2011), KS HB 2022 (2013), KS HB 2123 (2013), KS HB 2027 (2014), KS SB 179 (2015), KS SB 212 (2015), LA HB 974 (2012), MD HB 884 (2011), ME LD 1894 (2012), MA HB 3580 (2011), MI HB 4628 (2011), MI HB 4522 (2011), MI HB 2414 (2011), MI HB 4929 (2012), MI SB 1018 (2012), MO HB 492 (2011), MN HB 192 (2011) MT HB 462 (2015), NB LB 397 (2011), NB LB 564 (2011), NB LB 664 (2011), NJ AB 550 (2011), NJ SB 2937 (2011), NH HB2 (2011), NH SB 1 (2011), NH HB 326 (2011), NH HB 589 (2011), NH SB 37 (2013), NV SB 41 (2011), NV SB 98 (2011), NV AB 182 (2015), OH SB 5 (2011), OK HB 1593 (2011), OK HB 1749 (2015), TN SB 113 (2011), UT SB 206 (2011), WA SB 5349 (2012), WI AB 11 (2011). (55 bills)

⁸⁸ ID SB 1108 (2011), IL SB 7 (2011), IN SB 575 (2011), LA HB 974 (2011), MA HB 3580 (2011), ME LD 1894 (2012), MI HB 2414 (2011), MI HB 4522 (2011), MI HB 4628 (2011), MI HB 4929 (2012), MI SB 1018 (2012), NV SB 98 2011, NE LB 397 (2011), NJ SB 2937 (2011), NH SB 1 (2011), NH HB 589 (2011), OH SB 5 (2011), OK HB 1593 (2011), TN SB 11, (2011), WI AB 11 (2011).

Recession. Furthermore, a majority of Democratic representatives in Democratic strongholds such as Illinois, Massachusetts, Michigan and New Jersey voted for retrenchment.

Even as retrenchment efforts unfolded, public sector unions took steps in some states to expand existing bargaining rights. In these cases, Democrats were confronted with opportunities to support increased protection for unions and government employees. Throughout this period, Democrats offered inconsistent support for state-by-state union campaigns seeking legislative statutes for bargaining rights. By 1990, twenty-three states had granted bargaining rights to all public employees⁸⁹ and nine additional states⁹⁰ granted bargaining rights to some public employees (Freeman and Ichniowski 1988, 32; Lund and Maranto 1996, 29-30). Statutes that offer some level of bargaining rights to public employees are heavily concentrated in coastal states and areas of heavy industry. The vast majority of these statutes passed during the 1960s and 1970s. Efforts to extend bargaining rights to the South and Mountain West during the 1990 to 2014 period were largely unsuccessful (Hogler and Henle 2011, 139-140; Kearney and Mareschal 2014, 33-36).⁹¹

⁸⁹ Alaska, California, Connecticut, Delaware, Florida, Hawaii, Illinois, Iowa, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota and Vermont and Wisconsin.

⁹⁰ Georgia, Idaho, Indiana, Kentucky, Maryland, Nebraska, Nevada, North Dakota and Wyoming.

⁹¹ Florida is the only Southern state that implemented a public employee bargaining statute for multiple classes of employees. I excluded Southern states (such as North Carolina, Virginia, Texas, Kentucky) from consideration as case study sites primarily because legislation gained little momentum in this region and thus say little about what independent variables drive the adoption of bargaining statutes (Wanamaker 1977; Kearney and Mareschal 2014, 64-71).

Fifty-five bills were introduced between 1990 to 2014 that were designed to either grant comprehensive bargaining rights to multiple classes of employees or grant bargaining rights to particular occupations. Only 12 of these 55 proposals actually made it to the House and Senate floors for third-reading votes⁹², despite the fact that nearly 70 percent of these bills (38 in total) were actually introduced in legislatures under complete Democratic control. In fact, only two state legislatures (New Mexico and Washington) ultimately enacted comprehensive public sector bargaining rights for multiple classes of public employees from 1990 to 2014 and only two additional states (Maryland and Oklahoma) granted bargaining rights to particular classes of public workers (Marsh April 19, 1999; Slater 2013, 18-22).

The 12 bills that made it to this stage did win broad Democratic support. From 1990 to 2014, 93 percent of Democratic state representatives voted “Yes” to expand bargaining rights under those twelve bills when they reached the roll-call vote stage in upper and lower state chambers. Only four percent of Republican representatives supported these twelve proposals. Although many Democrats supported bargaining legislation when such proposals came up for a floor vote, Democratic support for bargaining legislation during the late 20th century and early 21st century was not consistent or assured. Democrats also acted to block such efforts repeatedly. In fact,

⁹² Many bills proposed for passage in a statehouse go through a 3-step process. During a third-reading, a bill is read with all amendments intact and presented to an entire legislative body (either the upper or lower chamber) for a vote. In the first reading a bill’s title is read out to an entire legislative body and the bill is assigned to a committee. In a second reading the bill is deliberated upon in committee (or committees) before being voted upon. If the bill successfully hurdles the committee vote stage, it returns to the house of origin for a third-reading floor vote where it either passes and moves to the other legislative house or fails outright.

Democratic legislators killed eighteen bargaining expansion bills in House or Senate committees, while Democratic governors vetoed bargaining expansion in four additional cases (Colorado HB 1072, Colorado SB 180, Iowa HF 2645, Nevada AB 130).

To understand these actions by Democratic leaders—which fueled the party’s complicity in public sector labor’s retrenchment —requires a closer examination of the patterns and trends across states. Subsequent chapters provide extensive case studies of organized labor campaigns in states (such as Colorado, Iowa and New Mexico) under Democratic control to illuminate some of the causal factors behind union success and failure in such cases. For the purposes of this discussion, a brief summary of failed attempts to extend bargaining in statehouses since 1990 helps illustrate the role of Democratic leaders.

Bargaining bills have been introduced in every region in America, but in many states such organized labor drives gained little momentum. Efforts to extend bargaining in the West and Midwest were mixed: a few breakthroughs occurred but the preponderance of major collective bargaining bills were shelved by Democratic lawmakers. In the Southern and border states of Kentucky, Missouri, West Virginia and North Carolina, collective bargaining bills died in committee soon after their introduction.

The lack of progress in these four states is surprising given that all four were in Democratic hands for substantial periods during the 1990s and two (North Carolina and West Virginia) were under complete Democratic control for much of the 2000s.

Furthermore, public sector unions had waged long-term campaigns in many of these states for bargaining rights, with some of the campaigns dating back decades. For example, in the 1970s, Kentucky's public sector unions petitioned for a comprehensive bargaining law but were stymied by business interest groups in the state continuously (Wanamaker 1977; Kearney and Mareschal 1998). In the 1970s, only Kentucky's public safety unions were able to win a statute for limited bargaining rights, and such rights were restricted to employees working in counties with a population of more than 300,000. In the late 1990s, Kentucky's then governor Paul Patton (D) promised to usher a public sector bargaining law through the legislature, but was sidetracked by other priorities. House Democrats did introduce a Patton-endorsed bill (HB 760, 1998) that would have granted bargaining rights to public school teachers and state and local government employees, but the bill died in the chamber's labor committee shortly thereafter (Kentucky Archives September 15, 1999; Bramme, August 23, 1999; Collins, January 8, 2000). In lieu of the bargaining law, Patton issued an executive order in 2001 granting state employees meet-and-confer privileges.⁹³ Patton's order encourages employer-employee communication by allowing employees to choose a representative to attend meetings of the Governor's Employee Advisory Council, but the order does not confer bargaining rights (Teamsters 2001).

Other Democratic governors, such as North Carolina's Beverly Perdue, also issued executive orders in lieu of backing major collective bargaining expansions.

⁹³ Meet and confer policies encourage communication between employers and bargaining agents, but are not as comprehensive as labor laws and offer employees no recourse during labor disputes. Under meet-and-confer policies, the employer possesses final decision-making authority and is not obligated to negotiate or sign a final contract with employees (Kearney and Mareschal 72).

Perdue issued Executive Order 45 in January 2010, which allows the largest state employee organization, State Employees Association of North Carolina, to discuss workplace issues with the governor (Jarvis, February 22, 2011; *Winston-Salem Journal*, December 11, 2012). Yet when issuing the order Perdue reassured the business community in North Carolina that she continues to oppose collective bargaining for employees and only approved the order because she believed it was “good for morale” (*Winston-Salem Journal*, December 11, 2012). Three bills designed to expand bargaining rights were introduced in the state legislature during Perdue’s term, but all three were not able to clear the first committee they were assigned.⁹⁴ A previous expansion attempt (SB 1543 2007) during the tenure of Mike Easley, Perdue’s predecessor, was also unsuccessful. Although state employee organizations and liberal allies campaigned for bargaining rights beginning in the early 2000s, North Carolina’s succession of Democratic governors (the governor’s office was in Democratic hands from 1993 to 2013) ignored these demands until Perdue’s small concession (Kearney and Mareschal 70; Putterman, April 25, 2011). North Carolina, a state known for Southern progressivism in areas such as public education, was in exclusive Democratic hands from 2004 to 2010. Remarkably, in 2010 Republicans gained control of the state’s General Assembly for the first time since 1870, effectively ending any hope for progressive labor legislation (Kardish, July 2014).

West Virginia remained in exclusively Democratic hands for much longer periods than either Kentucky or North Carolina during the 1990s and 2000s but the

⁹⁴ SB 427 (2009), SB HB 750 (2009) and SB 386 (2011).

legislature repeatedly failed to implement a significant bargaining law. In fact, the state was under complete Democratic control from 1989 to 1997 and from 2001 to 2014, yet long-serving Democratic governors Gaston Caperton and Joe Manchin declined to support collective bargaining expansion, despite receiving financial contributions from major unions such as AFSCME (Knezevich, March 21, 2011; Elk, June 28, 2012). Democratic representatives introduced multiple pro-collective bargaining bills during the 1990s and 2000s, but few gained any traction (AFSCME WV Organizer, Spring/Summer 2009).⁹⁵

The Missouri case is also notable, not because the state was in Democratic hands for extensive periods of time, but because the Missouri constitution contains a provision that protects employee bargaining (Bay 2013, 1300).⁹⁶ During the late 1990s, Missouri House Representative Steve McLuckie (D) introduced a measure intended to grant comprehensive bargaining protections to public employees, but the bill stalled in the Missouri House (Sentell, March 10, 1999).⁹⁷ In the late 1990s, Democrats controlled Missouri's General Assembly and the governor's mansion, yet unions gained few tangible benefits until Governor Bob Holden's modest Executive Order in 2001.⁹⁸ Holden's order applied to only 30,000 of the state's 60,000 public employees (it excluded municipal and local employees) and required good faith negotiations between unions and state officials (Kansas City Labor 2001). The executive order

⁹⁵ WV HB 2236 (1991), WV SB 622 (2009), WB HB 2155 (2011) and WV SB 5 (2011).

⁹⁶ Article 1, Section 29 of the Missouri Constitution (1945) guarantees employee bargaining rights but was interpreted by courts initially as only applying to private sector employees (Bay 1300).

⁹⁷ HB 166 of 1999.

⁹⁸ Executive Order 01-09 (June 29, 2001).

established a procedure for impasse negotiations between employers and employees but Democrats did not introduce any major initiatives such as the right to strike or the ability to erect union security clauses. Not until 2007, in the case *Independence National Education Association v. Independence School District*, did the Missouri Supreme Court acknowledge that the constitutional protection to bargain applies to both public and private employees.

Outside of the South, Democratic governors' record of support for public sector bargaining legislation was mixed. Although two major bargaining expansions occurred in the Western states of New Mexico and Washington, Democratic administrations in the West have not always backed expansionary legislation. In the early 1990s, Nevada governor Bob Miller (D) vetoed a bargaining bill that would have granted state employees limited bargaining rights over wages and working conditions (Welden 1993). Local employees there have some bargaining rights due to Nevada's Dodge Act, a law passed in 1969 granting local employees limited bargaining rights but prohibiting strikes. Assembly Bill 130 (1991) was written in the vein of the Dodge Act, with strong anti-strike provisions, but the bill was nonetheless vetoed by Miller (Welden 1993). Democratic governors in Colorado and Iowa also vetoed major bargaining expansion proposals during the 2000s, while Democratic legislatures in these states abandoned a number of progressive labor bills (Bedford, February 1, 2008; Gearino, May 14, 2008; Lynda, May 15, 2008).

The overall pattern is clear: Democratic elites not only failed to back bargaining statutes during moments when success was likely, but the party also took few symbolic

stands in this era to support the principles of collective bargaining and unionization. In one notable case, Virginia House Democrats voted down a collective bargaining expansion bill, HB 852 of 2008, after state Republicans refused to allow the sponsor of the bill to withdraw it from consideration. State Republicans, who held both the statehouse and governor's office at the time, took that unusual procedural step in order to force Democrats to take a stand on the issue (Comstock, April 6, 2011). Rather than voting uniformly for the bill to demonstrate support for labor and to suggest that Virginia's collective bargaining prohibition was outdated, half the Democratic caucus voted no. Ann Hodges, a Virginian law professor who has written extensively about labor relations in the state, speculates that Democrats voted no because they feared the vote would be leveraged against them in the next election (Hodges 2009, 761-762).

V. Public Sector Union Membership

Unionization levels in the public sector, unlike pensions and collective bargaining statutes, are not determined by the actions of statehouses or governors alone; multiple factors, economic and political, shape rates and trends in unionization. Yet, numerous empirical studies indicate that state statutes do influence unionization (Saltzman 1985; Farber 1987; Waters et al. 1994). Such influence is borne out in the data, as states that have strong collective bargaining laws, such as California, Maryland and Rhode Island, experienced significant union growth during the contemporary period. Party control is also relevant: during the 25-year period under study, nearly 82 percent of public sector union membership growth occurred in Democratic states, while nineteen percent occurred in Republican states.

Democratic states did not fare as well during the Great Recession years, however. Unionized sectors in ten of eighteen traditionally Democratic states shrank during the 2007 to 2014 period.⁹⁹ Democratic states lost 73,400 members during this seven-year period, which represents 21 percent of overall public union membership loss in the Great Recession era (Hirsch and MacPherson 2015).

In contrast, Republican-leaning states only lost 23,000 public sector union members during the same time period, accounting for 7 percent of the overall decline during the Great Recession. Unions lost the most ground in two-party competitive states. The 21 states in this bloc lost almost 248,000 members from 2007 to 2014, accounting for 72 percent of the total membership loss during this contemporary era.

VI. Public Sector Employment and Pay

Trends in the two final variables—employment levels and pay—provide additional context for understanding the conditions facing state and local government employees. Like unionization rates, both are determined by a range of factors, including economic conditions and business decisions. Overall, public sector employment increased during the last twenty-five years. I once again rely upon the Ranney Index of party competition to classify which states during the 1990 to 2014 period were either Democratic or Republican leaning. (See Table 3.1, above, for the rankings).

⁹⁹Alabama, Arkansas, Connecticut, Louisiana, Maine, Mississippi, New Jersey, New Mexico, Washington and West Virginia.

Blue states were responsible for 52 percent of aggregate growth while red states accounted for 41 percent of overall growth. In numerical terms, Democratic-leaning states added 1.24 million public sector jobs during the quarter century, while red states accounted for nearly a million more jobs in 2014 than in 1990 (Hirsch and MacPherson 2015).

Although nearly all American states experienced public sector job growth during the 1990 to 2014 period, blue states were disproportionately affected by the Great Recession and subsequent weak recovery.

Public sector growth during this long span is hardly surprising given the burgeoning US population and growing GDP during most of the 1990s and early and mid-2000s. Population growth and rising per capita GDP are two variables that correlate to increases in state spending and hiring and are both often incorporated in state budgeting formulas (Wildavsky 1980, 145-147; Bradley et al. 2005).

State populations were also rising during this time period. From 1990 to 2000, populations in all U.S. states increased, with the West experiencing the greatest level of growth (Perry and Mackun, April 2001). The population growth rate (and immigration) slowed considerably after 2001 (Passel and Suro, 2005).¹⁰⁰ During the 2000 to 2010 decade the South and West continued to experience the greatest influx of people (Mackun and Wilson, March 2011).¹⁰¹ Overall, America added more than

¹⁰⁰ The 1990 to 2000 period witnessed the largest census recorded population increase in American history. The population grew 13.2 percent (32.7 million individuals). From 2000 to 2010, the US added 27.3 million people to its population and the population growth rate dropped to 9.7 percent. All states except Michigan experienced population growth.

sixty million people during the 1990 to 2014 period. Furthermore, America's annualized per-capita GDP remained healthy during much of this period. From 1990 to 2007, the United States annualized per capita GDP growth rate was 4.17 percent (International Monetary Fund GDP Database 2013).

Although nearly all American states experienced public sector job growth during the 1990 to 2014 period, most states were severely affected by the Great Recession and subsequent weak recovery. The Great Recession period marked both a major decline of GDP and a pronounced downsizing in the public sector. Democratic states were disproportionately affected. Of the 630,000 jobs lost in the 2007 to 2014 period, thirty-percent of them occurred in the eighteen Democratic-leaning states identified in Section II. In fact, in terms of the percentage of total job loss, public sector job loss in Democratic states was double that of Republican states. Red states lost only 97,000 jobs during the 2007-2014 period (Hirsch and MacPherson 2015).

Public sector pay, the last variable considered in this overview, also dropped sharply during the Great Recession period and during its aftermath. Public sector workers in Democratic states experienced a small uptick in real wages overall during the last quarter-century, but did not outgain counterparts in the private sector and did not experience wage growth during the economic downturn. In fact, real wages for these workers did not keep pace with inflation during the Great Recession and recovery periods. From 1990 to 2014, real wage growth among public sector workers in blue states was 8.81 percent, a full percentage point less than overall private sector wage growth during the last twenty-five years (U.S. Bureau of Labor Statistics, Employer

Costs for Employee Compensation 2014).¹⁰² While these workers did relatively well during the 1990s and early 2000s, public employees saw their paychecks shrink considerably during the Great Recession and post-recession periods.

Public sector workers in Democratic-leaning states experienced a 1.73 percent average decline in real wages from 2007 to 2014 (U.S. Bureau of Labor Statistics, Quarterly Census of Employment and Wages 2014). In contrast, public employees in Republican states actually saw their real wages grow by 4.78 percent from 2007 to 2014. Much of this growth can be attributed to rapid economic expansion in the energy-rich states of North Dakota and Texas (Maciag, August 29, 2013).

Of course, Democratic state legislatures and governors did not have full control over wage patterns during the contemporary period, but political leaders did enact regressive policies that cut worker paychecks. Democratic governors in numerous states campaigned for furloughs, pay cuts and pay freezes during the 2008 to 2011 period, the height of the budget crises faced by the states. In 2008 and 2009, nearly one-half of all sitting Democratic governors ordered furloughs of state employees. States participating in furloughs in 2008 and 2009 include: Colorado, Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, New Mexico, North Carolina, Oregon, Pennsylvania, Washington and Wisconsin (National Governor's Association and the National Association of State Budget Officers 2011).¹⁰³ Furlough periods

¹⁰² Benefits in the public sector did grow at a faster rate in the 1990 to 2011 period than benefits in the private sector. There was a 24.7 percent growth in the public sector benefits during this time, while only a 19.18 percent growth in benefits in the private marketplace (Madland and Bunker 2011, 6).

¹⁰³ There were 28 Democratic governors in office in 2008 and 29 in office after the November 2008 elections. The number of Democratic governors dropped to 20 after the 2010 elections.

varied by state, but states such as Maine, Maryland and Iowa ordered furloughs that reduced take-home pay by up to five percent (Walters and Foster 2009; Loving 2010, Sustar 2010; Oreskovich, 2014).

A number of Democratic governments also ordered wage concessions from employees. In 2008 and 2009, the Democratic governors of Connecticut, Massachusetts, Maine, New Jersey, New York, Pennsylvania, Oregon, Washington and Wisconsin facilitated wage cuts or wage freezes and/or suspended promised salary increases for public employees (Moran 2009; Oreskovich 2009; Sustar 2010). Public sector unions in Connecticut, Pennsylvania and Washington also agreed to pay higher premiums on health insurance to help alleviate costs (Sustar 2010; Reilly 2012; 13). In 2011, New York Governor Andrew Cuomo (D) and Hawaii Governor Neil Abercrombie (D) coaxed public sector unions into forgoing scheduled pay increases and increased employer payments towards their state's health insurance plans (Thomas, August 16, 2011; Winslow, November 30, 2012; Butrymowicz, June 8, 2013).

VII. Conclusion

This chapter draws on both individualized data (roll call votes) and broader trends of blue and red states to describe how partisanship affected public employee retrenchment during the contemporary period. This analysis reveals that public employees suffered significant losses in terms of pay, pensions, employment or bargaining rights in both conservative and liberal strongholds. Public sector unions were also largely unsuccessful in their attempts to win expansive bargaining legislation during the Clinton, Bush and Obama eras.

During the 2000s, the partisan balance of power in statehouses began to shift to the GOP, but Democrats still had opportunities to aid union allies, a position they adopted infrequently. The next chapter offers a logistic regression analysis of pension cutbacks to delve more deeply into the question of motivation. What compelled Democrats to vote against the interests of their long-term union allies? What influence, if any, did interest group lobbying, fiscal trends, institutional characteristics and/or workforce characteristics have on pension retrenchment?

Chapter 4: Understanding Retrenchment: Statistical Analysis of Votes on Pension Cuts

In demonstrating the complicity of Democrats in the recent retrenchment of public sector unions, the previous chapter poses a question that remains unresolved in the literature: why would Democrats vote against the interests of one of their most important allies and constituencies? This chapter delves more deeply into the question of motivation. It examines the respective influence of factors such as interest group lobbying, fiscal trends, institutional and workforce characteristics of particular states in explaining the votes of legislators on one particular and pivotal issue in the decline of public sector unions, pension retrenchment.

Pension cuts became a prominent issue on states' legislative agendas during the late 2000s and into the post-recession years (2010 to 2014). The overwhelming thrust of these legislative initiatives was to reduce the generosity or restrict the eligibility of pension plans for state workers. During the 1990s, only a handful of such pension cutback laws were enacted.¹⁰⁴ In contrast, from 2007 to 2014, eighty-nine pension reduction laws were enacted within forty-eight legislatures (NCSL Legislative Summaries 2000-2011; NCSL Pension Database).

Scholarly accounts of state employee pension reform have explored various political and economic factors that influence legislative voting behavior (Munnell et al. 2008; Thom 2013; Thom 2015; Anzia and Moe 2016). The party identification of

¹⁰⁴ Data compiled the Center for Retirement Research and the National Conference of State Legislators identifies only eight major pension reduction laws passed in the 1990s (Munnell et al. 2008; Snell 2010).

representatives and the political contributions of unions are two main political factors explored in these studies. In an analysis of the conversion of traditional and more generous defined-benefit plans to less generous defined-contribution/hybrid models, for example, Michael Thom found Republican legislative partisanship correlates to the likelihood of such enactments, but interestingly found no correlation between Republican governorship and pension privatization (Thom 2013, 485). Sarah Anzia and Terry Moe find Republican partisanship mattered most in the Great Recession era and found that, contrary to expectations, Democratic support for pension reform increased when Democrats held both the gubernatorial office and statehouse (2016, 30).

Past studies have concluded that political partisanship alone could not fully explain the surge of pension reduction legislation during the last decade (Thom 2013). Quantitative research on the topic also examined the influence of a number of economic factors, such as state debt, state revenues, and pension liability, and found that debt and liability correlate to the passage of pension cutback legislation (Thom 2013; Anzia and Moe 2016). Although Anzia and Moe and Thom's studies of pension reform provide some insight into the influence of relevant economic variables, both studies were limited in significant ways. Anzia and Moe's examination of pension expansions and reductions during the 2000s only incorporates pension liability as an independent variable, rather than more encompassing fiscal variables such as total state debt and total state revenue. This oversight may be significant as other researchers have found that low defined benefit pension funding ratios had little impact on the implementation

of defined contribution accounts (Munnell 2008 et al., 8). Michael Thom's study of defined contribution enactments from 1996 and 2011 found that state debt levels increased the likelihood of policy change, but his study only examined defined contribution reforms rather than pension cutbacks more generally (483).

This chapter seeks to build on previous studies and fill in those significant gaps, through a regression analysis that examines pension liability, state debt and state revenues for all pension reduction legislation from 1990 to 2014. This analysis also explores institutional factors, such as term limits and electoral competitiveness, not explored in previous literature. In addition, I expand my temporal analysis to include years that these studies do not cover. While they restrict their analysis to the years 1999 to 2011, I expanded the time horizon to cover the years 1990 to 2014, thus incorporating both the last decade of the period of public sector union stability and strength described in Chapter Two, and the more recent period of retrenchment.

Through logistic regression analysis, I conduct a time series analysis and examine possible institutional and demographic variables that could explain legislative voting behavior. I ask, first, whether Democrats voted for retrenchment at a higher rate during the Great Recession and post-recession years (2007-2014) than during the 1990 to 2006 period. A logical follow-up question to this query is: if Democrats voted for retrenchment at higher rates in the Great Recession period, why did they do so? A time series analysis seems particularly appropriate for the subject of pension reform, in part because the plans' economic status declined during the 2007 to 2014 period (Munnell et al. April 2008; Munnell et al. June 2010). Aside from economic/fiscal

factors and partisanship, a number of other variables may influence the likelihood that an elected official would support pension cutback legislation. Institutional characteristics vary significantly from state to state and may influence the likelihood that representatives would vote for or against pension cutbacks. This possibility raises an additional question addressed in this chapter: is legislators' support for retrenchment influenced by institutional rules such as term limits or the electoral competitiveness of state districts?

Finally, I ask whether state-level workforce characteristics influence the likelihood that representatives will vote for retrenchment. Workforce characteristics, such as the percentage of a state's working population within the public sector and the ratio of employee contributors to beneficiaries, impact the long-term health of state pension systems and the possible financial burden such systems pose in the future. Declining employee-to-retiree ratios, for example, may inspire more legislators (from either party) to vote for retrenchment.

I. Drivers of Pension Reform

Because state public pension systems are fairly complex instruments that have become increasingly polarized entities in U.S. states, it seems reasonable to assume that a number of economic, political and demographic factors influence their reform. In the following section, I enumerate several of these factors, briefly survey the existing literatures that speak to how and why they may be influential, and specify how those variables are incorporated into my regression analysis, in the form of seven hypotheses.

1.) Party Affiliation (PA)

A number of studies dating back to V.O. Key's seminal work find that partisan affiliation affects policy enactment in U.S. states on various issues (1949). More recent studies on diverse topics such as post-secondary education and abortion limitations indicate that the partisan breakdown of a state's executive and legislative branches (i.e. whether Democrats or Republicans control these branches) influences policy outcomes (Besley and Case 2003; McLendon, Heller and Young 2005; Patton 2007).

Pensions have increasingly become a partisan issue, as the subject has engendered intense rhetoric and enhanced scrutiny by political and media elites (Greenhut 2009; Walsh 2012). Democratic and Republican legislators face different political considerations when confronted by pension reduction legislation.

Most Democrats seem to have strong incentives to oppose pension reduction legislation, especially during times of economic health, as such legislation disadvantages key constituencies that Democrats count on (public sector unions and public workers). The vast literature on welfare state retrenchment finds that voting publics tend to punish legislators who institute transparent retrenchment (Pierson 1996). Public sector pension reform does not affect as wide a constituency as other possible forms of retrenchment (such as Social Security cuts), but it does threaten a large constituency not favorably inclined toward reform (public sector unions).

Not only are public sector unions resourceful, longtime allies of the party, but pension reform itself entails high costs in the short-term. Reform measures may entail significant tax increases, unpopular cuts in social services, and protracted legal battles. Representatives who are primarily concerned with re-election (Aldrich and Rohde

2001; Mayhew 2004) would likely opt to shift costs onto later generations of taxpayers and politicians rather than proposing substantial legislation that might threaten future electoral prospects.

Republicans, on the other hand, as a party of limited government, would be expected to vote for pension reduction legislation. Past research suggests that Republican governors are typically more supportive of privatization legislation than their Democratic counterparts (Wallin 1997). This reasoning leads to my first hypothesis (H1): Republican legislators are more likely to vote yes on pension reduction legislation than their Democratic counterparts.

2.) Union Contributions (UC)

Public sector unions are the main client interest group defending public employee pensions and compensation, and through their resources exert influence on how pension reform is formulated in statehouses. There is a large political science literature on the role and capacity of well-organized and well-funded interest groups, including public sector unions, in gaining distributive goods or blocking redistribution (Pierson and Hacker 2012). Paul Pierson's work on attempts to reform Social Security finds that well-organized constituencies often block reform even when political actors committed to retrenchment dominate top governmental posts (Pierson 1996).

Work on state-level politics finds that public sector unions, through their member mobilization and financial contributions to Democratic campaigns, often influence Democratic voting behavior (Troy 1994; Moe 2005; Francia 2006, 70; Moe 2011). Union influence should therefore be considered a possible predictor (Masters

and Atkin 1996, 192-193). This leads to my second hypothesis (H2): Legislators are less likely to vote for pension reduction legislation if they accepted a union financial contribution in the election cycle before their scheduled vote.

The National Institute on Money in State Politics provides an online database tracking contributions to state candidates by year for every major interest group in each state. The database offers fairly complete records for legislators elected in the past ten years. Contribution amounts vary significantly by candidate and state, with some legislators receiving tens of thousands from public sector unions and others receiving less than \$1000 for an election cycle. I mark candidates as having received union donations if the donation was made within two years of the actual pension vote. Donations made in the distant past may have little bearing on the current voting behavior of an elected official and are thus excluded from this analysis. Members who received contributions from public sector unions are designated “1” scores in the regression dataset and those who received no donation are marked as “0”.

3.) Public Sector Union Membership Rates (Umr)

Although political spending represents the most valuable and direct proxy of public sector union influence, data on such giving is not available for all legislators in my dataset.¹⁰⁵ However, other measures of union influence such as public sector union membership rates, have been comprehensively tracked by labor officials since the early 1980s.

¹⁰⁵ The National Institute on Money in State Politics’ records track giving during the latest political cycles but lack information on legislators from the early 2000s and 1990s.

There are various ways in which union membership levels have correlated to labor-related outcomes. States that harbor larger unionized sectors and more government employees per capita generally tend to feature more permissive bargaining laws for public employees (Kearney and Mareshal 2013, 30-31).¹⁰⁶ Recent qualitative case studies attribute various labor policy breakthroughs to successful mobilizing efforts of public sector unions (Tattersall 2010; Boris and Klein 2012; Mareschal and Ciorici 2013).

Quantitative studies of labor influence also find that union density often correlates to progressive policy outcomes such as minimum wages increases (Masters and Delaney 1987; Bloch 1993; Rose and Chaison 1996). Past work in industrial relations has found that union density matters both for congressional voting patterns (Masters and Delaney 1987) and state policy outcomes such as welfare spending (Radcliff and Saiz 1998, 119-120). Larger membership pools allow unions not only to make larger contributions to political allies, but also to mobilize more activists and voters to agitate for more progressive policy. Inversely, denser unions may also be able to block unfavorable legislation like pension cutbacks more easily than smaller counterparts. Union density and mobilization has a greater effect on Democratic legislators than Republican lawmakers as public sector unions have traditionally lent the majority of their support to progressive Democratic legislators (Troy 1994; Francia 2006, 70; Moe 2011; Francia 2013). My third hypothesis, (H3), therefore is that

¹⁰⁶ Permissive bargaining rights include the right to bargain over wages, benefits, work rules and engage in strikes. See Sanes and Schmitt (2014) for a description of bargaining rights by state and public occupation.

Democratic legislators are more likely to vote yes on pension reduction legislation in states that feature smaller unionized sectors.

My statistical model incorporates public sector union membership levels by noting the percentage of unionized public employees in a given state in the year prior to pension reform.¹⁰⁷

4.) Electoral Competition: (HVD)

V.O. Key's work illustrates that the strength of party control and the degree of interparty competition has major consequences for the type of broad policies that state policymakers implement (1949). Key illustrated that during the pre-Civil Rights Era, Democratic lawmakers in the South were free to implement democratically unrepresentative policies because institutional arrangements, such as poll taxes and literacy tests, insulated them from electoral accountability. More contemporary research on state representative behavior indicates that district-level electoral competition influences policymaking decisions by majority parties (Barrilleaux et al. 2002; Stucky, Heimer and Lang 2005; Flavin and Schuldt 2012).

Of particular relevance, on related social policy issues, Barrilleaux et al.'s study of welfare spending by state from 1973 to 1992 found that district electoral competition correlates to Democratic support for welfare spending. When competition is high, Democrats spend more on welfare. Yet, in states that feature relatively little electoral competition, party control of the legislature has little direct bearing on welfare spending

¹⁰⁷ Barry Hirsch and David A. Macpherson's database "Union Membership, Coverage, Density, and Employment by State and Sector, 1983-2012" offers membership data for every state for the time period of interest.

(Barrilleaux et al. 2002, 424). Barrilleaux's study and the earlier work by Key imply that incumbent Democrats (or Republicans) elected by slim majorities face greater pressure to respond to constituent concerns than incumbents elected by comfortable margins.

Recent studies of state representative behavior have not directly addressed pension reform policy specifically, but a number of scholars have provided theoretical models of state lawmaking within controversial policy realms (Haider-Markel 1998; Boushey 2014). Democrats in safe seats may be more likely to vote for pension reduction legislation because they are less reliant on organized labor to either get out the necessary votes or provide needed funds to win elections. Republicans in safe seats may be more likely to vote for pension cutbacks, not only because they seek to please conservative constituencies, but also because they do not have to fear any type of electoral backlash from public workers. My fourth hypothesis, (H4), therefore, is that legislators are more likely to vote yes on pension reduction legislation in states with less competitive electoral districts.

The Holbrook Van Dunk (HVD) measure, developed by political scientists Thomas Holbrook and Emily Van Dunk, is a widely-used proxy for state district competitiveness and one that could be easily leveraged for my dataset (Hill and Hinton-Anderson 1995; Soss, Schram, Vartanian, and O'Brien 2001; Schufeld and Flavin 2012, 10). The scale in HVD ascends from 0 to 100, with 0 being no competition and 100

being perfect competition.¹⁰⁸

To operationalize this variable, I utilized an existing dataset to identify four-year HVD scores for every pertinent state in my study.¹⁰⁹ The four-year HVD averages in my dataset indicate the average competitiveness of a legislative district for the year of and the three years preceding the passage of a pension reduction bill. Scores approaching the 100 value indicate that elections were extremely competitive in a given state during the last two biennial elections.

5.) Term Limits: (TL)

As the movement for gubernatorial and state legislator term limits gained salience in the 1990s, proponents often argued that this institutional rule would affect the type of legislation passed in statehouses and the behavior of legislatures. Advocates speculated that legislators who had neared their term limit would have little motivation to trade votes for campaign contributions from special interests or to deliver pork to constituents (Keele, Malhotra and McCubbins 2013, 291-292). Such claims generated a great deal of passion in U.S. states in the 1990s, as twenty states passed limits between 1990 to 2000.¹¹⁰ Critics of this movement argue that term limits reduce legislative competency by driving experienced legislators out of office. By 2003, six

¹⁰⁸ The HVD formula is: $100 - ([\text{Average}\% \text{ vote for winners} + \text{Average margin of victory} + \% \text{ uncontested seats} + \% \text{ safe seats}]/4)$. Holbrook and Van Dunk define safe seats as instances where the winning candidate receives more than 55% of the vote.

¹⁰⁹ Carl Klarner's dataset, available at klarnerpolitics.com, provides the HVD averages by state for the 1970s to 2010. Klarner offers 4, 6, 8 and 10-year moving averages of the HVD composite score for every US state and calendar year since 1970. I calculated HVD scores for 2011 to 2014 time period.

¹¹⁰ These states include AZ, AR, CA, CO, FL, ID, LA, MA, ME, MI, MO, MT, NE, NV, OH, OR, SD, UT, WA and WY. For an overview of this phenomenon see Caress and Kunioka (25).

states, through either court action or legislative initiative, had repealed their term-limit laws.¹¹¹

Term limits survived in a number of large, populous states such as Florida and California, and affected the leadership, racial diversity and political calculations of state representatives (Caress and Kunioka 2012). Although most scholars agree that variables such as leadership stability were affected by term limits (Cain and Kousser 2004; Kousser 2005, Caress and Kunioka 2012), no consensus has been reached over their policy impact. A number of studies provide persuasive evidence that term limits reduced the complexity of bills passed in their wake by decreasing incentives to work on complex legislation and by reducing the institutional knowledge of elected representatives (Cain and Kousser 2004; Kousser 2005). Yet, scholars disagree over whether term limits altered the relationships of elected representatives to interest groups and inspired more conservative fiscal policy.¹¹²

No studies have yet been conducted on the impact of term limits on pension policy, but there are a number of studies on fiscal policy effects that are instructive for this project. Studies of the relationship between gubernatorial term limits and fiscal policy, more common than studies of state legislative term limits, have uncovered substantial evidence that term limits affect policy choices and that party affiliation matters. Besley and Case (1995b) find that Democratic governors facing term limits spend more on average than counterparts not facing such limits. Furthermore, they

¹¹¹ Idaho (2002), Massachusetts (1997), Oregon (2002), Utah (2003), Washington (1998) and Wyoming (2004).

¹¹² Keele, Malhotra and McCubbins (2013) find that term limits do not affect fiscal policy. Earlier studies find some impact (Besley and Case 1995; Alt, de Mesquita and Rose 2011).

theorize that Democratic governors eligible for re-election are more cognizant of voter accountability and thus are less prone to raise taxes than governors in lame-duck sessions (1995, 780-781). Numerous studies that illustrate voter hostility to rapid spending and tax growth help support this hypothesis (Peltzman 1992; Besley and Case 1995a). Alt, Bueno De Mesquita and Rose find similar accountability effects when examining fiscal spending in states with and without term limits for the 1950 to 2000 period. Alt. et al. find that per capita taxes and spending are higher in states that feature term-limited gubernatorial incumbents than in states in which governors are eligible for re-election (2011, 182). These results help explain gubernatorial behavior in the face of the hard choices that pension liabilities induce. Such studies may shed light on the logistic regression equation outlined here, even though the logistic model addresses state representative voting behavior rather than gubernatorial decisions.

Although, state legislator decision-making under term limits has not been studied as extensively as gubernatorial decision-making, some evidence suggests that term limits affect voting behavior. The majority of legislative studies examining representative behavior within term-limited environments utilize survey data and do not delve deeply into any type of policy analysis. Survey data of state legislatures under term-limits, conducted by John Carey and colleagues in the late 1990s, finds that term-limited legislatures feel less bound by the preferences of their constituencies (Carey 2000; Carey et al. 2006). Carey's surveys suggest that legislators, in term-limited states, base votes more on ideological preferences than on the preferences of constituencies. This contention is debatable, as follow-up studies utilizing survey data

have not found legislators in term-limit offices to be less responsive to constituent preferences in their voting or to deviate from constituency service during the final term of their careers (Cooper and Richardson 2006; Wright 2007).¹¹³

While survey-based studies have not been conclusive about the effects of term limits, studies that compare roll call voting trends among legislators under term limits with those of representatives under no constraints have uncovered significant differences. In his study of welfare state devolution and health care policy, Thad Kousser tested the impact of term limits and legislative professionalism on the magnitude of change. After President Bill Clinton's landmark Personal Responsibility and Work Opportunity Reconciliation Act and the passage of the State Children's Health Care Program in 1997, states were charged with designing new programs under federal guidelines. Kousser noted how far states deviated from federal guidelines, and deemed those states that took the boldest steps as the most innovative. Kousser found that legislators facing term limits were more willing to vote "yes" in support for more innovative and "riskier" policies. Kousser concluded that because of their limited time horizons, these legislators will more willing to bear risk (2005, 189).

Democratic willingness to vote yes on pension reduction legislation could also be deemed innovative and risky due to the animosity it could engender from retirees, public employees, and public sector unions. Pension reform could also be deemed innovative because state legislatures through most of the 20th century papered over

¹¹³ Cooper and Richardson defined constituency service as the number of district office hours a representative holds per month (182, 2006).

liabilities through accounting maneuvers (Munnell et al., May 2008). This leads to my fifth hypothesis (H5), that Democratic legislators under term limits will be more “risk acceptant” than counterparts not under such constraints and thus will be more likely to vote for pension reductions.

This prediction assumes Democratic representatives are beholden to labor constituents and/or depend on union contributions and thus are unlikely to vote against public sector unions unless they are ineligible to run for another public office in the subsequent political term.

Only fifteen states currently retain term limits: Arizona, Arkansas, California, Colorado, Florida, Louisiana, Maine, Michigan, Missouri, Montana, Nebraska, Nevada, Ohio, Oklahoma and South Dakota. Twenty-seven pension reduction laws were passed in these fifteen states and such statutes involved a few hundred term-limited representatives.¹¹⁴

After identifying term-limited legislators through state websites and the Council of State Government directories, I coded ‘0’ for legislators not in their last term and ‘1’ for those who are in their last term in either the lower or upper body of the legislative chamber.

