



PENNSYLVANIA TEACHERS: NUMBER ONE
IN STRIKES

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*Allegheny Institute Report #07-06
August 2007*

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Key Findings

- Teacher strikes are legal in only thirteen states in the U.S. From 2000 to 2007, 137 strikes occurred. Pennsylvania is the leading state for teacher strikes, averaging about twelve strikes per year. During the period, teachers in Pennsylvania were responsible for 82 strikes-- 60% of all teacher strikes.
- A few states that nominally prohibit teacher strikes nonetheless provide teachers with certain exemptions that permit strikes in special circumstances. These exemptions include the ability to strike for political motives as opposed to economic motives, vague penalties for violators, and an option to appeal to a judge.
- Prohibitory strike laws with prescribed and serious penalties that have been upheld by the courts are successful in preventing strikes. The absence of strikes in states like Georgia, North Carolina, and Tennessee show the potency of such laws.

Overview

Pennsylvania is one of thirteen states that allow teacher strikes. Meanwhile, 37 states have laws banning strikes. Nationally, the number of strikes decreased dramatically over the past three decades. According to a Mackinac Center for Public Policy report, there were 241 strikes in 1975 and only 15 in 2004.¹ While adoption of anti-strike legislation has led to an overall decrease in national strikes a serious problem persists in Pennsylvania. This report summarizes each state's position and policy on teacher strikes, and recommends Pennsylvania adopt penalties for striking teachers.

An interesting finding is that in some states that prohibit strikes, they occur anyway, and in a few states where they are legal there are no strikes. When strikes occur in states where they are banned it is usually because the law and/or penalties are not adequately enforced. On the other hand, several states where strikes are allowed often enjoy extended periods with no strikes if certain provisions holding teachers accountable for their actions are present in the law.

Strikes are legal in Alaska, but occur very infrequently—there has not been a strike since 1995. Similarly, Wisconsin hasn't had a teacher strike since 1997 because strikes are only legal when the union and school board agree to one. In comparison, in Michigan and Washington teacher strikes are illegal, but nonetheless still occur for the following reasons: (1) the ability to strike for political motives as opposed to economic reasons, (2) a lack of clear and enforceable penalties for violators, or (3) an option for teachers to appeal to a judge.

Prohibitory strike law with prescribed and serious penalties, supported by court rulings, are effective in preventing strikes as demonstrated by Florida, Georgia, New York, Tennessee, and other states where no strikes occur. By contrast, in Pennsylvania where there is no penalty imposed on strikers or prohibition against strikes, they occur frequently.

Strikes Since 2000

Among the thirteen states permitting teachers strikes, Pennsylvania, Ohio, and Illinois have the highest frequency of strikes. Most states where striking is legal have low or no incidence of strikes. Between 2000 and 2007 there were a total of 137 teacher strikes nationally with 60 percent of strikes occurring in Pennsylvania. The table below shows the number of teacher strikes in states where strikes are legal from 2000 to 2007.

¹ Michael D. Jahr and Washburne, Thomas, W. "Teacher Strikes and Lockouts". [A Collective Bargaining Primer](http://www.mackinac.org/print.asp?ID=8284). February 28, 2007. Mackinac Center for Public Policy. www.mackinac.org/print.asp?ID=8284

Teacher Strikes 2000 to 2007²

| | |
|---------------------|------------|
| Alaska | 0 |
| California | 3 |
| Colorado | 0 |
| Hawaii | 1 |
| Illinois | 19 |
| Louisiana | 0 |
| Minnesota | 3 |
| Montana | 1 |
| Ohio | 23 |
| Oregon | 2 |
| Pennsylvania | 82 |
| Vermont | 3 |
| Wisconsin | 0 |
| Total | 137 |

² *Alaska*- No strike since 1995.

California- Email conversation with David Unruhe, Government Relations, California Teachers Association.

Colorado- Phone conversation with Colorado Education Association.

Hawaii- Phone conversation with Hawaii Department of Education. "Teachers Return to Classroom as Strike Ends in Hawaii". Julie Blair. May 2, 2001. Education Week, www.edweek.org

Illinois-Phone conversation with Illinois Education Association.

Louisiana- No teacher strike since 1988. Phone conversation with Les Landon, Public Relations Director, Louisiana Federation of Teachers.

Minnesota- The number of strikes is a rough estimate based on news coverage because Lee Johansen, Negotiations Specialist, Education Minnesota was uncooperative in providing data for the report.

