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Restoring Worker Voting Rights

Workers deserve to choose their representation, yet most Pennsylvania public sector employees have never voted for the union exclusively representing them. To guarantee accountable, democratic representation, public sector employees must gain the right to regularly vote for their workplace representation.

Restrictive Union Election Requirements

The [Pennsylvania Employee Relations Act](#) (PERA) outlines the union election (“certification”) and decertification process. According to PERA:

- A union is certified through a joint employer-union agreement or a workplace election. The latter, more common method occurs when at least 30 percent of workers in the bargaining unit favor a union’s exclusive representation and request an election.
 - A simple majority of *ballots cast* will certify a union.
 - A certified union represents all workers in a defined bargaining unit, even workers who did not vote or voted against representation. The union then negotiates wages and working conditions for union members and nonmembers.
 - Under PERA, an elected union is *never* required to face re-election.
- Workers seeking to decertify a union or change their representation face a restrictive petition process governed by the Pennsylvania Labor Relations Board (PLRB).
 - Workers must submit petitions between 90 and 60 days prior to a contract’s expiration date. Given contracts typically last three to seven years, workers may wait years to initiate a representation election.
 - Employees must demonstrate 30 percent of bargaining unit workers support decertification, with elections prohibited for a year after a union’s certification.
 - If the PLRB grants the petition, a union may voluntarily relinquish representative status or must receive a majority of votes cast in a representation election.
 - According to PLRB 2010 to 2016 [Annual Reports](#), only 28 percent of the 97 decertification petitions resulted in elections.

Unaccountable, Undemocratic Public Sector Unions

Most public employees pay dues to unions elected by their predecessors. [More than 99 percent of current Pennsylvania public school teachers](#) and state government workers have *never voted for their union*. As of 2016:

- Over 85 percent of Pennsylvania’s school districts’ unions were [certified in 1970 or 1971](#) following PERA’s passage. In the past 30 years, less than 2 percent of school districts have held certification elections.
 - Just 17 current teachers in Pennsylvania’s 20 largest school districts were employed during the last union election.
 - The Philadelphia Federation of Teachers last faced an election in 1965 and the Pittsburgh Federation of Teachers in 1973.

- Similarly, state employees represented by AFSCME, UFCW, SEIU 668, and ISSU were certified in the 1970s when less than 1 percent of current employees were employed.
- A third of corrections officers were eligible to vote for PSCOA’s certification in 2001.

CERTIFICATION OF PA. PUBLIC SECTOR UNIONS

Certification date	Union	% of current workers employed at election date
1965-2010	Teachers Unions	0.7%
1971	UFCW 1776	0.1%
1971	ISSU	0.3%
1972	SEIU 668	0.2%
1974	AFSCME	0.5%
2001	PSCOA	33.4%

Sources: Pa. Labor Relations Board, school districts, Pa. Department of Education, and Pa. Office of Administration

Solution: Regular Elections for Public Sector Employees

Worker voting rights reform allows fair workplace representation by giving employees routine opportunities to evaluate and elect their unions.

- According to a [2017 nationwide survey](#), 70 percent of union members want the right to regularly vote for their union representation.
- Legislative best practices should include:
 - *Mandatory* elections when a contract expires, or every four years, whichever comes first.
 - Three choices on election ballots: renew the union, choose a new union, or have no representation.
 - Certification or recertification only upon receiving a majority of votes from all workers in a bargaining unit, not just a majority of votes cast.
 - The ability to begin the decertification process at any time. If 30 percent of employees in a bargaining unit favor a decertification election, a fresh election should occur with a “yes” or “no” ballot option.
- Senator Richard Alloway introduced [SB 1059](#) in 2015-16 to require recertification elections when a contract expires, or every four years, whichever comes first.
- Representative Seth Grove intends to [introduce legislation](#) requiring union recertification elections every six years.

Worker Voting Rights in Other States

Only three states require regular public sector union reelections.

- In 2011, [Wisconsin](#) passed a law requiring unions to annually file for reelection and receive votes from 51 percent of all workers in the bargaining unit.

- Between 2011 and 2015, one out of 10 school district unions failed to receive 51 percent of votes. However, only 24 to 50 percent of the eligible unions chose to participate in reelections, automatically allowing educators in a majority of the 800 bargaining units to represent themselves.
- In the most recent [November 2017](#) school district union elections, only 47 percent of bargaining units received enough votes to recertify.
- In 2017, [Iowa](#) passed a law requiring union reelections prior to every new contract.
 - That October, [32 bargaining units](#) out of 468 facing reelection were decertified.
- In June 2018, Missouri passed a [union reform bill](#) requiring over half of employees to vote for union recertification every three years to maintain representation.