6.) State’s Economic Health {Annual Debt (Ad) and Annual Revenue (Ar)}

¹¹⁴ AZ HB 2389 (2010), AZ SB 1609 (2011), AZ SB 1614 (2011), CA SB 846 (2010), CA AB 1592 (2010), CA S22f (2010), CA AB 540 (2012), CO SB 1 (2010), CO SB 146 (2010), CO SB 76 (2011), FL SB 2100 (2011), LA HB 311 (2005), LA SB 88 (2006), LA SB 296 (2009), LA HB 1337 (2010), LA HB 61 (2012), ME LD 1043 (2011), MI S 1227 (2010), MI HB 4701 (2011), MI S 1040 (2012), MT HB 79 (1999), MT HB 122 (2011), MO HB 1 (2010), NV SB 427 (2009), OK SB 377 (2011), OK SB 794 (2011), and SD SB 20 (2010).

A number of welfare state theorists argue that budgetary shortfalls can provide political cover for politicians who have to cut popular programs during difficult fiscal times (Starke 1996, 114; Pierson 2000). Financial and demographic pressures do not explain pension reform, but such pressures can place reform on the political agenda (Pierson 1996; Ross 2000, 169-170). It is important to test state economic health as an influencing factor in pension reduction policy, especially as the majority of reform occurred during the Great Recession and post-recession years, when state budgets were especially tight.

A state's economic health can be gauged through both revenue levels and outstanding debt. It seems reasonable to assume that revenue growth or decline affects pension reform as declining revenues could force states to deal with debt, and pension debt in particular. Recent studies of state budgeting challenges find that states often have trouble obtaining needed revenue during recessions. Polls indicate that policymakers face significant opposition to many types of proposed tax increases, such as property tax hikes (Silvers 2013, 50-51). The inability to raise sufficient revenue may force state policymakers to address long-term commitments such as pension debts. This informs my sixth and seventh hypotheses, that Legislators are more likely to vote yes on pension reduction legislation in states that face rising debt (H6), and are more likely to do so in states that face declining revenues (H7).

To operationalize state revenue streams in my study, I rely on figures available through the U.S. Census State Government Finances index, and calculate the percentage growth or decline of tax revenue by state. The annual percentage growth

or decline in revenue provides one indicator of the fiscal environment legislators faced when voting on reform.

Increasing debt could also inspire states to embrace a number of pension reforms designed to cut short-term costs (such as reduction in cost-of-living adjustments for current employees) or long-term liabilities (such as transitions from defined benefit to defined contribution schemes). The U.S. Census State Government Finances index reports total outstanding debt by state for every year since the 1950s. Total outstanding debt represents debt from pension costs, unfunded other post-employment benefit (OPEB) liabilities, and outstanding unemployment trust fund loans (Eucalitto, January 8, 2014). It seems reasonable to assume that a rising percentage of debt from one fiscal year to the next could induce representatives from both political parties to vote for pension reform. To operationalize this variable, I calculated the percentage change of per-capita debt by year for every state in my study.

7.) *Health of Pension Plans {Funded Ratio (Fr) and Employee Ratio (Er)}*

During the late 2000s, state pension systems faced deficits in the \$1 trillion range, as years of legislative underfunding and the stock market decline severely deteriorated their assets (Baker 2011; NASRA July 2011). A number of policy think tanks and experts, such as the Brookings Institution argued that state pension systems need systematic reform (Munnell 2012, 206-209; McGuinn 2014, 4). Some analysts believed that responsible plan governance and stock market growth would not be enough to avert future challenges and instead advocated for a more substantial break from the status quo. As media scrutiny intensified, politicians in states beset with the

worst performing pension systems were likely under sizable pressure to act. These circumstances lead to my eighth hypothesis (H8), that legislators are more likely to vote for pension restructuring and/or cutbacks when plans appear to be fiscally troubled than when they are not.

The model relies on two variables—the funded ratio of assets and liabilities within pension plans and the employee to retiree ratio—to gauge the overall fiscal soundness of state pension plans. The Center for Retirement Research’s “Public Plans Database” lists the funded ratio of state plans from 2000 onwards.¹¹⁵ The Wisconsin Legislative Council’s Comparative Study of Major Public Employee Retirement Systems reports the ratio of active (working) employees to retired (inactive) annuitants for state pension plans in each state from 1982 onwards.¹¹⁶

II. Data and Estimation

From 1990 to 2014, 103 pension reduction laws were enacted in state legislatures. Only fourteen of these were enacted before 2007. I uncovered state representative third-reading¹¹⁷ votes for 94 of these reforms within forty-seven state legislatures.¹¹⁸ I identified these laws by coding the annual pension legislation reports offered by the National Conference of State Legislatures (NCSL Pensions and Retirement State Legislation Database, 2014).¹¹⁹

¹¹⁵ See website, (<http://crr.bc.edu/data/public-plans-database/>).

¹¹⁶ See website, (<http://lc.legis.wisconsin.gov>).

¹¹⁷ Please refer to footnote 85 for an explanation of the third-reading process within a state legislature.

¹¹⁸ Only Nebraska, Arkansas and Idaho were excluded from this analysis. I was not able to identify any major Idahoan or Arkansan pension reduction law. Nebraska harbors a non-partisan unicameral legislature and thus deviates from the parameters of my analysis.

¹¹⁹ I classify particular bills pension reductions if such bills: (1) increase the amount employees must contribute to plans (2) cut Cost of Living Adjustment benefits for retirees, existing or new employees

A total of 14,605 representatives deliberated on these 94 pension reduction laws, with 13,777 casting votes.¹²⁰ Seventy-four percent of representatives (N = 10,886) voted “yes” for pension cutbacks/restructuring, 19.8 percent (N = 2,891) voted “no” and 6.2 percent (N = 828) abstained from voting.

This study employs logistic regression, a method geared towards analysis of binary dependent variables, to examine which independent variables (economic, political or institutional) influenced these representatives.

The probability of a state representative voting yes ($Y = 1$) on a pension reduction law in a given year is outlined in (Equation 1) below:

$$\ln[p/(1-p)] = p = P(Y=1) = \beta_0 + \beta_1 X_{iPa} + \beta_2 X_{iUc} + \beta_3 X_{iUmr} + \beta_4 X_{iHvd} + \beta_5 X_{iTi} + \beta_6 X_{iAdi} + \beta_7 X_{iAr} + \beta_8 X_{iFr} + \beta_9 X_{iEr}$$

This expression signifies that the probability of a state representative voting yes on a pension reduction law in a given year is predicted by both individual and aggregate level state variables. The model incorporates party-affiliation (X_{PA}), union giving (X_{UC}) and term limits (X_{TL}) as discrete individual-level predictors.

The model incorporates annual debt change (X_{AD}) and annual revenue change (X_{AR}), funded ratio of pension plans (X_{FR}), employee ratio of pension plans (X_{ER}), the percentage of a state’s public sector that is unionized (X_{UMR}) and electoral competition in state districts (X_{HVD}), as aggregate (state-level) variables.

(3) adjust benefit formulas to reduce future payouts (4) increase age and service requirements for retirement (5) restructure defined benefit systems by introducing defined contribution tiers. My database only includes laws that affect relatively large occupational categories such as teachers and public safety officers.

¹²⁰ Because of missing data, only 13,333 respondents were incorporated within the regression analysis.

In order to answer the initial research question of whether Democrats voted for retrenchment at a higher rate during the Great Recession and post-recessions years, one must model the time period as a predictor of change. Such treatment requires a minor adjustment to the above equation, in which subscripts are attached to betas rather than the variables (“X”). The probability of a legislator voting yes ($Y = 1$) on a pension reduction law with time period as a predictor is outlined in (Equation 2) below:

$$\ln[p/(1-p)] = p = P(Y=1) = \beta_0 + \beta_{1ij}PaX + \beta_{2ij}UcX + \beta_{3ij}UmrX + \beta_{4ij}HvdX + \beta_{5ij}TlX + \beta_{6ij}AdX + \beta_{7ij}ArX + \beta_{8ij}FrX + \beta_{9ij}ErX$$

In this model, “i” represents individual cases (legislators) and “j” indicates the year of the vote (Menard 2010, 296-297).

The following tables summarize the frequency distribution and dispersion of variables in the model.

Table 4.1: Descriptive Statistics for Categorical IVs

IV:	Values:	Frequency	Percent
Party Affiliation (N = 14605)	Democratic	7416	50.78
	Republican	7187	49.22
Union Contribution: (N = 14605)	Yes	7898	55.83
	No	6248	44.57
Term Limits (N = 14605)	Yes	521	3.57
	No	14082	96.43

Table 4.2 Descriptive Statistics for Continuous IVs

IV	Min.	Max.	Mean	SD
State Union Membership Percentage (N = 14605)	7.4	72.4	34.705	19.255
Annual Debt Percentage Growth/Decline (N = 14605)	-19.33	19.96	1.9671	6.3817
Annual Revenue Percentage Growth/Decline (N = 14605)	-21.90	24.47	2.8674	6.8983
Funded Ratio (N = 14605)	31.8	107.40	72.8671	14.266
Employee Ratio (N = 14605)	1.04	5.35	1.9138	0.5686

III. Results of the Regression Analysis

Two logistic regression tests were performed to determine the impact that predictor variables have on legislative voting patterns. The baseline model, Column 1 in Table 4.3, examines the effects of party affiliation, union contribution rates, term limits, state union membership rates, annual debt, annual revenue, funded ratio assets of pension plans, employee-to-retiree ratios, and competitiveness of districts on the likelihood that state representatives will vote for pension reduction legislation.¹²¹ Column 2 in the same table features a similar regression model that includes two time-

¹²¹ I designate the Democratic Party as the reference category for these models. I designate voting for pension reductions (Yes Vote =1) as the reference category for my dependent variable.

varying covariates: “Recession” and “Party * Recession,” used to test the significance of time period on legislative voting patterns. Both models feature robust standard errors.¹²²

The covariate “Party * Recession” indicates the party by recession interaction on the log-odds of a yes vote. An interaction would indicate that the difference in log-odds between Democrats and Republicans is not the same before the recession as it is after the recession. The signs of estimated coefficients and odds ratios largely conform to my outlined hypotheses and logistic regression analysis reveals a number of significant relationships between independent variables and the dependent variable.

¹²² Robust standard errors are utilized in place of standard error estimates in order for the models to accommodate dependencies over time. One cannot typically assume independence of observations for time-series data. Robust standard errors correct for some dependence in the data if dependence does exist. Robust standard errors will almost always be at least a little bit larger than regular standard errors, thus leaning more towards insignificant findings. A model that retains its statistical significance even after applying robust standard errors is regarded to be a more convincing model (Osborne 2015, 86-87).

Table 4.3: Odds Ratios and Robust Standard Errors for Potential Predictors of Legislative Voting for Pension Reductions

Independent Variables	(1) Baseline Model	(2) Model w/ Recession Interaction Terms
Party Affiliation	1.2029*** (0.044)	1.8797*** (0.2056)
Term Limits	1.2739* (0.1301)	1.2424* (0.1589)
Union Contribution	0.4136*** (0.0485)	0.4136*** (0.0204)
State Union Membership	1.0001 (0.0012)	0.9988 (0.0013)
Annual Debt	1.0073** (0.0037)	1.0123*** (0.0038)
Annual Revenue	0.9969 (0.0035)	1.0034 (0.0035)
Funded Ratio	1.011*** (0.0015)	1.0102*** (0.0015)
Employee Ratio	0.8735*** (0.0405)	0.9052** (0.0350)
Competitiveness of District (HVD)	0.9686*** (0.0020)	0.9705*** (0.0020)
Recession		1.8238*** (0.1498)
Party * Recession		0.5813*** (0.0692)
Constant	10.3589*** (0.1680)	
N	13333	13333
Log-Likelihood	-6660.6612	-6634.5197
χ^2	705.73 (9)	758.01 (11)

Logistic Regression estimates. Odds ratios with robust standard errors of log-odds coefficients in parentheses.

* p<.10, ** p<.05, *** p<.01.

Model 1, Baseline Model:

All three political variables in the model—party affiliation, union contribution levels and the electoral competition HVD score—are statistically significant predictors

of legislator voting. The odds ratios for political party was 1.20, indicating that Republicans were only slightly more likely to vote for pension cuts than Democrats. Table 4.4, below, provides marginal effect outputs for all independent variables in the model, with party affiliation exhibiting only a modest effect on legislative voting (MEM = 0.03). In other words, the probability of a Republican voting yes for pension retrenchment was only 0.03 points higher than a Democrat.

Another political variable, union contributions levels, exhibits the most sizable influence on partisan voting behavior and as predicted, the direction is negative ($b = -0.8828$). The odds ratio here (0.4136) is below 1.00, which means that representatives were less likely to vote for pension cuts if they received a union contribution within two years of the vote. Representatives receiving union contributions were 58 percent less likely to vote for pension cuts than those receiving no contribution (MEM = -0.1433).

Of the three political variables, the Holbrook Van Dunk measure of electoral competitiveness exhibits the least amount of influence over legislative voting (MEM = -0.0051). The negative sign indicates that representatives were slightly more likely to vote for pension cuts as the HVD score decreases (state elections become less competitive). This indicates that legislators in more competitive districts were reluctant to vote against their labor constituency because they needed labor's support.

The model, like previous studies conducted by Michael Thom (2013, 2015), found that fiscal variables have less influence on legislators' votes than political variables. Two fiscal variables in the model, annual debt and funded ratios, are

statistically significant predictors ($MEM = 0.0011$ and $MEM = 0.0018$ respectively), but annual revenue is not statistically significant at even the 90 percent level. Michael Thom's past study of pension reform enactment also deemed annual revenue to be a non-significant predictor (2013, 483). Furthermore, the odds ratio and marginal effects of annual debt and funded ratio variables are fairly small, which indicates that the probability of legislators voting for pension cuts only increases slightly as fiscal variables change.

While the annual debt coefficient is oriented in the expected positive direction (i.e. the probability of voting yes increases as debt increases), the funded ratio statistic exhibits a counterintuitive relationship with the dependent variable. The coefficient for the variable ($b = 0.0073$) is positive. In other words, representatives voting for pension reductions are slightly more likely to do so as the funded ratio increases. This finding is not too concerning as the marginal effect is quite small: when all other variables are held at their mean, we would expect an 0.018 point increase in the probability of a given representative voting for pension cuts.

The institutional variable in the model, term limits, also appears to have little direct influence over legislative voting decisions ($MEM = 0.0393$). This variable is not statistically significant beyond the 90 percent level and the direction of the statistic conforms to my stated hypothesis. Policymakers under term limits are 0.03 points more likely to vote for pension reforms than policymakers not constrained by term limits.

Workforce characteristics, the final dimension of the analysis, also appear to be

weakly correlated to pension reduction enactment. Public sector union membership rates appear to have no impact on legislative voting, while the employee-to-retiree ratio exhibits only a minor impact. Michael Thom's previous study of pension reform catalysts also found state union membership rates to be non-significant predictors (2015, 438). Union membership rates are a common proxy for union power within industrial relations and political science literature, but in this case the measure may be too crude. Public sector labor's influence over state policy is mediated by a number of other factors, aside from membership, such as the degree of labor protections and rights public sector unions enjoy within a given state (Saltzman 1985, 350; Moe 2011).

While the employee ratio is statistically significant, it does not appear to be a major driver of reform within the model (MEM = -0.0219, OR = 0.8735). There is a 0.0219 increase in the proportion of representatives voting for pension reductions as the employee ratio decreases by a single point. This is consistent with expectations, as declining ratios indicate that the employee pension system faces fiscal difficulties in the future.

Table 4.4: Marginal Effects of Baseline Model at Mean Values

Independent Variable	Effect Value	p-value
Party Affiliation	0.0300	.000
Term Limits	0.0393	.059
Union Contribution	-0.1433	.000
State Union Membership	0.0000	.925
Annual Debt	0.0011	.047
Annual Revenue	0.0015	.361
Funded Ratio	0.0018	.000
Employee Ratio	-0.0219	.000

Competitiveness of Dist. (HVD)	-0.0051	.000
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Model 2, Time Interaction:

An analysis of the marginal effects of the Time Interaction Model answers the first question posed at the beginning of this chapter: did Democrats vote for retrenchment at a higher rate during the Great Recession and post-recession years (2008-2014) than during the 1990 to 2007 period? Marginal effect output on Table 4.5, below, affirms that both Democrats and Republicans were more likely to vote yes for pension cuts during the recession and post-recession years. The predicted probability of voting yes for pension cuts is 0.1115 percentage points greater for Democrats during the recession than for Democratic representatives before the recession. The predicted probability of voting yes for pension cuts is 0.0092 percentage points greater for Republicans during the Great Recession than for Republicans before the recession. Time period differences are statistically significant.

Marginal effect output conforms to the observed differences in percentage of partisan support for reform. After the pension issue had become politicized during the Great Recession, Democrats voted for cutbacks at a 10 percentage point greater rate. Republicans did not support pension reforms at uniform 100 percent rates before and during the Great Recession because Republicans were less willing to vote for pension cuts in states that had unified Democratic control. After 2007, only fifty percent of Republicans in blue states voted for pension bills designed by Democratic governments. Republicans may have been reluctant to support bills designed by

Democratic governments because they believed these bills did not do enough to address ostensible problems within pension systems (Anzia and Moe 2016, 47). In the more politicized environment of the Great Recession, Republican lawmakers could gain credit by championing more radical reforms and refusing to support more modest measures.

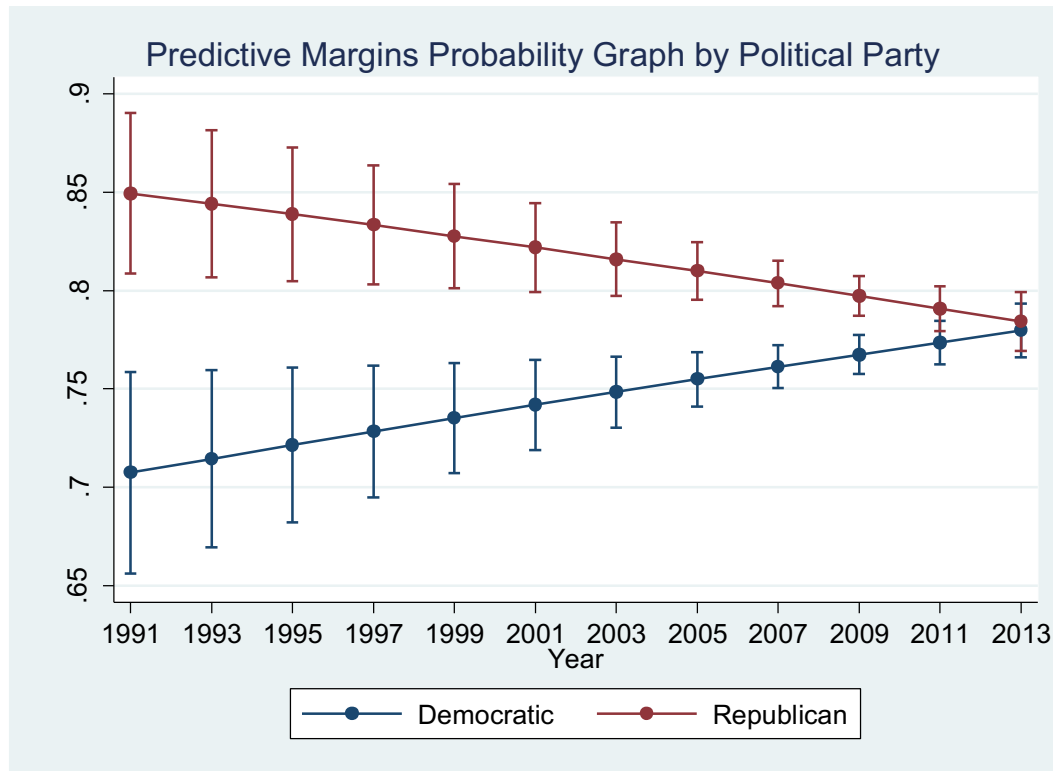
Table 4.5: Marginal Effects of Interaction of Party-Affiliation and Recession

Variable	Effect Value	P-value
Democrats (before recession)	0.6720	.000
Democrats (recession)	0.7835	.000
Republicans (before recession)	0.7884	.000
Republicans (recession)	0.7976	.000

* $p < .10$, ** $p < .05$, *** $p < .01$

Figure 4.1, below, provides a predicted probability graph of Democratic and Republican support for pension reform by year with all remaining variables (except for party-affiliation) set at their means. The graph illustrates the slight increase in the probability that Democrats will vote for pension cuts during the Great Recession period.

Figure 4.1: Predicted Probabilities for Voting for Pension Cuts by Year and Party



IV. Sensitivity Analysis

Researchers employ various sensitivity or robustness checks to determine model fit within logistic regression. In an effort to avoid independent variables that correlate in some way and obscure specificity or variables that are extraneous, researchers may re-code independent variables and re-run their analyses (Osborne 2015, 95-97). The initial baseline regression model indicates that fiscal variables and workforce characteristics affect legislative voting patterns. Although one cannot easily substitute equivalent values for categorical variables within the model, continuous variables can be substituted. To check for robustness, I substitute the annual fiscal

values of debt and revenue specified in Equation 1 for four-year values with results outlined in Table 4.6, below. In other words, I test whether measuring four-year debt and four-year revenue changes for all states within my dataset will affect outcomes.

New debt and revenue values have little effect on baseline regression results, which suggests the validity of the original model. All dependent variables in the alternative model remain significant, while the revenue variable in both the baseline model and recoded model appear non-significant. Furthermore, predictors in the recoded model exhibit the same direction as predictors in the baseline counterpart. Party affiliation and union contributions appear to be the most influential drivers of pension reform in both the baseline and recoded models. These results indicate that pension retrenchment during the Great Recession was an inherently political process that was not predominately driven by fiscal changes. Policymakers appear to be more concerned with political variables such as union campaign contributions and loyalty than about the fiscal health of pension systems. This conclusion draws support in part from the fact that legislators voted for pension cuts even as the funded ratio of state pension systems increased (i.e. the pension systems became healthier).

Table 4.6: Coefficients and Odds Ratios for Potential Predictors of Legislative Voting for Pension Reduction, Recoded Model with Alternative Fiscal Values

Ind. Variables	Coefficient	Standard Error	Odds Ratio
Party Affiliation	0.1850***	0.0453	1.2032
Term Limits	0.2338*	0.1289	1.2635
Union Contribution	-0.9021***	0.0497	0.4056

State Union Membership	0.0025*	0.0012	1.0025
Four Year Debt	0.0055***	0.0006	1.0055
Four Year Revenue	-0.0009	0.0011	0.9990
Funded Ratio	0.0130***	0.0015	1.0131
Employee Ratio	-0.2025***	0.0382	0.8166
Competitiveness of District (HVD)	-0.0292***	0.0020	0.9711
Constant	2.0321***	0.1664	7.6303
N	13333		
Log-Likelihood	6616.3215		
χ^2	794.41 (9)		

* p<.10, ** p<.05, *** p<.01

V. Discussion and Conclusion

Theoretical expectations that workforce factors and fiscal indices drive pension cuts have not been borne out by data analysis. The process instead is governed primarily by political factors, as legislators appear to be heavily influenced by whether they received union contributions in past election cycles. In fact, 84.5 percent of all Democrats who voted against retrenchment received union contributions during the 2-year time span before the pension vote. Furthermore, a substantial percentage of Democratic lawmakers (34 percent) who did not receive union contributions voted for retrenchment. Union giving also mattered for Republican lawmakers, but the effect was not as striking. Forty-nine percent of the Republican lawmakers who voted against retrenchment received union contributions. This percentage is not surprising, as a

subset of Republicans voted against retrenchment because they refused to endorse legislation proposed by Democratic governments.

Time series data indicates that both parties were more likely to vote for retrenchment during and after the Great Recession than during the 1990s and early 2000s period. Union giving trends do not fully explain this striking finding, as union contribution rates do not vary drastically between pre-recession and recession years. Subsequent chapters delve into this question in depth to understand the factors that drove Democrats to support pension cuts in the contemporary era. Case study comparisons of Connecticut and Rhode Island, detailed in Chapter 6, allow me to examine political factors, such as the ideological orientation of governors and party leaders, that cannot be captured in this regression dataset. Case study analysis indicates that Democratic support for retrenchment hinged on three factors: (1) interest group power and mobilization, (2) efforts of wealthy policy entrepreneurs, and (3) political leadership. Union giving represents a component of interest group power and mobilization, but does not fully capture the efforts that unions (and business groups) devoted to framing the pension issue and campaigning for or against legislative proposals.

The weak link between fiscal variables and workforce characteristics and pension reform suggests that in many cases pension changes were not necessarily designed or adopted to serve the best interests of state employees or to improve states' long-term fiscal outlooks. In a 2014 study, Cong, Neshkova and Frank attempted to gauge the impact of recent pension cuts on recruitment and retention within the public

sector through interviews of human resource directors in Florida cities (210). The authors find that directors are generally skeptical that they can recruit and retain quality personnel, especially public safety personnel, as the benefits of public employment appear to be disappearing. Pension type and worker recruitment in the public sector remains an understudied topic among public administration scholars and Cong et al.'s findings, although fascinating, may not be generalizable across states. Although the long-term impact of pension reform remains unknown, it appears evident that current public sector workers face different retirement concerns than their predecessors and that continued Democratic support for lavish pension hikes is unlikely.

Chapter 5: The Battle Over Collective Bargaining Rights

I. Introduction

Previous chapters have demonstrated that Democratic legislators and governors have not been the consistent allies of public sector unions that one would expect. They played a key role in the period of public sector union expansion, and unions continue to provide significant volunteer and financial support to their campaigns. But even in states under their control, Democrats repeatedly chose to forego opportunities – and even to block proposals – to expand bargaining rights in the 1990 to 2014 period. And particularly since the Great Recession, Democratic support for legislative efforts to cut or reform public employee pensions increased, by some 10 percent.

What explains Democratic reluctance to stand with their labor allies? The last chapter provided evidence that the change has not been because of a decline in public sector union membership, or a decline in union contributions to Democratic lawmakers (which is one of the most powerful predictors of legislative support on the pension issue). Nor has it been simply because of worsening state budgets or pension financing, both of which prove to be weaker predictors of support for pension cuts.

To explain the actions of Democratic state legislators and governors requires closer analysis of state-level political developments. The next two chapters provide comparative case studies of political battles over bargaining rights and pension reforms in Democratic-led states in two parts of the country – the Midwest and Mountain West, and New England. In each of these regions, there have been a number of pro-labor legislative measures passed in recent years (such as state minimum wage increases). In

each case, I have examined and compared states that are similar in terms of demographics, economic conditions, and political structures – but in which the outcomes of the policy battles diverged.

The first set of case studies examines legislation regarding public employee bargaining rights in three states (New Mexico, Iowa, and Colorado). The second set examines pension reforms in two states (Connecticut and Rhode Island). My focus is on the actions of the (sometimes ideologically divided) Democratic caucus in the legislature, and of the Democratic governor. In each case, I examined a set of possible explanatory factors, including: 1) the strength and strategies of state labor movements, including their campaign contributions to state policymakers; 2) the local economy and state fiscal situation; 3) labor laws; 4) campaign finance laws; 5) the role of interest groups (particularly business groups) and policy entrepreneurs; and 6) coverage by and the political stance of the local media.

As the analysis shows, my study demonstrates that the key factors in determining success or failure in expanding bargaining rights or forestalling radical pension reforms were: 1) the effectiveness of the labor movement's coordination, mobilization, and strategy; 2) the intensity of engagement and advocacy by pro-business interest groups and policy entrepreneurs; 3) the size and political cohesiveness of the Democratic caucus in the state legislature; and 4) the position of Democratic governors, and their relationship to the business community in particular.

For both Chapter Five (on collective bargaining rights) and Chapter Six (on pension reform), I used a most-similar case study approach to compare outcomes. The

similar case study approach is often utilized to identify variables driving divergent outcomes by matching cases as closely as possible alongside each other (Bennett 2004, 32-33).

I used three primary methods to learn more about the circumstances of each case: a collection of newspaper/blog sources and legislative documents, campaign contribution sources and interviews of stakeholders.¹²³ I drew background about each case from newspaper articles of leading state newspapers. For Iowa, Colorado, and New Mexico, I primarily studied the archives of the *Des Moines Register*, *Colorado Independent*, *The Denver Post*, *The Albuquerque Journal* and *Santa Fe New Mexican*.¹²⁴ For Rhode Island and Connecticut, I primarily studied the archives of the *Providence Journal*, *WPRI* (a Rhode Island radio station), *CT Mirror* and *Hartford Courant* archives.¹²⁵

I inspected the legislative documents of each proposed bill¹²⁶, and public statements and testimony of government officials (veto messages, public statements and legislative testimony). In my study of pension reforms, I reviewed the actuarial studies of pension bills/pension system and analysis offered by Democratic lawmakers (such as Gina Raimondo's "Truth in Numbers" report).¹²⁷ To determine the profile of

¹²³ There are a few book-length studies of interest group influence over state legislatures, such as Robert Hrebenar and Clive Thomas' *Interest Group Politics in Northeastern States* (1993) and Hrebenar and Thomas' *Interest Group Politics in Midwestern States* (1994), but these books are largely outdated.

¹²⁴ To access articles, I used the *NewsBank* search engine, Google Search and paid for subscription access to the *Des Moines Register*, and *Santa Fe New Mexican*.

¹²⁵ To access articles, I used the *NewsBank* search engine, Google Search and paid for subscription access to the *Providence Journal*.

¹²⁶ These are available online and include the committee analysis of each proposed bill and analyses of amendments.

¹²⁷ I examined the committee analysis of each proposed bill.

campaign contributions to Democratic lawmakers (i.e. what interest groups they rely upon most) I used the National Institute of Money in State Politics website and Secretary of State websites in specific states. Lastly, I used targeted interviews of labor leaders, former state representatives, lobbyists, think tank researchers, journalists and academics to explore Democratic motivations in the various states. I conducted a total of 18 interviews for the three-state study in Chapter Five¹²⁸, and 12 interviews for the two-state study in Chapter Six.¹²⁹

The remainder of this chapter turns to a close examination of struggles over collective bargaining legislation in New Mexico, Iowa, and Colorado. I begin with a historical overview of struggles over public sector bargaining rights, then turn to an examination of the legislative attempts at the state-level to extend public sector bargaining rights since 1990. Then I detail three case studies (one successful bid for bargaining rights and two failures) to examine the circumstances that determined whether Democrats would support public employee bargaining legislation. I argue that state-level Democratic representatives enacted public sector collective bargaining legislation in circumstances where Democrats held significant majorities in the state assembly and where interest group mobilization for the measure overwhelmed opposition. Democratic governors acted as gatekeepers in legislative battles for such legislation and are vulnerable to conservative interest group pressure to reject protections or expansions of bargaining rights.

¹²⁸ For the Iowa case, I interviewed 4 people, for the New Mexico case, I interviewed 5 people and for the Colorado case I interviewed 9 people.

¹²⁹ I conducted 6 interviews for each state.

States have been the primary battleground for public employee union efforts to expand bargaining rights since the 1960s. The public sector's inability to win federal bargaining guarantees in the 1930s and 1970s (see Chapter 2's discussion of the Wagner Act and the National Public Employee Relations Act) meant that unions increasingly devoted their energies to winning state-level campaigns (Kearney and Mareschal, 2014, 62-64).

From the 1960s to the early 1980s, more than one hundred public sector collective bargaining proposals were introduced in state legislatures to establish comprehensive bargaining provisions covering public employees in all occupations, or to provide specific groups of public employees bargaining rights (Anzia and Moe 2015, 45). More than 30 states enacted public sector bargaining laws from the 1960s to the 1980s, extending bargaining protections for some or all state and local government workers. Public sector unions' upsurge period was fairly brief as liberal and moderate Democratic legislators delivered little new expansive legislation for their labor allies during the 1990s and beyond.

II. Collective Bargaining Legislation in the States, 1990 to 2014

From 1990 to 2014, only two state legislatures, New Mexico and Washington, granted public employees full bargaining rights. Only a few additional states granted bargaining rights to particular classes of public workers. In 1999 and 2001, Maryland's Democratic caucus granted bargaining rights to the state's executive branch employees and public university employees, while Oklahoma's legislature granted limited

bargaining rights to municipal employees in 2004 (Marsh April 19, 1999; Slater 2013, 18-22).

There were a number of struggles over attempted expansions in this twenty five year period. Democratic governments introduced eighteen comprehensive bargaining bills designed to grant bargaining rights to all major classes of public employees between 1990 to 2014 (National Conference of State Legislatures 2015, various legislative databases).¹³⁰ Additionally, Democratic representatives introduced at least thirty-seven bills to expand previously granted bargaining rights for educational personnel or to grant bargaining rights for particular major occupations such as teaching and public safety.¹³¹ Table 5.1, below, provides a summary of stalled, vetoed and approved collective bargaining legislation.

Table 5.1: Collective Bargaining Expansion Bills, 1990-2014

Died in Committee/House of Origin	Vetoed	Passed
OK HB 1042 (1990), OK SB 608 (2003), OK SB 648 (2003), OK 1495 (2004)	NV AB 130 (1991)	NM SB 99 (1992)
NV AB 415 (1991), NV AB 439 (1993), NV AB 55 (1995), NV AB 111 (1995), NV AB 310 (1997)	CO SB 180 (2009)	MD HB 179 (1999)
WV HB 2236 (1991), WV SB 622 (2009), WV HB 2155 (2011), WV SB 5 (2011)	IA HF 2645 (2008)	MD SB 207 (2001)

¹³⁰ CO HB 1072 (2007), IN HR 1540 (2001), IN HR 1220 (2002), IN HR 1337 (2003), IN HR 1088 (2007), IN HR 1212 (2008), KY HB 760 (1998), MO HB 166 (1999), NC SB 1543 (2007), NC SB 427 (2009), NC SB 386 (2009), NM HB 508 (2003), VA HB 852 (2008), WA HB 1268 (2002), WV HB 2236 (1991), WV SB 622 (2009), WV HB 2155 (2011) and WV (SB 5, 2011).

¹³¹ CO SB 180 (2009), IA HF 324 (2007), IA HF 2645 (2008), IA HF 555 (2009), IA HF 821 (2009), IA HF 2420 (2010), IN HR 1442 (1999), IN HR 1332 (2000), IN HR 1176 (2004), IN HR 1372 (2006), IN SB 64 (2006), IN HR 1078 (2006), IN HR 1133 (2007), MD HB 350 (1996), MD HB 446 (1996), MD SB 293 (1996), MD HB 806 (1998), MD HB 179 (1999), MD HB 607 (2000), MD HB 1319 (2000), MD HB 1432 (2000), MD SB 207 (2001), MD HB 604 (2001), MD HB 1224 (2014), MD HB 490 (2014), NV AB 130 (1991), NV AB 415 (1991), NV AB 55 (1995), NV AB 111 (1995), NV AB 310 (1997), NV AB 65 (2003), NV AB 395 (2009), OK HB 1042 (1990), OK SB 608 (2003), OK SB 648 (2003), OK SB 1495 (2004), and OK SB 1529 (2004)

IN HR 1442 (1999), IN HR 1332 (2000), IN HR 1540 (2001), IN HR 1220 (2002), IN HR 1337 (2003), IN HR 1176 (2004), IN HR 1372 (2006), IN HR 1088 (2007)	NV AB 395 (2009)	NM HB 508 (2003)
KY HB 760 (1998)	NM SB 341 (1999)	OK SB 1529 (2004)
MO HB 166 (1999)	NM SB 738 (1999)	WA HB 1268 (2002)
MD HB 350 (1996), MD HB 446 (1996), MD SB 293, (1996), MD HB 806 (1998), MD HB 607 (2000), MD HB 1319 (2000), MD HB 1432 (2000), MD HB 666 (2001), MD HB 604 (2002), MD SB 749/HB 490 (2014), MD HB 1224 (2014)		
NC SB 1543 (2007), NC SB 427 (2009), NC SB 386 (2009)		
IA HF 324 (2007), IA HF 555 (2009), IA HF 821 (2009), IA HF 2420 (2010)		
VA HB 852 (2008)		
NM SB 380 (1999), NM HB 447 (2000), NM SB 49 (2000), NM <u>HB 721</u> (2001), NM SB 75 (2001)		
Sources: Various state legislative databases and NCSL database “Collective Bargaining and Labor Union Database		

Key: Boldface indicates that the bill was introduced under unified Democratic control.

Only twelve collective bargaining expansion proposals introduced during and after the 1990s and beyond actually received third reading votes¹³², with Democrats voting to support these bills at a 93 percent clip. However, Democratic governors vetoed three bargaining expansion bills, while Democratic legislators killed eighteen other bills in House or Senate committees.

Public sector labor’s lack of traction in most states during and after the 1990s, is somewhat baffling, considering the Democratic Party’s overall partisan performance during this period. The absence of legislative victories during this modern era is also puzzling given the symbiotic relationship government unions had developed with

¹³² Please refer to footnote 85 for an explanation of the third-reading vote process.

Democrats during the period of expansion in public sector unionization. As leading public employee labor historian Joseph McCartin states:

The record could not be clearer on this point: without the close collaboration that emerged between public sector trade unionists and Democratic leaders at all levels of government, the public sector movement would not have grown as quickly as it did...Yet each side in that relationship knew well how much it needed the other. The more one takes cognizance of public sector union history the less persuasive become those accounts that dismiss labor's alliance with the Democratic Party as a barren marriage—public sector unions were in many ways the fruit of that marriage (2006, 79).

This collaboration came under strain at numerous points after the 1970s, but the disjuncture between unions and the Democratic Party became especially pronounced during the 2000 to 2014 period. The Democratic Party's lack of enthusiasm for defending and increasing bargaining rights is unexpected, given the party's reliance on public sector unions for electoral mobilization. Bargaining laws propel unionization (Saltzman, 1985); and unionization increases political participation (Hartney and Flavin, 2015) and contributes to Democratic victories (Schrager and Witwer, 2010; Sieg and Wang, 2014). Public sector unions that operate in states that allow bargaining and agency-shop agreements¹³³ have considerable political resources at their disposal. Their membership bases are large and politically active and they wield significant financial resources through dues-check off agreements¹³⁴. Unlike many other interest groups, public sector union members are also closely bound together through common

¹³³ Agency shop agreements do not require employees to join a union. However, employees hired in workplaces that are agency shops must pay a fee for collective bargaining representation.

¹³⁴ Dues-check off agreements are voluntarily authorized and regular deductions of an employee's wages by an employer to pay off union dues. This process is more efficient than the individual collection of union dues by unions.

workplaces and communication networks. They devote these resources primarily to the Democratic Party (DiSalvo 2015, 58), and serve as critical foot soldiers in Democratic get-out-the-vote drives. Public sector unions are also one of the primary financiers of the Democratic Party. Teacher unions, in and of themselves, have contributed more to political candidates than nearly any other major interest group. During the 2006 and 2008 elections, teacher unions were the top contributor to political parties and candidates in twenty states and one of the top three contributors in thirty states (Moe 2011, 291-294).

Yet, Democrats were complicit in the attacks against public workers' compensation and bargaining rights during the 2000s and the Great Stagnation period (2009 to 2014). Although journalists have described the GOP assault on public sector bargaining in book-length detail (Stein 2013), they have not covered the entire story. Some recent literature tracks public sector labor's heated confrontations with Democratic elites in liberal strongholds such as San Jose, California and Chicago (McCartin 2013; Uetricht 2014; McCartin 2016), but not much has thus far been written about the Democratic Party's rejection of expansive collective bargaining legislation in American states. The following sections examine this phenomenon in greater detail by delving into three case studies.

III. The Case Studies and Findings

Many of the most surprising failed attempts to expand bargaining rights occurred in the Midwest and Mountain West, where anti-union culture is not as pronounced as the South (Hogler and Henle 2011, 139-140; Kearney and Mareschal

2014, 33-36).¹³⁵ These regions merit attention because they contain a number of purple states that have enacted progressive pro-worker policies in recent decades, such as minimum wage hikes, and harbored pockets of dense unionization during the 20th century (Troy and Sheflin 1985; Whitaker et al. 2012).¹³⁶ Within this area, Colorado, Iowa and New Mexico represent a promising cluster of states for purposes of comparison, as the three states resemble each other in important ways, but took different paths on collective bargaining legislation during the past twenty-five years. All three states enjoyed unified Democratic Party rule in the recent past, in which both the governor's office and legislature were held by Democrats.

