

Transparent Collective Bargaining

Nevada's legal requirements for local governments to engage in collective bargaining with union leaders specifically exempt these bargaining sessions from public view.

NRS 288.220 declares that the following meetings "are not subject to any provision of NRS which requires a meeting to be open or public":

1. Any negotiation or informal discussion between a local government employer and an employee organization.
2. Any meeting of a mediator with either party or both parties to a negotiation.
3. Any meeting or investigation conducted by a fact finder.
4. Any meeting of the governing body of a local government employer with its management representative.
5. Deliberations of the [Local Government Employee-Management Relations] Board toward a decision on a complaint, appeal or petition for declaratory relief.¹

Legislation adopted in 2015 requires that a proposed collective bargaining agreement be made available to the public at least three days before a public board votes on it,² but otherwise all collective bargaining activities remain hidden from public view.

Key Points

Transparency does not undermine collective bargaining. Certain union officials in Nevada claim collective bargaining proceedings cannot be subject to the state's Open Meetings Law because it would undermine negotiations. However, several states that require local governments to engage in collective bargaining also require these proceedings to be open.

In Minnesota, where government unions enjoy very strong powers, the state's collective-bargaining law still proclaims: "All negotiations, mediation sessions, and hearings between public employees and public employers or their respective representatives are public meetings."³

Likewise, Idaho's collective-bargaining law declares: "All documentation exchanged between the parties during negotiations, including all offers, counteroffers and meeting minutes shall be subject to public writings disclosure laws."⁴

Also, in Texas, the law requires that "A deliberation relating to collective bargaining between a public employer and an association ... shall be open to the public and comply with state law."⁵

There is no evidence from these states that collective bargaining has been undermined by transparency.

Management incentives in collective bargaining differ in public and private sectors. Private-sector business leaders must exercise restraint with regard to labor contracts in order to remain competitive, offering goods or services at prices that customers are willing to pay. In the public sector, however, politicians recognize that government unions can support their election campaigns through donations, volunteering and other efforts. Politicians may seek such support by backing unionization of government workers and compensation packages they know will strain public finances.

¹ Nevada Revised Statutes, 288.220.

² Nevada Legislature, 78th Session, Senate Bill 158.

³ Minnesota Statutes, 179A.14(3).

⁴ Idaho Statutes, 33-1273A(2).

⁵ Texas Statutes, Title 5, Subtitle C, 174.108.

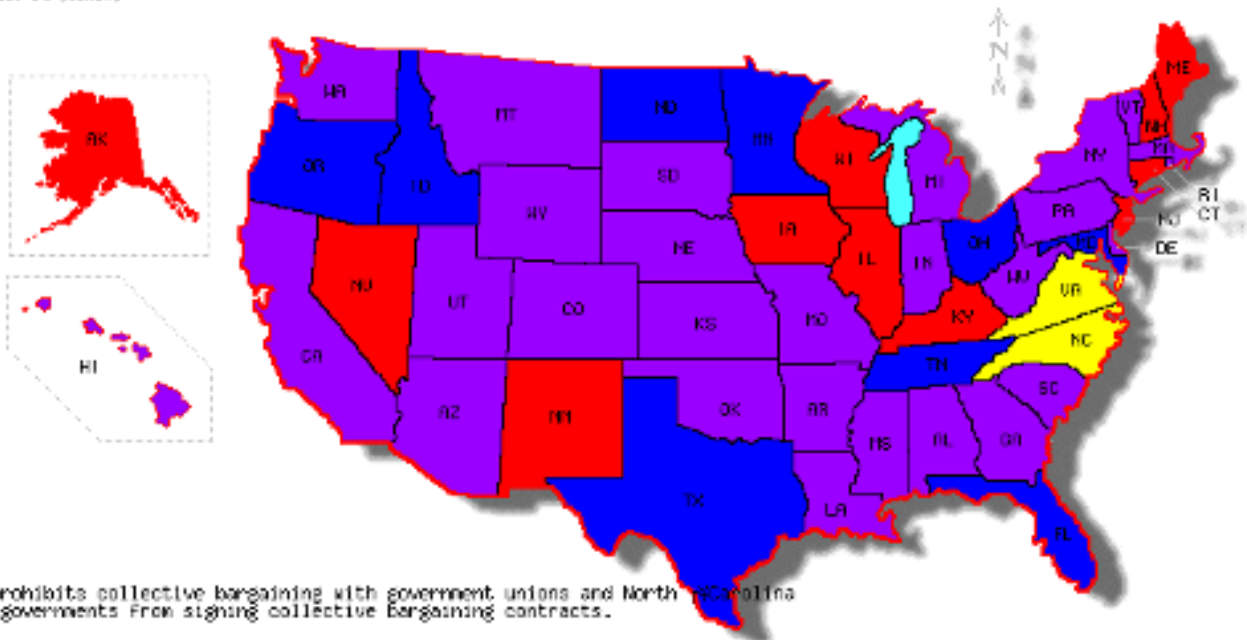
Transparency ensures that labor contracts reflect community values. Given the incentives of political employers to forego restraint at the bargaining table, public oversight is critical. If residents approve of collective bargaining agreements, they will continue to elect the political leaders who agree to them and, if not, they will elect new leaders.

Recommendations

Pass a Public Employee Bargaining Transparency Act. Since Nevada’s local governments are required to bargain with union officials, lawmakers should recognize the serious fiscal implications of these proceedings. Lawmakers can borrow language from Idaho, Minnesota or Texas or use model language available from the American Legislative Exchange Council⁶ to bring transparency to collective bargaining.

Collective Bargaining Transparency by State

- - Secret Bargaining
- - No Explicit Statute
- - Transparent CB
- - No Coll. Bargaining



NOTES:
 Virginia prohibits collective bargaining with government unions and North Carolina prohibits governments from signing collective bargaining contracts.

⁶ American Legislative Exchange Council, "Public Employee Bargaining Transparency Act," 2011.