Of the three cases, New Mexico remains the lone success story: its Democratic government passed a comprehensive bargaining law for public employees in 1992 and reauthorized the law in 2003 (Stratton 2010).¹³⁷ In contrast, between 2007 and 2010, Iowa's Democratic representatives initiated a number of bills for fair-share legislation¹³⁸ and bargaining rights that were unsuccessful (Robinson, April 24, 2009). In the late 2000s, Colorado's Democratic governor, Bill Ritter, vetoed two major

¹³⁵ Florida is the only Southern state that implemented a public employee bargaining statute for multiple classes of employees. I excluded Southern states (such as North Carolina, Virginia, Texas, Kentucky) from consideration as case study sites primarily because legislation gained little momentum in this region and thus say little about what independent variables drive the adoption of bargaining statutes (Kearney and Mareschal 2014, 64-71; Wanamaker 1977).

¹³⁶ From 1996 to 2007, the time interval between the last two federal minimum wage increases, nine states in the Midwest and Mountain West raised their minimum wage rates: Colorado (2006), Illinois (2001), Iowa (2007), Michigan (2006), Minnesota (2006), Missouri (2006), New Mexico (2007), Ohio (2006) and Wisconsin (2005). See Whitaker et al. 2012.

¹³⁷ New Mexico's Public Employee Bargaining Act passed in 1992 with a sunset provision attached. The law expired in 1999 and was not re-authorized until 2003. The 2003 law granted employees the right to bargain over wages and other benefits, created the Public Employee Labor Relations Board to resolve disputes, and provided for impasse arbitration (Paisner and Haubert-Barela 2007, 383).

¹³⁸ Fair-share statutes require all members of a bargaining unit, even those who have not joined their union and pay union fees, to pay fees for bargaining representation. Fair-share fees cannot be used for union political activities.

priorities of public sector unions, while its Democratic legislature stifled other bargaining expansion attempts (Hogler 2007, 85-86; Hogler 2008, 7-8; Bartels, June, 6, 2009). I rely on a similar-case study design approach to explore why Democrats in New Mexico authorized bargaining laws while counterparts in Colorado and Iowa did not.

This case study comparison demonstrates the salience of interest group mobilization as well as the position and power of Democrats within state governments. The primary finding of this three-state comparison, in short, is that New Mexico's expansive bargaining statute passed while Iowa and Colorado's pro-labor bills stalled because (1) labor organized more effectively in New Mexico and received less resistance from business and local government stakeholders (2) New Mexico's legislature held larger Democratic majorities (3) New Mexico's governor was more receptive to a bargaining law.

Although a number of variables affected the likelihood of progressive labor law reform in these three states, the gubernatorial veto had the greatest influence over policy outcomes. Before discussing the impact of the veto, I first define my terms and discuss the logic behind case selection.

Interest group organizing and power, an instrumental component of legislative outcomes, manifested itself in a few different ways in these states. I define interest group organization as efforts undertaken by interest groups to mobilize their base, form coalitions with other constituencies, and apply pressure on elected officials through lobbying and appeals to state media. Interest group power does not refer to particular

campaigns for legislation, but instead is a concept meant to encapsulate structural resources and advantages. For example, business lobbying groups can typically outspend labor organizations because of their superior financial resources (Francia 2013, 140). Business also frequently benefits from media bias in its favor (Puette 1992; Carreiro 2005). In the Colorado case, business lobbying groups were aided by the advocacy of the Coors family, one of the country's wealthiest dynasties. Members of the Coors family acted as policy entrepreneurs to finance and organize a major change to Colorado's labor policy, and in the process helped to stifle public sector unionization. The policy entrepreneur concept is a contested one in the literature,¹³⁹ but here I use it to describe an individual who uses resources—such as time, reputation, energy and money—to pursue policy change for a specific material gain (Kingdon 1995, 122). Policy entrepreneurs initiate campaigns for policy change, work to sell their ideas to the public and interest groups, and seek alliances with others within a policy arena (Mintrom and Norman 2009).

Interest group and policy entrepreneurial organizing mattered during these policy battles, but organizing success was contingent on specific contexts. Non-governmental actors cannot win favorable policies in U.S. states unless they have sufficient support from elected officials. These case studies illustrate that the size of Democratic majorities in state legislatures was another main variable that determined

¹³⁹ See Mintrom and Norman 2009 for a detailed discussion of how the term 'policy entrepreneur' has been used in academia.

the fate of public sector bargaining, fair-share and other major labor bills during the 1990 to 2014 period.

Lastly, this study points to governors as instrumental actors in determining the success of labor legislation. I find that the labor movement in Colorado and Iowa and the Democratic caucus was not sufficiently organized to overcome devastating vetoes issued by the Democratic chief executives of these states.

In the next section, I describe why these three particular states are sufficiently similar to leverage insightful comparisons. I then illustrate how interest group power, size of Democratic majorities and gubernatorial support account for divergent outcomes in the three states. The conclusion to the chapter discusses how these case studies illuminate and complement the broader union literature on labor's declining power during the post-1970s era.

IV. States in the Study

The three states examined here have similar levels of unionization. Their labor and campaign finance laws vary, but these differences do not appear to explain the divergence in policy outcomes. As described below, this case selection helps to control for possible confounding variables such as time period, geography, partisanship and fiscal environment.

Colorado, Iowa and New Mexico are all geographically large, rural states that share similar political and institutional characteristics. All three pursued bargaining legislation during difficult economic periods. All are swing states that had unified

Democratic governments in the past decade.¹⁴⁰ Elections in each state were fairly competitive during the 1990 to 2014 period, as the presidential vote vacillated between Democratic and Republican candidates, while Republican nominees won the governorship for multiple terms in each location. Furthermore, public employee density in all three states hovered at similar levels during the 1990 to 2014 period, with New Mexico edging its counterparts only slightly.¹⁴¹

Bargaining bills in all three states were introduced during periods of elevated unemployment and/or budget deficits. The New Mexico Public Employee Bargaining Act followed the 1990-1991 national recession, in which unemployment climbed to 8 percent in a number of states. Between 1991 and 1992, unemployment in New Mexico, one of the poorest states in the nation, hovered between 5.8 and 7 percent (Eichstaedt, December 29, 1991). The state imposed tax increases in 1991 to address a \$30 million gap in infrastructure needs and budget deficits (Marshall, February 7, 1991; Duke, February 16, 1992). Iowa, during the late 2000s, also faced high unemployment rates and a sluggish economy. Unemployment rates in Iowa peaked at 6.4 percent between January 2009 and February 2011 (compared to the national average of 8 percent in 2010). The state faced a record \$900 million budget deficit in fiscal year 2010 and large deficits in preceding years (Morelli, August 5, 2014). At the outset of Bill Ritter's

¹⁴⁰ Colorado and Iowa were under unified Democratic rule from 2007 to 2011. New Mexico came under unified Democratic control from 1991 to 1995 and 2003-2010. New Mexico's Republican Party last controlled the state's Senate in 1986 and regained control of the state House of Representatives in 2014. Before 2014, the GOP last controlled New Mexico's lower chamber in 1952 (Nikolewski, November 5, 2014).

¹⁴¹ For the 1990 to 2012 period, public employee density per capita in New Mexico was on average eight percent higher than either Colorado or Iowa (Council of State Governments 1992; Governing Sourcebook 2014).

tenure as governor in 2007, Colorado faced large budget deficits and an unemployment rate that climbed from 3.7 percent to 4.1 percent by the end of his first year (Fong, September 13, 2007; Paton, December 22, 2007). By the end of 2008, Colorado was beset by a \$100 million budget deficit and a 6.1 percent unemployment rate (Bureau of Labor Statistics, December 2008; Reuteman, December 27, 2008).

For most of the 20th century, none of these three states exhibited robust traditions of unionization or radical labor organizing. Of the three, Colorado featured the most distinct and contentious labor history, as the site of the infamous Ludlow massacre of 1914, but its unionization rate dropped to less than a quarter of its population by 1960 (Troy and Sheflin 1985, Tables 7-3 and 7-4). Other western states, such as Arizona, California and Nevada, were much more heavily unionized than Colorado during the 1960s. Historically, New Mexico never had a strong tradition of union organizing, in part due to the absence of a large manufacturing base. Instead, government, services and trade encompass the largest sectors of the state's economy (O'Neill, September 4, 1995; Shermer February 2009). Meanwhile, Iowa's unionization levels outpaced Colorado and New Mexico's, as the state featured nearly 200,000 union members in 1980 (Chicago Regional Association of Carpenters 2015; Warren 2000, 111-112). Iowa's total union density fell 4.9 percent from 1990 to 2008, while New Mexico and Colorado's densities fluctuated less: New Mexico's total union membership rates rose 4.3 points between 1990 and 2008 and Colorado's membership rate fell by 2.8 points. By 2010, Iowa was the only one of the three states with total union membership rates above 10 percent (Hirsch and MacPherson 2014).

By 2000, the public sector remained the only healthy segment of the labor movement in these states. Public sector unionization in all three states eclipsed 20 percent of total public sector employment in the late 2000s (Hirsch and MacPherson 2014). Public sector strikes or work stoppages were rare occurrences in all three states during the late 20th century on, and strike activity did not spike in the years preceding the introduction of labor law legislation.¹⁴²

Laws governing labor organizing vary within the three states, but these differences do not preclude a fruitful comparison of policy outcomes. Right-to-work (RTW) legislation represents the greatest difference in industrial relations law across the three states, as New Mexico never enacted a RTW law.¹⁴³ Longstanding right-to-work laws in Colorado and Iowa presented labor with greater institutional barriers to organizing than New Mexico.¹⁴⁴ Right-to-work laws have been shown to induce workers to “free ride” (i.e. avoid paying dues while benefiting from bargaining efforts) and have reduced the revenue and strike ability of unions. Economic studies indicate that RTW laws reduce the long-run unionization of states by 5 to 8 percent (Moore 1998, 467-469) and negatively affect levels of public sector unionization (Hogler and Henle 2011, 143). Both unionization levels and organizing affect the likelihood that

¹⁴² Colorado’s teacher unions engaged in three strikes in two cities: Cortez (1981) and Denver (1969, 1994) respectively during the last fifty years but other public sector unions never struck (Tochtrop and Romero, April 10, 2008). New Mexico experienced a series of public sector strikes during the late 1960s and early 1970s but labor relations were tranquil prior to the 1990s debate on bargaining rights (Cohen 1983, 320-327; Sharpe, September 6, 2004; Bureau of Labor Statistics 2012). Iowa’s public employee unions only engaged in one strike (a teacher’s strike in Keokuk, Iowa in 1970) during the last fifty years (Sherman 2013, 1).

¹⁴³ The New Mexico legislature passed RTW bills in 1979 and 1981 but governor Bruce King vetoed these bills (Nikolewski, July 17, 2012; Rocky Mountain Online Archive).

¹⁴⁴ Colorado adopted a modified right-to-work statute in 1943. Iowa became a RTW state in 1947.

state legislatures will adopt progressive labor reforms (Goldfield 1988; Fishback and Kantor 1998, 318-319). Right-to-work laws have been repealed in some circumstances, and RTW laws have not always prevented organized labor from obtaining permissive bargaining legislation from state legislatures.¹⁴⁵ Thus, the right-to-work laws enacted in Colorado and Iowa did not necessarily doom labor's attempts to expand public sector bargaining rights in these states, though they did make these efforts more challenging.¹⁴⁶

Campaign finance laws, another institutional component of state legal systems, also differ among these three states but there is little evidence that these institutional rules affect the level of candidate spending in elections enough to make campaign contributions a significant factor in explaining policy outcomes in any of the three states. New Mexico's elections have historically been conducted in a fairly unregulated environment, as the state only implemented contribution limits in 2009 (Feldman 2014, 246-248). In contrast, Colorado and Iowa have longstanding laws that placed ceilings on contribution amounts from individuals and corporations, but there is currently little evidence that such limits have diminished the level of candidate spending in these states (Feigenbaum and Palmer 2002; Casey et al. 2012). In fact, campaign spending in

¹⁴⁵ Louisiana, Indiana, New Hampshire's legislature repealed their RTW laws in 1949, 1956 and 1965 respectively. Florida, Georgia, Iowa, Nevada, North Dakota and South Dakota all passed RTW laws in the 1940s and early 1950s and passed public sector collective bargaining expansion bills in the 1960s and early 1970s (Gall 1988, 230-231, Anzia and Moe 2015, 39).

¹⁴⁶ Colorado and Iowa implemented its RTW legislation decades before the Great Recession era, which dilutes the possibility that such laws are indicative of current public attitudes towards unionization.

Colorado, Iowa, and New Mexico for both state representative offices and the governorship rose substantially faster than inflation between the years 2000 and 2012 (National Institute of Money in State Politics 2000, 2012; Beyle, July 2, 2012).

Multivariate models of gubernatorial candidate spending indicate that campaign finance laws have no effect on the average cost of gubernatorial elections (Gross and Goidel 2003, 48-49). Political parties and representatives are savvy enough to circumvent many state campaign finance laws that have been implemented in recent years (Powell 2012, 49-54). Because campaign finance laws have not driven down the costs of campaigns to the point of making special interest money irrelevant, it seems reasonable to assume that campaign contributions matter in all three states.

V. Explaining Outcomes

The following discussion addresses in turn each of the three main variables that determine the fate of public sector bargaining, fair-share and other major labor bills in case study states. I look first at the role of interest group organizing (particularly by unions and business groups) and policy entrepreneurship in each of the three states, then the role of partisan control (and particularly the size of Democratic majorities), and finally, at the role of governors.

1) The Role of Interest Groups and Policy Entrepreneurs

New Mexico: Union organizing and strategies were instrumental in the adoption of the New Mexico Public Employee Bargaining Act in 1992. Unions sought legal remedies, helped progressive legislators win leadership posts in the New Mexico legislature, and contributed substantial funds to political campaigns. The law passed

with the narrowest of margins as the state's Democratic governor offered only lukewarm support and rural officeholders vehemently opposed this expansion.

Before 1992, approximately 23,000 public employees were members of the state's unions, but state and local agencies were not required to recognize them. New Mexico's labor movement suffered a number of losses in the 1980s, as important unions such as the Communication Workers of America Local 1319 shrank. However, labor still continuously pursued a public sector bargaining statute during the decade (O'Neill, September 4, 1995).¹⁴⁷ Public employees in select local jurisdictions had been granted bargaining rights since the early 1970s, and labor organizers began petitioning state agencies for elections in the 1980s (Cohen 1983, 323-324; Associated Press, March 14, 1984).¹⁴⁸ Public sector leaders in the state were eager to win a bargaining act, partially because teachers and other public workers were denied pay hikes even under Democratic administrations in the 1970s and 1980s (Associated Press, March 14, 1984; King 1998, 83-84).

To win support for their issue, unionists held demonstrations at the capitol and pursued legal avenues. A 1987 ruling by New Mexico's Attorney General, Hal Stratton, (AG Op. 87-41) proclaimed public sector collective bargaining illegal. This ruling

¹⁴⁷ During the 1980s, Democratic legislators introduced four collective bargaining bills: HB 411 (Comm. Sub. 1985), SB 33 (1985), SB 312 (1987), SB 134 (1989) (Stratton and Farley, 1990).

¹⁴⁸ An attorney general opinion in 1971 and a legislative act within the same year opened the door for bargaining within the public sector. The law permitted 'home rule conditions' for local labor relations in which local governments could either opt to or refuse to bargain with labor unions. A few municipalities and school districts in Albuquerque and Farmington granted union recognition by the 1980s (Kern 1983, 324; Oswald, February 14, 1999). AFSCME began petitioning state agencies such as the Economic Development and Tourism Bureau and Health and Environment Department for union elections in 1984 (Associated Press, March 14, 1984).

inspired a series of demonstrations by labor that included a visit by labor leader Cesar Chavez (Eichstaedt, September 25, 1987; Stratton 2010, 11). Chavez journeyed to the state in September 1987 to urge the New Mexico State Personnel Board to uphold a series of rules established by the board that governed and permitted public sector bargaining. After emerging victorious after the Personnel Board vote, Local 2238 of the American Federation of State, County and Municipal Employees (AFSCME) filed a lawsuit against Stratton in district court alleging that he unjustly canceled bargaining contracts that the union made with the New Mexico State Highway and Transportation Department. The New Mexico Supreme Court, in February 1989, ruled in favor of public employees, arguing that workers have an “implied authority to bargain collectively in the public sector as an incident to the express grant of authority under the Personnel Act.”¹⁴⁹ In this surprising ruling, the court adopted the minority position and essentially ruled that public sector employees have a right to bargain, even without the express approval of a state statute.¹⁵⁰ The decision did not give public employee unions wide latitude over what subjects were permissible to negotiate over, even precluding wages as a topic of bargaining (Paiser and Haubert-Barela 2007, 376). The court nonetheless upheld bargaining because it believed that prohibiting bargaining and voiding contracts could result in “grave injustice and harm.”¹⁵¹ Stratton credits

¹⁴⁹ 108 N.M. 163, 769 P.2d 76 (1989).

¹⁵⁰ Court rulings from the 1960s onwards found that bargaining without legislative authorization should not be permitted: *Alaska Pub. Employees Ass'n v. Municipality of Anchorage*, 555 P.2d 552 (Alaska 1976); *AFSCME, Local 119 v. County of Los Angeles*, 49 Cal. App. 3d 356, 122 Cal. Rptr. 591 (1975); *State v. AFSCME, Local 1726*, 298 A.2d 362 (Del. Ch. 1972), *Levasseur v. Wheeldon*, 79 S.D. 442, 112 N.W.2d 894 (1962). See Anthony, “Public Employee Collective Bargaining in Louisiana.” 1973.

¹⁵¹ 108 N.M. 163, 769 P.2d at 81.

AFSCME's bold legal strategy as a factor in the eventual adoption of a bargaining law, as the legal outcome imbued bargaining with greater legitimacy. Stratton also believed that the case was wrongly decided, and that the legal ruling provided Democrats additional motivation to pass a bargaining law that set clear terms for bargaining, before the ruling was reversed (personal communication, July 10, 2015).

While pursuing their legal options, AFSCME and its allies also embraced a number of savvy maneuvers and compromises that made bargaining more acceptable to local governments and to the conservative-leaning 'Cowboy Democrats' in the southern part of the state. Labor almost emerged victorious in 1989 when the Democratic majority in the legislature passed a bill, SB 134. It was subsequently vetoed by Republican governor Garrey Carruthers (Associated Press, April 19, 1989). Undeterred, unions in the state formed a coalition, headed by AFSCME Local 18, New Mexico's Federation of Teachers and the state's chapter within the National Education Association. The coalition's aim was to persuade Carruthers' successor, Democrat Bruce King, to authorize a bargaining law. The coalition, headed by Paul Broome of the New Mexico Federation of Teachers, worked assiduously to ensure that progressive legislators such as veteran State Senator Manny Aragon won key leadership positions in the statehouse (Griego, personal communication, July 21, 2015).

Labor also crafted the language in SB 99 to be as non-threatening as possible to legislators reluctant to support such a law. Bill language for the 1992 law prohibited strikes, limited wage increases to legislative appropriations, and placed a sunset provision on the law, which took effect in 1999, granting the legislature time to study

the law's negative or positive impacts. Las Cruces Democratic senator Fernando Macias insisted that the sunset provision be part of the original bill in order to minimize unintended consequences. Labor agreed to this stipulation rather quickly after realizing that such an amendment would help the bill garner the support of a number of conservative Democrats (Griego, personal communication, July 21, 2015; Roybal, February 13, 1992).¹⁵²

The coalition also agreed to a provision in the final version of the bill that allowed public employers who had already set up local boards to govern labor relations to be exempt from the authority of the state's Public Employee Labor Relations Board (PELRB). In other words, local PERBs were grandfathered into the Public Employee Bargaining Act structure and would follow similar rules, but would not be under the management of the PELRB (Paisner and Haubert-Barela 2007, 377-378; Reeves, personal communication, July 15, 2015).¹⁵³ This compromise garnered the support of political subdivisions such as Bernalillo County, the University of New Mexico, and Albuquerque schools and ensured that associations such as the New Mexico Municipal League would not oppose the law (Griego, personal communication, July 21, 2015). Governor King and the moderate members of the Democratic caucus were not willing

¹⁵² Coalition leader Paul Broome encouraged Democrats to reject Republican amendments to SB 99 designed to eliminate the sunset provision. Such amendments would have forced the bill to return to the Senate where it most likely would have died (Roybal, February 13, 1992).

¹⁵³ According to the statute's language, "Public employers are able to operate a grandfathered board or establish a new local board provided it meets the requirements of the PELRB and does not seek to exclude coverage of public employees who are covered under the Public Employee Bargaining Act" (PELRB 1992, 5).

to support a collective bargaining bill if the bill was opposed by the state's most powerful management groups.

In addition to their wise management of stakeholder concerns, unions also devoted substantial campaign contributions to the state's Democratic Party and a number of its progressive leaders, helping ensure that public employee bargaining would be a legislative priority. In the 1992 election alone, labor unions contributed over \$100,000 to Democratic candidates, with public sector unions contributing nearly one half of this amount (National Institute of Money in State Politics 2016). Unions have traditionally been ranked as one of the top ten contributors in New Mexican state politics (Feldman 2014, 69).

Along with unions, pro-labor legislators played a central role in steering the bill to passage. The main sponsor of SB 99, Senate President Pro Tem Manny Aragon, had received steady endorsements and campaign contributions from labor since his initial election in 1975 and was one the most aggressive champions of labor's agenda. In an email message, veteran Santa Fe New Mexican journalist David Roybal confirmed that Aragon supported labor partially because he enjoyed the loyal and enthusiastic support of unions (Roybal, personal communication, June 24, 2015). Aragon sponsored seven bills for collective bargaining between 1975 and 1992 (United Press International, March 17, 1977; Stratton and Farley 1990, 322). He repaid his union allies in 1992 by deftly managing the floor vote on SB 99 when the bill initially failed to win Senate approval. The Senate held a second consideration of the bill after its initial failure and this effort proved successful.

Aragon acted as the chief policy entrepreneur during this process as he steadfastly advocated for public employee bargaining during his many years as Senate leader and employed his knowledge of procedural rules to secure passage of the bill in the Senate. Seizing what John Kingdon would call ‘windows of opportunity’ that opened after the election of Bruce King, Aragon—with labor’s support—effectively managed the bill in the divided Senate before delivering it to the state’s more receptive lower chamber.

The measure faced far less opposition within the lower chamber, as many of the prominent leaders of the House were longtime allies of labor. The bill’s lower chamber sponsor, Ben Lujan, had received substantial financial backing by organized labor since his initial election to the New Mexico House in 1975.¹⁵⁴ The speaker of New Mexico’s House of Representatives, Raymond Sanchez, was another long-term Democrat who backed the law partially because of his loyalty to labor. Unions such as the AFSCME campaigned for Sanchez in elections where the speaker faced a formidable Republican challenger (Baker, November 10, 2000).¹⁵⁵ Sanchez composed an editorial in *The Santa Fe New Mexican* in 1987 that expressed his belief that bargaining rights would not usurp local control and enjoyed popular support (September 25, 1987). Sanchez and Lujan convinced thirty-eight fellow Democratic members within the House to back

¹⁵⁴ Unions accounted for 11 percent of Lujan’s campaign contributions from 1990 to 2012. In the 1992 elections unions were one of Lujan’s greatest special interest contributors providing him a total amount of \$1,150 (National Institute of Money in State Politics, “Ben Lujan,” July 15, 2015).

¹⁵⁵ Sanchez composed a 1987 editorial in the *Santa Fe New Mexican* that expressed his belief that public sector collective bargaining enjoyed both popular support and legal legitimacy. Unions were responsible for 8% of the donations he received in 1992.

public sector collective bargaining, and the measure passed in early March with a comfortable ten-vote margin.

When the bill landed on his desk, Governor Bruce King's approval was never in serious doubt, even though King was not a vocal proponent of public sector bargaining. Paul Brooe, who worked as the principal lobbyist for the New Mexico Federation of Teachers at the time, described King as a moderate Democrat and reluctant supporter of SB 99. During the early 1990s, King had indicated that he would support a bargaining bill but would not actively stump for it (Broome personal communication, October 6, 2016). King had enjoyed the support of labor throughout his forty-year career in public service, and won a heavily contested gubernatorial Democratic gubernatorial primary in 1990 largely because of labor backing (Associated Press, April 23, 1990; King 1998, 282). Although King often sought to avoid controversial legislation, he recognized labor as being one of his most reliable allies during his three gubernatorial terms and followed through on his promise to sign the legislation (Associated Press, May 17, 1978; Roybal, October 30, 1990).¹⁵⁶

While union support was critical in promoting SB 99, interest group opposition to SB 99 was fairly tepid as business and management groups did not coalesce to block the law. Management groups such as the New Mexico Municipal League and the New Mexico Association of Counties did not take a position on the bill and some of the most powerful business sectors in the state, such as the energy sector, were not committed

¹⁵⁶ In the 1990 election alone, labor donated more than \$15,000 in-kind phone bank services and \$23,600 in campaign money (Roybal, October 30, 1990).

to fighting it (Reeves, personal communication, July 15, 2015; Griego personal communication, September 28, 2016). Oil and gas and mining, New Mexico's largest industries, often outpaced all other sectors in terms of political spending during the late 1980s and 1990s, but were primarily invested in narrow set of issues unrelated to labor, such as severance taxes (Garcia and Thomas 1987, 97-98; Hain et al. 1994).

Other components of New Mexico's business sector, such as the Chamber of Commerce, did register opposition to the bargaining bill, but the sector did not devote much capital or effort towards its defeat. The major business lobby in the state, named the Business Coordinating Council, consisted of the Chamber of Commerce, Association of Business and Industry, Retail Association and Bankers Association (Kimball, Chaney and Frames, January 9, 1995). The largest chapters of the Chamber of Commerce spent less than \$4,000 on Democratic candidate elections during the 1990 election cycle (National Institute of Money in State Politics 2016). Business allies such as the New Mexico Retail Association and New Mexico Bankers Association spent nearly \$18,000 in campaign contributions for Democratic House and Senate candidates during this same period and \$9,000 on Republican candidates. The Business Coordinating Council in total was outspent nearly 5 to 1 by labor during the 1990 and 1992 elections. The National Right to Work Committee (NTRWC) was the only outside state interest that boosted the opposition's war chest, but the committee only contributed \$5,600 to conservative Republican legislators in the statehouse. There was no targeted spending on the moderate Democratic Senators and House members, in the

amounts the opposition needed in order to kill SB 99 (National Institute of Money in State Politics 2016).

The Business Coordinating Council and NRTWC did little to build grass-roots pressure against the bill or editorialize its harmful consequences before the February 1992 deliberations. The New Mexico contingent of the NRTWC pursued an unsuccessful ballot referendum for right-to-work in 1978, and had lost much of its momentum by the mid-1980s (King 1998, 221-222). The organization counted 27,000 New Mexican members (a third of whom contributed dues) in the early 1990s, but did not mount a sustained mailing effort to defeat the public employee bargaining act (Kane, August 31, 1995).

Furthermore, anti-union forces did not aggressively advocate for their position within the state's major newspapers. My search of the *Santa Fe New Mexican* and *Albuquerque Journal* archives, which are the two largest newspapers in the state, uncovered no editorial attacks on the 1992 bargaining bill before it was signed. In the month before the legislation passed Broome asserted that, "There were only a few editorial pieces in the newspapers: not much was written about it at the time" (personal communication, October 6, 2016).

In summary, the New Mexico's labor movement's 1992 collective bargaining push was successful partly because labor won victories in state courts, garnered support from local government representatives and helped secure the election of progressive Democratic leaders within leadership posts in the statehouse.

Iowa: The 2006 November elections in Iowa ushered in the first unified Democratic government in the state since 1964, and ignited hope among union members that expansive labor legislation was within reach. From 2007 to 2011, Democratic legislators introduced two open-scope collective bargaining bills and a number of other key labor bills, such as fair-share proposals, that failed. Iowa had passed a public sector bargaining law in 1974, labeled the Public Employment Relations Act,¹⁵⁷ which granted state employees, teachers, police and firefighters the right to bargain (Legislative Services Agency, November 13, 2014). The Public Employment Relations Act made topics such as wages, health care, hours of work and overtime mandatory subjects of bargaining. An open-scope bargaining law, introduced in both the 2008 and 2009 sessions,¹⁵⁸ would have gone further, allowing teacher unions to negotiate over issues such as class size and preparation time, while granting other unions (such as police unions) the right to bargain over staffing levels, work shifts, and schedules (Iowa, April 25, 2008). Fair-share labor bills,¹⁵⁹ introduced in 2009 and 2010, would have required public sector workers who receive the wages and benefits of unionized contracts to pay their share of the costs of representation ensuring unions a solid base of income from represented workers.¹⁶⁰

Interest group opposition to bargaining legislation was more diverse and vocal in Iowa than New Mexico. This opposition contributed to Governor Chet Culver's veto

¹⁵⁷ Iowa Code Chapter 20.

¹⁵⁸ HF 2645 (2008) and HF 821 (2009). HF 821 (2009) never emerged from the House floor.

¹⁵⁹ HF 555 (2009) and HF 2420 (2010).

¹⁶⁰ As a right-to-work state, Iowa employees are not required to join a union or pay dues for representation.

of an open-scope bargaining law, HF 2645, and fueled Democratic opposition to similar bills. House File 2645 was introduced on March 14, 2008, and underwent lengthy debates on the House and Senate floors before passing both chambers on March 24. Almost 60 amendments were introduced in March, and the bill was ushered towards the motion-to-reconsider category on March 24, which kept the bill in a state of inactive limbo. This maneuver allowed the Culver administration to hear from both proponents and opponents of the bill before the bill was sent to his office for a signature (Noble, June 3, 2016). The Culver administration conducted some thirty meetings from various stakeholders during April and early May while the bill was in the inactive file. Culver ultimately vetoed the bill on May 15, 2008 quashing its potential to expand collective bargaining (AFSCME 61, May 31, 2016).

Business representatives and local government lobbyists and officials mounted an aggressive effort during the two-month interval to defeat the proposal. Opponents devoted to defeating the measure voiced their concerns during a dozen meetings with the Culver administration in the spring of 2008, while also broadcasting their critique in the Iowa press (Sagar personal communication, April 17, 2015). From March 21 to May 13, five of Iowa's most popular newspapers¹⁶¹ published twelve editorials that condemned HF 2645. Only three pieces were published in favor of the proposal. Many of the anti-HF 2645 editorials were authored by local officials, who viewed the bill as an assault on local control and a disruption to the harmonious balance between labor

¹⁶¹ *Des Moines Register, Quad City Times, Cedar Rapids Gazette, Daily Nonpareil and Dubuque Telegraph Herald.*

and management in the state. For example, school board president Kathy Collins Reilly, of the School Administrators of Iowa, protested (in an April 25th editorial within the Des Moines Register) that the legislation would prevent administrators from being able to fire incompetent teachers. Local government representatives also claimed that the bill would lead to a “significant loss in management rights,” as power would be diverted to out-of-state arbitrators (Andino, March 25, 2008). All twelve editorials also asserted that the bill would lead to a huge increase in property taxes. However, no author provided any source to back such an assertion.

Proponents of open-scope collective bargaining countered some of these allegations in their pieces, but were not granted much space in the state’s top newspapers. Newspapers published only a few short (less than 800-word) pieces on why HF 2645 was a common-sense update to the state’s thirty-five-year-old original bargaining law. Advocates pointed out that HF 2645 granted employees the ability to discuss a wider host of issues with their employers, and did not force employers to agree to third-party arbitration. Pro-HF 2645 editorials from teachers, such as Matt McCoy and Daniel M. Flaherty, also emphasized that the bill contained strict language that required any arbitrator agreements to conform to local tax limits (McCoy, April 1, 2008; Flaherty, April 2, 2008).

Editorial news boards in Iowa largely ignored these teachers’ perspectives, and instead amplified the views of the state’s business leaders. *The Telegraph Herald*, the *Cedar Rapids Gazette*, and the *Daily Nonpareil*, the third, sixth and fifteenth largest newspapers in the state by circulation, all published staff editorials in the spring of 2008

that criticized HF 2645 for being a hastily constructed and costly measure that primarily serves unions. The *Cedar Rapids Gazette* even alleged that the proposal could represent the broadest expansion of bargaining rights in 20th century history, even though the bill forbids public employee strikes and fair-share arrangements (May 8, 2008). A Lexus-Nexus search of fourteen¹⁶² of the largest newspapers in the state uncovered no editorial piece in support of labor's position. Corporate voices were also well represented by the *Des Moines Register*, the state's largest paper. Business columnist David Elbert wrote editorials in both 2007 and 2008 lambasting a proposed fair-share bill and the enhanced collective bargaining proposal. Elbert argued that enhanced bargaining could place "a city or county or school district in an untenable financial bind (Elbert, March 29, 2008)." Elbert's piece also suggested that passage of the law would provide Republicans a dynamic issue to use against Democrats in the next election cycle.

In addition to their petitions through the press, business and local government stakeholders made many direct appeals to the Culver administration to encourage a veto. A total of thirty business and local government groups registered opposition to the open-scope bargaining bill, HF 2645, including the mid-sized cities of Ankeny, Cedar Falls, Coralville and West Des Moines (Legislative Information Office, May 15, 2008). Local government opposition to the bill was quite substantial, with some of the state's largest associations, such as the Iowa Association of School Boards and the

¹⁶² *Associated Press: Des Moines, City-View, Clinton Herald, Cranston-News Advertiser, The Daily Nonpareil, Denison Bulletin & Review, The Cedar Rapids Gazette, The Globe Gazette, The Hawk Eye, Quad City Times, Sioux City Journal, Telegraph Herald, The Ames Tribune, Waterloo-Cedar Fall Courier.*

League of Cities registering opposition. School boards organized hundreds of phone calls and letters against the measure, with anti-HF 2645 contacts far eclipsing proponent contacts. During the spring of 2008, the Governor's Office received 1,100 contacts demanded a veto and fewer than one hundred contacts advocating a signature on HF 2645 (Boshart, March 26, 2008).

As pressure mounted on Culver to issue a veto, Iowa's labor organizers attempted to counter the pessimistic narrative that the state's business lobby and government heads painted, but organizers won little outside support and pursued a fairly muted campaign. In contrast to New Mexico, labor was unable to enlist the support of any local government entities in the state, and only a handful took neutral positions on the proposal.¹⁶³ The heads of the AFSCME Local 61 and the Iowa Labor Federation did host meetings with a few heads of the Culver administration, such as Lieutenant Governor Patty Judge, to discuss the merits of bargaining expansion. Labor representatives pitched HF 2645 as a sensible update to the state's outdated bargaining law, as the original code was implemented before the existence of 401k plans in the public sector and prevented employees from discussing health and safety issues (BNA Report, 2008). Although unionists made many practical arguments, they did not mobilize much grassroots energy to press for it. As stated above, organizers made relatively few contacts to the Culver administration while the legislation was under

¹⁶³ Of the large local government entities queried about the bill, only the Western Community College district and the Iowa Valley Community College District remained neutral.

review. Public sector unions in the state did inform their members about the importance of the bargaining law, but did not hold any public demonstrations on the measure.

Union arguments failed to persuade Culver, who vetoed the bill after stating that no consensus could be reached among various stakeholders during the final days of the legislative session (Veto Message, May 15, 2008). Culver provided little justification for his veto within his public statements, and seemed to disregard the safeguards written into the legislation. Culver labeled HF 2645 as a piece of “vaguely written” legislation with “the potential for far-reaching, unintended consequences” (Culver, May 15, 2008). In fact, the bill’s language mirrored language found in twenty-seven bargaining laws in other states, and the bill’s provisions were fairly modest. The governor’s veto message also expressed concern that an alteration of the bargaining law could mean “substantial new public expenditures” (Boshart, May 15, 2008). Culver’s conclusion contradicted fiscal reports produced by the nonpartisan Fiscal Service Division of the state’s legislature, which found that HF 2645 would likely have a minimal fiscal impact on cities and counties (Robinson, March 18, 2008).

Much of the language in Culver’s veto message dealt less with the policy ramifications of HF 2645 than with the process through which the bill was deliberated. The bill was not vetted within separate House and Senate Committees before its emergence on the House floor on March 14. Democratic leaders attached the collective bargaining bill as an amendment to another bill in March of the 2008 legislative session, rather than introducing it outright as a separate bill and announcing it as a major priority in January. This move was strategic, as pro-labor lawmakers sought to reduce the

amount of time interest groups had to rally opposition to the bill (Hoffman, March 28, 2008).¹⁶⁴

Culver's veto reflected a hardening—if not outright shift—in his position. He had pledged support for expanded bargaining during his gubernatorial campaign of 2005 and was briefed about the contents of the legislation twice by labor lobbyists before its passage in the House and Senate (Love, August 18, 2005; Sagar personal communication, April 17, 2015). At the time, Culver appeared to have been supportive of the bargaining reform, as he proposed no amendments (Boshart, March 26, 2008). House Speaker Pat Murphy (D-Dubuque) and Senate Majority leader Mike Gronstal (D-Council Bluffs) were also communicating with Culver's administration about the bargaining bill in early 2008. The Democratic leaders stated in a prepared statement that they had “repeatedly offered to consider changes to the bill and not a single suggestion was offered by Governor Culver or his administration” (Boshart, May 15, 2008).

Culver and key members of his administration made no mention of procedural irregularities of HF 2645 in the years after the veto, providing further evidence that the veto hinged more on political than policy rationale. In an interview with *Iowa Press* television on December 17, 2010, Culver was asked if he regretted his decision on collective bargaining. Culver dodged the question by stating:

You know, I'm not looking back, Mike. I'm looking forward. I've learned very well in this job as governor that every time you make a decision you're

¹⁶⁴ Limiting debate on Iowan bills is unusual, but has been employed by both parties when dealing with controversial measures (Clayworth, March 11, 2011).

going to have people that don't agree with the decision and every time you make a decision the press is going to have questions about it.

During a 2016 debate among other Democratic nominees for the U.S. Senate Patty Judge claimed that the bill failed because “there was not a lot of back and forth in negotiation on that particular piece of legislation” (Obradovich, June 2, 2016). Labor leaders Danny Homan and Ken Sagar and the former Senate President Jack Kibbie contradicted Judge's statement, claiming to have met her and other staffers multiple times during negotiations over HF 2645 (AFSCME 61, May 31, 2016). After being confronted by this fact, Judge backtracked and expressed regret that the bill failed.

Culver and Judge's vague deflections notwithstanding there is evidence that electoral considerations influenced Culver's decision-making. A number of Iowan political observers view Culver's veto as an attempt to preserve support from constituencies (business and local government management) he would need for his 2010 re-election campaign. The governor faced increasing political vulnerability as his voter approval ratings dropped from 59 percent in August 2007 to 43 percent in April 2008, as the state continued to face high unemployment rates (Gartner, May 22, 2008). Bret Hayworth, political reporter for the *Sioux City Journal*, argued that legislation “would have been fodder for hit pieces against Culver in the 2010 election” (May 15, 2008). Hayworth's assessment is given credence by the substantial amount of negative press coverage the bill received during the spring of 2008. This perspective sees Culver as a politician worried that his rumored opponent in 2010, ultraconservative Iowa Congressman Steve King (R-4th District), would use expanded collective bargaining as an issue against him in the campaign: Culver had consulted pollsters who

recommended a veto a few days before he issued one (Gartner, June 18, 2008). According to Hayworth, Culver believed that a veto of HF 2645 would preserve his good standing with the business community and local government. Culver also assumed that some business leaders would support his candidacy over a long-shot like King, if he sided with this constituency during particular battles (Hayworth, May 15, 2006).

The veto disappointed Culver's labor constituency, but Culver intimated in his veto message that he could revisit the issue in the following year after it received a more thorough debate (May 15, 2008). At the time, Culver also felt secure that labor would back him over an extreme conservative like King (Gartner, May 22, 2008).

With his veto, Culver was not simply looking to his next gubernatorial election, he was also rewarding past donors. Culver raised \$1.3 million from 2007 (his first post-election year) to the spring of 2008, with 39.3 percent of this funding coming from business interests opposed to reform (Iowa Campaign Disclosure, August 11, 2016). In fact, Culver accepted \$102,100 in 2007 and early 2008 from prominent Iowan GOP donors connected to the real estate industry. Four in-state GOP donors gave \$25,000 checks to the Culver Re-election Committee in 2007, an amount that matched any check provided by organized labor and all of Culver's other top donors (Krustofski, January 21, 2009). During the same period of time, labor contributions accounted for 14.7 percent (\$192,000) of Culver's total war-chest.¹⁶⁵ No labor bill reached Culver's

¹⁶⁵ Organized labor was Culver's single greatest funder during his 2006 election campaign, providing him with more than \$1.2 million in contributions, 14.58% of his total coffers. Finance, insurance and real estate industries gave \$854,297 while local government lobbying groups gave \$56,150 (National Institute on Money in State Politics, 2016).

desk during his remaining years in office, and Culver did not stump for labor during his final two years.

Iowa's labor movement faced more concentrated local government and business group opposition than counterparts in New Mexico and was unable to provide a persuasive defense of HF 2645 within the state media. Insider reports and Culver's own vague public statements indicate that Culver succumbed to interest group pressure when he issued his veto in May 2008.

Colorado: The cornerstone of labor relations in Colorado, the management-friendly Colorado Labor Peace Act (CLPA) of 1943, remained unchallenged until the beginning of the 21st century, as Democrats remained the minority party for most of the late 20th century. Public employees were excluded from coverage in the CLPA, but were able to secure limited bargaining rights by petitioning for them through amendments of city charters.¹⁶⁶ Organized labor's inability to obtain more expansive state legislation during the post-WWII period is partially explained by Republican dominance in Colorado's General Assembly. Before Democrats gained control of both houses of the state legislature in 2005, Republicans had maintained control of both chambers of the state legislature from 1976 to 2000, and had control of the assembly during much of the 1960s (Loevy 2011, 20-22). After the November 2006 elections, Democrats gained control of the statehouse and the governor's office, providing labor

¹⁶⁶ By the 1960s, municipal and educational employees began organizing for bargaining rights. Employees groups in urban settings such as Denver successfully gained union recognition by stipulating bargaining procedures in city charters. An amendment to Denver's city charter in 1971 granted the city's firefighters the right to bargain collectively, while agreements with school boards in Denver and Jefferson County granted teachers the right to bargain during the same period of time (Holger and Kriksiun 1984, 500; Ewegen, November 11, 2007).

the greatest opportunity it had had in a generation to challenge the restrictions contained in the CLPA.

Like Culver, Colorado's Democratic Governor Bill Ritter, elected to his first term in 2006, undermined this opportunity by vetoing public sector unions' top priorities. Ritter, a former Denver District Attorney, was a relative unknown statewide before his 2006 gubernatorial campaign. Ritter defeated his opponent, former Colorado Congressman Bob Beauprez, largely because both the business and labor communities rallied to his cause (Gibson personal communication, July 19, 2016). Ritter's controversial vetoes came in the wake of pressure applied by both the business community and local governments.

From the early 1990s to the mid-2000s, labor groups in Colorado pursued an amendment to the CLPA that would have eliminated the need to endure two separate elections in order to win union recognition, but these attempts were quickly suppressed by Republican committee chairs (Hansen, June 2, 1990; Hansen, January 14, 2001).¹⁶⁷ In 2007, another iteration of the labor amendment, House Bill 1072, passed both houses of the legislature but failed to win Ritter's approval. By vetoing HB 1072 on February 9, 2007, Ritter violated a campaign promise he made to labor in 2006, while also

¹⁶⁷ The CLPA requires employees to vote on union security in an election unconnected to an election to determine union representation, a procedure unique to Colorado. In Colorado, a successful union security election requires that a majority of workers in a unit or 75 percent of those actually voting, whichever is greater, consent to it (Corrada, September 2, 2008, 5). This statute in the CLPA thus operated in a sense as a modified right-to-work law that both public sector and private sector unions were eager to repeal.

dashing the highest priority of public and private sector unions (Milstead, February 10, 2007).

Colorado's business community devoted substantial resources to defeat HB 1072. Business leaders and lobbyists offered hours of testimony against the bill when it appeared in the Senate Business, Labor and Technology committee on January 24th, 2007 and introduced 73 amendments to kill the bill (Washington, February 6, 2007). Colorado's Association of Commerce and Industry also sent letters to Ritter and legislative leaders in March 2007 asserting that passage of the bill would inspire a right-to-work initiative challenge (Holger 2007, 90). Many Colorado newspapers amplified the business community's voice on the issue. During the first three months of the 2007 legislative session, approximately 115 articles were published in Colorado newspapers, such as the *Colorado Gazette*, *Colorado Independent*, the *Denver Post*, the *Rocky Mountain News* and the *Colorado Springs Examiner*, that described HB 1072 (Corrada 2008, 16).

Fifty percent of these published articles offered a pro-business perspective on the CLPA amendment, with a few pieces predicting economic doom if the measure passed (Harsanyi, February 1, 2007; Clark, February 4, 2007). Opponents of HB 1072 presented no credible evidence that the law would hurt Colorado's economy or drive away business. Research on union security and right-to-work laws find little correlation between union security laws and economic conditions (Dinlersoz and Hernandez-Murillo 2002; Hogler, Shulman and Weiler 2004). In fact, many of Colorado's right-to-work neighbors such as Arizona and Utah offer much lower per-capita incomes than

Colorado. At the time, Colorado boasted higher per-capita incomes than any of its neighboring right-to-work states (Hogler January 28, 2007; Hogler 2007, 91-92).

A number of newspaper articles also portrayed the bill as a coercive action against working people and businesses, as pundits and business leaders asserted that the law would usher in closed shops, in which union membership was required (Clark, February 4, 2007; Washington, February 6, 2007). Federal law prohibits closed shops and requires no one to become a union member. The proposed amendment would only allow unions to negotiate with employers to create a ‘union shop’ or ‘agency shop’ in which all employees in similar jobs are covered by a union’s collective bargaining agreement, but none are individually compelled to join the union. The legislation did not require any employer to agree to such a union security agreement.

In his veto message, Ritter seemed to endorse many of the dubious claims that the business community made in early 2007. Ritter intimated that he worried about the possible economic consequences of the reform (Ritter, February 9, 2007), but did not cite any evidence for such concerns. Nor did he acknowledge the costs imposed by the existing system of union security elections on Colorado taxpayers (Corrada 18).¹⁶⁸ A number of Democratic political leaders in the state dismissed the economic concerns of business opponents. They noted that the amendment would likely not have much economic impact because Colorado is not a heavily unionized state, and a significant portion of Colorado union members already had union shop contracts (Gibson, personal

¹⁶⁸ From 1978 to 1998, the Colorado Department of Labor conducted 351 Peace Act elections, with such elections costing the state \$215,865.

communication, July 17, 2016).

Ritter admitted that “requiring a second super-majority election seems, on its face, undemocratic,” but contended that debate over the bill had become too politicized and that changing longstanding law could lead to ‘unintended consequences’. In vetoing the amendment, Ritter dismissed federal collective bargaining policy, delineated decades earlier in the National Labor Relations Act (1935). The NLRA had provided clear procedures for union certification, which the other forty-nine states followed. His decision, like Culver’s, was a political one; it seems in important respects to be not grounded in any discernible public policy rationale.

Lobbyists and journalists who witnessed the drama unfold surmised that Ritter succumbed to business pressure. Steve Adams, president of the Colorado’s AFL-CIO, echoed these sentiments in a statement issued shortly after Ritter’s veto: “We are obviously extremely disappointed that Gov. Ritter felt it necessary to break a campaign promise under pressure from big business. We hope that this is not a harbinger for what lies in store for the working men and women in this state” (Milstead, February 10, 2007). Ed Sealover, a journalist at the *Denver Business Journal*, stated that Ritter:

Didn’t like that they (labor) made what looked like a payback bill (HB 1072) for election funding their top priority, and he vetoed it because he felt that more discussion needed to be had. The general theme was that he didn’t want such partisan legislation being the first major bill he signed into law after campaigning as someone who could work across the aisle (personal communication, August 5, 2015).

Sealover’s statement indicates that Ritter’s veto was motivated in significant part by the narrative the business community and press constructed around the bill. Much of the press coverage of the proposal framed the bill more as a measure providing

compensation for a special interest group than as a proposal that would help both private and public sector workers gain a voice in the workplace.

Worried about how passage of the measure would affect his legislative agenda, Ritter vetoed the measure to avoid alienating one of his most powerful constituencies. According to James Gibson, former director of the Colorado Democratic Leadership Council (DLC), Ritter and other moderate Democrats formed deeper relationships with Colorado's corporate sector during the Referendum C campaign of 2005. The Colorado DLC was the main business-friendly Democratic caucus in the state at the time and a major proponent of Referendum C, a government fundraising initiative. As a consequence of Referendum C's success, Democrats became less dependent on labor campaign contributions (Gibson personal communication, July 19, 2016).¹⁶⁹ Without Referendum C, Ritter would have been forced into massive budget cuts as soon as he took office, a move that would have likely deepened the state's recession (Couch and Frates, May 16, 2016).

Ritter was not the main figure behind the Referendum C campaign (his predecessor Republican governor Bill Owens was instead), but Ritter had developed relationships with the corporate sector, and needed the business community's support to gain additional revenues. Former Colorado Democratic Governor Dick Lamm, a close advisor of Ritter's, explained the veto in these terms:

This was one of those sort-of-volcanic issues. All of a sudden it explodes on you. If he is going to lead this state fiscally, he has got to work with the business

¹⁶⁹ Referendum C was a ballot measure passed in 2005 in Colorado that granted lawmakers a five-year reprieve from the spending limits of the Tax Payer Bill of Rights (TABOR) spending caps passed in 1992. Referendum C allowed the government to surpass traditional limits in its funding of transportation, education and health care.

community to get additional revenues (Clausing, March 8, 2007).

Although a progressive amendment to the state's collective bargaining law would not have hurt business firms in the state, or reduced incoming revenues, it may have been seen as a symbolic betrayal of Ritter's relationship with business (Gibson personal communication, July 19, 2016). Buoyed by the success of Referendum C, the business community devoted thousands to Ritter's gubernatorial campaign.¹⁷⁰ Ritter's veto of HB 1072 ultimately damaged his relationship with his party, and discouraged Democratic legislators from introducing another amendment to the Colorado Labor Peace Act during his term (McGhee, February 10, 2007; Sealover personal communication, August 5, 2015).

Ritter remained a major obstacle to organized labor for the rest of his tenure. He vetoed two other major labor bills in 2009, an unemployment compensation bill concerning grocery store workers (HB 1170) and the Fire Fighter and Law Enforcement Officer Collective Bargaining Act (SB 180). The latter blocked legislation intended to grant firefighters greater input on workplace issues such as safety and benefits (Bartels, June 6, 2009). Once again, the struggle over this attempt to increase collective bargaining was a heated one. And once again, the legislation faced opposition from groups representing local government and the business

¹⁷⁰ During his 2006 gubernatorial race, retail businesses, commercial banks, real estate, insurance and oil and gas accounted for 8 percent of Ritter's special interest money (National Institute of Money in State Politics 2015). Ritter raised \$400,000 more from business interests than his Republican gubernatorial counterpart Beauprez in the 2006 race. Ritter raised \$2.7 million from business, while Beauprez raised \$2.3 million (Lewis, September 24, 2006). In that same period of time, Ritter received \$76,885 from general trade unions and \$128,020 from public sector unions (National Institute of Money in State Politics 2015).

community. Many observers cited this opposition in explaining the governor's veto.

The roots of this reform effort extend to 1971, when Colorado firefighters in the cities of Denver, Aurora, Thornton, Pueblo, Greeley, Longmont, and Englewood gained bargaining rights through local election ballots. Not all elections were successful, as firefighters in other cities such as Grand Junction were stymied after failed election attempts (Shockley, June 4, 2009). In his veto message, Ritter claimed that one of his principal reasons for rejecting the measure was his fear the law would override home-rule (Ritter, June 4, 2009).

Circumstances around the veto suggest that Ritter's action was motivated more by interest group pressure than by concerns over the bill's language. While on the campaign trail in 2006, Ritter promised the Colorado Professional Firefighters that he would work with them to design a bargaining law. Ritter met with the firefighters union on September 11, 2008 to discuss the outlines of a possible bargaining bill, and encouraged unions to work with the Colorado Municipal League to resolve differences (Rogers personal communication, August 14, 2015). According to testimony by Randy Atkinson of the firefighters union, the Colorado Municipal League was not interested in working on any bill. After the September meeting, Ritter's administration did not communicate with the Colorado Professional Firefighters until the veto (Bill Ritter Watch, June 4, 2009). Ritter's initial receptivity to a bargaining law indicates that the home-rule objection was not as insurmountable an obstacle as the veto message makes it appear to be. Moreover, business and local government opponents' portrayal of the bill as a major violation of local control was inaccurate: the language in SB 180 does

not force localities to adopt unionized fire districts. Rather, Senate Bill 180 authorized collective bargaining if the local firefighters wanted to pursue it (Sweeney, June 4, 2009). Furthermore, the bill prohibited strikes and called for an advisory fact-finder system to resolve disagreements. Voters of an affected municipality would have final veto over any fact-finder recommendation.

The Colorado Municipal League, Colorado Communities Incorporated, and business groups aligned with the Colorado Right-to-Work association rallied to defeat SB 180 after it was introduced in the Colorado Senate in February 2009. Business groups, such as the Colorado Association of Commerce and Industry, worried that passage of such a law could open the door for bargaining laws for other classes of public employees (National Institute of Labor Relations Research 2009, 3). Ed Sealover maintains that Ritter feuded with one of the main sponsors of the legislation, Edward Casso (D-Commerce City). Ritter had:

Received a lot of pressure from business groups to veto both of the 2009 labor bills, especially after business had helped him defeat a push by his own party that year to try to raid \$500 million from the reserves of the state-chartered workers' compensation insurer in order to balance the budget (personal communication, August 5, 2015). In deciding who he would prefer to cross, I imagine Ritter found it less painful to get on the bad side of a back-bench legislator [Casso] who already had said nasty things about him rather than a major lobbying sector that could either throw a lot of cash against his re-election bid the next year or sit on the sideline, as it largely had when he was elected in 2006 (August 5, 2015).

House legislator Casso (District 32) also believed that Ritter's veto was motivated by pressure applied by the business sector, as Ritter underestimated the level of support the bargaining bill would engender:

The governor was clearly worried about re-election [in 2010], and was trying to triangulate with the business lobby. He didn't understand that we had the votes locked down the year before on both firefighter collective bargaining and grocery worker lock-out (HB 1170). He underestimated that the Democratic Caucus would fold (personal communication, August 11, 2015).

This interview suggests that Ritter's policy objections to firefighter bargaining were a secondary concern, as Ritter seemingly believed the bill would die quickly. One might assume that Ritter, as the nominal leader of the state's Democratic Party, would have voiced his concerns about SB 180 early in the 2009 session if policy concerns regarding the proposal were predominant in his mind. In ideal circumstances, a governor in a state with unified partisan control would voice his/her concerns early in the process in order to save party members from recording votes on controversial pieces of legislation (Casso, personal communication, August 11, 2015).

Colorado College political scientist Bob Loevy, a contributor to *State of Change: Colorado Politics of the 21st Century*, concurred that Ritter's veto was motivated by both strategy and a consideration of interest group power. Loevy states, "That's mainly what he's (Ritter) used his veto pen to do, is to tame the left wing, and that, of course, includes labor. The unions will probably have difficulty finding a substantial candidate to challenge Ritter in a primary" (Toda, June 7, 2009).

Although Ritter, under pressure from business interests, played a prominent role in defeating public sector bargaining legislation, he was not the only highly visible figure involved in the state's labor battles. Wealthy conservative donors also fueled anti-labor initiatives in these years, undercutting support for progressive labor reform.

The most significant example of this was a battle over a right-to-work ballot initiative, Amendment 47, in 2008.

Colorado was the only case study state in my research that contested labor policy through the ballot initiative process. In the proposition battle over Amendment 47 (2008), labor surprisingly outspent business, and even formed a coalition with a moderate business group in the effort to defeat a right-to-work proposition. This proposition battle was noteworthy, as it pitted a policy entrepreneur of substantial wealth against well organized labor opposition. The conflict over right-to-work confirms the importance of coalition building for policy success, while also demonstrating the disproportionate influence that a wealthy policy entrepreneur can have on labor policy.

The struggle over public sector collective bargaining spurred members of the Coors beer dynasty to pursue a right-to-work amendment beginning in 2008. On the heels of his veto of HB 1072, Ritter signed an executive order that authorized “labor-management partnerships” with public employee unions, igniting a storm of criticism from Colorado’s business community (Executive Order D02807, November 2, 2007). Outcry over the executive order was vehement despite the fact that the new rule did not allow public employees to strike, did not offer binding arbitration in the case of labor disputes or allow agency fees.¹⁷¹ Ritter granted the executive order in order to placate the labor community, which was still smarting over his campaign betrayal. But he

¹⁷¹ For example, *The Denver Post* editorial board labeled Ritter, “a toad to labor bosses and the old vestiges of the party— a bagman for unions and special interests” (November 4, 2007).

misjudged the reaction that it would engender by conservative forces in the state (Prince, June 23, 2014).

In early 2008, the billionaire Coors family (from the Coors beer dynasty) sponsored a right-to-work ballot proposition, the first attempt to make Colorado a full-fledged right-to-work state since 1977 (Hogler 2007, 87). Jonathan Coors, the great-grandson of the company's original founder, organized the signature drive to place Amendment 47 on the ballot. He believed that labor had upset the balance provided by the Colorado Labor Peace Act by pursuing HB 1072 and that the Ritter executive order had exacerbated the problem (Vuong, July 28, 2008). The ballot measure would have applied to both public and private sector unions. Together with his father John Coors, Jonathan Coors contributed \$395,000 to the pro-Amendment 47 campaign, entitled A Better Colorado, in the spring of 2008, which was enough money to get the measure on the ballot. Coors operated as a policy entrepreneur, attempting to win support for a measure that largely reflected the preferences of elites, despite its packaging as a grassroots initiative that sprung from workers disenchanted by unions.

Coors exemplified Kingdon's definition of a policy entrepreneur, devoting political resources, money and business contacts, in the campaign to enact a right-to-work initiative in the state. Policy entrepreneurs seek significant policy changes, rather than incremental reforms, and right-to-work certainly qualifies as a major alteration to the state's labor policy. Kingdon also asserts that policy entrepreneurs often desire a material return on investment (Kingdon 1995, 129). As major employers in the state, the Coors family likely stood to benefit from a right-to-work law. Jonathan Coors acted

as a spokesperson during the campaign, as he made appeals in the press and worked to obtain support from business groups. According to scholars Michael Mintrom and Phillipia Norman, policy entrepreneurs work to sell their ideas, and successful ones must build alliances with other interest groups within the decentralized and pluralist U.S. setting (2009, 653).¹⁷²

Although Coors did win over some business interests, he was unable to unify the business class in the state, or to win the support of other constituencies. The measure went down, garnering only 43 percent of the vote. He did win the backing of the Koch-funded Colorado-based libertarian think tank the Independence Institute, which sponsored two additional anti-labor propositions on the November 2008 ballot, Amendment 49 and Amendment 54. Amendment 49 prohibited union payroll deductions, while Amendment 54 banned “sole source contractors” from making monetary contributions to political campaigns, with language that specifically barred collective bargaining agreements from contribution giving. Colorado’s organized labor movement defeated Amendments 47 and 49 by initiating a series of retaliatory propositions, outspending the opposition through in-state and out-of-state fundraising, and building a coalition with moderate business allies. In reaction to Amendment 47, Colorado unions filed four anti-business initiatives of their own on March 31, 2008.¹⁷³

¹⁷² Amendment 47 garnered the endorsement of CO Association of Commerce, CO National Federation of Independent Business and the Associated Builders and Contractors Rocky Mountain Chapter.

¹⁷³ Amendment 53 would have made executives criminally liable if companies committed a crime. Amendment 55 would have required businesses to provide ‘just cause’ for laying-off workers. Amendment 56 required more employers in the state to provide health care coverage while Amendment 57 permitted injured workers to seek damages outside the workers’ compensation system. Many business leaders in the state agreed to support the campaign against right-to-work through both

Ritter called both sides into negotiations in early April to encourage a withdrawal of all initiatives. Many business leaders worried that both right-to-work and the retaliatory measures could end up in the Colorado constitution, and thus felt compelled to enter a compromise with labor to avoid such a result (Hogler 2015, 124).

Colorado's labor movement, like New Mexico's, effectively forged a coalition with another major interest group, in this case parts of the business community, in order to defeat Amendment 47. In early October, labor representatives brokered a compromise with the leaders of a number of major firms in the state, such as Qwest and Xcel Energy. These firms pledged \$3 million on labor's behalf in its battle against Amendment 47 in exchange for a complete withdrawal of all of its retaliatory propositions from the ballot. Corporate allies also agreed to publicize their opposition to the right-to-work initiative (Vuong, October 2, 2008). Additionally, labor coaxed a few major business lobby groups in the state, such as the Colorado Bankers Association and the Denver Metro Chamber of Commerce, to come out against Amendment 47, while also garnering the endorsement of the Sierra Club, the Denver Broncos and Catholics United. Public sector unions in Colorado contributed to the campaign by giving nearly \$200,000, but the bulk of labor's \$11 million union war chest came from national unions (Ballotpedia 2008). Amendment 54 did pass with a slight majority, but Amendment 47 and 49 lost decisively. In the end, labor emerged victorious because it outspent A Better Colorado four-to-one and developed a broader coalition. Kelley

endorsements and donations if labor quashed the four amendments. Labor agreed to these terms and pulled the amendments a month before the November election.

Harp, the primary spokesperson for Amendment 47, asserts that the divided business community made Amendment 47 appear unnecessary to Colorado voters (personal communication, September 9, 2016).

Although the Coors family lost this particular effort, their campaign dampened any appetite for an expansive bargaining statute in Colorado. In fact, Democrats have introduced very little collective bargaining legislation since the battle over Amendment 47, despite holding unified control of Colorado's government from 2006 to 2010. In 2008, the Colorado Teamsters expressed interest in introducing a bargaining law that would guarantee binding arbitration and/or agency fees but the proposal was never introduced in the legislature (Degrow, January 25, 2008). In the midst of the business-led offensive against unions, such a proposal appeared toxic. Democrats have largely avoided this issue since 2008, with the sole exception of the firefighter bargaining bill, SB 180.

Wealthy GOP donors such as the Coors family remain a major obstacle to bargaining expansion in Colorado. While Ritter was never a strong ally of labor, his term ended in 2010, yet public sector unions remain reluctant to seek more expansive legislation with his successor, Democrat John Hickenlooper.¹⁷⁴ When asked about the defeat of Amendment 47, Jonathan Coors was not discouraged, promising to pursue the issue again in the future. He blamed moderate business leaders who sided with labor for the defeat (Hogler 2015, 125). Coors has not invested a large sum of money in any initiative drive since 2008, but his threat tamed labor's aspirations. Harp

¹⁷⁴ Hickenlooper has only enjoyed a Democratic controlled legislature during the 2013-2014 session.

hypothesizes that had labor pushed for an expansive bargaining law or a change to the Colorado Peace Act, Coors and/or other business interests would have retaliated in some way. Harp states,

I don't know if that retaliation would come in the form of another Right to Work Amendment. It already failed once at the ballot box, and it has failed several times in the legislature over the years. Yet, I suspect that some sort of retaliation would occur (personal communication, September 9, 2016).

In the eyes of many, Ritter's executive order is not a wholly satisfactory substitute for a bargaining law. The executive order does allow unions to organize, and did facilitate the emergence of a state employee coalition labeled Colorado Workers for Innovation Solutions (WINS).¹⁷⁵ However, Ritter's concession to labor provides public sector unions very little leverage in negotiations with management and discourages militant action. The executive order did not mandate collective bargaining or provide unions the ability to strike. Furthermore, like all executive orders, Ritter's decision can be easily repealed by a successor (Prince, personal communication, September 3, 2015).

Under the executive order unions do not practice a traditionally defined form of collective bargaining when negotiating partnerships with management. Rather, they engage in what is commonly termed "interest based bargaining," in which unions have no right to challenge management proposals through interest arbitration or strikes. Under this framework, management is not compelled to bargain over any major work-related policy and can even press for union de-certification if the process becomes

¹⁷⁵ Colorado WINS represents a collaboration of three public employee unions: the American Federation of Teachers, AFSCME and the Service Employees International Union.

difficult in the eyes of management (Prince, September 3, 2015). The executive order did not provide local government employees any direct benefit either. Local government employees must still win local approval before being granted the ability to negotiate with management (Prince, June 23, 2014; Holger personal communication, March 30, 2015).

The Colorado case illustrates the power that unified local government and business groups have over state labor policy. Local management and business representatives effectively mobilized to coax vetoes for HB 1072 and SB 180, two of labor's highest priorities during Bill Ritter's tenure as governor. The struggle over right-to-work in Colorado also illustrates the power that wealthy policy entrepreneurs can have on labor policy, even in cases where they are unable to win their preferred policy.

Interest groups and policy entrepreneurs were clearly influential in policy struggles over collective bargaining. But this was not the only salient factor determining outcomes. Party control—in particular the size of Democratic majorities—was also pivotal.

2.) The Role of Large Democratic Majorities

Because public sector collective bargaining has been such a controversial concept during the 20th and 21st centuries, unions seeking to expand bargaining have needed more than just smart strategies to win approval of an encompassing statute. Democrats needed majorities for nearly all public sector bargaining proposals passed since 1959. Yet the majority of bargaining laws passed during the 1959 to 1985 period,

also received some Republican support.¹⁷⁶ Indeed, from 1959 to 1985, a striking 65 percent of all Republican votes on public sector bargaining legislation were yes votes (Anzia and Moe 2014, 24).

An assessment of partisanship trends dating back to 1959, the year Wisconsin became the first state to pass a public sector bargaining law, indicates that Democratic majorities have always mattered, but in the modern era Democrats need larger majorities to pass collective bargaining expansions. Political scientists Sarah Anzia and Terry Moe identified 41 public sector bargaining statutes enacted into law in various states from 1959 to 1985, and in twenty-five of those cases, Democrats retained majorities (2014, 45).¹⁷⁷ But Democrats only held two-third of the seats in state legislatures for ten bargaining bills passed during the 1959 to 1985 time period.¹⁷⁸ During this time period, unions and Democrats collaborated to pass bargaining legislation, as the Democratic Party generally held only small margins over their Republican counterparts. On average, Democrats held only 8.39 more seats than Republicans for the forty-one bargaining laws passed from 1959 to 1985. Democratic legislators voted at a 95 percent rate for collective bargaining expansions during this period of public sector union stability and expansion.

¹⁷⁶ The only exceptions (New York 1967, Delaware 1969, Montana 1971) involved bills passed over Democratic objections by Republican lawmakers eager to stifle public sector labor radicalism by sponsoring bills that provided only limited bargaining rights and prohibited the right to strike (Anzia and Moe 2014, 29).

¹⁷⁷ WI 1959, DE 1965, MI 1965, WY 1965, NY 1967, CA 1968, MD 1969, AK 1970, PA 1970, GA 1971, WI 1971, AK 1972, KY 1972, MT 1973, OR 1973, TX 1973, FL 1974, CA 1975, CT 1975, IN 1975, CA 1977, TN 1978, IL 1983, OH 1983, and IL 1985.

¹⁷⁸ MI 1956, DE 1965, MD 1969, GA 1971, AK 1972, KY 1972, TX 1973, CT 1975, CA 1977, and TN 1978.

The Colorado, Iowa and New Mexico cases indicate that Democratic leadership and party activists needed to secure an even larger majority of total legislative seats to pass public sector bargaining legislation in the 1990s and 2000s, because a smaller percentage of Democrats were willing to vote for public sector bargaining legislation than in the past, while Republican lawmakers are unwilling to vote for such expansions. In Colorado, Iowa and New Mexico respectively, 88 percent, 90 percent and 82.4 percent of Democratic lawmakers voted for bargaining expansions.

New Mexico's Democratic caucus was successful while its counterparts were not partly because New Mexico Democrats held a 36-seat margin over Republican counterparts, which translated to 67 percent of all seats in the statehouse. In Colorado and Iowa, the Democratic voting margin was only 21 and 15 members respectively in 2007-2008. In other words, Iowa's Democratic caucus held only 55.3 percent of all seats in 2007-2008 and slightly more in 2009-2010, while the Colorado Democrats held 53 percent of all seats during the 2007-2008 legislative session. The inability of public sector unions to win bargaining legislation in Colorado and Iowa—even when Democrats controlled substantially more than 8.39 seats in the states' lower and upper chambers— is a reflection of partisan polarization and the weakness of labor in the current political era. Because the labor movement is not as robust today as it was in the 1960s and 1970s, public sector labor leaders cannot expect private sector labor organizers to marshal the same resources on the public sector's behalf (Ahlquist 2012). Furthermore, public sector unions do not now strike at the same frequency as they did during the upsurge period (described in Chapter 2) and thus have less leverage over

moderate Republicans and Democrats to support bargaining legislation. Moderates from both parties supported bargaining legislation during the 1960s and 1970s, when such bargaining legislation contained explicit no-strike clauses (Anzia and Moe 2014, 27; Burns 2014).

Geographic factors appear to help explain Democratic opposition to public sector bargaining. Public sector union membership is concentrated within municipalities. Such unions have little presence within suburban and rural areas. The thirteen Democrats who voted against Senate Bill 99 came from rural and suburban areas of New Mexico, conforming to this trend. These members were largely concentrated within the Southern and Eastern parts of the state (Council of State Governments 1992; Rupasingha and Patrick 2008).¹⁷⁹ The largest Republican region in the state, named Little Texas because of its proximity to the Texas Panhandle, encompasses the rural counties of Dona Ana, Hidalgo, Luna, Eddy and Lea counties and one moderately large city, Las Cruces. The Texas Panhandle is predominately white and dependent on oil and cattle ranching. Democrats in this region vote more conservatively, in accordance with their constituent preferences, than Democrats within metropolitan areas. Low turnout by Latino and Navajo Indian residents in southern New Mexico during much of the 1980s and 1990s reinforced conservative politics and stifled support for controversial measures such as collective bargaining expansions (Gimpel 1996, 101; Schwartz, September 25, 2014).

¹⁷⁹ Paul S. Light (HD-55), Jerry Sandel (HD-1), Grover McSherry (HD-32), Frederick Peralta (HD-42), Joe Stell (HD-54), John Underwood (HD-56), Kenneth Wallin (HD-67), Darla Whitney-Welles (HD-3), Donald L. Whitaker (HD-61), Joseph Harvey (SD-41), John Morrow (SD-7), John Arthur Smith (SD-35) and C. Ray Tice (SD-3).

Senate Bill 99 passed in New Mexico, partly because the liberal Democratic coalition in the state was large enough to offset opposition from Cowboy Democrats in the Texas Panhandle and San Juan. New Mexico's central region, consisting of Santa Fe and Albuquerque, consists of a number of Hispanic counties that vote Democratic. In fact, the Albuquerque and Santa Fe metro areas supply the lion's share of the state's house and senate districts and generally determine the partisan makeup of the New Mexico roundhouse during a given election cycle.¹⁸⁰ Democrats dominate in this region because of strong Hispanic turnout (in fact, Hispanic turnout in this region is much stronger than in southern New Mexico) and the presence of a number of organized municipal labor organizations that bolster electoral participation (Gimpel 1996, 101; Cohen, June 15, 2012). These factors ensured the presence of a large enough liberal contingent of the legislature (80 percent of all seats were Democrat-held) willing to support collective bargaining expansion.

In Iowa, by contrast, the Democratic majority did not enjoy such comfortable margins in the state after 2006, which allowed its contingent of rural and suburban Democratic officeholders to sabotage labor's expansive agenda. In 2007, representatives Dawn Pettengill (HD- 75), McKinley Bailey (HD-9), Brian Quirk (HD 15), Doris Kelley (HD 20) and Dolores Mertz (HD-8) rebuked the Democratic majority and opposed a fair share bill that would have allowed public employee unions to charge non-members for services (Jacobs, March 16, 2007). Pettengill, Bailey, Quirk and Mertz represent four of the most rural and whitest counties in Iowa, where Democratic

¹⁸⁰ The metro regions contain 29 House seats and 19 Senate seats.

voter registration only slightly edges Republican registration levels (Willems, June 9, 2015; Iowa Secretary of State 2016; Statistical Atlas 2016).¹⁸¹

Democrats retained their majority standing after the November 2008 elections, but encountered a caucus that lost Pettengill after a party registration switch and added conservative Democratic legislator Larry Marek (House District 89) to the business-friendly contingent that served in the 2007-2008 session (Belin, June 12, 2009). Kelley, Bailey, Marek and Mertz all won general elections in their conservative leaning districts in 2006 and 2008 by fairly small margins, which partially accounts for their reluctance to support labor bills or other types of progressive legislation.¹⁸²

After the defeat of the collective bargaining bill in 2008, Iowa's conservative Democratic House members blocked a number of other bills aimed at empowering public sector unions. In 2009, Iowa's Democratic leadership introduced another open-scope public sector collective bargaining bill (HF 821) that emerged from the House's LaborCommittee, but lacked the Democratic votes needed to surmount the floor vote threshold (51 in total). Conservative Democrats also blocked fair-share bills introduced in 2009 (HF 555) and 2010 (HF 2420) and HF 333 (2009), a prevailing wage bill modeled after the bill that died in 2007 (Belin, April 26, 2009; Belin, March 1, 2010).

In Colorado, narrow Democratic majorities also played a role in preventing the state's unions from obtaining a collective bargaining law during the past decade. Liberal members of Colorado's Democratic Party discussed possible overrides to some

¹⁸¹ These counties were Benton, Hamilton, Hancock and Pottawattamie.

¹⁸² In 2008, Bailey won his seat by 55 percent of the vote, Kelley by 58 percent, Marek by 50.5 percent and Mertz by 50.1 percent of the vote.

of Ritter's vetoes, but the contingent was not large enough to undertake such an action. Colorado law requires bill sponsors to obtain a two-thirds majority of both houses to enact an override. To override Ritter's veto of HB 1072, Democrats needed to convince at least five Republicans in both the Colorado House and Senate to switch their original votes. Additionally, the Democratic caucus would have needed to convince the four Democratic representatives who voted against HB 1072 on the house floor to change their minds and support it.¹⁸³ Convincing 14 percent of the Colorado legislature to change their positions on such a controversial bill appeared nearly impossible given the state's politics.

Convincing the four Democratic lawmakers who voted against the repeal of the Colorado Labor Peace Act would have been a tall order in and of itself, because these legislators did not represent districts that are liberal or heavily unionized. Like New Mexico, Colorado boasts a significant number of moderate Democrats from suburban and rural districts that are unencumbered by labor's influence. In the early 2000s, Colorado's Democratic Party wrested control from the GOP (which controlled both bodies of the state legislature from 1976 to 2000), by making inroads in the heavily suburban Adams, Arapahoe, Jefferson and Larimer counties (Loevy 2011, 32-33). Three of the four legislators who voted against HB 1072 (Borodkin, Jahn and Kerr) represented Jefferson and Arapahoe counties, regions that had been in firm Republican hands during the 1980s and 1990s (Ewegen, October 7, 2006; Hoover, September 2, 2012). The last no vote belonged to Bernie Buescher a representative from Mesa

¹⁸³ Alice Borodkin (D-9), Bernie Buescher (D-55), Cheri Jahn (D-24) and Andrew E. Kerr (D-26).

County, a GOP rural stronghold (Harrelson, January 14, 2006).¹⁸⁴ The defection of these four members from the party line vote on HB 1072 is not surprising, given that unionized power in Colorado rests in Denver and a few other metro areas rather than within these suburban districts.¹⁸⁵ Democratic voters within Jefferson and Arapahoe counties tend to be more moderate than counterparts in Denver and less invested in organized labor's priorities. An affirmative vote for HB 1072 would have made Buescher, Borodkin, Jahn and Kerr vulnerable in future elections (Gibson personal communication, July 19, 2016).

Furthermore, Democratic leaders at the time were pessimistic about the likelihood that a handful of Republicans would change their minds and support the override initiative, given the fierce business opposition that the proposal generated (Casso, personal communication, August 11, 2015). Major sponsors of the bill--Michael Garcia, Casso and Senator Jennifer Veiga—were open to the possibility of pursuing such an action, but the leadership did not want to engage in such talks. The Democratic leadership was reluctant to pursue any type of maneuver that might damage Ritter's standing or the party's, so early in Ritter's first term.

Liberals within Colorado's Democratic caucus faced many of the same obstacles when deliberating a possible veto override of the firefighter bargaining bill. To override Ritter's veto of SB 180, Democrats needed to convince the six Democratic

¹⁸⁴ Republicans outnumbered Democrats by 180,000 as late as 2004 in the state. Republicans outnumbered Democratic candidates in all three counties until 2004, but gradually lost their registration advantage in the Obama years (Loevy 33).

¹⁸⁵ The Denver Area Labor Federation contained 50,000 members in the early 2000s, accounting for forty-three percent of Colorado's total union membership (Dean and Reynolds 2009, 190).

lawmakers who voted against it to switch their votes, while picking up the votes of seven Republicans within the lower chamber and three Republicans within the upper chamber of the statehouse. The Democratic legislators who voted against firefighter bargaining predominately represented swing districts in Adams, Arapahoe, Jefferson and La Plata counties, and were vulnerable to GOP challengers. Four of the seven Democratic representatives who voted against SB 180 lost their seats to Republican challengers after the 2010 election.¹⁸⁶ Casso asserts that the Democratic caucus could have rallied some Republican support in the House to help with such a maneuver if they had more time before adjournment (personal communication, August 11, 2015).¹⁸⁷ Casso's assessment appears may be overly optimistic, however, given the justifiable reluctance of Democratic holdouts and the high threshold needed to attempt such a procedure.

Furthermore, legislative overrides of gubernatorial vetoes are rare in modern Colorado politics, making this possibility even more remote. From 1988 to 2014, the Colorado legislature attempted to override a veto by a Colorado governor on two occasions and only one such action was successful.¹⁸⁸ Ritter vetoed 21 bills during his four years. No bill was subjected to an override vote (Brown, June 5, 2007; Toda,

¹⁸⁶ Debbie Benefield (HD-29), Joe Rice (HD-38), James Isgar (SD-6), Joyce Foster (SD-35), James Isgar (SD- 6) Maryanne Keller (SD-20) all represent swing suburban and rural districts in the state. After the 2010 elections seats held by Benefield, Rice, Foster and Isgar were recaptured by Republican representatives (Bartels, November 3, 2010).

¹⁸⁷ Colorado's general legislative sessions are limited to 120 consecutive days, and Ritter's veto of SB 180 occurred near the end of the 2009 session.

¹⁸⁸ In 1988, the GOP-controlled legislature overturned governor Roy Romer's (D) veto of a lottery bill, HB 1274 (Weber, April 30, 1988). In 2005, an attempted veto override of an emergency contraception bill, HB 1042, fell far short in the Colorado House (Scanlon, May 3, 2005).

April 25, 2009; Fender, June 8, 2010).¹⁸⁹ There is also little indication that Republicans in Colorado's General Assembly would have voted for an override. Republicans in Colorado's General Assembly have gradually moved further right throughout the 2000s, and gave little indication that they would support any progressive item on the Democratic agenda (Straayer 2011, 141-143). Colorado State University professor John Straayer argues that after the 2008 elections, only six GOP moderates remained within the Republican caucus, none of whom voted to support the firefighter bargaining bill (2011, 142).¹⁹⁰

The behavior of representatives in these three states is not entirely surprising, in light of burgeoning political science and historical literature on political party polarization and coalitional realignments. Developments in Colorado, Iowa and New Mexico provide an illustration of growing partisan polarization in U.S. state legislatures. Moderate Republicans supported pro-collective bargaining legislation during the 1960s and early 1970s, but now uniformly vote against it. In fact, none of the twelve public sector bargaining bills that received floor votes during the 1990 to 2014 time-period actually received a supportive Republican vote. Such behavior could be seen as one reflection of the larger polarization trend occurring within state legislatures. Through an analysis of roll call voting from the mid-1990s to 2010, political scientists Boris Shor and Nolan McCarthy uncovered growing partisan

¹⁸⁹ HB 1072 (2007), HB 1107 (2007), HB 1122 (2007), HB 1216 (2007), HB 1313 (2007), HB 1356 (2007), SB 24 (2007), SB 84 (2007), HB 1150 (2008), HB 1170 (2008), HB 1208 (2008), HB 1406 (2008), HB 1408 (2008), SB50 (2009), SB 180 (2009), HB 1170 (2009), HB 1180 (2009), HB 1101 (2010), HB 1281 (2010), HB 1287 (2010), and HB 1409 (2010).

¹⁹⁰ Don Marostica, Tom Massey and Ellen Roberts in the Colorado House and Al White, Ken Kester and Nancy Spence in the Senate.

polarization in a majority of state legislatures (2011). Shor and McCarthy's work does not examine labor policies specifically, but a number of other studies illustrate the growing hostility of Republicans to organized labor (Shermer 2009, 81-118; Lafer 2013; Holger 2015). In light of these trends it is not surprising that moderate Republicans are disappearing from Colorado, Iowa, and New Mexico and that those remaining are not willing to support public sector unions.

This consideration of the size and cohesiveness of the Democratic caucus points to the urban-rural divide as a major hindrance to Democratic cohesiveness. Case study research that examined collective bargaining expansions during the 1950s through 1980s, in contrast, deemphasized the importance of rural factors and instead pointed to other variables as being responsible for opposition to collective bargaining legislation.

Gregory Saltzman's study of bargaining legislation in Illinois and Ohio and Francis Ryan's study of AFSCME's Philadelphia chapter suggests that many Democrats representing municipal areas were opposed to bargaining legislation because they feared that it would upset patronage networks (Saltzman 1988, 54; Francis 2011). Johnston and McCartin point to budget deficits of the 1970s and stagflation as the major cause of animus between public sector unions and Democrats (1994, 2008). This chapter's findings indicate that the rural character of legislative districts had great salience, in the period under examination (1990-2014), while patronage and fiscal deficits were secondary, if not irrelevant, considerations for Democratic opponents to bargaining.

3.) The Role of Governors

In addition to interest groups and the size and character of Democratic majorities, the role of governors emerges prominently in this study. The governors in these case studies acted as gatekeepers whose verdict on labor policy influenced policy outcomes. Arguably, Culver, King and Ritter played the most important role in these case studies not only because it is difficult to obtain supermajority support to override a veto in most circumstances but also because the vetoes established their legislative priorities and proscribed the realm of possible legislation.

In fact, Culver's and Ritter's vetoes occurred during the first year of their term in office (Ritter's veto actually occurred during his first month as governor). These vetoes emboldened Democratic moderates and discouraged labor activists and progressive politicians in their respective states from pursuing other items on the agenda.

Ritter signaled he would sign HB 1072 while on the campaign trail yet vetoed it in February 2007 because of what he claimed to be process concerns. As a political novice, he failed to communicate his concerns with the legislation with his caucus as they debated the measure and instead exposed moderate Democratic members to a risky but ultimately fruitless roll-call vote. This and his subsequent veto of firefighter bill caused him to lose stature among both Democratic leadership and labor activists in the state. Organized labor and Democratic allies scrapped plans to introduce a more expansive public sector collective bargaining bill in 2008, partly because of Ritter's unreliability (DeGrow, January 25, 2008; Hogler personal communication, March 30, 2015).

In Iowa, Culver's veto reassured moderate Democrats within the caucus who were reluctant to support progressive labor legislation. Doris Kelley, one of the six anti-labor Democrats within the Iowa House in 2008, stated that she and her reluctant colleagues opted to support HF 2645 because they feared labor would retaliate by targeting to unseat them in the next election and because she trusted the Democratic leadership at the time. The Iowa six-pack, as they were often called, did not actually have a chance to read over the entire bill before it passed on the Iowa House floor on March 24, 2008 (Kelley personal communication, June 23, 2017). She stated that she believed that Culver would sign HF 2645, yet was relieved when he opted to veto the measure. Kelley claimed:

I am not anti-union, I am not anti-labor at all, my late father and mother both belonged to a union and my late husband actually negotiated with the union members...But if these bills passed we would lose control of the House and the Senate. Iowa is a not a big labor state. And if we passed this and minimum wage and doctor's choice, I knew Democrats would lose in the future (June 23, 2017).

Regardless of her motivations, Culver's veto gave Kelley and her colleagues more latitude to reject subsequent labor bills without the fear of repercussions from the governor's office. In other words, Culver's veto was a symbolic act that reassured moderates in the Democratic caucus that Culver would not block their legislative bills or campaign against them, even if they voted down items on labor's agenda. Culver never stumped for subsequent labor bills introduced during his last years in office. (Sagar personal communication, April 17, 2015).

The gubernatorial veto in these states mattered more than interest group influence or the size of the Democratic caucus because state labor statutes rarely pass

over a gubernatorial veto. After all, only six major public sector collective bargaining bills passed from 1990 to 2014, with all six receiving gubernatorial support. (See Table 5.1). Recent legislative battles in states such as Connecticut and Minnesota illustrate how governors committed to progressive policies can overcome interest group opposition and a reluctant Democratic legislature to enact reforms (Kousser and Phillips 2012, 103-110; Caldwell, February 18, 2015; Jacobs, July 15, 2017). Bill Ritter's successor, John Hickenlooper (D), had the opportunity to press for a collective bargaining statute to replace Ritter's 2007 executive order, but he declined to do so after being approached by labor following his 2011 election (Nefzger personal communication, September 24, 2015). Governors typically command greater public attention and hold greater political capital than any other elected representative in a state, especially during times of unified party control of government and thus their disposition to labor policy carries disproportionate influence.

In conclusion, Culver and Ritter are not wholly to blame for labor's misfortunes in Colorado and Iowa. Business lobbying and narrow Democratic majorities also served as impediments to progressive public sector bargaining legislation. Governors are understandably reluctant to commit to such controversial reforms when members of their caucus and powerful interest groups in their state oppose reform. Yet, Culver and Ritter had political capital to spend, but were not interested in spending it on a progressive agenda.

VII. Conclusion

Public sector unions have been unable to win collective bargaining legislation in a wide array of states during the 1990s and in the new millennium. The case studies in this chapter suggest the dynamics behind some of these failures in places with governments under unified Democratic control. I found that institutional factors such as the size of Democratic majorities and gubernatorial support facilitated the successful campaign in New Mexico. Additionally, interest group power and resources helped decide the ultimate legislative outcomes in Colorado, Iowa, and New Mexico. Labor unions in the Land of Enchantment persuaded moderate legislators to support SB 99 and nullified interest group opposition. In contrast, business and local management opposition was fierce during labor's campaigns in both Colorado and Iowa, and liberal Democrats in state capitols were often unable to navigate bargaining bills around more conservative colleagues from both sides of the aisle.

These comparative case studies indicate that interest groups exerted greater influence over outcomes than particular policy entrepreneurs. Policy entrepreneurs, especially Jonathan Coors, influenced the policy agenda in particular legislative battles but were not responsible for whether public sector bargaining legislation failed or succeeded. Liberal Democratic sponsors in all three states acted in an entrepreneurial fashion to sell the idea of public sector bargaining and worked strategically to circumvent opposition.¹⁹¹ Only one of these three actors, Manny Aragon, was successful, and his success was contingent on a number of factors unrelated to Aragon's

¹⁹¹ House Speaker Pat Murphy, Senate Majority leader Mike Gronstal (D-Council Bluffs) and House Majority Leader Kevin McCarthy acted as policy entrepreneurs in Iowa and representatives Michael Garcia, Edward Casso and Jennifer Veiga Colorado acted entrepreneurially in Colorado.

efforts, such as the size of the Democratic majority and the receptivity of the governor. I argue that policy entrepreneurship is a secondary concern, although wealthy figures still have an outsized voice in the process.

In contrast, governors in all three states exhibited significant influence over policy outcomes. It is difficult, however, to theorize about the importance of the gubernatorial veto from my case studies. Veto power varies across the U.S., with Colorado and Iowa representing the mid-point of the veto power spectrum (Ferguson 2013, 225-226).¹⁹² State politics literature indicates that the veto was used sparingly by governors during the late 20th century, and that the circumstances in which it is deployed remain uncertain (Rosenthal 2013, 185; Ferguson 2013, 232). Many of the journalistic and academic accounts of the gubernatorial veto describe its use during periods of divided government, where the governor attempts to stifle the legislative agenda of the opposition party (Kousser and Phillips 2012, 26-30; Rosenthal 2012, 187; Perez and Garcia, December 1, 2016). To the best of my knowledge, political science literature has offered no theoretical assessments of why governors veto bills from their own party members, or how such vetoes impact the governor's legislative agenda.¹⁹³ Circumstances in Colorado and Iowa suggest that interest group pressure can compel governors to veto legislation favored by wings of their party. More research is needed to determine whether a governor's veto of his/her own party's legislation bolsters

¹⁹² In these two states, governors have item veto power on appropriation bills only and veto overrides require two-third majorities (Ferguson 2013, 225-226).

¹⁹³ Much of the gubernatorial veto literature only focuses on how governors use the line-item veto to leverage concessions from the legislature (Dearden and Husted, 1993; Krupnikov and Shipan, 2012)

gubernatorial policy success. Such research is difficult to do, not only because such vetoes are rare, but also because it is difficult to link specific gubernatorial proposals to specific legislative enactments (Ferguson 2003).

Failures in Colorado and Iowa also embody class, racial, and geographic divisions in the United States. The suburban and rural Democratic officeholders who voted against labor legislation held seats in districts that were disproportionately white and middle-class.¹⁹⁴ In light of this fact, it is not entirely surprising that these Democratic representatives were unwilling to support labor's core priorities. As historians Jefferson Cowie and Judith Stein describe in recent books, suburban Democratic voters started drifting away from the working class and labor issues during the 1970s due to other priorities, such as environmentalism and feminism (Cowie 2010, 235-241; Stein 2010, 15-22). Simultaneously, the 1970s saw the emergence of a younger generation of Democratic representatives who moved away from labor and New Deal ideology and toward issues of greater concern for suburban residents (Dark 1999, 25). Quantitative analysis also suggests reasons that white suburban and rural voters in Colorado and Iowa would not be interested in progressive labor policy. Political scientist Larry Bartels' analysis of white voting patterns in presidential elections from 1952 to 2004 indicates that white voters have increasingly gravitated towards the Republican Party (2006). Bartels divided his subset of white voters into lower, middle, and upper income categories and assessed the white vote for each of the

¹⁹⁴ The median income in the 10 districts in question was \$45,000 (American Community Survey, 2006-2010 Survey 5-Year Estimates).

thirteen presidential contests between 1952 and 2004.¹⁹⁵ Bartels found that class divisions remain a salient factor within the white vote and that the movement of whites to the GOP was primarily a function of electoral realignment and the demise of the Democratic Party in the South (211). In other words, Bartels argued that lower income whites in the 21st century were not supporting Republicans at statistically higher rates than before.

Recent exit polling from presidential elections casts doubt on some of Bartels' assertions. Whites, even lower class whites outside of the South, have become increasingly alienated from the Democratic Party (Teixeira and Halpin 2015). Recent surveys of middle class and lower middle class voters in the South indicate that white respondents were also more hostile towards labor unions than non-white respondents (Freeman and Moser 2010, 44). Furthermore, opposition to the Democratic Party and some of its constituencies appears to be especially pronounced in rural America. In the last three presidential elections (2008, 2012, 2016), Democrats have gradually lost ground in rural America to Republican challengers.¹⁹⁶ These voters are generally more conservative than urban counterparts and less interested in labor issues and a host of other identifiable Democratic Party concerns such as LGBT rights, minority rights and gun control (Ingraham, November 23, 2016). Many of these conservative-leaning white voters mirror those in question in Colorado and Iowa. Democratic

¹⁹⁵ Bartels uses family income to define one's class position and defines the working class as those who fall in the bottom third of the income distribution. For the 2004 election year, a family income at \$35,000 or below would qualify as working or lower class.

¹⁹⁶ In 2008 and 2012, Obama received 41 percent and 38 percent of the rural vote. Clinton only won 29 percent of this vote. In 2004, Bush won almost 60 percent of the rural vote. Eighty percent of the rural vote is white (Ohlemacher, November 9, 2008; Evich, November 13, 2016).

representatives of such voters in Colorado and Iowa likely casted ‘no’ votes on collective bargaining bills with these constituent preferences in mind.

Lastly, this chapter points to the increasing influence that corporate money has on state policy choices. Political science literature has tracked business power in Washington DC far more extensively than business power within the states (Hertel-Fernandez 2014, 583), even as some of the fiercest battles are now occurring at the sub-national level. A few studies published in the 21st century analyze the business climate in the states (Witko and Newmark 2005) and explore how political variables affect policy outcomes in arenas such as welfare expenditure and air pollution (Potoski and Woods, 2002; Mead 2004), but these works say little about how business mobilization, labor mobilization, and partisanship interact. Business lobbying is a topic ripe for additional exploration, especially as corporate expenditures in state elections skyrocket. In 2014, business interest groups contributed a record \$1.1 billion to state candidates and committees, while labor groups trailed far behind, allocating \$215 million to candidates and committees (National Institute of Money in State Politics, 2014; Freed and Currinde April 6, 2016). Corporate giving to state legislative candidates has risen steadily since the mid-2000s, and spiked significantly in the wake of the Citizens United (2010) decision (Kennedy and McElwee, July 23, 2014). In 2010, corporate interests outspent labor 10 to 1 within the Democratic Party (Brenner, October 8, 2012). Recent work in political science describes the growing influence that the American Legislative Exchange Council (ALEC) and the State Policy Network (SPN) have within state legislatures, but has not covered other business interests in

much detail (Fang 2013, 197-224; Hertel-Fernandez 2013; Hertel-Fernandez 2016). This is significant, as ALEC does not give to political campaigns or endorse candidates. A large body of historical literature describes the anti-union efforts of business interests (Fones-Wolf 1994; Shermer 2009; Philips-Fein, 2009), but few pieces discuss the influence of such interests on Democratic officeholders.¹⁹⁷ Case study analysis of Colorado and Iowa suggests that corporate contributions and lobbying helped block drives for expansive labor legislation.

¹⁹⁷ One notable exception is Michael Pierce's study of Civil Rights-era governor Orval Faubus (2012, 98-114).

Chapter 6: The Battle Over Pension Cuts

I. Introduction

The case studies in the previous chapter examined the failure to extend collective bargaining rights within the Midwest and Mountain West even in cases where Democrats held unified control of state governments during the 1990 to 2014 period. This chapter further illuminates the growing anti-worker bias against public employees by examining the severe pension cuts workers experienced during the Great Recession and weak recovery through two additional case studies. The phenomenon of pension retrenchment is perhaps the most striking and puzzling example of the growing split between public sector unions and the Democratic Party. Why did Democratic state legislators opt to support pension cuts at high rates during the recession and post-recession years, when the Democratic Party had largely ignored pension shortfalls during previous economic downturns?

Government sponsored pension plans have fluctuated in fortune since their initial emergence in large U.S. cities in the 1850s. Because the federal government provided little oversight during most of the 20th century and state actuaries often ignored the issue, it is impossible to know how healthy state pension plans were during most of their existence. Financial crises such as the stagflation crunch of the 1970s endangered the pension systems of states and large cities (Freeman 2000). In 1978, federal auditors conducted the first ever comprehensive review of state and local pension plans, and discovered that the average plan possessed a funding-to-obligation ratio of only 50 percent (Peng 2008). Increased scrutiny of state and local pension

systems during the late 1980s and 1990s inspired more transparent reporting from state managers, but did not inspire legislatures to either raise annual required contributions to pension plans or to cut benefits to address pension liabilities (Munnell et al. 2008, 4). Prior to the Great Recession, Democratic state legislators frequently disregarded pension shortfalls or employed accounting practices to avoid dealing with them. Such maneuvers allowed elected representatives to pass difficult choices to a succeeding generation of lawmakers (Koedel, Ni and Podgursky, 2012; Anzia and Moe, August 2013).

The Great Recession period thus serves as an anomaly as Democratic representatives opted to confront liabilities that they had ignored consistently in the past. Equally remarkable was the policy approach used to address these liabilities: Democratic representatives sought to impose substantial benefit cuts on a valued constituency, public sector union members.

Survey research indicates that defined-benefit pension plans are a highly valued component of workers' compensation plans and help reduce employee turnover (Ippolito 2002; Haverstick et al. 2010). Furthermore, a 2015 study by the Center for Retirement Research on the long-term impacts of pension retrenchment found that reductions in pension generosity will likely hinder governments as they aim to recruit and retain a high quality workforce (Munnell et al. 2015, 16-17).¹⁹⁸ These findings indicate that Democratic representatives, in their eagerness to address pension

¹⁹⁸ Munnell, Aubry and Sanzenbacher project this negative forecast through a comparison of wages of workers entering the public workforce versus those leaving the workforce (2015).

liabilities, supported legislation that risked harming the long-term governance and health of their respective states. These cuts are also surprising given the Democratic Party's enthusiastic endorsement of pension enhancements during the previous decade.¹⁹⁹ Quantitative analysis indicates that fiscal deficits, an explanation often cited in conservative and mainstream media (Greenhut 2009; Zuckerman, September 10, 2010), was not the primary catalyst for conservative voting behavior in this era (See also Thom 2015, 436).

Democratic support for pension retrenchment is therefore not simply a product of the fiscal downturn and deserves extended analysis. Retrenchment has been especially surprising in liberal strongholds, as these are places where public sector unions have enjoyed bargaining rights for decades and possess substantial institutional power.

Pension retrenchment was quite radical in several places. A number of states implemented significant structural changes to their pension systems (Munnell et al. 2012; Bradford, April 14, 2014).²⁰⁰ In some cases, Democratic representatives backed proposals that partially privatized public employee benefits. The impact has been sweeping: pension retrenchment has dramatically decreased retirement security for millions of public workers, as a greater percentage of employees must now contribute higher contributions to their own retirement (Munnell 2012, 216-217). According to

¹⁹⁹ From 1999 to 2002 both blue and red states passed 97 pension enhancement bills. Enhancement bills allowed early retirement, enriched the benefit multiplier and decreased the final average salary period to determine pension payments (Anzia and Moe 2013, 18).

²⁰⁰ From 2007 to 2014, ten states implemented a mandatory defined benefit/defined contribution or cash-balance tiers to one of their employee pension systems: Georgia, Kansas, Kentucky, Louisiana, Michigan, Oklahoma, Rhode Island, Tennessee, Utah and Virginia.

the Center for Retirement Research of Boston College, as of 2015 state and local government workers must cover half the normal cost of their pensions on average (Munnell, Aubry, and Sanzenbacher 2015).

This chapter offers case studies of two liberal states—Connecticut and Rhode Island—to further illuminate the politics of pension retrenchment and examine the reasons that Democrats opted to vote against the interests of public sector union allies. These case studies are meant to complement and elaborate upon my major statistical findings as presented in Chapter 4. The regression analysis examined whether workforce factors such as employee-to-retiree ratios, political factors such as union contributions, or fiscal factors such as unfunded liability amounts affected Democratic support for cutbacks. While fiscal and workforce factors appeared to have a marginal influence over Democratic calculations, some political factors (such as union giving) had an outsized influence. Union giving influenced how individual legislators, both Democrats and Republicans, voted on pension reduction bills. Yet this variable does not fully explain why Democratic majorities opted to support pension retrenchment at a nearly 75 percent rate during and after the equity crisis of 2008. In fact, I found no significant variation between the percentage of Democrats who received public sector union contributions before the Great Recession and in the years 2007 to 2015.²⁰¹

Case studies can clarify the influence that political and fiscal variables had on Democratic support or opposition to pension retrenchment. Although case studies of

²⁰¹ From 1990 to 2006, 72 percent of Democrats who approved pension reduction bills received union contributions within two years of the vote. From 2007 to 2015, 70 percent of Democrats who voted yes on pension reduction bills received union contributions.

these two states may not be generalizable to the entire population (or to all state legislatures), qualitative methods are valuable in circumstances where data availability is a concern (Bennett 2004, 35). Data on potentially important variables, such as interest group lobbying activity, media coverage, and state court decisions, are not readily available for all states that enacted pension cuts during the last two decades. Furthermore, qualitative analysis can provide a richer account of what role governors and other statewide officeholders have played in cutbacks, while also capturing the effect that coalition building and cooperation have on policy outcomes.

In identifying viable case studies from the more than 100 pension reductions enacted during the last twenty-five years, I selected two states that share particular partisan features, including Democratic-unified governments and long traditions of unionization. Past studies of public employee policies indicate that liberal-leaning governments support public employees more readily than conservative counterparts (Blais, Blake and Dion 1997; West and Durant 2000), and thus seem less likely to endorse pension privatization and major pension cuts. Yet these traditional positions were upended during the Great Recession as some Democratic representatives pursued radical reforms. A close examination of such settings can shed light on the questions of why Democrats supported pension retrenchment and why some Democratic governments supported privatization and other radical reforms.

To answer these questions, I rely on a similar case study design, in which liberal states that share political, institutional, and fiscal features are juxtaposed to provide a stronger understanding of legislative outcomes. A fruitful comparison would contrast

a Democratically-controlled state that approved a radical reform opposed by public sector unions (RI) with a similar state (or states) that implemented modest reforms (CT). To gain a better understanding of the contested politics of the recession era, case studies should also focus on pension systems that were severely underfunded.²⁰²

II. Case Studies and Conclusions

The Democratic Party's support for pension retrenchment is notable not only for its significance as a policy departure for the party, but for the form and depth of the reforms in key liberal states. This chapter explores state employee pension cuts in Connecticut and Rhode Island, two states where unions have considerable institutional power. These New England states codified public sector collective bargaining in the late 1960s and 1970s.²⁰³ Public sector unions have historically been one of the most generous donors to the Rhode Island Democratic Party and have devoted countless hours to helping elect progressive candidates (Dickinson personal communication, October 1, 2015). In 2008, labor accounted for 12.51 percent of all special interest giving to state representatives and gubernatorial candidates (\$560,000) while in 2010, 4.71 percent (\$1,005,613) of total contributions came from labor (National Institute of Money in State Politics 2015).

Similarly, the public sector labor movement has provided high levels of political support and financing to Democratic officials in Connecticut. In 2008,

²⁰² Democratic leaning states such as Delaware and New York harbored relatively healthy pension systems and thus were excluded from consideration. See Pew Center of the States' *Widening Gap Update* report (2012) or *Bloomberg Business* (2013) for a ranking of the best and worst funded state employee pension plans for the 2007 to 2014 period.

²⁰³ Rhode Island instituted a bargaining bill in 1966 while Connecticut followed suit in 1977.

organized labor donated more than half a million dollars to Connecticut's Democratic candidates, while in 2010, labor increased their total spending on Democratic state politicians to more than \$800,000 (National Institute of Money in State Politics 2015). During these years, labor unions funneled much of their spending to many of Connecticut's legislative leaders. Christopher Donovan, the state's House Speaker from 2009 to 2013, received 21 percent of his donations during his four state campaigns from organized labor. Other legislative leaders such as Senate President Donald Williams (2004-2015), Brendan Sharkey (Majority Leader of the House of Representatives 2009-2013) and Martin Looney (Senate Majority Leader 2003-2014) received 10.4 percent of their total contributions from labor unions during their terms of service in the state legislature. Public sector unions also devoted thousands of volunteer hours in activities such as phone-banking to increase Democratic turnout for candidates in recent Connecticut elections.²⁰⁴

I argue that growing pension liabilities spurred Connecticut and Rhode Island's Democratic majorities to back initial pension cuts during the 2000s. Legislators in both states were understandably alarmed by pension and budget deficits, and made modest reforms during the 2005 to 2009 period to ensure the solvency of state employee pension systems. In 2011, however, reform paths in these two states diverged significantly, as Rhode Island's Democratic leadership implemented the most far-reaching pension privatization of the Great Recession era. Rhode Island embraced a

²⁰⁴ In 2014, union activists contacted 300,000 union households by phone or through mail and knocked on 33,000 doors (Singer, December 27, 2014).

more radical policy outcome than Connecticut because of three main factors: (1) the efforts of a wealthy policy entrepreneur in Rhode Island who sought radical retrenchment; (2) more aggressive backing for radical reform among a small group of Democratic political elites in the Ocean State, in contrast to the moderate policies of Connecticut's Democratic Governor Dannel Malloy, and (3) the ineffectiveness of labor's mobilization against pension cuts in Rhode Island, in contrast to more effective mobilization in Connecticut. Essentially, Rhode Island enacted a radical privatization scheme in 2011—while Connecticut did not—primarily because conservative interest group pressure in Rhode Island overwhelmed the tepid counter-mobilization by Rhode Island's public sector unions. The Rhode Island phenomenon also featured a few unique elements, such as the intervention of a wealthy policy entrepreneur, that helped tip the balance to conservative advocates. In contrast, privatization plans in Connecticut gained little momentum as business associations failed to unify behind a privatization scheme and received no assistance from outside interests or major GOP donors.

The following sections describe in greater detail the reform plans Connecticut and Rhode Island embraced, illustrate why they are fruitful sites for comparison, describe the origins of their pension deficits and then offer analysis for their divergent policy outcomes. Lastly, my conclusion describes how Wall Street will benefit from Rhode Island's privatization and recaps how events in Rhode Island are indicative of a larger trend.

III. States in the Study

Pension Reforms in Connecticut and Rhode Island: An Overview

Pension reform in Rhode Island was significant in a number of respects. The state is heavily unionized, heavily Democratic, and its reform was both highly contentious and radical. Democratic legislators in the state passed three pension reduction bills from 2005 to 2010 that were primarily designed to ameliorate the state's long-term pension funding gaps (Morrissey 2013, 5-6). These adjustments did not fully resolve the state's pension crisis, as Rhode Island encountered a \$7 billion funding gap across its two major retirement plans²⁰⁵ in fiscal year 2010 (Pew Center of the States, 2012, 5).

In 2011, Rhode Island initiated its most radical reform yet. The state passed the Rhode Island Retirement Security Act (RIRSA), a reform that partially privatized the state's retirement system and increased the retirement age to 67. In 2013, the financial firm Fitch Ratings deemed the Rhode Island Retirement Security Act (RIRSA) of 2011 the most comprehensive pension reform package yet implemented by any state (Kerrigan, August 14, 2013). Unlike reforms in California, Delaware, and Hawaii, the RIRSA law cut pension benefits for both future and current employees, suspended cost-of-living adjustments and converted part of Rhode Island's traditional defined benefit pension system into a defined contribution system (Hiltonsmith 2013, 4; Morrissey 2013, 6).²⁰⁶ Since 1990, twenty-three states have adopted cash-balance, mandatory, or optional defined-contribution (DC) accounts, but Rhode Island, Oregon, and West

²⁰⁵ The Rhode Island Employee Retirement System and the Rhode Island Municipal Retirement System.

²⁰⁶ According to analysis by the Economic Policy Institute, Rhode Island's pension reforms could reduce a prototypical 30-year worker's benefits by 34 percent (Morrissey, June 20, 2013).

Virginia mark the only instances in which Democratic unified governments implemented mandatory defined contribution tiers.²⁰⁷ Rhode Island's reform transitioned all public employees into a hybrid system, where part of their pension returns are tied to a 401k-style plan, while the rest remains within the original defined benefit tier. The Rhode Island Retirement Security Act also imposed a 19-year freeze on cost-of-living adjustments for retirees (Chidester, April 19, 2012).

Rhode Island's retrenchment was characterized not only by its major pension cutbacks but also by a series of jobs cuts to its public sector. Between January 2008 and January 2012, Rhode Island's government cut 4,200 local and state sector jobs, in one of the largest reductions in public sector jobs in per-capita terms nationwide. In fact, from 2008 to 2012, Rhode Island placed second only to Nevada in terms of the amount of its public payroll slashed through job cuts (Maciag, June 4, 2012).²⁰⁸ Some of this loss can be attributed to attrition, and to high levels of unemployment in the private sector as well as the public sector, but political elites also made decisions to propel this decline (Bell, November 26, 2012).

Rhode Island combined its pension and job cuts with a number of tax cuts for wealthy residents that largely failed to stimulate the Ocean State's economy during the Great Recession and weak recovery periods. In 2006, Rhode Island introduced an alternate flat tax rate for high-income earners that allows them to pay a lower marginal income tax rate in lieu of income tax deductions or credits. The high marginal tax rate

²⁰⁷ Cash balance plans fuse a notional (501k) component to the defined-benefit structure.

²⁰⁸ Nevada cut 9% of its public payroll, while Rhode Island cut 7.75% in the same period. Connecticut did not lag far behind and actually cut 6.58 percent of its payroll.

fell from 9.9 percent to 6 percent by 2010 (Stanek, April 1, 2006; Bell, November 27, 2012; Bell, January 4, 2015). In 2014, Democratic Governor Lincoln Chafee's administration increased the state's estate tax exemption from \$921,655 to \$1.5 million, granting additional tax breaks to wealthy residents. The tax overhaul in 2014 also reduced the tax breaks given to low-income homeowners and renters (Economic Policy Institute, June 9, 2014; Phillips, June 19, 2015).

During the Great Recession era, a number of states contemplated Rhode Island-type reforms, but many liberal strongholds ultimately rejected such maneuvers. Since 2007, mandatory defined contribution and cash balance proposals have been introduced in 32 states,²⁰⁹ but the Democratic legislatures of California, Connecticut, Hawaii, Illinois, Maryland, Massachusetts, New York, Pennsylvania, and Washington rejected these privatization attempts (Sirota 2013, 3; NCSL Pension Database 2015).

In the recession and post-recession years, other New England states (such as Connecticut, Massachusetts and New Hampshire) pursued pension cuts, but none to the degree of its smallest neighbor. This chapter will explore the causal mechanisms for such divergent outcomes. Comparing Rhode Island to another New England state that did not implement such radical cutbacks best approximates the standard intervention case study site to control site design found frequently in social science.²¹⁰ Past research

²⁰⁹ Arizona, California, Colorado, Connecticut, Florida, Georgia, Hawaii, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, Oklahoma, Pennsylvania, Tennessee, Utah, Virginia, Washington and Wyoming.

²¹⁰ All six states in New England enacted some type of reform that reduced the generosity of their pensions between 2007 and 2011 and thus no 'pure' control site exists. Five of the six states (Maine, Massachusetts, New Hampshire, Rhode Island and Vermont) implemented reforms that decreased fixed COLA rates. All six states implemented reforms that raised the retirement age for new employees.

on policy outcomes in U.S. states often compares states that harbor similar political cultures and share a geographic region because states sometimes emulate the policy adoptions of their neighbors (Case, Hines and Rosen 1993; Mooney and Lee 1995; Bowman 2004).²¹¹

Within this geographic region, Connecticut most closely resembles Rhode Island, as both states share political, institutional, and demographic characteristics. Both states are heavily unionized, possess similar levels of public employee density, enjoy lengthy traditions of public sector collective bargaining, and have pension systems that are significantly underfunded.²¹²

Connecticut enacted two relatively modest reforms during the Great Recession era, as Democratic legislators rejected attempts to privatize the state's employee pension system. In 2009, Connecticut's then-Republican governor, Jodi Rell, sought the first modification of the State Employee Bargaining Agent Coalition (SEBAC) contracts, which were the longstanding labor agreements between state agencies and the public workforce.²¹³ The SEBAC, Connecticut's coalition of fifteen unions, agreed to a package of cost-saving measures that mandated unpaid furlough days, higher healthcare co-payments and offers of early retirement packages to employees 55 and

²¹¹ Also see Card (1990) and Card and Krueger (1994) for well-known examples of how comparative state research was leveraged to examine the effect of minimum wage laws.

²¹² In 2011, public sector unionization rates in both Connecticut and Rhode Island eclipsed 60 percent (Hirsch and Macpherson 2015). Rhode Island's public sector unions won bargaining rights in 1966, while Connecticut's unions won bargaining rights 11 years later (Anzia and Moe 2015, 45). According to *Bloomberg*, Connecticut was the third worst funded state in fiscal year 2010, besting Rhode Island (2013). Both states employed more than 600 public employees per 10,000 residents, placing them in the top tier of states with the largest public sectors (Governing Sourcebook 2010).

²¹³ In 1997, Connecticut's then-Governor John G. Rowland (Republican) signed a twenty-year labor agreement with SEBAC that set health-care and pension benefit terms and co-pays for prescription drugs (Keating and Lender, April 4, 2009).

older (Dixon, May 15, 2009). This agreement saved the state approximately \$702 million between May 2009 and June 30, 2011 (Moran 2009). Yet, the state's two major pension systems, the Connecticut State Employees' Retirement System and Connecticut State Teachers' Retirement System, still faced a \$23 billion gap in fiscal year 2011 (Connecticut Office of the Comptroller, 13), spurring the state legislature towards further action.

In 2011, Democratic leaders in the statehouse, newly elected Democratic governor Dannel Malloy, and the state's public sector union leadership agreed to an additional reform that addresses long-term liabilities in the state's pension and retiree health systems. Senate Resolution 21, which increased the retirement age for existing employees, imposed a salary cap for determining retirement benefits, increased the early retirement penalty and created a new less generous pension tier for newly hired employees (2011 SEBAC Agreement; Hansen, February 8, 2012).²¹⁴ This pension reform package was far less encompassing than the Rhode Island Retirement Security Act enacted in the same year, as legislators rejected calls to adopt a defined contribution system and did not attempt to suspend or reduce COLAs or modify existing pension benefit formulas for current retirees (Phaneuf, July 7, 2014; Griffin, November 12, 2014, 2). Between 2011 and 2015, the Connecticut legislature introduced seventeen

²¹⁴ According to the Connecticut General Assembly Office of Fiscal Analysis, reforms are projected to save the state \$3.6 billion by 2032 (February 1, 2011). The Democratic administration paired the pension reform with the largest tax increase in Connecticut's history. To shore up 2011's \$3.3 billion budget shortfall, the state raised taxes on corporations, income and luxury goods (Luhby, May 6, 2011).

bills to convert the state's defined benefit tiers to defined contribution plans or to introduce defined contribution tiers for new workers, but none came close to passing.²¹⁵

In conjunction with the 2011 pension reform, Malloy's administration raised \$2.5 billion in additional revenues through 2011 tax hikes and announced a plan to dramatically increase annual pension payment allocations over two decades to eliminate unfunded liabilities. The statewide tax hikes, on sales, income, cigarettes and corporations, deviated from the norm during the Great Recession era, as dozens of other states opted to implement major spending cuts in lieu of tax hikes (Luhby, May 6, 2011; Reilly 2012, 11-13). Malloy also promised to raise the funded ratio of Connecticut's major pension plans to eighty percent by 2025 and 100 percent in 2032, by investing an additional \$3 billion into them (Malloy, January 23, 2012). Since 2012, Connecticut has steadily increased the amount of money it devotes to its two major pension funds (McQuaid, November 22, 2013; Thomas and Phaneuf, October 31, 2014). In 2015, the state took another bold step towards resolving its long-term debts (HB 7061) by passing personal and corporate income tax hikes; the increases were expected to raise \$2 billion (Brunori, June 17, 2015).

Connecticut and Rhode Island embraced different reform tracks despite the fact that both are reliably blue states that had adopted employee-friendly legislation before the Great Recession (Renn, Spring 2014; Swift, May 2014). Both states have been under Democratic-unified governance recently and have sustained Democratic

²¹⁵ HB 5804 (2011), SB 115 (2011), SB 186 (2011), SB 570 (2011), SB 679 (2011), HB 5044 (2012), HB 5009 (2013), HB 5011 (2013), HB 5190 (2013), HB 5559 (2013), SB 346 (2013), SB 760 (2015), HB 5004 (2015), HB 5083 (2015), HB 5868 (2015), SB 79 (2015) and SB 109 (2015). (See Connecticut General Assembly, <https://www.cga.ct.gov/asp/CGABillInfo/CGABillInfoRequest.asp>)

legislatures since at least the mid-1990s (Moakley 1997; Somers January 14, 2014).²¹⁶

These states also share many institutional features, as discussed below. Institutional rules and demographic differences thus cannot explain why one state enacted far more radical reforms than its counterpart.

The political leadership of both Connecticut and Rhode Island sits on the liberal side of the spectrum (Berry et al. 1998, 2010).²¹⁷ True to this spirit, both states increased their minimum wage rates multiple times since the 1990s (Whitaker et al. 2012, 635) and improved private health insurance coverage for employees (Renn 2014; Swift, May 2014). Both states suffered declines in Democratic voter registration during the 1990s and early 2000s, but have seen registration rebound during the 2005 to 2014 period (Marks, April 7, 2003; Mackay, June 3, 2013; Connecticut Secretary of State 2014).²¹⁸

These two states are also governed by similar institutional rules in the world of campaign finance and have been influenced by comparable inflationary trends in political spending. Both New England states have imposed some type of campaign contribution limits on the amount of giving that individuals, corporations, and labor

²¹⁶ Connecticut Democrats controlled the governor's office and the state legislature jointly from 2011 to the present and controlled the Connecticut House and Senate since 1997. Their counterparts in Rhode Island, have controlled the state's legislature since 1959 and held joint control of the governorship and legislature during the early 1990s and from 2013 to the present.

²¹⁷ The Berry Index incorporates data on the party composition of state legislatures and governors and interest group ratings of members of Congress and election results for Congress to rank states on a 1 to 100 spectrum (100 indicates complete leftist orientation). During the 2000s, Connecticut and Rhode Island remain tilted heavily left on the spectrum (both scored above the 65 percentile). See State Ideology Data (Fording 2015, <<https://rcfording.wordpress.com/state-ideology-data>>)

²¹⁸ Rhode Island's Democratic Party voter registration grew from 35 to 40 percent from 2006 to 2013 (Mackay, June 3, 2013; Statewide-Voter Registration Summary, 2014). Connecticut's Democratic Party voter registration grew from 33.26 to 36.8 percent from 2006 to 2014 (O'Leary, July 21, 2006; Fisher and Catarevas, August 7, 2014; Connecticut Secretary of State 2014).

unions can make during election cycles (Feigenbaum and Palmer 2002; Weintraub October 2006).²¹⁹

Connecticut and Rhode Island have largely conformed to the national trend of significant increases in campaign spending, as Connecticut witnessed a 318 percent increase in gubernatorial spending from 1990 to 2010 (in 2010 inflation adjusted dollars), while Rhode Island experienced a 62 percent uptick in gubernatorial spending on campaigns during the same span of time (Beyle 2012, National Institute of Money in State Politics 2015; Niedowski, November 5, 2014). Furthermore, campaign expenditures for Connecticut and Rhode Island legislative seats increased modestly during the late 1990s and 2000s (Associated Press, March 16, 1993; Moakley 1998, 110; National Institute of Money in State Politics 2015). For the most part, increasing campaign costs in these states were not offset by a significant rise of public funding dollars or a major upsurge of self-financing by candidates (Hynes 2012; Hladky and Altimari 2015).²²⁰ In other words, individual campaign donations or special-interest PACs are subsidizing the majority of the rising costs in Connecticut and Rhode Island elections and thus merit attention in a case study analysis.

²¹⁹ Campaign finance laws have not curbed the escalating sums being spent in many state legislatures across the country (Gierzynski and Breaux 1991, 2007; Moncrief 1998, 47-50; Beyle 2012, 6-8). Gubernatorial scholar Thad Beyle found that gubernatorial campaign spending in all states, from 1972 to 2012, outpaced inflation and surpassed the billionaire dollar threshold by 2001 (2012, 7).

²²⁰ Connecticut and Rhode Island witnessed a rise of public financing during the 2010 election but such financing paled in comparison to the amount of money donated by PACs (Casey et. al. April 12, 2012; Hladky and Altimari, January 11, 2015). Only a few candidates (such as Connecticut's Republican Tom Foley in 2010) in Connecticut, Rhode Island or New Hampshire attempted to finance their own campaigns through personal wealth in the last decade (Casey et. al. April 12, 2012; Pazniokas, June 3, 2014).

Connecticut and Rhode Island's legislatures are also similarly constructed, another indication that reform was not driven by institutional differences between states. Legislative professionalism, commonly defined as the "provision of staff, legislator salary, and session length" to elected lawmakers, varies tremendously by state (Richardson, Konisky and Milyo, October 2008, 2). Scholars of state politics hypothesize that professional legislatures have the resources (lengthy legislative sessions and policy staff) to better study complex topics such as pension funding and reform (Coggburn and Kearney 2010). Such legislatures may be better positioned to weigh complex pension proposals against each other and pursue more radical reforms. Political scientist Peverill Squire developed an index of legislative professionalism across states that ranks state legislatures in terms of session length, legislator compensation and support staff. Rhode Island and Connecticut are positioned in the middle of the spectrum (2007, 220).²²¹ Lastly, Rhode Island and Connecticut are also two geographically small states that are more urbanized and populated than many of their neighboring states in New England (US Census Bureau 2014).²²²

If demographics and institutions did not drive the policy divergence in Connecticut and Rhode Island, what did? The following sections turn on this question, beginning with a brief historical overview of the poor decision-making that helped exacerbate pension liabilities in both states.

IV. Origins of the Pension Crisis in Connecticut and Rhode Island

²²¹ Connecticut is ranked 19th in terms of professionalism while Rhode Island is ranked 31st.

²²² Rhode Island harbors the second densest population in the U.S. by square miles (1017.1 people per square mile) while Connecticut is ranked fourth (742.6 people per square mile).

Decades of poor planning by state leaders in Connecticut and Rhode Island led to unprecedented pension liabilities in the Great Recession. In the early 1990s, Rhode Island's Democratic governor, Bruce Sundlun, diverted millions from the state's pension funds to ameliorate the state's budget crisis (Nesi, November 8, 2011). In 1997, Rhode Island's Retirement Board opted to adopt an 8.25 percent rate of investment return assumption for the state's pension funds, despite being advised against any assumption rate above eight percent by state actuaries. Consequently, the state was able to contribute less to state employee pension funds, on the unrealistic assumption that returns would match or exceed the 8.25 percent rate (Hiltonsmith, June 20, 2013). During the Internet technology boom of the late 1990s, the Retirement Board opted to veer from the standard practice of "asset smoothing" to calculate asset net worth towards the "mark to market"²²³ method that artificially inflated the value of pension assets. This maneuver also allowed the state to contribute less to pension funds than under normal circumstances (Raimondo 2011, 3).

In Connecticut, on the other hand, the pension crisis began much earlier, but was exacerbated in the 1990s when Connecticut's state leaders, like the Ocean State's, diverted money away from pension plans. Connecticut's original pension system for public sector employees, SERS Tier 1 (State Employee Retirement System), was originally structured as a pay-as-you-go scheme when established in 1939. Decades

²²³ Mark-to-market (or fair-value) refers to accounting for the fair value of an asset or liability, based on its current market price. The mark-to-market process, for defined benefit plans, eliminates account smoothing methods. The sponsor of the pension plan may overestimate the value of an asset, under the mark-to market method, because the sponsor relies on the current market value rather than using a smoothed value that accounts for market fluctuation (SEI 2017).

later, Tier 1's liabilities exceeded a billion dollars, as state employees consistently opted to defer payments into the system. In 1971, state lawmakers transitioned Tier 1 to a pre-funded system, but did little to resolve the plan's massive liabilities (Aubry and Munnell, November 2015).

In the 1990s, the fiscal health of SERS and TRS (Connecticut Teacher's Retirement System) worsened, as Connecticut's gubernatorial administrations opted to defer recommended actuarial payments to the state's public employee pension funds. In 1992, the state's Republican governor, Lowell Weicker, obtained \$350 million in contract concessions from public employee unions, which included \$225 million in deferments to the state's pension funds (New Haven Register, February 6, 1992). This pattern continued as Connecticut failed to make the recommended actuarial payments to its plans from 1995 to 2010 (Stuart, December 3, 2014; Bates, May 21, 2015). Republican governor John Rowland, Weicker's successor, compounded the problem by adopting a 30-year repayment schedule in 1997 that devoted only small percentages of payroll taxes to the debt burden in the late 1990s and early 2000s. This plan, which was ratified in the 1997 State Employee Bargaining Agent Coalition agreement, called for fairly modest payroll tax spending on pension debt during the first 15 years of the repayment schedule and a dramatic increase during the last 15 years (Stuart, December 3, 2014).

Connecticut's pension liability continued to grow through the late 2000s, provoking the state's Democratic leadership to implement adjustments to benefit plans and increase payments towards the annual required contribution (ARC). Union leaders

Sal Luciano and Daniel Livingston even characterize the pension reforms of 2009 and 2011 as minor adjustments that produced positive results, rather than as cutbacks, and assert that the unions involved in SEBAC were largely blameless for the pension crisis (Luciano personal communication, October 12, 2015; Livingston personal communication, November 11, 2015). In their view, reforms were necessary in the face of large shortfalls within both the budget and the health care system. In a November 2015 interview, Livingston expressed his belief that the pension system overall was on stronger footing after these reforms, and that state employees should not be blamed for the system's unfunded liability. Livingston asserted that the SERS benefit plans was "moderate" and that the system's large liabilities were caused by poor planning by the state's early 20th century leaders. The mismanagement of SERS Tier 1 accounts for 73 percent of the system's total unfunded liabilities during the late 2000s (Aubry and Munnell, November 2015).

The following section will first examine the relatively modest reforms that both states enacted during the late 2000s, and then turn to radical privatization that Rhode Island's political class engineered in 2011. I seek to identify the factors that drove Rhode Island's Democratic leaders, but not Connecticut's, to embrace proposals that severely diminished the retirement security of the state's long-serving public workers.

V. Explaining Divergent Outcomes

Modest Reforms: 2005-2010

The chronic underfunding of pension systems in these New England states and the economic downturn of the late 2000s led legislators to conclude that the status quo

was no longer sustainable. Spurred by this perceived crisis, legislatures in both states began researching and addressing pension liabilities. From 2005 to 2010, Democratic legislators in Connecticut and Rhode Island tackled the massive unfunded liabilities that beset their pension systems by initiating fairly modest reforms affecting both new and existing employees. Reforms in each state reduced state pension costs by tens of millions of dollars by mandating a higher retirement age and requiring increases in employee contributions for provisions such as health care. Structural reforms were considered but not attempted in this period of time.

Connecticut and Rhode Island implemented only modest reforms during the 2000s despite growing liabilities, because interest groups—particularly public sector unions—dedicated to stemming reform were fairly active and effective, while business groups and policy entrepreneurs interested in privatization were not well organized. A close examination of developments in each state between 2005 and 2010 clarifies the reasons for the pattern of moderate reforms in these years.

a. Rhode Island Pension Reform 2005-2010

In 2003, former business CEO Donald Carcieri (R) began his first gubernatorial term intent on addressing Rhode Island's \$350 million budget deficit. On the campaign trail, Carcieri stated his dedication to addressing liabilities within the state's major pension systems, by forcing employees to pay for more of their benefit costs and cutting the cost-of-living adjustment from 3 to 2 percent (Blessing, April 5, 2002; Blessing, May 1, 2003). The state's refusal to make recommended annual contribution payments to its pension plan in the 1990s led to significant underfunding. In fact, the Employees'

Retirement System of Rhode Island (ERSRI) in the 1990s, the largest pension system in the state, was only funded at 78 percent during the peak of the dot-com bubble in 2001 (Morrissey 2013, 1; Center for Retirement Research 2015). By 2005, both the ERSRI and Rhode Island's municipal pension systems faced billions of dollars in liabilities, inspiring lawmakers to pursue the first in a series of tweaks to the state's retirement eligibility formula (Dupuis, June 29, 2005).

Once elected, Carcieri was unable to win the cooperation of the state's heavily Democratic legislature to enact some of the more radical items on his agenda. Carcieri and House Speaker William J. Murphy (D) built support for three changes to the state's pension system in 2005, 2009, and 2010.²²⁴ All three reforms produced some savings for the state by limiting the generosity of pension plans and/or imposing more stringent requirements for retirement. Public sector unions consented to these reforms, in order to deter more radical measures and in an effort to bolster the long-term solvency of employee pension systems.

The first reform, the 2005 budget bill HB 5270 (2005), increased the final retirement age from 60 to 65 for all those employees who served for 28 years or less, and set the retirement age at 59 for those with 29 years of service or more. Rhode Island's major public sector unions such as AFSCME Council 94, the Rhode Island Federation of Teachers and Rhode Island NEA, did not oppose these reforms concluding that they would have only a limited impact on state workers. The 2005 reform affected 4,350 state workers and 7,000 teachers, a small fraction of the state's

²²⁴ HB 5270 (2005), HB 5983 (2009) and HB 7937 (2010)

nearly 70,000 public sector employees (Dupuis, January 29, 2005; Hirsch and MacPherson 2015). Public sector unions accepted this adjustment as a necessary cost-saving measure that did not threaten the overall structural composition of the ERSRI (Smith,²²⁵ personal communication, September 25, 2015).

With the launch of his second gubernatorial term in 2007, Carcieri renewed his assault on the public sector by calling for workforce reductions and further benefit retrenchment. He was ultimately unable to engineer his more drastic goals, however. In October 2007, Carcieri began layoffs of 400 state workers, but his administration made only marginal progress on pension reductions (DuPais, October 21, 2007). Carcieri's popularity in Rhode Island began to sink near the end of 2007, as the state's economy floundered and as his administration endured a number of scandals involving its operation of childcare services and its pursuit of educational reform. A few other prominent politicians in the state were also committed to seeking long-term pension cuts, but this agenda did not gain traction until Carcieri's successor, Democrat Lincoln Chafee, became governor in 2011.

In 2008, Rhode Island's House Speaker William J. Murphy (D) revisited the pension liability issue by creating a House commission to explore more aggressive structural reforms. Composed of state representatives, business and labor leaders, the commission generated a series of proposals to deal with the state's unfunded liabilities and shrinking public sector workforce. The most radical of these proposals involved raising the minimum retirement age from 59 to 65 and adopting a hybrid defined

²²⁵ A pseudonym.

benefit-defined contribution scheme. Public sector unions fiercely resisted both ideas, preventing Murphy from obtaining the necessary Democratic votes needed to move these proposals past the House (Stanton, June 11, 2011).²²⁶

Although Murphy's radical plans stalled, Murphy and the Democratic leadership within the Ocean State did manage to implement a relatively modest pension reform in 2009 that increased the retirement age for a significant portion of the state's employees. Rhode Island House Bill 5983 (2009) increased the retirement age from 59 to 62 for about twenty percent of workers who had not fully vested into the pension system. (The reform relied on a complex proportional formula to determine who was bound by the new stipulations.) These cutbacks were estimated to save Rhode Island \$58 million a year (Stanton, June 11, 2011).²²⁷

During the 2000s, the ERISA's pension system remained largely intact, subject to only modest reforms, despite the endeavors of the Republican governor, because (1) few visible Democratic political elites aside from Murphy were interested in privatization; (2) conservative interests were not yet cohesively organized; and (3) labor was able to leverage its power to discourage reform.

In this period, the balance of power tilted towards public sector unions, as they used their resources not only to ensure the election of Democratic allies, but also to

²²⁶ Such proposals, according to the state's treasury department, would have generated \$90 million in savings for fiscal year 2009 and would have likely reduced the state's unfunded liability by \$0.8 billion long-term, from \$4.9 billion to \$4.1 billion (Stanton, June 11, 2011).

²²⁷ HB 5983 also reformulated how the tabulation of Final Average Salaries. Under HB 5893, employees' final base benefit would be an average of their five highest earning years rather than their three highest earning years (Morrissey 2013, 4).

punish officeholders who opposed their agenda. Gordon Fox, then the Majority Leader of the Rhode Island House, asserted that the 2009 reforms were actually a major accomplishment given the state's political realities. Fox stated in an interview in the *Providence Journal* in 2011:

It's a political process, and not to play the blame game, but you have to look at what's fair, and what seems fair to one person might not seem fair to someone else. You have to have coalitions to pass something. The politics are real. Look at what happened last year when we capped the COLA at \$35,000. The unions knocked people out [of office] on that. If you vote for the COLA, you're politically out (Stanton, June 6, 2011).

Fox's statements indicate that some Democratic representatives declined to pursue radical reforms partly because they were initially reluctant to cross a constituency that played such a large role in electoral politics (Dickinson personal communication, October 1, 2015). Conservative opposition to the status quo would emerge more forcefully after billionaire John Arnold became involved in the process, as the concluding section of this chapter describes in greater detail.

b. Connecticut's SEBAC Reform, 2009 and 2011

Despite the many similarities between Connecticut and Rhode Island and the challenges facing both pension systems, Connecticut's response was different from its neighbor's. Connecticut's legislature shelved pension privatization proposals for three main reasons: (1) Democratic elites in the state were more sympathetic towards labor than counterparts in Rhode Island; (2) public sector unions were well organized to resist such demands; and (3) conservative interests were not cohesively aligned and had no major policy entrepreneur organizing campaign efforts. Instead of structural

adjustment, Connecticut enacted less sweeping adjustments to its employee system in 2009 and 2011.

By the mid-2000s, Connecticut's unfunded pension liabilities became an increasing concern for policymakers and union leaders alike. In 2005, Connecticut's two major pension funds faced more than \$5.2 billion in liabilities, inspiring a lawsuit by the Connecticut Teacher's Association against the state for inadequate contributions to the funds (Jennings, March 9, 2005). In 2006, free-market think tanks in the state, such as the Connecticut Policy Institute and the Yankee Institute of Public Policy, began publishing a series of papers that blamed pension underfunding on the excessive compensation that public employees received (Breen, January 20, 2006). Business leaders in the state reiterated this storyline in a series of editorials published in 2008 in state newspapers such as *The Hartford Courant*, *The Journal Inquirer* and *The Willimantic Chronicle*, in which they called for greater employee contributions to benefit plans and reductions in retirement benefits (Rennie, November 30, 2008; Powell, December 6, 2008; Muska, December 27, 2008). By 2009, calls for major reform reached a fever pitch, as the state confronted a \$3 billion shortfall, the largest deficit in its history, and public employees faced imminent layoffs (Luciano personal communication, October 12, 2015).

In the midst of such deficits, Connecticut's then-Governor Jodi Rell (R) began negotiations with SEBAC to explore possible concessions. The Republican contingent in the Connecticut legislature and a number of pro-business Democrats were adamantly opposed to any tax hike on the wealthy to help shore up the state's finances and

underfunded pension plans (Dixon, April 20, 2009; Dixon, May 15, 2009).²²⁸ In turn, organized labor needed assurances that any legislative agreement would include no-layoff provisions. On May 8, 2009, SEBAC ratified an agreement with the General Assembly that required public sector unions to accept unpaid furlough days, higher healthcare co-payments, and early retirement incentives.²²⁹ The subsequent bill, House Resolution 31, won nearly unanimous support from both the Connecticut House and Senate.²³⁰

In his prepared statement, SEBAC coalition spokesperson Matt O'Connor pointed to looming layoffs and the need for shared sacrifice as a primary motivation for the compromise:

At the end of the day, it's going to be up to Gov. Rell and her representatives to accept a comprehensive plan, and our members will be asked to do the same – to vote on an agreement. We honestly think it's in everyone's interests, and it's everyone's responsibility to ensure that we don't end up with a plan that results in drastic service cuts, which will lead to further job losses. At the risk of sounding like I'm just repeating slogans, that's why I am saying we're all in this together (Keating and Lender, April 4, 2009).

A number of union leaders echoed these sentiments in stories published by state newspapers such as *The Connecticut Post* and *The Day*. Donna Seresin, a twenty-two-year veteran at the Connecticut Department of Environmental Protection, stated that she voted yes for the package because she was worried: “I can't very well do my job efficiently if all these people are getting laid off” (Lockhart, May 8, 2009). Other yes

²²⁸ Democrats enjoyed 114-37 majorities in the Connecticut House and 24-12 majorities in the Connecticut Senate.

²²⁹ On May 8, 2009, a total of 26,408 union members in SEBAC, out of 34,883, voted to approve the concession givebacks (Lockhart, May 8, 2009).

²³⁰ Connecticut's House approved HR 31 with a 127-9 vote, while the Senate voted 32-3 in favor (Dixon, May 15, 2009).

votes, such as Bridgeport worker's compensation employee Gina Peele, expressed relief that she would continue to enjoy fairly modest co-pays for her insurance, and stated that the higher costs for such drugs would not be too heavy a burden (Lockhart, May 8, 2009).

In the end, the 2009 SEBAC reform easily passed through the Connecticut House and Senate because the primary interest group affected by the reform—public sector unions—won enough at the bargaining table (the no-layoff provision) to concede to its stipulations.

In 2011, SEBAC returned to the bargaining table to re-open its bargaining contract and actually won greater concessions, beyond the no-layoff clause. The public sector union coalition secured an eleven-year agreement with the state of Connecticut that guaranteed funding of Other Post-Employment Benefits (OPEB) liabilities (retiree health care) until 2022 (Janowski, June 18, 2011). Union leaders feared that the state would abandon its promises to fund OPEB liabilities, had SEBAC not negotiated a new contract that extends until 2022 (Hansen, February 8, 2012). The SEBAC contract was originally set to expire in 2017. The 2011 SEBAC agreement included a provision to pre-fund health-care, thus reducing the OPEB liability by \$11.6 billion (Stuart, January 9, 2014; Connecticut Office of Policy and Management, Fiscal Year 2015).²³¹ Republican proposals to increase the amount employees contribute to their pension plans, introduce defined contribution tiers into SERS, or alter the way overtime

²³¹ Before the deal, OPEB liabilities stood at \$32 billion.

payments are figured into final average salaries made little traction during these negotiations (Stuart, December 3, 2014).

Public sector unions agreed to a few benefit reforms demanded by the state to obtain the extension of the SEBAC agreement. The most significant change to the bargaining contract involved an increase of the retirement age. Under the terms of SEBAC 2011, non-hazardous duty employees with 25 or more years of service with the state are eligible for normal retirement at age 63, rather than age 60 (Hansen, February 8, 2012). In April 2011, SEBAC 2011 passed the Connecticut legislature with unanimous Democratic support (Connecticut General Assembly 2015).

Labor overcame privatization schemes in Connecticut during the late 2000s partly because it enjoyed stronger bonds with Democratic elites in the state than in Rhode Island and because its organizational efforts outdid those of its business rivals. Its Democratic governor, Dannel Malloy, pursued progressive causes more aggressively than Rhode Island leaders Chafee, Raimondo, or Fox. As Mayor of Stamford, Connecticut from 1995 to 2009 Malloy pursued construction projects and educational projects that benefited union allies (Jacklin, July 2, 1999; Rennie, June 13, 2004; O'Leary, June 16, 2014). In 2011 and 2012 Malloy, who was raised in a union household, enacted the largest tax increase in the state's history, backed a substantial minimum wage increase, and authorized the unionization of childcare workers and personal attendants (Berman, May 19, 2016).

Labor rewarded Malloy with enthusiastic support, as teacher and public safety unions staffed his gubernatorial electoral campaigns in 2010 and 2014. Malloy's

gubernatorial victory in 2010 hinged on support he received from teacher and public safety unions, as he narrowly edged Republican candidate Tom Foley by 6,404 votes (Haigh, December 6, 2010; O’Leary, June 16, 2014). A number of other prominent Democratic lawmakers in the state also shared a strong ideological connection with organized labor. Ed Gomes, the chair of the legislature’s Labor and Public Employees Committee, had been a longtime head of the United Steelworkers of America (Pazniokas, February 24, 2015). Christopher Donovan, former Connecticut House Speaker from 2009 to 2013, was often described as one of labor’s greatest allies as a former community college union organizer (Thomas, December 14, 2014).

Union mobilization in Connecticut played a significant part in the direction of reform not only through labor’s electoral efforts, but also by widening the debate over possible solutions to the state’s ailing economy and income disparities. Union activists helped secure Malloy’s election in 2010 and his more decisive re-election in 2014 through intense phone-banking and mail drives. The Connecticut AFL-CIO claims that in 2014 alone, union activists contacted 300,000 union households by phone or mail, and knocked on 33,000 doors (Singer, December 27, 2014). Progressive mobilization in the Nutmeg State also helped shift the conversation away from privatization. The emergence of the Connecticut Working Families Party (CWFP) in 2003, an offshoot of an East Coast progressive third-party movement, helped energize progressivism in the state. Public sector unions within the CWFP worked with community organizations in major cities to push for items such as an increased minimum wage, paid sick days and criminal justice reform. Grassroots pressure from the CWFP and SEBAC induced the

Connecticut legislature to enact tax hikes on the rich to pay for state deficits in 2008 and 2009 (Ball, January 7, 2016).²³²

Conservative activists in Connecticut, in semi-structured interviews conducted in the fall of 2015, often pointed to special-interest influence as a determining factor behind the overall shape of pension reform in the state. Suzanne Bates, a policy analyst at the libertarian-leaning Yankee Institute for Public Policy, for example, saw the alliance between public sector unions and Democrats as a barrier to the more radical pension reforms that her organization had been promoting since the early 2000s. Bates asserts:

I believe Gov. Malloy pursued reform in 2011 because he had no choice, given that the pension funds were so poorly funded. There were many voices calling for reform, but this was not coming from the public sector unions. I think he didn't go far enough because he was dependent on the public sector unions for his election in 2010, and his reelection in 2014 (October 8, 2015).

Bates also expressed her disappointment that “the business community in the state did call for pension reform in 2011, but only in a muted way” (October 8, 2015). Unlike in Rhode Island, no major political entrepreneur in the state (or outside of it) invested resources into Connecticut’s pension privatization issue. World Wide Wrestling Executive Linda McMahon and a small group of hedge fund managers represented the moneyed class of the state’s GOP, and devoted the majority of their political giving to personal campaigns and a range of particularistic causes. Brokerage billionaire Thomas Peterffy, a member of the Connecticut donor class, spent a small

²³² In 2009, Connecticut and New York were the only states that implemented tax hikes on the wealthy to reduce budget deficits.

fortune on Connecticut politics during the Obama years, but his giving did little to bolster the Connecticut GOP's infrastructure or viability. Instead, Peterffy opted to spend \$10 million on national TV ads in the weeks before the 2012 election railing against what he saw as President Obama's socialist leanings (Vigdor, October 15, 2012; Keating, October 26, 2012). McMahon, the largest GOP donor in the state, spent less than 1 percent of her contributions on the Connecticut party apparatus or other Republican candidates during the 2000 to 2012 election cycles. McMahon instead devoted the majority of her political contributions (\$129 million) to her own failed Senate bids in 2010 and 2012 (Rose 2013, 71; National Institute of Money in State Politics 2016). In 2014, former Connecticut Rep. Chris Shays characterized his own state party in these damning terms, "I basically view the Republican Party in Connecticut as her [McMahon's] party. It's a party that doesn't have any structure, but it's a party that has a very strong personality in Linda McMahon" (Burns and Parti, May 22, 2014). In contrast, billionaire John Arnold invested millions in the pension reform effort in Rhode Island and other states, through his creation of advocacy groups and contributions to sympathetic elected representatives.

Meanwhile, Connecticut's major business lobbying organizations, such as the Connecticut Business and Industry Association (CBIA), devoted more attention to fiscal deficits and pensions than the state's political entrepreneurial class. Business leaders were focused on a number of other priorities, however, when Democratic governor Dan Malloy assumed office in 2011, and did not coalesce around a single pension retrenchment plan. Since the early 1990s, the CBIA has been consistently

ranked as the top client lobbying group in the state and has worked aggressively to push conservative, anti-tax principles (Sembor 2003, 50; Connecticut Office of Governmental Accountability, 2009). The CBIA faced a number of threats after the election of Malloy, the state's first Democratic governor in twenty years. Business leaders hoped to derail many of the progressive ideas, such as mandatory paid sick time and corporate tax hikes, that labor and Connecticut's Working Families Party sought to enact in Malloy's first term (Pazniokas, November 29, 2010; Mosher, December 15, 2010; Dixon and Lockhart, December 20, 2010). Furthermore, major state business organizations including the CBIA were less interested in a major pension overhaul than in preventing forms of pension "abuse" that they argued could add tens of millions of liability to the state's coffers (Goia personal communication, December 4, 2015).²³³

Although some contingents of Connecticut's business community, such as the Yankee Institute of Public Policy, promoted radical pension reform ideas beginning in the mid-2000s, the business sector did not build alliances with other stakeholders to pursue privatization (Breen, January 20, 2006; Livingston personal communication, November 11, 2015). Powerful interest groups like the Connecticut Conference of Municipalities were not enlisted in the effort, and instead concentrated on other priorities, such as the ability to levy local-option taxes and maintain state support of local public services (Mayko, January 16, 2008; Hughes, January 18, 2008; Hughes, January 6, 2009). In contrast, privatization advocates in Rhode Island drew upon the

²³³ The Connecticut Business and Industry Association views double-dipping, early retirement incentives and the misclassification of public employees as public safety workers as forms of pension "abuse." In the early 2000s, Connecticut's Yankee Institute became the most vocal voice for privatization but the institute could not induce many other conservative groups in the state to endorse these plans.

support of local government groups to engineer the passage of the RIRSA reform.²³⁴

In short summary, Connecticut policymakers embraced only moderate changes to the pension system, as special interest pressure to enact reforms paled in comparison to the pressure applied by unions to maintain the status quo.

Despite their differences, both Connecticut and Rhode Island legislators initiated some modest reforms to state employee pension systems, but ignored calls for privatization, the elimination of COLAs and other more radical suggestions from 2005 to 2010. In 2011, however, Rhode Island's sizable Democratic majorities surprisingly embraced the Rhode Island Retirement Security Act (RIRSA), one of the most radical pension overhauls yet attempted in the U.S.

Pursuing Privatization in Rhode Island

a. The Role of State Policymakers and Policy Entrepreneurs

The reason that Rhode Island embraced a privatization plan in 2011 (HB 6319/SB 1111), I argue, is that organized labor ran a disjointed and largely ineffectual campaign against the efforts of a business-orientated Democratic elite and a wealthy policy entrepreneur who united the state's business interests. National publications such as *Time* and the *New York Times* largely credited State Treasurer Gina Raimondo with the passage of RIRSA reform (Walsh, October 22, 2011; Von Drehle, December 5, 2011). My research suggests that Raimondo was a key policy entrepreneur in the process, but that business lobbying and weak counter-mobilization by labor played a larger role in the Ocean State's pension privatization.

²³⁴ See section VI for a fuller description of coalition building in Rhode Island.

Raimondo and House Speaker Gordon Fox were the most visible proponents of pension privatization in the state, and worked assiduously to frame privatization as a way to save, not destroy, the troubled pension system (Stanton, September 22, 2011; Smith, personal communication, September 26, 2015). In many ways, Raimondo and Fox were more credible voices for pension cuts than any of their predecessors in the Carcieri era. Raimondo was an outsider whose first position in government was State Treasurer. She could easily distance herself from the type of political corruption that had often characterized the Ocean State (Moakley 1997). She also possessed impressive credentials as a Yale-trained lawyer and Rhodes Scholar, had a background in finance, and seemed to understand the minutiae of pension funding (McGuinn 2014, 13).

In early 2011, Raimondo organized the Pension Advisory Group, composed of business leaders, public union representatives and academic experts, to explore reform ideas and hold public forums. In the spring and summer of 2011, Raimondo also worked to bring public attention to the pension problem by hosting nearly fifty meetings in front of a variety of different citizen groups in the state (Von Drehle, December 5, 2011; McGuinn 2014, 16). While Raimondo engaged the public, Gordon Fox worked to win support from the state's large Democratic majorities in the House (65-10) and in the Senate (29-8-1). As the first African-American House speaker in Rhode Island history, Fox had strong ties with both social service organizations and communities of color within the state. During the summer and fall of 2011, he worked to convince these constituencies to embrace reform (Smith, personal communication,

September 26, 2015). Raimondo had a number of targets of her own, and spent these months working to convince Governor Chafee and legislative leaders like Senate President Teresa Paiva-Weed to support her plan (Nesi, February 15, 2016).

The governor was a far less vocal proponent of privatization initially, but his efforts on behalf of Raimondo's plan helped facilitate the process. In October 2011, Chafee and Raimondo held a joint press conference to unveil the pension privatization proposal. Chafee endorsed the plan because he claimed that the state needed to contain pension costs to attract business investment and guard the state's credit ratings. In late October, Chafee continued his campaign with the media through meetings with the editorial boards of the *Westerly Sun* and *Newport Daily News*. Chafee had considered a far less radical pension reform early in his term as governor, but gave his enthusiastic endorsement of SB 1111 by late 2011, making reform more likely (Greenblatt, April 23, 2015).

Chafee had a more ambivalent relationship to organized labor than his Connecticut counterpart Malloy, which made structural reform more politically palatable for him. Public sector unions helped Chafee win the gubernatorial office in 2010 when he ran as an independent in a competitive four-way race against Democratic candidate Frank Caprio, Republican candidate John Robitaille and Moderate Party founder Kenneth Block. While labor helped facilitate Chafee's victory in this crowded field, other constituencies—such as the professional class in Providence and Latino and black voters—also played significant roles in his gubernatorial victory (MacKay, June 3, 2013).

In previous elections, mainly at the municipal level, Chafee ran as a Republican and independent.²³⁵ He was less reliant on organized labor to secure his earlier political victories and often spoke, in particular, of his independence from the state's teacher unions. Chafee made his differences with labor clear in 1992, during his first mayoral bid in Warwick, Rhode Island. During that election, Chafee discussed voucher systems and even privatization as a response to the teacher strikes that had engulfed the city. Chafee even threatened to spend money devoted for teacher pay raises on a tax cut to help businesses in the city (Emery Jr. October 14, 2010; Frias, December 28, 2012).²³⁶ Chafee's history as a business-orientated politician and his reliance on constituencies other than labor to deliver political victories make his decision to back RIRSA less surprising.

Press accounts minimize Gordon Fox's role in privatization, but he did work in concert with Chafee and Raimondo to promote the idea (Kleeper, October 20, 2011). Fox called a special session of the legislature in the fall of 2011 to sell privatization to the Democratic legislature. This maneuver allowed legislative leaders to direct additional attention to the pension issue without the distraction of other pressing agenda items. In the special session, Raimondo and Fox attempted to depoliticize the idea of pension privatization, by emphasizing the likely insolvency of the system and the threat posed by the status quo to the continued funding of social services (Raimondo May 2011; Dickinson personal communication, October 1, 2015).

²³⁵ Chafee did not change his party registration to Democrat until 2013.

²³⁶ Chafee eventually cut a deal with the city's teacher unions in 1994 to grant pay increases for teachers over a six-year period. As the state's economy rebounded in the mid-1990s the deal appeared to be logical.

b. The Role of Interest Groups

Although Chafee, Fox and Raimondo acted as creditable policy entrepreneurs for the RIRSA, their actions were not the main reason for the statute's passage. A comparison of Rhode Island and Connecticut policy entrepreneurs indicates that factors other than the political leadership of policy entrepreneurs had a greater bearing on the likelihood of radical reform. Connecticut, after all, had a pro-privatization policy entrepreneur as well in Republican governor Jodi Rell. Rell, governor from 2004 to 2011, enjoyed widespread popularity during her time as chief executive of City of Hartford and also possessed substantial knowledge of the policy process through her time as Lieutenant Governor and state representative (Dixon and Lockhart, December 20, 2010). Rell sought wage concessions from state employees in 2009 and proposed a privatization overhaul in 2010 (Krimsky, September 8, 2010). Yet, Rell's privatization proposal gained no traction with the Democratic-controlled legislature, as only a select few Democratic representatives such as William Murphy expressed interest in it. Significantly, Rell's reform plans did not have the backing of mobilized interest groups in Connecticut. By contrast, business lobbies and billionaire John Arnold were essential ingredients during the Ocean State's campaign, as they overwhelmed labor's defenses.

The initial resistance to Chafee-Raimondo's proposal illustrates the influence that organized interests held in Rhode Island. The privatization plan presented by the governor and treasurer in a October 2011 press conference generated a fair amount of criticism from liberals and public sector workers in the state, who complained that

Raimondo's numbers were not completely persuasive and that elites were not truly interested in studying multiple alternatives. Progressive groups in the state, such as Rhode Island Progressive Democrats of America and AFSCME Local 98, decried the plan, arguing that pension cuts were unjustified in a state that gave away \$300 million in tax subsidies to corporations annually (Sirota 2013, 20-21). Likewise, many of Rhode Island's Democratic legislators were initially skeptical of the RIRSA proposal due to concern over the radical nature of Raimondo's pension overhaul and the existence of more equitable alternatives.

In September 2011, Rhode Island state representative Spencer Dickinson gauged the support for the privatization proposal among all members of the Democratic caucus. Nearly all claimed that they planned to vote down the measure. Dickinson asserts that a number of representatives were convinced that they could improve the pension system without resorting to such drastic cuts (October 1, 2015). Like many of his colleagues in the statehouse, Dickinson realized that the pension system was in financial trouble, but was not convinced that radical change was justified.²³⁷ The pension program's estimated unfunded liability was based on a series of assumptions that some legislators felt were overly pessimistic. For example, in 2010, heads of the ERSRI board altered the fund's rate-of-return, from an expected 8.25 percent to 7.5 percent. This change increased the program's unfunded liability by \$1.4 billion (Morrissey, June 20, 2013; Nesi personal communication, February 15, 2016).

²³⁷ In 2010, heads of the ERSRI altered the fund's rate-of-return from an expected 8.25 percent to 7.5 percent. This change increased the ERSRI's unfunded liability by \$1.4 billion (Morrissey, June 20, 2013).

Dickinson and State Representative Robert Flaherty both attempted to introduce amendments to the RIRSA bill to soften its impact on the state's workforce and retirees.²³⁸ Fox allowed these amendments to be introduced onto the Senate floor but quickly killed them, as he circumvented all debate on moderate proposals (Dickinson personal communication, October 1, 2015). Fox even refused to speak to the head of Rhode Island's AFSCME, Michael Downey, to discuss pension reform during the special session. In late September, Fox and House Majority Leader Nicholas Mattiello held only three days of hearings on pension reform in the state's Finance Committee before calling for a floor vote in the house for the RIRSA. In early November, House Bill 6319 passed the lower chamber by a final vote of 57-15; the Senate version (SB 1111) passed a few days later on a vote of 35-2. On November 18, 2011, Chafee signed the RIRSA into law. More than 80 percent of the Democrats in the General Assembly voted in favor of the privatization scheme (McGuinn 2014, 18).

In many ways, the RIRSA reform was a byproduct of business power and organization within the state. Raimondo, as a former partner of venture capital firm Point Judah Capital, had close connections to high finance, and has actually accepted more money from Wall Street financial firms than any previous officeholder in Rhode Island history. More than 65 percent of the funding for her treasurer and gubernatorial campaigns in 2010 and 2014 came from outside the state (Davis, July 1, 2015). In fact, in 2010 alone, Raimondo accepted more than \$100,000 from the financial sector, and

²³⁸ Dickinson's proposal would have preserved the COLA for long tenured employees but would have applied such benefits to only the first \$25,000 of income. Dickinson claims that the state could have afforded this solution by borrowing \$40 million over a 20-year period (personal communication, October 1, 2015).

received twelve times as much funding from financial services and the Chamber of Commerce than from organized labor (National Institute of Money in State Politics 2015). John Arnold remains one of her greatest champions, and donated \$100,000 in 2014 to a PAC, American LeadHERship, that supports her (Marcelo, March 3, 2014). This money was instrumental in her election victory in 2010, and helped her overcome a tight race against Republican challenger Allan Fong in the 2014 gubernatorial contest.²³⁹

The financial sector also donated generously to Fox, Chafee, and other legislative leaders in the state.²⁴⁰ Generally, business sectors in the state, such as securities, insurance, business services and commercial banks, spent almost \$1.2 million on the 2010 state races, with approximately 62 percent of this money going to Democratic candidates. These contributions, while significant, represent only one aspect of business' efforts to influence the Ocean State's Democratic legislators.

Billionaire trader John Arnold and Rhode Island's business lobby formed a single-issue advocacy group labeled Engage RI (a 501(c)4 group) in September 2011 that was chiefly devoted to enacting the RIRSA. Engage RI, a dark money group that refused to expose the identity of its donors, spent more than \$740,000 in October and November of 2011 on direct mailings, lobbying, phone banks and media

²³⁹ Raimondo has received more than \$247,000 from Wall Street firms such as JP Morgan, Bain Capital and Goldman Sachs during her electoral campaigns (Taibbi, September 26, 2013).

²⁴⁰ Business groups account for than 10 percent of Fox's total contributions in 2010. Others in top posts, such as Rhode Island's governor Lincoln Chafee (3.89% of total 2010 donations), Senate President Teresa Paiva-Weed (6.80%) and House Finance Chair Nicholas Mattillo (6.47%) received substantial donations from the business sectors for their 2010 election bids (National Institute of Money in State Politics 2015).

advertisements aimed to influence legislators and shape public opinion on the issue (Anderson, November 16, 2011; Corkery and Reagan, December 12, 2012). An investigation by the *Wall Street Journal* estimates that Arnold provided one-tenth to one-half of Engage RI's total funding in 2011. The corporate lobby in Rhode Island, which includes conservative groups such as the Rhode Island Public Expenditure Council, also provided large donations to this advocacy group. The Engage RI campaign was well staffed by business leaders in the state²⁴¹ and spearheaded by a former Rhode Island state legislator, Democrat Christopher Boyle (Donnis, July 5, 2011; Nesi, October 12, 2011). Leaders in Engage RI made personal appeals to legislators who appeared hesitant to support the bill (McGuinn 17). The progressive activists I spoke to were convinced that Engage RI's presence influenced the overall outcome of the RIRSA campaign. Josh Smith,²⁴² a leader in Rhode Island's Progressive Democrats of America, pointed to Engage RI as a major catalyst behind the privatization scheme. Smith stated:

The reason why everyone is so scared is because they [Engage RI] put together a million dollars in dark money, which is a lot in Rhode Island. If you show up with a million dollars, you can definitely spend, if there are 75 representatives, if you divide a million by 75 you are at more than \$10,000. That means you could be dropping easily \$5,000 in independent expenditures against someone, which can make a real difference in a Rhode Island primary, which is the real race in Rhode Island (September 26, 2015).

Democrats who were wary of Raimando's pension proposals were intimidated by the sudden infusion of corporate giving and Wall Street money into the debate. Engage RI

²⁴¹ EngageRI's board consisted of twelve individuals who either ran the top corporations in the state or worked on Wall Street (Morse, December 28, 2011).

²⁴² A pseudonym.

also promised to protect legislators who voted for reform from the impact of union electoral retaliation by setting up a PAC to help finance the future elections of RIRSA backers (McGuinn 18).

Engage RI coupled its promises with an energetic public information campaign that sought alliances with many local government stakeholders and social service organizations. Engage RI incorporated two large social-service nonprofit agencies, Family Services of RI (FSRI) and Crossroads RI, onto its campaign (Stanton, September 22, 2011). The directors of these organizations, which primarily serve the homeless, provided no explanation for why they chose to support a group focused on reforming the state's pension system. Fox intimated the motivation behind FSRI and Crossroad RI's support when he stated:

We got a lot of support from social services because they finally realized that if nothing happens, there will be a billion dollars going into pensions and that money had to come from somewhere...Who wants to go out and say because we did not do this, we can't educate your children? (McGuinn 2014, 15).

Engage RI convinced these social service providers that privatization was the only possible solution to the state's large budget deficit.

In contrast to the effective mobilization against privatization in Connecticut, Rhode Island's labor unions did not prepare or mount a counter-offensive sufficient to derail Engage RI's momentum. In the late summer of 2011, eight public employee unions in the Ocean State formed an alliance coalition titled the Rhode Island Retirement Security Coalition (RIRSC) to dispel the government's attack and inform

members about proposed changes (Stanton, September 22, 2011).²⁴³ Many private sector unions, such as the state's construction trade unions, were not in the coalition, and devoted no resources to block the RIRSA. According to Dickinson, the Senate version of RIRSA (SB 1111) passed through the state senate with such overwhelming support in part because the construction trade unions, which have a great deal of influence in the upper chamber, refused to rally to oppose it (October 1, 2015). Teacher and firefighter unions waged the main battle against the RIRSA reform, but the effort itself was not well-organized or sufficiently intense.

The RIRSC's counter-mobilization to Raimondo and Engage RI was unfocused and poorly-timed. The RIRSC began their campaign through *YouTube* video tutorials that highlighted how state employees had already sacrificed over a half-billion dollars in benefits through the pension reforms that occurred in the 2000s (Arditi, September 25, 2011). Much of the rhetoric emanating from union leaders and officials during the fall campaign focused on employee sacrifices, rather than tackling the larger issues of how cuts would hurt state services and weaken the state's already troubled economy (Stanton, September 22, 2011; Gregg, Mooney and Polichetti, October 27, 2011). Union activists might also have expanded the frame of their message to more forcefully emphasize how COLA and other retirement benefit cuts could force teachers, police officers, and other public employees to work longer hours and spend less on local

²⁴³ The Rhode Island Retirement Security Coalition consisted of the following unions: the Rhode Island AFL-CIO, AFSCME Council 94, the Rhode Island Federation of Teachers and Health Professionals, the National Education Association Rhode Island, the Service Employees International Union- Locals 580 and 401, the Rhode Island Brotherhood of Correctional Officers, the International Brotherhood of Police Officers, NAGE/SEIU, the Laborers International Union of North America, and the International Federation of Professional and Technical Engineers- Local 400.

economies (Chidester, April 19, 2012; Chidester personal communication, September 27, 2015).

The coalition did mount one large rally of 5,000 supporters on Providence's capitol grounds in late October, days before the RIRSA was ratified. The rally relayed a larger message about the repercussions of austerity, but this rally was held too late to make an impact. By then, many Democratic leaders had already decided to back the ERISA, partly because of the pressure they felt from the business lobby (Dickinson, October 1, 2015).

VII. Conclusion

This case study comparison of Connecticut and Rhode Island reveals how instrumental interest group organizing and business-friendly Democratic leadership were in battles over state employee pension reform in reliably blue states. State policy entrepreneurs in Rhode Island skillfully ushered privatization onto the policy agenda, but needed interest group pressure and the work of a wealthy organizer to carry it forward. In Connecticut, labor met radical proposals with a unified and coordinated campaign, and faced less opposition from political elites and business groups.

This case study builds upon a number of the core findings from my regression analysis. This case study, like the regression analysis, indicates that union membership rates, state debt and the funded ratio of the pension funds had little impact on legislative voting. Unions possessed significant density in both Connecticut and Rhode Island, but the density figure in itself does not indicate how unified private and public sector unions are in the face of retrenchment. More than 84 percent of all Rhode Island state

legislators voted for privatization and many of these legislators derived from heavily unionized districts (Hu 2012, 527). Democratic legislators were not intimidated by these unionization rates because not all unions in Rhode Island were committed to defeating privatization.

Furthermore, as this case study confirms, the fiscal insolvency of pension plans did not appear to a primary catalyst behind retrenchment. My regression analysis indicated that a state's annual debt and the fiscal health of its pension plan had a modest impact on the likelihood that legislators would vote yes on pension reform. Legislators in Rhode Island pointed to the fiscal insolvency of pension plans as motivation for their vote, but many representatives failed to explain why they did not address the pension issue during the 2000s and why they considered privatization to be the optimal solution. As of 2017, Connecticut faces \$50 billion in unfunded pension liabilities but the Nutmeg State has opted not to enact legislation that would slash COLAs or privatize state employee pensions (Bates, September 28, 2017).

This case study, like the regression analysis, also confirms the importance of interest group political contributions on policy outcomes. The regression model predicts that legislators who receive union contributions are less likely to vote for pension retrenchment. Connecticut Governor Malloy and Connecticut House Speaker Christopher Donovan won election partly because of the financial help and support they received from unions and in turn protected such unions from drastic cuts. In contrast, Gina Raimondo and Governor Chafee relied far less on union giving for their election campaigns.

This comparison of Connecticut and Rhode Island does not simply confirm findings from Chapter 4. Instead, it expands our understanding of pension retrenchment by demonstrating how instrumental business mobilization is to policy outcomes in Democratic-controlled states.²⁴⁴ Business groups and mega-donors in Connecticut were not as well organized or committed to pension privatization as counterparts in Rhode Island, which partially explains the divergent outcomes in these two states.

The economic consequences of the RIRSA privatization soon became evident. A number of prominent Wall Street firms benefitted. By 2013, the ERSRI's management board had funneled \$2 billion to Wall Street hedge funds and venture capital firms, even though the fund has not yet matched median returns typical of comparable entities (Morgenson, October 19, 2013).²⁴⁵ In 2013, Benchmark Financial Services, a forensic firm that investigated Rhode Island's pension privatization, concluded that the transfer of assets into Wall Street hands has been both an intensely secretive and risky practice (Siedle, October 17, 2013).²⁴⁶ The RIRSA reform also shifted a disproportionate amount of the state's economic troubles onto middle-class public employees—who now must shoulder more of their retirement costs—during a time where wealthy individuals and corporations gained from generous tax cuts and subsidies (Sirota, February 7, 2014).

²⁴⁴ The regression model did not capture business lobbying for pension reform because it is not clear which business groups lobbied for pension reform in each state and when they began such lobbying. There simply is no reliable countrywide dataset for business lobbying and state pension reform.

²⁴⁶ Benchmark Financial Services also found that from 2011 to 2013 Rhode Island's pension investments generated a 11.07 percent return, versus the 12.43 percent return typical of other state pension funds.

A number of political entrepreneurs who run New York hedge funds have earned millions in fees from Rhode Island's privatization. Dan Loeb, Ken Garschina, and Paul Singer, major political donors and board members of the conservative Manhattan Institute think tank, received \$200 million of Rhode Island's pension assets (Taibbi, September 26, 2013). The Manhattan Institute is a vocal proponent of pension privatization and tax cuts.

The policy consequences are also serious. The RIRSA reform sets an anti-worker precedent that could be replicated in a number of other states in coming years. In 2015, Rhode Island's state court upheld the state's landmark reform. Associate Justice Sarah Taft-Carter, in *Rhode Island Public Employees Retiree Coalition vs. Gina Raimondo*, ruled that RIRSA did not violate the contractual rights of the state's public employees. Taft-Carter granted public workers and retirees small benefit increases, but largely maintained the benefit reductions and restructuring that Raimondo engineered in 2011.²⁴⁷

This reform and subsequent court decision have emboldened business leaders and pro-business politicians to target other pension plans susceptible to privatization. John Arnold remains the principal catalyst behind this movement, as he has invested millions into the venture and operates through his non-profit, the Laura and John Arnold Foundation. In 2011, the Arnold Foundation began its partnership with the Pew

²⁴⁷ The settlement granted retirees or their beneficiaries two stipends for \$500 within one year of the settlement. The agreement also improved COLA payments granted to retirees, by granting COLA adjustments every fourth year rather than every fifth year. Pension funds must reach an 80 percent funded ratio before such increases are granted and will be calculated on up to \$30,000 in benefits, rather than the \$25,000 limit mandated by RIRSA (*Rhode Island Public Employees Retiree Coalition vs. Gina Raimondo*, 12-13).

Center of the States research group, and has relied on Pew's reputation for high quality analysis to spread concern about pension deficits (Sirota 2013, 17).²⁴⁸

The Arnold-Pew coalition launched campaigns in a number of states in 2012 and 2013, in which they touted Rhode Island as a paragon of reform. In 2013, Kentucky became their latest success story, as the Bluegrass State adopted a less generous cash-balance scheme for new employees in order to remedy its large deficits. Kentucky's hybrid pension system places a portion of new employee pension funds into 401k accounts. Pew and Arnold paved the road to reform by publishing an influential joint report in 2012 that marked the state's shortfall at a staggering \$23 billion, and claimed that the only way to retire debt was through large pension cuts (Pew Center on the States, August 2012). According to state legislator Jim Wayne (D-Louisville), Pew had a tremendous influence over the Kentucky legislature. Wayne states, "The parties interested in change needed to rely on an outside source. Pew drew up the proposal, they did the analysis and presented the information to a [legislative] task force (Cohn, September 25, 2013)." As in Rhode Island, state politicians in Kentucky accepted thousands of dollars in donations from Wall Street firms as they considered major reforms to the state's ailing pension system. Blackstone, a major Wall Street investment firm, hired nineteen lobbyists to influence Kentucky's legislature during the post-recession years (Sirota, May 5, 2014). Blackstone and the Pew-Arnold coalition convinced two-thirds of the state's legislature and the Democratic Governor Steve

²⁴⁸ Pew Center of the States began reporting on the "Widening Gap" between pension assets and liabilities in 2010. In 2010, Pew published a report entitled "The Trillion Dollar Gap: Underfunded State Retirement Systems and the Road to Reform." that alarmed policymakers in numerous states (Pew, February 18, 2010).

Beshear to approve SB 2, a reform that slashed benefits for new workers and froze COLA payouts until the system reached greater financial stability (Pew, September 27, 2013). Shortly thereafter, the state invested \$80 million of its assets into three Blackstone funds (Kilroy, September 11, 2015).

In 2011 and 2012, the Arnold-Pew nexus worked with another prominent Democratic politician, former U.S. Senator Bill Bradley (NJ), to import pension privatization to Kansas. The effort was not entirely successful, as 401k proposals died in committees in 2011 and 2012, but the state did adopt a cash-balance tier similar to Kentucky's at the end of its 2012 session (Holman, June 7, 2012). Bradley, as an advisor to New York investment firm Dimension Fund Advisers, attempted to lobby Kansas legislators to embrace a fully privatized system, but the attempt collapsed due to fears over transition costs (Hanna, March 21, 2013).

Such setbacks have not discouraged John Arnold or Wall Street firms eager to profit from the approximately \$3 trillion in total state and local public employee retirement assets available in the U.S. (Sirota, May 5, 2014). The National Public Pension Coalition estimates that the Arnold Foundation spent \$52 million on pension campaigns in Arizona, California, Colorado, Florida, Montana and Pennsylvania from 2010 to 2014 (Preston, August 22, 2014).²⁴⁹ The Arnold Foundation has also provided generous grants to other reputable institutions, such as PBS, the Brookings Institution and the Urban Institute, to help spread concern about employee pensions and to

²⁴⁹ Arnold claims that he spent only \$12 million on the pension debate.

legitimatize privatization as a reasonable solution.²⁵⁰ The Public Broadcasting Service returned a \$3.5 million grant Arnold provided in February 2014 and cancelled airings of a series of reports entitled “Pension Peril” after left-wing websites exposed Arnold’s conflict of interest (Hiltzik, February 17, 2014).

The PBS scandal is one of few instances in which the Arnold Foundation’s actions have garnered national headlines and resistance. The Rhode Island case demonstrates that well-coordinated business interests can impose radical reforms in heavily blue states, especially after winning the cooperation of Wall Street-connected Democratic allies. Longtime Rhode Island public employees (those who work for the state for 30 years or more) could lose more than 30 percent of their retirement funds as a consequence of the reforms launched by Carcieri, Raimondo and Chafee. Because policymakers are so reluctant to raise taxes and close corporate loopholes (even Malloy has backed away from this option recently), privatization remains a risky possibility in Democratic strongholds (Berman, May 19, 2016).

²⁵⁰ Arnold gave a \$500,000 grant to the Brookings Institution, which helped fund a 2014 white paper by political scientist Patrick McGuinn on the pension politics of four states: Illinois, New Jersey, Rhode Island and Utah (Hiltzik, February 28, 2014). The paper assumes that pension cuts are necessary (page 4) and does not investigate other alternatives (tax hikes) to shore state deficits.

Conclusion

I. Introduction

Public sector unions, retirees and public employees have experienced a number of setbacks since 2000 and will likely face greater upheaval during Donald Trump's presidency. The post-2016 Supreme Court is expected to be hostile to labor organizing and will resurrect a case in 2018, *Janus v. AFSCME*, that threatens union financing (McIntosh, May 16, 2017).²⁵¹ Membership levels within America's union movement have declined precipitously since the 1970s and the institutional and economic environment for organizing remains difficult in both blue and red states (Rosenfeld 2014, 10-11). With Missouri the latest state to pass a right-to-work law in early 2017 (Ballentine, August 18, 2017), the majority of states²⁵² currently harbor right-to-work statutes that prohibit union security agreements. These laws have been shown to depress labor organizing (Ellwood and Fine 1987; Moore 1998). Although membership rates in the public sector have remained far more robust and stable during the last thirty-five years than membership rates in the private sector, unions in the public sector and public employees are under strain (Rosenfeld 2014, 40-41). The percentage of government workers who are unionized declined slightly from the early

²⁵¹ In 2016, the Supreme Court split evenly 4-4 on the *Friedrichs v. California Teacher Association* decision, a case that threatened public sector organizing. At issue in the *Friedrichs* case is the right of public sector unions to collect fair share fees from non-members they are legally required to represent. However, the case will be reargued in 2018, and now conservatives hold a 5-4 majority in the Supreme Court with the confirmation of Neil Gorsuch in 2017 (McIntosh, May 16, 2017).

²⁵² Alabama, Arizona, Arkansas, Kansas, Florida, Georgia, Idaho, Indiana, Iowa, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Nevada, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming.

1990s to 2016, from 38.7 percent of the workforce to 34.4 percent (U.S. Bureau of Labor Statistics, January 26, 2017).²⁵³

Public sector unions have nonetheless lost thousands of members, with those losses most pronounced in the Midwest (Greenhouse, March 4, 2016). Some sectors have been particularly hard-hit. A Supreme Court decision in 2014, *Harris v. Quinn*, for example, has depressed home health care organizing, one of the fastest growing industries in the United States (Schriever, August 18, 2015; Higgins, October 12, 2015).²⁵⁴ Furthermore, public and private sector unions alike face greater financial straits in the post-Great Recession era as a number of states recently passed right-to-work laws that prohibit automatic dues collection, and a case that would do the same at the federal level is scheduled for review by the Supreme Court.²⁵⁵

The political sources of these difficulties, I argue, cannot be traced solely to the rise of anti-union Republican leaders at the state and federal level, nor to the actions of interest groups (such as the American Legislative Exchange Council) which have mobilized to curtail public sector bargaining rights (Hertel-Fernandez and Kashin 2015; Hertel-Fernandez and Skocpol 2016; Lafer 2017). From the 1990s onward, my study shows, Democratic controlled state governments have had a hand in weakening public sector unions and undermining public employees by dismissing opportunities to expand bargaining rights and by pursuing pension privatization and cutbacks.

²⁵³ The actual number of public sector union workers remained within the 7 million range (Hirsch and MacPherson 2015).

²⁵⁴ The Supreme Court ruled that state-subsidized in-home caregivers are not public employees and thus could not be forced to pay fair-share dues.

²⁵⁵ Indiana (2012), Michigan (2013), Wisconsin (2015) and West Virginia (2016).

Democrats in statehouses across the U.S. have largely ignored public sector unions' top priorities during the last two decades. Only a few legislatures passed legislation expanding bargaining rights. Furthermore, Democratic-unified governments passed pension cutbacks in twenty-five state legislatures from 2006 to 2014 and even enacted privatization schemes in a select number of states.

Recently enacted retrenchment measures by a number of state legislatures threaten a system of government-labor relations that has been quite stable for decades. State laws passed primarily during the 1960s and 1970s granted government employees in a majority of states the right to bargain for wages and benefits. Now, many of the rights public workers enjoyed for decades are under threat, while benefit levels have been cut. From 2007 to 2014, forty-eight states reduced the generosity of their pension plans, while fifteen state legislatures passed laws that curtailed collective bargaining and/or prohibited agency fees for bargaining (Freeman and Han 2012; Hurd and Lee 2014).

This trend has serious implications. The public sector is currently the only vibrant sector of unionization within the United States and remains a major bulwark of the American middle class. In *Affluence and Influence: Economic Inequality and Political Power in America*, political scientist Martin Gilens describes public sector unions as one of the few organized interests that lobby for policies that bolster the broad middle-class (2013, 157-158). Economic comparisons of public sector and private sector employees indicate that public sector unionization greatly benefits less skilled workers by helping boost their average level of pay (Asher and DeFina 1999; Keefe

2010).²⁵⁶ Furthermore, college educated public workers with union rights receive relatively high benefit levels and job security (Keefe 2010, 5; Biggs and Richwine 2014, 10). Studies of public sector influence at the municipal level illustrate how unions typically operate to boost member compensation. Sarah Anzia's work on interest group influence and election cycles within cities, finds that public sector unions take advantage of off-cycle elections to pursue policy outcomes advantageous for members. Anzia found that municipal firefighter, police, and teacher unions that mobilized in off-cycle elections in California—under conditions of lower voter turnout and interest group mobilization—were able to win increases in pay and benefits for their members (Anzia 2014, 198-199).²⁵⁷ Declining unionization rates and dues money threatens the ability of public sector unions to pursue these opportunities for public employees.

More generalized research also suggests that public sector labor's misfortunes could further imperil America's middle class. One recent projection attributes nearly 35 percent of the drop in the percentage of middle-class workers in the United States since the 1980s to union decline (Freeman et al. 2016).²⁵⁸ The hollowing out of the public sector would likely exacerbate this trend (DePillis, January 13, 2016).

²⁵⁶ High school graduates working in the public sector earn on average \$3,284 more in total compensation than counterparts in the private sector and public sector workers with some college education earn \$4,930 more in total compensation (Keefe 2010, 7).

²⁵⁷ Anzia's dataset consisted of 137 California cities that hold elections on dates separate from state and national general elections.

²⁵⁸ Economist Richard Freeman uses the Pew Research Center's definition of the middle-class for the study, which is defined as the "portion of workers making between 67 percent to 200 percent of the median household income" (2016, 4). In 2014 dollars, such an income range translates to \$30,000 to \$88,000 annually.

Pensioners and public employees have already suffered cutbacks in pay and benefits and have had bargaining rights curtailed in a number of U.S. states. In the Great Recession era, a significant number of Democratic officials participated in many of the anti-labor actions (furloughs, layoffs, and pension cuts) that reduced the compensation of public workers and retirees. Democrats voted for retrenchment at a 10-percentage point greater rate during and after the Great Recession. My study demonstrates that this shift was not solely motivated by recession-related fiscal factors, however. Instead, interest group and policy entrepreneur influence, party majorities, and coalition building all played roles in determining whether unions could obtain progressive labor legislation and repel retrenchment. Furthermore, fiscal realities cannot easily explain why Democratic-controlled legislatures implemented different degrees of retrenchment during the Great Recession era. Democrats in places such as Kentucky and Rhode Island even supported radical pension reforms that may not produce long-term budgetary savings (Lafer 2013). Fiscal realities also do not explain why Democrats largely refused to back many major collective bargaining expansion bills during the 1990s and 2000s, at both the state and federal level.

The Democratic Party's betrayal of public sector unions appears shortsighted and surprising, as labor is often ranked as one of the party's most financially generous and loyal constituencies (McCartin 2006, 79; Anzia and Moe 2014, 12). Democrats and public employee unions have a long history of close collaboration, and worked in partnership for decades to pursue progressive policy goals (Greenstone 1977).

Data from the National Institute on Money in State Politics indicates that public sector unions spend heavily on the Democratic Party, which typically receives 90 percent or more of union donated funds (National Institute on Money in State Politics 2014; DiSalvo 2015, 73). In fact, the American Federation of State, County and Municipal Employees (AFSCME), the largest public sector union, devoted ten to over thirty percent of its budget to political action during the 1990s, and was the largest PAC contributor during the 2010 elections (Masters 1998, 331; Mullins and McKinnon, October 22, 2010). Public sector unions gave increasing amounts of money to state candidates throughout the late 2000s, even in the midst of the Great Recession. Union giving varies markedly by state, and donation amounts are larger in states with higher rates of public sector unionization, but campaign finance data indicates that public sector unions tend to be one of the strongest financial backers of the Democratic Party in a majority of states. During the 2006 and 2008 elections, teachers' unions alone were the top contributor to political parties and candidates in twenty states, and one of the top three contributors in thirty states (Moe 2011, 291-294).

Public sector unions not only fill Democratic coffers, but also aid Democratic turnout in elections. The growing animus towards public sector unions from both Democrats and Republicans therefore threatens a historically important electoral arm of the Democratic Party. Hillary Clinton's surprising loss in the 2016 presidential election illustrates how important union members are to the Democratic Party. Hillary Clinton won union households nationwide by just eight percentage points (51 to 43 percent), the smallest margin of victory for a Democratic presidential candidate since

1984. Clinton's performance was an anomaly, as other recent Democratic candidates have received far greater support from union households. From 2004 to 2012, nearly 60 percent of union households voted for the Democratic presidential candidate (Francia 2010, 298; Enten, July 1, 2014). In 2012, Barack Obama's advantage among union households was a full ten percentage points higher than Clinton's margin in 2016 (Hesson and Levine, November 10, 2016). Furthermore, public sector unionists—who include members of both the working and middle class—voted for Trump in surprisingly large numbers. Early data compiled by the National Education Association (NEA) and American Federation of Teachers (AFT) indicates that a substantial minority of their members—one in five AFT members and one in three NEA members—voted for Trump (Toppo, November 23, 2016; Klonsky, November 24, 2016).

White working class voters in the Rust Belt carried Trump to the White House in a close election. Clinton needed to equal or surpass Democrats' traditional level of support among white union members and minority voters to emerge victorious (Goodman, November 13, 2016; Drum, November 21, 2016). A number of pundits have blamed Clinton and the Democratic Party's economic message (or lack thereof) for the devastating losses the Party endured in statehouses and in DC. Some analysts, such as Ohio labor organizer and journalist Kirk Noden, argue that the party's growing Wall Street ties are a major factor contributing to its alienation from traditional Democratic voters (Noden, November 17, 2016). Growing divisions between union

members and Democratic elites therefore pose a significant concern for the Democratic Party's electoral prospects.

Unionization and strong collective bargaining protections also correlate to higher rates of political participation among citizens at the local level. Recent survey research by Michael Hartney and Patrick Flavin indicates that the passage of mandatory collective bargaining laws for teachers at the state level bolstered political participation among this group since the 1960s. Hartney and Flavin did not find evidence that such laws directly benefited state Democratic parties per se, but political mobilization influenced local elections and school boards, and also helped foster progressive educational policy (2015, 25-26). Journalistic accounts also describe how public sector union activists helped Democrats capture recent majorities in battleground states such as Colorado (Schrager and Witwer 2010), and win competitive partisan elections in various municipalities (Bailey, July 17, 2009). In light of this growing body of literature, it seems reasonable to assume that public sector unionization has had a positive impact on Democratic turnout in many state elections. The Democratic Party's failure to back collective bargaining expansion and its endorsement of cost-cutting maneuvers in the current era, thus appears counterproductive to the long-term interests of the party.

The Democratic Party's disavowal of public sector labor priorities is also surprising given the sector's fairly infrequent strike rates and commitment to less confrontational approaches to labor relations. By the 1990s, most unionized public workers enjoyed legitimacy and rarely engaged in the level of radical activism

prevalent among their 1960s and 1970s predecessors. By 2010, union strike activity and public sector strike activity both reached historic lows. Strike activity in the public sector peaked in 1979 and has not been a ready weapon of unionists in the contemporary era, even as these unions' right to bargain came under assault (McCartin 2010, 229-230). Democratic elites have largely been unresponsive to labor, even as unions have opted to consider concessions rather than seek disruptions of public service (Kerrigan, October 10, 2012).

Despite their strong support for Democratic legislators and often conciliatory posture, public sector unions and labor generally have been largely ineffective in organizing against retrenchment or winning expansive rights in purple and conservative-leaning states since the 1990s (Slater, Spring 2013). While fiscal deficits have played a part in retrenchment, case study comparisons indicate that Democratic leaders and poorly organized labor coalitions mattered more in determining final outcomes than a state's fiscal circumstances.

The remainder of this chapter reviews my core empirical findings, discusses theoretical contributions, and then explores the ways the disjuncture between Democrats and public sector unions affects organized labor generally and the longstanding alliance between labor and the Democrats more specifically. Can unions and the party repair their relationship, and if not, how does this affect state politics?

In the discussion below, I turn first to the questions of how widespread retrenchment was during the 1990 to 2014 period and how much of it occurred under Democratic support. I summarize the reasons behind the Democratic Party's support

for retrenchment and its rejection of union-sponsored collective bargaining bills, and consider why the Democratic response varied in similar states. These empirical results inform the contributions of this study to various literatures, including the literatures on state-level policy trends and interest groups. I also discuss how my work furthers labor scholarship on the conditions that inhibit or facilitate success within the electoral arena. The final sections of the chapter examine how public sector retrenchment is likely to affect important indices such as future state budgets and worker benefits and then return to the disjuncture that animated my study. Fiscal challenges and the rapid decline of private sector unionization will likely induce greater tensions between the Democratic Party and public sector unions. Unions have taken a few steps to address these challenges (including retaliation against disloyal Democrats) in the post-recession era, but a radical reorientation away from the Democratic Party appears unlikely.

II. Retrenchment Trends

How widespread is retrenchment, and how much of it occurred with Democratic support? During the Great Recession and post-recession years, public sector retrenchment occurred in nearly every U.S. state, but was most pronounced in the Midwest and South. The overall narrative is a grim one, as public sector unions have lost ground on wages, pension compensation, and bargaining rights, while receiving only minimal relief from states' courts.

Retrenchment took on a number of forms in different regions of the U.S and included both temporary measures and structural changes. An overwhelming majority of state legislatures implemented temporary measures such as layoffs, furloughs, pay-

freezes and pension cutbacks during and after the recession (Dadayan and Boyd 2014). Twenty-eight states, for example, instituted furloughs or pay cuts early on (Seelye, April 23, 2009; Johnson, Oliff and Williams, 2011).²⁵⁹ Many of the same states also imposed hiring freezes in 2008 and 2009.²⁶⁰

Levels of public sector employment dropped measurably after August 2008, as the Great Recession produced major state budget deficits (Norris, January 6, 2012; Dadayan and Boyd 2014). State government employment fell from 5.2 million in August 2008 to 5.025 million in July 2013, a decline of 3.36 percent.²⁶¹ Local government employment peaked at 14.61 million in July 2008 but fell to a low of 14.02 million by March 2013, a drop of 4.03 percent.²⁶² Layoffs were not confined to one geographic region nor to red states.

During this era, most state legislatures did not stop with such temporary measures, and instead targeted their state's pension and retiree health benefit programs for reductions. From 2007 to 2014, forty-eight states imposed some type of reform to their pension plans (Oakley, January 20, 2014).²⁶³ These reforms took many shapes, all of them detrimental to public workers. Specifically, forty states mandated a

²⁵⁹ Arizona, California, Colorado, Connecticut, Delaware, Georgia, Hawaii, Idaho, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, Utah, Virginia, Washington, and Wisconsin.

²⁶⁰ Alabama, Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Hawaii, Iowa, Kansas, Louisiana, Maine, Michigan, Minnesota, Mississippi, New Hampshire, New Mexico, New York, North Carolina, Pennsylvania, South Dakota, Vermont, Wisconsin, and Wyoming.

²⁶¹ By December 2015, the state government employment sector rebounded slightly by adding 32,900 jobs. (BLS Economic News Release, 2015; Maciag, December 4, 2015).

²⁶² By December 2015, local government employment grew by 119,000 jobs. (Bureau of Labor Statistics, "Economic News Release," <<http://www.bls.gov/news.release/empst.t17.htm>>).

²⁶³ Idaho and Nebraska were the only states that did not enact major reforms in these years.

reduction in future pension benefits (by reducing the retirement multiplier, increasing the retirement age, and/or adjusting the final average salary calculation); thirty states required employees to increase their contributions; eighteen states cut COLA benefits for retirees or current employees; and eleven statutorily increased employers' pension contributions (Morrissey 2014; Oakley 2014; National Conference of State Legislatures Database 2016). Taken together, pension cuts have forced employees to assume a larger share of the cost and/or risk of their own retirement. According to Center for Retirement Research, state and local government workers must now cover half the normal cost of their pensions on average (Munnell, Aubry, and Sanzenbacher 2015).

More significant than the overall numbers, for purposes of this dissertation, are the retrenchment patterns that occurred with Democratic support. Democratic governors in numerous states campaigned for furloughs, pay cuts, and pay freezes during the 2008 to 2011 period. In 2008 and 2009, nearly one-half of all sitting Democratic governors ordered furloughs of state employees. States imposing furloughs in 2008 and 2009 include: Colorado, Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, New Mexico, North Carolina, Oregon, Pennsylvania, Washington and Wisconsin (National Governor's Association and the National Association of State Budget Officers 2011).²⁶⁴ Furlough periods varied by state, but in places such as

²⁶⁴ There were 28 Democratic governors in office in 2008 and 29 in office after the November 2008 elections. The number of Democratic governors dropped to 20 after the 2010 elections.

Maine, Maryland, and Iowa, furloughs cut take-home pay by up to five percent (Walters and Foster 2009; Loving 2010, Sustar 2010; Oreskovich, 2014).

A number of Democratic governments also ordered wage concessions from employees. In 2008 and 2009, the Democratic governors of Connecticut, Massachusetts, Maine, New Jersey, New York, Pennsylvania, Oregon, Washington and Wisconsin facilitated wage cuts/wage freezes and/or suspended promised salary increases for public employees (Moran 2009; Oreskovich 2009; Sustar 2010). Public sector unions in Connecticut, Pennsylvania and Washington also agreed to pay higher premiums on health insurance to help alleviate costs (Sustar 2010; Reilly 2012; 13). In 2011, New York Governor Andrew Cuomo and Hawaii Governor Neil Abercrombie, both Democrats, coaxed public sector unions into forgoing scheduled pay increases and increasing payments towards their states' health insurance plans (Thomas, August 16, 2011; Winslow, November 30, 2012; Butrymowicz, June 8, 2013).

Although twenty-five states ordered hiring freezes in the first two years after the start of the Great Recession, actual layoffs were less common. Democratic governors Phil Bredesen of Tennessee, Ed Rendell of Pennsylvania, Martin O'Malley of Maryland and Chet Culver of Iowa laid off hundreds of state employees from 2008 to 2010. Governors in these four states reduced their state workforces by 200 to 500 individuals in order to resolve major budget deficits (Johnson, Oliff and Williams, 2011). Bredesen took the most radical action by announcing a buy-out retirement program aimed to eliminate 2,000 state positions, with 1,500 employees opting for early retirement (Locker, May 7, 2008). Overall, thirty percent of the public sector job

loss from 2007 to 2013 occurred in states that have traditionally elected Democratic governments during the 1990s and 2000s period (Hirsch and Macpherson 2015).²⁶⁵

Although Democrats did not initiate the majority of bargaining restrictions during the 1990s or 2000s, they supported these initiatives at a surprisingly high rate. From 1990 to 2015, at least sixty-seven public sector collective bargaining restriction bills were introduced in state legislatures and a third of these bills became law (National Conference of State Legislatures Database 2015). Twenty-eight percent of Democratic representatives voted for such restrictions.

During the 1990s Democratic-unified governments instituted major bans on bargaining in both Texas and Virginia, while also consenting to restrictions on teacher bargaining in both Oregon and Wisconsin.²⁶⁶ During the surge of anti-collective bargaining legislation in 2011 and 2012, a majority of Democratic representatives in Illinois, Massachusetts, Michigan and New Jersey voted for bargaining restrictions, but Democrats in red states predominately voted against the conservative agenda.

Although Democratic representatives voted against the most far-reaching, anti-collective bargaining measures during the Great Recession era, Democrats still supported pension cuts, another major flank in the labor offensive. Nearly three-fourths

²⁶⁵Alabama, Arkansas, California, Connecticut, Hawaii, Kentucky, Louisiana, Maine, Massachusetts, Maryland, Mississippi, New Jersey, New Mexico, North Carolina, Rhode Island, Washington, Vermont and West Virginia.

²⁶⁶ Oregon governor John Kitzhaber (D) negotiated Senate Bill 750, also known as the Derfler-Bryant Act, with the Oregon's Republican legislature in 1995 while Wisconsin's Republican governor Tommy Thompson and Democratic legislature brokered Act 16 in 1993 (Drummonds 1996; Strom and Baxter 2001).

of all Democratic representatives supported bills that limited pension eligibility or cut future benefits during the Great Recession and post-recession eras.

Democratic majorities were also generally unwilling to support public sector bargaining expansions when such laws were introduced in state legislatures. By 1990, 15 states had either prohibited collective bargaining by statute or court opinion or confined employer-employee relationships to meet and confer regulations.²⁶⁷ Eight other states only granted limited bargaining rights for particular classes of workers.²⁶⁸ Public sector unions and their allies attempted to extend bargaining rights to a number of these states with only limited success. Only two states (New Mexico and Washington) passed comprehensive bargaining statutes in this period.

IV. Factors Driving Retrenchment

What were the main factors that drove the retrenchment of public sector unions? A number of analysts point to the ascendance of the GOP and the rise of the Tea Party era as a major cause for the assault on public sector unions (Nichols 2011; Konczal, November 2, 2013). The GOP's dominance over state legislatures from 2009 to 2016 (Democrats lost more than 800 seats in state legislatures during that period) did provide Republicans ample opportunities for retrenchment (Narea and Shephard, November 22,

²⁶⁷ Meet and confer activity is prevalent within the public sector bargaining environment but it denies unions equal standing in the process. Under meet-and-confer policies, the employer possesses final decision-making authority and is not obligated to negotiate or sign a final contract with employees (Kearney and Mareschal 72). These fifteen states are: Alabama, Arizona, Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, North Carolina, South Carolina, Texas, Utah, West Virginia and Virginia (Kearney 1984; Valletta and Freeman, 1988).

²⁶⁸ Georgia, Indiana, Kentucky, Nevada, Oklahoma, Wyoming, Tennessee and Washington.

2016). Yet, as I have demonstrated, GOP-elected representatives were not the sole force behind retrenchment.

Retrenchment became a prominent goal of both Democratic and Republican policymakers, partly because interest groups organized aggressively to pursue retrenchment. This dissertation describes several pro-retrenchment business mobilization efforts, in places such as Colorado and Rhode Island, but does not cover the entire spectrum of mobilization efforts in various states. Recent studies of business mobilization efforts, through networks such as the American Legislative Exchange Council and State Policy Network, indicate business-friendly interest groups played a significant role in orchestrating the broader assault on public sector unions and workers.

The American Legislative Exchange Council (ALEC), a coalition of conservative activists, private businesses and state lawmakers, designed many of the most sweeping collective bargaining restrictions passed in 2011 and 2012. The ALEC network, established in 1973, unites corporate lobbyists, legislators, and conservative activists together to craft model bills. These model bills are introduced widely across all fifty state legislatures. The conservative organization is primarily funded by corporate donations. The corporate lobby led the attack on unions during the 2011 to 2015 period, as the network drafted and promoted dozens of bills during the time that either restricted public sector bargaining rights or limited unions' ability to collect dues from members (Lafer 2013, 5). ALEC worked in conjunction with the State Policy Network (SPN) to build momentum for its anti-labor agenda.

The State Policy Network (SPN), a collection of ostensibly independent “free-market” think tanks located within every state that promote business-friendly policies within state legislatures has been instrumental in the conservative attack on public sector unions. Research by *The Guardian* newspaper indicates that the SPN was created in the early 1990s by ALEC, to serve as a public relations firm for the corporate lobby, as it worked to legitimize right-wing positions on a number of topics (Pilkington and Goldenberg, December 3, 2013). Leaked internal documents from SPN indicate that think tanks in the network all rely on the same conservative donors for funding, and allow conservative donors to shape the agenda (Mayer, November 15, 2013).

From 2010 to 2015, the SPN network of 66 state-based think tanks produced at least 295 policy memos and white papers that described state pension debts in apocalyptic terms and recommended privatization as the solution.²⁶⁹ During this same five-year period, think tanks in the SPN network produced at least 131 policy memos and white papers about the advantages of right-to-work statutes, the need to eliminate public sector collective bargaining, and the need to make collective bargaining more transparent.²⁷⁰ Advocates in these think tanks also produced thousands of anti-labor blogs and news articles.

The assault on public sector unions and workers manifested during the Tea Party era partly because the ALEC and the SPN networks became better organized during this time period, and were able to work largely under the radar. Legislative scorecards of

²⁶⁹ Author’s calculations based on archived reports and articles available at individual policy websites.

²⁷⁰ Author’s calculations based on SPN network websites. Think tanks in southern states that do not have collective bargaining rights did not post many reports or blogs on collective bargaining.

ALEC's model bills found that the lobbying group experienced greatest success during the 2000s and beyond as the budget for ALEC grew and its network expanded.²⁷¹ ALEC was poorly funded and organized during its early years (the 1970s and 1980s) and focused too exclusively on hot-button social issues such as abortion to attract considerable corporate backing (Hertel-Fernandez 2013, 8-9). By the 1990s, ALEC had improved its organizational structure, re-orientated its focus on economic matters, and built a membership base of 250 firms and 2,500 legislators. The organization grew in clout by the 2000s, and benefited from the declining presence of traditional state media in many states (Firestone, November 10, 2014). By some assessments, ALEC was able to pursue its aggressive pro-corporate agenda without much scrutiny (until it became linked to the "Stand Your Ground" laws in 2012). ALEC and the SPN, allied with long-standing business groups such as the Chamber of Commerce, used the fiscal deficits caused by the Great Recession as justification for its anti-worker agenda (Hertel-Fernandez 2013, 14). Furthermore, states with "citizen legislatures" came to rely on ALEC during the Great Recession period to write model legislation.²⁷² Citizen legislatures such as New Hampshire's have low policy capacity and thus have come to rely on the bill drafting, research assistance and expert testimony that ALEC provides (Hertel-Fernandez 2014, 585).

²⁷¹ During the 2000s, ALEC saw 10 to 15 percent of its model bills enacted. In 2008, 751 of ALEC's model bills were introduced in the states and 118 of those became law. In 2009, 826 ALEC bills were introduced and 115 were enacted.

²⁷² Citizen legislatures are state legislature chambers that are run on a part-time basis. This means that legislative sessions tend to be short, legislators receive little compensation for their work and legislators have few paid staff (NCSL, June 14, 2017).

Democrats do not participate in the ALEC network at nearly the same level as the GOP (ALEC Exposed 2017), and ALEC and the SPN are not the only interest groups responsible for the proliferation of anti-labor legislation during the retrenchment period. Democratic lawmakers' relationships with business groups also influenced this era of retrenchment. Many of the Democratic Party elites who held statewide office during the 2000 to 2014 retrenchment period have stronger ties to business groups and/or Wall Street firms than to organized labor (Frank 2016, 41-43, 176-180; Noden, November 17, 2016). As my case study evidence on Colorado, Iowa, and Rhode Island shows, aggressive business mobilization and the Democratic Party's growing allegiance to business and professional classes, inspired many of the anti-labor actions during the Bush and Obama eras.

IV. Contributions to the Literature

This project contributes to a number of different literatures, including the literatures on parties and partisanship, interest groups, and labor politics. Its findings challenge the logic and assumptions of works that assume that the Democratic Party will rely on organized labor as a valued constituency (Dark 1999; Francia 2006) and is a steady ally of working class and middle class constituencies (Bartels 2008; Hacker and Pierson 2010, 112-113).

In addition, my analysis makes contributions to recent findings on policy trends at the state level. Recent regression studies suggest that legislatures in blue states are gradually becoming more liberal in the 21st century (Caughey et al. 2017). My analysis builds on this "state liberalism" literature but finds that the Democratic Party is not

moving in the expected direction in its handling of labor policy issues such as pension reform and collective bargaining expansions. Recent models that track policy liberalism simplify trends in numerous policy fields, and do not offer much insight on developments in specific areas such as labor policy. My research findings on pension and collective bargaining reforms indicate that one should approach such state liberalism models cautiously.

Classic studies dating from the 1960s that attempt to link Democratic Party governance in state offices with liberal policy outcomes have found weak (or even negative) correlations between Democratic control and liberalism (Hofferbert 1966; Garand 1988; Erikson, Wright and McIver 1993). However, more recent studies that employ more sophisticated research designs have found that Democratic representation correlates to partisan effects, but not always across all tested policy areas (Besley and Case 2003; Leigh 2008; Kousser and Phillips 2009, 70). In 2015, Devin Caughey, Christopher Warshaw and Yiqing Xu conducted the most comprehensive study yet of partisan influence on state policy outcomes, and found that partisanship has a modest but discernable impact on state policy outcomes. Caughey et al. relied on composite measures that assessed state policy liberalism for nearly 150 different areas of policy from the years 1936 to 2014. They defined policy liberalism for every state partly by measuring such labor rights policies as collective bargaining for state employees, existence of right-to-work laws, existence of prevailing wage laws, minimum wage laws, child labor laws, age discrimination bans, existence of a merit system law, and

existence of a workers' compensation law (2015, 10).²⁷³ The authors found no relationship between state policy liberalism and Democratic control during most of the 20th century, even after they controlled for party realignment in the South. However, Democrats and Republicans began to diverge from each other in their policy positions during the 1980s period and beyond. (The Caughey model predicts that policy outcomes in the 2000 to 2014 period should be more liberal in Democratic-controlled states and more conservative in Republican-controlled states). As expected, Democratic-controlled states moved slightly left, while Republican-controlled moved rightward (2015, 12). The effects of this divergence were fairly minor in magnitude. The authors found that unified Democratic control of a state increases policy liberalism by only 0.5% for a given year.²⁷⁴

Logistic regression analysis (discussed in Chapter 4) finds no evidence of growing policy liberalism among Democratic legislators for the narrowly defined arena of pension reform, even in the period in which Caughey et al. identified an increased effect of Democratic control on liberal policy. In fact, Democratic legislators voted for pension retrenchment with greater frequency during the 2007 to 2014 period than during the previous decade and a half.²⁷⁵ Collective bargaining expansions also rarely

²⁷³ The Caughey, Warshaw and Xu policy liberalism scale also included these other policy areas: abortion, criminal justice, drug and alcohol, education, environment, gambling, gay rights, gun control, immigration, licensing, regulatory, racial discrimination, tax, welfare and women's rights policies.

²⁷⁴ For example, an increase of 0.5% translates into a \$1 increase in the average monthly TANF benefits of a recipient family (26).

²⁷⁵ From 2007 to 2014, 73 percent of Democratic state legislators voted in favor of pension reduction laws, as opposed to the 68 percent that voted for such laws between the 1990 to 2006 period. If one excludes all non-controversial pension reduction bills that received unanimous support from both parties, the gap between the 1990s and early 2000s and the Great Recession period widens. Under such guidelines, 73 percent of Democrats voted for pension cutbacks during the 2007 to 2014 period while only 63 percent voted for such reductions during the 1990 to 2006 time span.

occurred during the 21st century, even in Democratically-controlled states. Democratic-control of statehouses did not facilitate liberal labor policies or concessions to unions during the 21st century. These findings are unsurprising given that most researchers find that state liberalism effects tend to be context-specific (Besley and Case 2003; Leigh 2008; Fredriksson, Wang and Warren 2013). Caughey, Warshaw and Xu provide an insightful overview of overall policy liberalism over a lengthy span of time but their methodological instrument is fairly blunt.²⁷⁶ As a result, their framework cannot easily account for variation in different policy domains, such as labor policy. For that, studies of specific policy areas—such as the quantitative and case study research in this dissertation—are needed.

My project also informs the literature on public sector unionism, and in particular, the factors that facilitate the enactment of public sector bargaining legislation. Political science and industrial relations literatures have demonstrated that public sector union activism helped drive the enactment of permissive bargaining laws (Saltzman 1988; Slater 2004, 183; Mareschal 2006; Mareschal 2007, 393-395; Boris and Klein 2012). In turn, such bargaining legislation catalyzed the growth of public sector unions in the 1960s and 1970s (Saltzman 1985; Farber 1987; Waters et al. 1994). Previous case studies detailed the passage of public sector bargaining laws within Midwestern states and provided greater insight on what circumstances determine the likelihood that a bargaining bill will become law. Case studies of bargaining

²⁷⁶ Their datasets are based on ordinal, mainly dichotomous variables, not roll-call voting patterns, surveys or other common measurements.

enactments from the 1960s through the 1980s identify the legal environment, coalition building and unified Democratic control as the most significant preconditions for the passage of a collective bargaining law (Saltzman 1988; Slater 2004; Mareschal 2006). Joseph Slater's *Public Workers* (2004), a seminal overview of public sector labor law before the 1960s, argues that the state, specifically state courts and the federal government, suppressed public sector organizing during the early 20th century. Public workers won bargaining rights by the 1960s, as courts began ruling in favor of public sector unions, and as unions developed coalitions with the Democratic Party and other liberal organizations to agitate for recognition (Slater 2004, 163, Saltzman 1988, 56-58).

My research shows that coalitional alliances still matter, as public sector unions need the support of local government stakeholders to win bargaining legislation. Case studies of union locals indicate that unions need to partner with each other and/or with community groups and religious institutions to press for progressive policies (Nissen 2004; Luce 2004; Tattersall 2010, 71-76, Dixon and Martin 2012, 956). In the pension and collective bargaining case studies that I analyzed, local government interest groups took precedence over any other type of coalitional partner. Unions were able to win bargaining statutes during the initial surge of public sector bargaining legislation during the 1960s through early 1980s, even in the face of management group opposition (Saltzman 1988, 47-51). I discovered that as municipal and governmental interest groups gained greater power by the 1990s and beyond, bargaining laws could not pass unless such groups remained neutral and/or backed such bills.

This study also broadens and deepens our understanding of the politics behind collective bargaining and pension privatization legislation by delving into how state legislative dynamics and interest group mobilization affect outcomes. Past case studies by Saltzman (1988) and Slater (2004) found that Democratic control over legislative and gubernatorial offices facilitated the passage of landmark public sector bargaining laws in Illinois, Ohio, and Wisconsin. Yet, such studies say little about how large Democratic majorities need to be to enact such laws. A comparison of floor votes for bargaining bills considered from 1959 to 1985, and bills considered from 1990 to 2014, illustrates the growing opposition labor bills face in the current political climate. In the past, Democrats only needed to hold 8.39 more seats than their Republican counterparts in state legislatures to win passage of a bargaining law. In the 1990 to 2014 period examined in detail here, Democrats needed sixty percent or more of the seats in order to enact a progressive public sector bargaining law, as conservative Democrats and Republicans are increasingly unwilling to support such legislation.²⁷⁷ Furthermore, large majorities allow Democratic lawmakers to stave off possible vetoes by governors.²⁷⁸

Democratic majorities alone do not guarantee the passage of progressive legislation or the circumvention of regressive legislation, however; interest group lobbying affects policy outcomes as well (Hacker and Pierson 2010; Gilens and Page

²⁷⁷ In their quantitative analysis of partisan voting for collective bargaining laws from 1959 to 2014, Sarah Anzia and Terry Moe find that Republican legislators voted in favor of bargaining laws in the 1960s and 1970s at fairly high rates (2015, 2).

²⁷⁸ Overriding a gubernatorial veto is possible in forty-nine states but thresholds for such overrides vary. Simple majorities are required in six states, while the vast majority of states require two-thirds or three-fifths of those elected (Council of State Governments, Table 3.16, 2014: 95-97).

2014).²⁷⁹ Interest group efforts (lobbying on pensions and bargaining) during this contemporary era were largely confined to the electoral arena. While militancy characterized the upsurge of public employee bargaining statutes in the 1960s and 1970s (Burns 2014), successful efforts by unions in the 1990s and 2000s were predicated mostly upon savvy maneuvers within the political establishment. Unions did help foster some grassroots mobilization in certain states (such as Connecticut and New Mexico), but were primarily active within the electoral arena as they worked to elect reliable progressive allies from the Democratic Party.

Business mobilization played a significant role in the policy outcomes described within this dissertation, but business influence differed in some significant ways from past state-level labor policy battles. Much of the early labor policy literature (much of it concerning right-to-work campaigns) found that employer groups must remain united in order to pass anti-labor legislation. Sociologist Marc Dixon found that business unity was a key factor behind the passage of right-to-work legislation in Indiana and its demise in Ohio during the 1950s (2008, 488-489). A 1990 study of right-to-work legislation in Louisiana by William Canak and Berkeley Miller discovered that coalitional alliances among business groups drove the state to adopt right-to-work legislation across three separate decades (259). Business unity also mattered in the most visible political campaigns described in this dissertation, as a

²⁷⁹ Southern states such as West Virginia enjoyed sizable Democratic majorities until the late 2000s but never came close to passing any type of comprehensive bargaining statute (Anzia and Moe 2015).

divided business community could not win passage of a right-to-work proposal in Colorado or engineer a pension privatization proposal in Rhode Island.

Business lobbying groups did not initiate retrenchment campaigns in all circumstances, often acting instead as supportive collaborators behind the machinations of a wealthy capitalist. Members within Colorado's Coors dynasty and Enron trader John Arnold both engineered campaigns against labor, with Arnold being especially successful in driving Rhode Island's pension privatization measure in 2011 (Sirota, September 2013). Journalistic and academic literature points to the disproportionate influence that business coalitions and lobbying groups have over state legislatures and state policy outcomes (Ambrosius and Welch 1988; Schrager and Witwer 2010; Powell 2012; Hertel-Fernandez and Kashin 2015). A handful of studies indicate that business groups wield greater influence over certain complex policy matters most directly relevant to them (such as taxation and regulation policies) than over policies that garner greater media attention and are more salient for the public such as abortion (Potoski and Woods 2002; Witko and Newmark 2005, 358). Although these works provide valuable insights, little has been written thus far about the influence that enormously wealthy individual entrepreneurs have on state politics. Scholars have begun to take note, analyzing, for example the influence that Amway billionaire Dick DeVos had on the passage of Michigan's right-to-work law in 2012 (Kaminski 2015, 9-10), and the impact Charles and David Koch had on the Wisconsin union busting law of 2011 and the failed campaign to recall Governor Scott Walker (Kroll 2011; Martin 2011, 63-64). As my case studies of Colorado and Rhode Island demonstrate, wealthy policy

entrepreneurs can influence policy outcomes, even in Democratic controlled governments, in instances where they face weak opposition from labor and other liberal activist groups.

Finally, this dissertation also examines gubernatorial decision-making and its impact on labor policy outcomes. Policy scholars have long deemed governors to be the most influential subnational actors in the United States (Beyle 1996; Morehouse and Jewell 2003, 192) and thus their impact on labor priorities and interests deserves some scrutiny. Gubernatorial policy choices matter so much because governors can often set the policy agenda after an election, and gubernatorial vetoes affect legislative behavior and can dampen enthusiasm for controversial initiatives (Morehouse and Jewell 2003, 190-191; McGrath, Rogoski and Ryan 2015). During the Great Recession and its aftermath, governors in nearly all fifty states influenced the public sector in some way by revising annual budgets, implementing furloughs and vetoing or backing compensation reforms. Case studies of Colorado, Connecticut, Iowa, New Mexico, and Rhode Island help illustrate the significant level of power that governors wield over state policy. In these cases, governors did not initiate the most radical reforms, but they all had significant influence over the fates of bargaining and pension legislation. Labor history research has long identified Republican governors as being potent forces in anti-labor populism (Pierce 2012, 111-113; Walker and Bennett 2015), but thus far researchers have not offered explanations for instances where Democratic governors

facilitate anti-labor policy outcomes.²⁸⁰ Democratic governors examined within this dissertation all received substantial backing from public sector unions and labor generally during their election campaigns, and in many cases promised the sector support once in office. Yet, a number of Democratic governors during the Great Recession years, such as Andrew Cuomo (NY), John Kitzhaber (OR), Christine Gregoire (WA), Chet Culver (IA), Bill Ritter (CO) and Lincoln Chafee (RI), defied their public sector allies and backed more conservative policies once reaching office (Sustar 2010; McCartin 2011; McCartin 2013).

Interest group influence and activism pressured the abovementioned governors to adopt such conservative stances against labor's interests within battleground states. In other words, wealthy entrepreneurs and the business lobby within Colorado, Iowa and Rhode Island mobilized effectively to pressure state executives into conservative policy stances, but were ultimately defeated by well-organized labor campaigns in other sites such as Connecticut and New Mexico. State politics literature devotes insufficient attention to the influence of interest groups on gubernatorial vetoes and signatures, even as such influence can help shape policy outcomes. Much of the field champions public opinion and electoral competition as determining factors in elite decision-making (Erikson, Wright and McIver 1993; Barrilleaux, Holbrook and Langer 2000; 2002). Furthermore, quantitative literature on electoral competition, state policy

²⁸⁰ A few case studies of right-to-work laws in the South allude to Democratic support of regressive ballot initiatives but mostly focus on Republican and labor movement activism (Gall 1988; King and Catlett-King 2007).

outcomes and levels of spending, does not accurately predict how Democratic governors reacted to progressive labor legislation during the contemporary era. Political scientists Charles Barrilleaux, Thomas Holbrook and Laura Langer found that Democratic governors generally respond to electoral competition by embracing more progressive policies, while Republican governors do the opposite (2000, 2002). Yet, public opinion and electoral competition played secondary roles in gubernatorial politics within my case study states, and competition did not drive Democratic governors to embrace more liberal policies.

While some evidence exists of growing resentment against public employees during the Great Recession, there is no evidence that such attitudes were universally held, or that the public was fully cognizant of the labor and pension policies under consideration here. Focus-group research centered in Wisconsin illustrates how some rural white residents frequently blamed public employees and public sector unions for the Great Recession (Walsh 2012; Bermeo and Bartels 2014; Walsh 2016). Yet, there is no evidence that this is a national or even a Midwestern phenomena, or that public preferences drove the decision-making of governors in case study states. In fact, public polls were conducted for only one case study site (Rhode Island) and some labor initiatives being considered were too particularistic (Iowa) to garner much public attention. Thus, it seems unlikely that public opinion directly informed gubernatorial decision-making.

While public opinions surveys may have little bearing on gubernatorial decisions to support or oppose pension retrenchment or bargaining expansions,

governors worried that their decision could affect reelection prospects and their support from the business community. Culver, Ritter and Chafee, as governors who had the opportunity to run and interest in re-election, likely considered electoral competition when considering labor policies and most other controversial policy arenas. Yet, in a surprising move, these leaders did not conform to Barrilleaux's predictions and instead opted to side with a constituency that would likely mobilize against them (and back a Republican candidate) in future re-election campaigns. The business lobby and policy entrepreneurs in these battleground states built coalitions and marshaled enough broad support from mainstream state media outlets to suggest that their positions best served the economic interests of the state. The evidence suggests that Culver, Ritter and Chafee sided with business because they received substantial financial support from the business sector, and feared that a business backlash would endanger their agendas and their reelection chances. Public sector unions and their allies offered limited counter-mobilizations in Colorado, Iowa and Rhode Island and were unable to persuade local governments and other influential interest groups to support the labor position.

V. Implications of Retrenchment

It is clear, from the evidence presented here, that public employees and their unions have faced significant setbacks and new challenges in the period since 1990. I have also established that Democrats as well as Republicans have played a surprisingly significant role in that retrenchment, and that pro-business interest groups and wealthy entrepreneurs have helped drive retrenchment forward since the Great Recession. What, then, are the longer-term implications of these changes and trends? Though this

analysis is necessarily more speculative, the remainder of this dissertation turns to this question. First, I address the likely impacts on state budgets, public employee compensation, unionization levels, and recruitment into public service. I then conclude with an assessment of the broader implications for the relationship between public sector unions and the Democratic Party.

a. Impact on State Budgets

Economic forecasts conducted by the Center for Retirement Research (CRR) at Boston College indicate that pension reforms initiated during the 2007 to 2012 period will help states control costs in the long term, and have made pension plans less generous than those prevalent in the pre-Great Recession period. The CRR's analysis projected costs of state employee pension plans to 2046, a time where reforms that occurred in recent years would take full effect. (In other words, a large percentage of current employees and new hires would likely have retired by that date). The analysis details the costs of thirty-two pension plans in fifteen states.²⁸¹ States will allocate on average 3.3 percent of their budgets to pension costs in 2046, compared to 4.1 percent in 2007 (Munnell et al. 2013, 5).²⁸²

The Center for Retirement Research also found that implemented reforms will drive the Annual Required Contribution far lower than it is currently for the sample of states in their analysis. The ARC is made of two components: (1) contributions to

²⁸¹ California, Connecticut, Florida, Georgia, Illinois, Massachusetts, Michigan, New Jersey, New Mexico, New York, North Carolina, Ohio, Texas, Virginia and Wisconsin.

²⁸² These projections are based on a number of assumptions such as: (1) states will not expand benefits greatly in future decades (2) states will commit to funding Annual Required Contributions fully every year (3) stock market performance remains consistent.

normal cost, and (2) funds devoted to amortize unfunded liabilities. Pension plans reduce their normal costs (ARC) by either reducing benefits (through COLA cuts, etc.) or making employees contribute more. Researchers find that by 2046, the employer's normal cost responsibility, which is an indication of a plan's level of generosity, will drop from 8.2 percent to 4.4 percent. This large drop is primarily due to cuts legislatures instituted during the Great Recession and post-recession years (Munnell et al. 2013, 4).

This study compared pre-crisis (2007) levels of pension and retiree health spending against spending projections in 2046. Interestingly, the authors found that forty-five percent of the states within the sample actually implemented reforms that would drive state costs far below their pre-crisis levels.²⁸³ Reforms in three states within the sample were radical enough to return retiree costs to their pre-crisis spending levels,²⁸⁴ while five states are projected to harbor higher retirement costs (as a percentage of the state's budget) in 2046 than before the Great Recession (Munnell 2013).²⁸⁵

b. Impact on Worker Benefits

As of this writing, there have been no definitive estimates of how recent pension cutbacks or collective bargaining restrictions will affect worker pay and benefits across states. Estimations of the impact of anti-union laws and pension cutbacks are difficult to make, especially in regards to retirement benefits, because a number of other

²⁸³ Connecticut, Florida, Massachusetts, Michigan, Ohio, New Jersey and Virginia.

²⁸⁴ California, New York and North Carolina.

²⁸⁵ Georgia, Illinois, New Mexico, Texas and Wisconsin.

variables affect future benefit levels. However, some scholarship has emerged that details the impact of pension retrenchment on new hires, which was the group most severely affected by the boom of reforms. A 2013 study by the CRR of 32 plans within fifteen states projects that cuts will drive deferred compensation down 20 percent on average for new hires (Munnell et al. February 2013).

Recent studies also estimate the impact particular pension reforms will have on benefit levels for both new hires and current workers. Cost-of-Living Adjustments were one item on the reform agenda that has an especially pronounced effect on retirement income. From 2010 to 2014, seventeen states adopted legislation that suspended, reduced, or eliminated COLA benefits (Munnell et al. May 2014).²⁸⁶ Economic projections find that eliminating the COLA benefit for employees can reduce lifetime benefits from 15 to 26 percent for a typical worker (Morrissey, June 9, 2014; Munnell et al. May 2014).²⁸⁷

Other common cuts within the recession era such as the reduction of the retirement multiplier also significantly impact the retirement incomes workers will obtain. Such a reduction will affect nearly all workers to the same degree because this component does not rely on earned income, retirement age, or life expectancy to determine impact. Economist Monique Morrissey finds that a reduction of the

²⁸⁶ Colorado, Florida, Illinois, Maine, Montana, Minnesota, Nebraska, Nevada, New Jersey, New Mexico, Ohio, Oregon, Oklahoma, Rhode Island, South Dakota, Utah and Washington.

²⁸⁷ Benefit forecasts assume a rate of inflation of 3 percent. The severity of the COLA cut depends on the compounded rate of the COLA. Rates typically range from 2 percent to 3 percent. The elimination of a 2 percent COLA rate would drop lifetime benefit earnings by 15 to 17 percent. The elimination of a 3 percent COLA rate would drop lifetime benefits earnings by 22 to 25 percent (Munnell et al. 2014, 3).

multiplier from 1.5 to 1 percent will reduce lifetime benefits by 33 percent (2014, 9). From 2007 to 2014, eighteen states reduced the formula multiplier for at least one of their pension plans (Wagner et al. April 2014).²⁸⁸

In contrast to pensions, there is far more uncertainty about future public sector wage growth because wages are heavily dependent on fiscal conditions and on the bargaining leverage of employees, and are determined by both local and state governments. Public sector wages have declined or remained stagnant in many U.S. states during the 2007 to 2014 period. Data from the Bureau of Labor Statistics found that during this time span, public sector wages declined by 1.3 percent (Morrissey, February 5, 2014).

c. Impact on Union Membership

Although public sector union membership eclipsed private sector union membership by 2009, public sector unions faced mounting membership losses during the Great Recession (Greenhouse, January 21, 2011). From 2007 to 2013, the public sector lost 336,642 unionized members, while 30 states also witnessed a decline in their unionized public sectors (i.e. the percentage of the public sector workforce that is unionized declined in 30 states). In 2013, the public sector union membership rate fell to 35.3 percent, the lowest it has been since the 1980s (Hirsch and MacPherson 2015). Public sector unions lost 118,000 members in that year alone, with unionization

²⁸⁸ Alabama, Arkansas, California, Hawaii, Kentucky, Louisiana, Maryland, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, Pennsylvania, Rhode Island and Wyoming.

dropping severely in many Midwestern states between 2010 and 2014 (Associated Press, January 24, 2014; Shepardson, January 23, 2015; Trottman, January 23, 2015). Wisconsin's public sector unions lost approximately 21,400 members from 2011 to 2014 (Higgins, August 12, 2014), while Michigan's public sector unions lost 33,837 members in that same time period (Hirsch and MacPherson 2015; Semuels, January 8, 2016). Wisconsin's National Educational Association affiliate lost one-third of its members, its American Federation of Teachers affiliate lost one-half of its members and AFSCME Council 24, the state employee union, lost seventy percent of its membership base (Dayen, February 23, 2015).

The prospects of additional states adopting the types of policies enacted in Wisconsin or Michigan, or of a Supreme Court ruling that would open the door for a federal "right to work" standard for public employees, threatens to extend or accelerate these trends in declining public sector union membership.

d. Impact on Recruitment into Public Service

Although public employees and unions have endured numerous changes and challenges from the 1990s through the Great Recession, few studies have actually examined whether such upheaval has contributed to employee turnover. Testimonial reports from unions do indicate that the assault on public employees and unions have hurt employee morale and performance (American Federation of Teachers 2016), and changes such as pension cuts may have adverse effects. Research from the CRR has found that generous pensions help recruit and retain high quality state and local workers. The CRR used Current Population Survey data to compare the wages of

public sector workers entering the private sector versus wages of public sector workers exiting the public sector for the 1980 to 2012 period. Researchers labeled the percent difference between the average wage of those leaving public service and those entering it as the quality gap. (The gap is typically positive in most states, as those leaving public service, on average, tend to make more than those entering it). However, generous pension plans reduce the quality gap and likely motivate public sector employers with greater levels of experience and education to stay in government service (Munnell et al. October 2014). While this study is not entirely conclusive because it does not account for other motivations within the labor market,²⁸⁹ it does suggest that a reduction of pension benefits could negatively affect the quality of workers attracted to public service.

VI. Future Relationship Between Unions and the Democratic Party

The relationship between public sector unions and the Democratic Party may be contentious for the foreseeable future. Both blue and red states face enormous fiscal challenges in the years ahead as the work force ages and as the costs of Medicaid, pensions and education skyrocket. It is not clear at the point of this writing whether Donald Trump's administration will deliver any type of stimulus to help address state deficits. Widespread mistrust of the federal government dampens hope for such a possibility (Meyerson, November 19, 2014). Thus, local and state Democratic policymakers will continue to face difficult policy choices on wages and pensions as

²⁸⁹ The study did not incorporate health benefits into its framework nor non-material factors such as differing values within the public and private sector (Wright 2001; Rashid and Rashid 2012).

they attempt to balance budgets in the future. These choices are compounded by the relatively lackluster performance of U.S. public pension plan assets in the stock market after 2010. In fiscal years 2015 and 2016, plans earned a median return of 3.43 percent and 1.07 percent, which is far below the expected 7.5 percent expected rate of return of most pension plans. Financial analysts such as Moody and Pension Consulting Alliance do not believe that the historic rates of return that characterized the late 1990s will occur again in the next ten years (Diamond, August 22, 2016).

Public sector unions and Democrats may attempt to confront these challenges together in the near future, but tensions remain. The rift between public sector unions and the Democratic Party has not inspired unionists to abandon the party en masse but the latest presidential election does illustrate friction between the two. Exit polling indicates that union members are not gravitating to the Republican Party in large numbers, as Trump won only an additional three percent of the union household vote over Romney's count in 2012. However, Clinton lost union votes to third party candidates (Hesson and Levine, November 10, 2016). In 2016, union members were attracted to third party candidacy of Jill Stein for example, as she offered a much more liberal platform than Clinton (Devine and Kopko, November 15, 2016). Bernie Sanders also received significant labor support during his bid for the Democratic nomination, which is another reflection of tensions between the Democratic establishment and labor.²⁹⁰

²⁹⁰ The Communication Workers of America, a union with a mixture of public and private sector members, was the largest national union that backed Bernie Sanders. He received the national endorsement of the Amalgamated Transit Union, the American Postal Workers Union, the International Longshore and Warehouse Union, the National Union of Healthcare Workers, National Nurses United

Most public sector unions remain loyal to the Democratic Party during the Trump era, but some sectors of the labor movement have been more receptive to the 45th President. North America's Building Trades Unions and other construction trades have been drawn to Donald Trump's economic populist message. Sean McGarvey, president of North America's Building Trades Unions, even praised President Trump for his plans for the Keystone Pipeline. Leaders in public employee unions such as the Service Employees International Union, the National Education Association, and American Federation of Teachers, however, remain some of Trump's sharpest critics (Greenhouse, April 8, 2017).

While many public sector union members remain invested in the Democratic Party, unionists have also become more receptive to alternatives. Third-party candidates backed by labor have won statewide and municipal offices at impressive rates during the post-Great Recession period, but this phenomenon has been confined to a few blue states such as Connecticut, New York, Oregon, and Vermont (Harkinson, May 24, 2012; Ball, January 7, 2016). Labor unions in collaboration with third parties have sought to build independent power outside of the Democratic Party apparatus and have had success pushing Democrats left in states such as Minnesota, New York, Oregon, and Vermont (Early 2013, 263-265; Kroll September 2013; Ball, January 7, 2016). Furthermore, membership in leftist alternatives to the Democratic Party, such as

and the United Electrical Workers. AFT and AFSCME locals and councils in California, Michigan, Vermont, Washington and Wisconsin also backed Sanders (Burns, June 15, 2016).

the Democratic Socialists of America (DSA) and the Communist Party USA (CPUSA), has spiked during the Trump era, as many Americans—particularly young people—remain dissatisfied with the Democratic Party’s economic message.²⁹¹ Union members represent a portion of the DSA’s and CPUSA’s growing base (Pearce, March 12, 2017; Pecinovsky, March 21, 2017).

Progressive activists see these new trends as a positive sign, but they do not yet signify a major shift in the Democratic Party-union relationship. Experienced labor organizers/intellectuals whom I interviewed remain pessimistic about any major labor realignment from the Democratic Party. For example, one union leader from the National Union of Healthcare Workers, argues that labor leaders lack the vision or courage to abandon political campaigning to embrace more radical actions such as strikes or third-party organizing (personal communication, July 18, 2013). Don Taylor, an activist involved in the Wisconsin Uprising and contributor to the *Labor Studies Journal*, doubts that unions will divest from the electoral arena as long as they continue to feel threatened. He argues that,

Unions have made the political work not just the *top* priority, but generally the *only* priority. It seems that with every election, U.S. unions drop nearly everything else and go “all hands in” for their political efforts. Meanwhile, the deepening of organizational democracy and the remaking of the union’s relationship with its members at the workplace level – which I argue should be equal or even greater priorities – are only given halfhearted attention, if any (personal communication, August 29, 2016).

²⁹¹ The DSA’s membership tripled in 2016-2017, to 19,000 dues paying members. The CPUSA has added more than 600 new members during the Trump era.

During the Obama era, public sector unions such as the Chicago Teacher's Union and unions in Minneapolis-St. Paul have embraced a more radical set of tactics that reinforce ties within the community and directly challenge centrist Democratic politicians. Other unions such as SEIU chapters in Pennsylvania, have devoted less energy to electoral politics and instead have prioritized professional service to members and issue campaigns such as the minimum wage (Greenblatt, November 21, 2014).

Although a reorientation away from the Democratic Party is unlikely to occur anytime soon, public sector unions have aggressively targeted some corporatist Democratic officeholders and have abandoned others during the last decade. The practice of targeting disloyal Democratic officeholders occurred in the 1990s, but became more pronounced during the Obama era (Van Elteren 2011, 146). Public sector unions in at least fourteen states since 2010 have refused to endorse prominent Democratic candidates, denied financial and organizing help, or actively sought to challenge corporatist Democrats.²⁹² Public sector unions in California, Hawaii, New Jersey, New York, Hawaii and Washington refused to endorse corporatist Democratic incumbents (Borreca, September 10, 2010; Olympian, April 19, 2010; Magyar, August 5, 2011). Public sector unions in Hawaii helped topple Democratic governor Neil Abercrombie in 2014 and former DC mayor Adrian Fenty in 2010 (Moreno and Dingeman, August 11, 2014; Malanga 2014).²⁹³ And unions in blue states such as

²⁹² Arkansas, California, Colorado, Hawaii, Illinois, Iowa, Maryland, Michigan, North Carolina, New Jersey, New York, Oregon, Rhode Island, and Washington.

²⁹³ Abercrombie angered teacher and nurses' unions in 2011, after imposing pay and benefit cuts. Hawaii Government Employees Association, the Hawaii State Teacher's Association and State of Hawaii Organization of Police Officers all refused to endorse Abercrombie in 2014 and instead backed State Senator David Ige during the primary. Ige went on to win the governor's race.

Oregon and Vermont have developed labor candidate schools to develop potential competitors against centrist Democrats (Davey, February 24, 2015; Hallenbeck, March 18, 2015).

This backlash was evident in case study states, as public sector unions refused to support or sought to undermine many of the Democratic executives who betrayed them. As of this writing, Culver and Ritter have been unable to re-enter politics, partly because of their lack of support among public sector unions and the union movement. Ritter opted not to seek re-election in early 2010, an unsurprising decision considering his low chances of winning a second term. David Nefzger, a lifelong organizer for Colorado Steelworkers, asserts that “Ritter was acutely aware that a Democrat cannot win a state-wide race without the support of organized labor. He also realized that he could not get that support so he did not run for a second term” (personal communication, September 24, 2015). In 2016, Culver debated a run as a Democratic candidate in Iowa’s 1st Congressional District. Some observers believe his alienation from labor ultimately discouraged him from running for Congress (Sagar personal communication, April 17, 2015; Kelley, June 23, 2017). Similarly, Rhode Island’s public sector unions were able to unseat five Democratic House incumbents in 2010 who voted for pension cuts. Rhode Island’s labor movement attempted to short circuit Gina Raimondo’s gubernatorial campaign in 2014. The state’s AFSCME and NEA affiliates endorsed rivals for the Democratic primary but Raimondo, who received the endorsement of many private sector unions in the state and the Democratic establishment, still secured the party’s nomination. Raimondo won the general election

two months later despite losing the support of thousands of union members (Donnis, October 20, 2014; Maher and Calvert, October 28, 2014).

As public sector unions express frustration, meanwhile, Democrats have advanced a broader economic message in the wake of Hillary Clinton's shocking loss. In July 2017, Democratic lawmakers unveiled their "Better Deal" economic message in an attempt to win over labor unions and white working class voters. This platform calls for a \$15 national minimum wage, infrastructure investment, and cuts to the cost of college, medications, and child care (Cottle, July 31, 2017; Mackey, September 4, 2017). It is not clear whether this re-branding is genuine and whether this populist message will win voters or union support in the coming elections. After all, Democrats did not invest in progressive candidates to compete for special elections in Georgia, Kansas, or Montana (*Progressive Times*, May 7, 2017).

Ultimately, this research suggests that public sector unions must foster strong and enduring alliances with progressive voters and community groups in order to effectively exert pressure on Democratic officials to stay committed to a progressive agenda that includes labor-friendly initiatives. Public sector unions must remain vigilant not only because business interests wield great influence, but also because the original justifications for public sector bargaining appear antiquated. In the 1960s and 1970s, public employees advanced their cause by arguing that they deserved bargaining rights to be on equal footing with private sector workers. Union activists argued that such employees should not be relegated to second-citizen status and that government bargaining did not infringe upon government sovereignty. Such an argument was easy

to make during a time when nearly a fourth of private sector workers were unionized. Today, however, public sector workers are six times more likely to be organized than their private sector counterparts. Now, government unions that demand collective bargaining rights or earned benefits can appear to be advocating for their own narrow special interests despite their relevance to the interests of the broad middle class. Some historians and political scientists have argued that the public sector cannot defend itself in the future unless private sector union membership reverses its historic decline (Ahlquist 2012; McCartin 2013). This suggests that without a revival within the labor movement and the left generally, tensions between public sector unions and the Democratic Party may continue.

To be successful, unions will need to retool their arguments, make appeals broader than those on display in the Rhode Island case and engage in militant action when necessary (McCartin 2016). Models such as the Chicago Teacher's Union strike can be replicated, but labor has been hesitant to do so (Taylor personal communication, August 29, 2016). Unions may continue to target the most egregious Democratic offenders, but they may need to rethink their organizational models and allegiance to Democrats and electoral politics in order to rebuild.

APPENDIX

Table 8.1: Anti-Collective Bargaining Bills and Right-to-Work Bills

Intended to Restrict Public Sector Bargaining	AZ H 2367 (2011), AZ S 1325 (2011), CA AB 961 (2011), CO SB 38 (2011), CO SB 112 (2011), CO HB 1320 (2011), CO SB 112 (2011), CO HB 1320 (2011), CT H 5190 (2011), FL SB 830 (2011), IA HF 525 (2011), ID SB 1108 (2011), IL H1 (2011), IL SB 7 (2011), IN SB 575 (2011), MD HB 884 (2011), MA HB 3580 (2011), MI HB 4628 (2011), MI HB 4522 (2011), MI HB 2414 (2011), MO HB 492 (2011), MN HB 192 (2011), NB LB 397 (2011), NB LB 564 (2011), NB LB 664 (2011), NJ AB 550 (2011), NJ SB 2937 (2011), NH HB 2 (2011), NH SB 1 (2011), NH HB 326 (2011), NH HB 589 (2011),), NV SB 41 (2011), NV SB 98 (2011), OH SB 5 (2011), OK HB 1593 (2011), TN SB 113 (2011), UT SB 206 (2011), WI AB 11 (2011).
Bills Introduced in 2011 to Restrict Bargaining	AZ H 2367 (2011), AZ S 1325 (2011), CA AB 961 (2011), CO SB 38 (2011), CO SB 112 (2011), CO HB 1320 (2011), CO SB 112 (2011), CO HB 1320 (2011), CT H 5190 (2011), FL SB 830 (2011), IA HF 525 (2011), ID SB 1108 (2011), IL H1 (2011), IL SB 7 (2011), IN SB 575 (2011), MD HB 884 (2011), MA HB 3580 (2011), MI HB 4628 (2011), MI HB 4522 (2011), MI HB 2414 (2011), MO HB 492 (2011), MN HB 192 (2011), NB LB 397 (2011), NB LB 564 (2011), NB LB 664 (2011), NJ AB 492 (2011), MN HB 192 (2011), NB LB 397 (2011), NB LB 564 (2011), NB LB 664 (2011), NJ AB 550 (2011), NJ SB 2937 (2011), NH HB 2 (2011), NH SB 1 (2011), NH HB 326 (2011), NH HB 589 (2011),), NV SB 41 (2011), NV SB 98 (2011), OH SB 5 (2011), OK HB 1593 (2011), TN SB 113 (2011), UT SB 206 (2011), and WI AB 11 (2011).
Public sector laws implemented in 2011 to restrict public sector bargaining	ID SB 1108 (2011), IL SB 7 (2011), IN SB 575 (2011), LA HB 974 (2011), MA HB 3580 (2011),) MI HB 2414 (2011), MI HB 4522 (2011), MI HB 4628 (2011), MI HB 4929 (2012), MI SB 1018 (2012), NV SB 98 (2011), NE LB 397 (2011), NJ SB 2937 (2011), NH SB 1 (2011), NH HB 589 (2011), OH SB 5 (2011), OK HB 1593 (2011), TN SB 11, (2011), and WI AB 11 (2011).

Public sector statutes introduced 2011 to 2015	AZ H 2367 (2011), AZ S 1325 (2011), AZ SB 1484 (2012), AZ SB 1485 (2012), AZ SB 1486 (2012), AZ SB 1487 (2012), CA AB 961 (2011), CO HB 1189 (2008), CO SB 38 (2011), CO SB 112 (2011), CO HB 1320 (2011), CO HB 1087 (2013), CO HB 1107 (2013), CT H 5190 (2011), FL SB 830 (2011), IA HF 525 (2011), IA HF 549 (2015), ID SB 1108 (2011), IL H1 (2011), IL SB 7 (2011), IN SB 575 (2011), KS HB 2022 (2013), KS HB 2123 (2013), KS HB 2027 (2014), KS SB 179 (2015), KS SB 212 (2015), LA HB 974 (2012), MD HB 884 (2011), ME LD 1894 (2012), MA HB 3580 (2011), MI HB 4628 (2011), MI HB 4522 (2011), MI HB 2414 (2011), MI HB 4929 (2012), MI SB 1018 (2012), MO HB 492 (2011), MN HB 192 (2011) MT HB 462 (2015), NB LB 397 (2011), NB LB 564 (2011), NB LB 664 (2011), NJ AB 550 (2011), NJ SB 2937 (2011), NH HB2 (2011), NH SB 1 (2011), NH HB 326 (2011), NH HB 589 (2011), NH SB 37 (2013), NV SB 41 (2011), NV SB 98 (2011), NV AB 182 (2015), OH SB 5 (2011), OK HB 1593 (2011), OK HB 1749 (2015), TN SB 113 (2011), UT SB 206 (2011), WA SB 5349 (2012) and WI AB 11 (2011).
Right-to-Work Bills, 2011-2015	AL SB 41 (2013), AK HB 124 (2011), AK HB 134 (2012), CT H 5168 (2013), DE S 213 (2014), DE SB 250 (2014), HI SB 278 (2012), IA HJR 1 (2014), IN HB 1028 (2011), IN HB 1043 (2011), IN SB 395 (2011), IN HB 1001 (2012), IN HB 1296 (2012), IN HB 1468 (2012), KY H 496 (2014), KY SB 1 (2015), MA SB 715 (2012), ME HB 595 (2012), ME HB 582 (2013), MI HB 4054 (2011), MI HB 4003 (2012), MI SB 116 (2012), MN HB 3009 (2012), MO H 1143 (2014), MO H 1772 (2014), MS SB 2044 (2011), MS SB 2144 (2012), NC HB 6 (2014), NM HB 331 (2011), NH HB 474 (2012), NH 1570 (2012), NJ AB 136 (2012), PA HB 50 (2012), RI HB 5881 (2012), RI S 150 (2014), SC HB 4652 (2012), TN SB 2821 (2012), VA HJR 536 (2012), VT H 772 (2014), WA SB 5347 (2012), WA SB 5935 (2013), WI AB 61 (2015), WV HB 2050 (2011), WV HB 2050 (2012) and WV H 2596 (2013).

Table 8.2: Year of Implementation of Comprehensive Bargaining Statute

State	Year	Notes
Alabama	None	
Alaska	1972	
Arizona	None	
Arkansas	None	
California	1975 1977	Bargaining in 1975 for teachers, for state employees in 1977
Colorado	None	Executive Order in 2007
Connecticut	1977	
Delaware	1972	
Florida	1974	
Georgia	None	
Hawaii	1970	
Idaho	None	Statute for firefighters and teachers
Illinois	1983	
Indiana	None	Executive order issued in 1989 but revoked in 2005, teachers granted bargaining rights in 1973
Iowa	1974	
Kansas	None	
Kentucky	None	
Louisiana	None	
Maine	1969	
Maryland	1969	
Massachusetts	1965	
Michigan	1965	
Minnesota	1971	
Mississippi	None	
Missouri	None	State Supreme Court granted bargaining rights in 2007
Montana	1971	
Nebraska	1969	
Nevada	1969	Dodge Act granted bargaining rights for some local employees, teachers, forbids strikes
New Hampshire	1975	
New Jersey	1968	
New Mexico	2003	Original bargaining law in 1992 expired in 1999
New York	1967	

North Carolina	None	CB prohibited by 1959 General Statute 95-98
North Dakota	None	
Ohio	1983	
Oklahoma	None	2004 law granted limited bargaining rights in cities, repealed in 2011
Oregon	1973	
Pennsylvania	1970	
Rhode Island	1966	
South Carolina	None	
South Dakota	1973	
Tennessee	None	Bargaining rights for teachers
Texas	None	
Utah	None	Bargaining rights for teachers
Vermont	1969	
Virginia	None	Court case in 1977 bans public sector CB
Washington	2003	Teachers granted bargaining rights in 1975
West Virginia	None	
Wisconsin	1959	Overturned in 2011
Wyoming	None	

Table 8.3: Ordered Rank of Underfunded State Pension Plans, from 2001 to 2013 and 2006 to 2013

Rank	State	Ratio of Pension Assets to Liabilities (2006-2013)	Ratio of Pension Assets to Liabilities (2001-2013)
1	Illinois	48	59.45
2	Connecticut	55.1	56.35
3	Kentucky	56.25	70.134
4	New Hampshire	58.6	61.4
5	Louisiana	59.05	59.05
6	Oklahoma	61.65	62.6
7	Rhode Island	62.2	70.25
8	Kansas	62.95	62.2
9	Hawaii	63	63
10	West Virginia	63.45	58
11	Maryland	65.1	80.3
12	Mississippi	65.65	72.8
13	Alaska	66.95	68.55
14	Colorado	67.95	72.47
15	Indiana	68.15	70.65
16	South Carolina	69.4	77.15
17	New Jersey	69.7	76.1
18	Ohio	69.85	80.45
19	Massachusetts	70.05	74.35
20	Nevada	71.7	73.55
21	Vermont	73.7	91
22	Montana	73.8	79.45
23	New Mexico	74.3	81
24	Alabama	74.5	79.4
25	Arizona	75.75	80.5
26	Arkansas	76.15	83.2
27	North Dakota	76.6	83.4
28	Missouri	77.9625	77.925
29	Minnesota	79.1	81.934
30	Maine	79.65	90.3
31	Virginia	80.25	80.75
32	Iowa	80.95	88.6
33	Michigan	81.2	84.1
34	Pennsylvania	81.65	86.95
35	California	83.65	89.85
36	Texas	83.7	94.267
37	Florida	83.9	105.6

38	Wyoming	84.45	91.7
39	Utah	84.9	92.3
40	Nebraska	85.5	87.2
41	Oregon	86.9	91
42	Idaho	87.85	90.2
43	Georgia	89.35	94.6
44	Tennessee	91.5	93.925
45	Delaware	93.2	101.6
46	New York	93.75	98.78
47	Washington	94.4	95.51
48	South Dakota	96.5	96.7
49	North Carolina	98.05	102.8
50	Wisconsin	99.8	99.6
51	DC	105.25	102.5

Source: Munnell, Alicia, Jean-Pierre Aubry, Josh Hurwitz, Madeline Medencia and Laura Quinby, “The Funding of State and Local Pensions: 2011-2015.” Center for Retirement Research, No. 24, May 2012.

Table 8.4: State Changes to Reduce the Costs of Providing Retirement Plans, 2005-2014

State	Increase Employee Contribution	Increase Number of Years for Vesting	Increase Normal Retirement Age and/or Service Requirements	Decrease Final Avg. Salary	Decrease Benefit Formula Multiplier	Decrease COLA
AL	X				X	
AK						
AZ	X	X	X	X		
AR	X				X	
CA	X			X	X	
CO	X		X	X		X
CT	X					
DE	X	X	X			
FL	X	X	X	X		X
GA	X					X
HI	X	X		X	X	X
ID	X					
IL			X			X
IN						
IA	X	X				
KS	X		X			
KY	X		X	X	X	
LA	X		X	X	X	X
ME			X			X
MD	X	X	X	X	X	X
MA						
MI	X		X	X		X
MN	X	X				X
MS	X	X	X		X	X
MO	X	X	X	X		
MT	X		X	X	X	X
NE	X			X		X
NV	X		X	X	X	X
NH	X		X	X	X	
NJ	X		X	X	X	X
NM	X		X		X	X
NY	X	X	X		X	
NC		X	X			
ND	X	X	X	X		

OH	X					X
OK			X			X
OR						X
PA	X	X	X	X	X	
RI			X		X	X
SC	X					
SD						X
TN	X					
TX	X		X	X		
UT	X			X		X
VT	X		X	X		
VA	X			X		X
WA	X					X
WV			X	X		
WI	X	X				
WY	X				X	X

Table 8.5: Partisan Vote Tally on Anti-Collective Bargaining Bills 2011-2012

20 laws passed, excluding non-partisan Nebraska

Democratic Legislators		Republican Legislators	
Yes Votes	375	Yes Votes	1769
No Votes	782	No Votes	121
Not	65	Not	41
Voting/Absent		Voting/Absent	
% Voting Yes	31%	% Voting Yes	92%

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