"Campus and State". University Chronicle-St. Cloud State University. April 7, 2005.

<http://media.www.universitychronicle.com>

"We have much to celebrate as 2002 ends". Judy Schuabach. www.educationminnesota.org

Montana- Phone conversation with Montana Education Association.

Ohio-Phone conversation with Mary Laurent, Administrative Assistant, Ohio State Employment Relations Board.

Oregon- Phone conversation with Lisa Freiley, Director of Human Resources, Oregon School Boards Association.

Pennsylvania- "Negotiations and Strike Status Information". June 29, 2007. Pennsylvania School Boards Association. www.psba.org

Vermont- Phone conversation with Kerri Lamb, Operations Manager, Vermont School Boards Association.

Wisconsin-Teacher strikes are only legal when the school board and union agree to one as a "voluntary impasse resolution". Hence, strikes rarely if ever occur.

Teacher Strikes Across the Nation

While only thirteen states allow for teacher strikes, occasionally strikes occur in other states. Therefore, a differentiation is made between states that prohibit strikes, yet have strikes sometimes and states that prohibit them and strikes never occur. The difference between the two groups of states is the law. The table arranges each state into one of the following categories based on the state's situation regarding teacher strikes.

3 Categories of Strikes

Category 1: Permitted

1. Alaska
2. California
3. Colorado
4. Hawaii
5. Illinois
6. Louisiana
7. Minnesota
8. Montana
9. Ohio
10. Oregon
11. Pennsylvania
12. Vermont
13. Wisconsin

Category 2: Prohibited, but occur

1. Indiana
2. Massachusetts
3. Michigan
4. Washington

Category 3: Prohibited and do not occur

1. Alabama
2. Arizona
3. Arkansas
4. Connecticut
5. Delaware
6. District of Columbia
7. Florida
8. Georgia
9. Idaho
10. Iowa
11. Kansas
12. Kentucky
13. Maine
14. Maryland
15. Mississippi
16. Missouri
17. Nebraska
18. Nevada
19. New Hampshire
20. New Jersey
21. New Mexico
22. New York
23. North Carolina
24. North Dakota
25. Oklahoma
26. Rhode Island
27. South Carolina
28. South Dakota
29. Tennessee
30. Texas
31. Utah
32. Virginia
33. West Virginia
34. Wyoming

States Where Teacher Strikes are Permitted

In the first category, where the law permits striking, there are 13 states. Below is a summary of findings from first category states.

Alaska

Strikes are legal in Alaska, but Senator Lyda Green introduced a bill in 2003 placing a limitation on striking. A law was passed in 2003 mandating a 72 hour notice of an approaching teacher strike. The notice alerts the community and school board to a strike and gives advance notice to find substitute teachers.³

California

Only three strikes occurred in California from 2000 to 2007. The three strikes took place during the 2000-2001, 2006-2007, 2007-2008 school years.⁴

Colorado

In Colorado teachers have the right to strike. Although, striking is limited by the state's "no work, no pay" rule. The last teacher strike was conducted by teachers from Denver in 1994.⁵

Hawaii

In April of 2001 the entire educational system from kindergarten teachers through college professors went on strike for 19 days. The strike ended when teachers were promised a 14 percent pay increase over the next 2 years and a \$5,000 bonus if they were certified.⁶

Illinois

Illinois permits teacher strikes and has the third most strikes behind Pennsylvania. Since 2000 there have been nineteen strikes in the state.⁷

Louisiana

Although strikes are legal there have not been any in the past seven years. However, in 2000, one-third of the public school teachers staged a "sickout".

³ "Recent State/ Policies Activities". Education Commission of the States. www.ecs.org

⁴ Email conversation with David Unruhe, Government Relations, California Teachers Association.

⁵ Benjamin DeGrow. "No Work, No Pay: The Lesson of the 1994 Denver Teacher's Strike". Issue Backgrounder of the Independence Institute. April 2004. www.IndependenceInstitute.org

⁶ Julie Blair. "Teachers Return to Classroom as Strike Ends in Hawaii". *Education Week*. May 2, 2001. www.edweek.org

⁷ Phone conversation with Illinois Education Association.

Minnesota

Governor Tim Pawlenty wanted to avoid strikes during the school year. In 2005 he proposed a strike ban prohibiting any contract talks between a school district and its teachers during the school year in addition to limiting certain state funding from school districts who failed to settle before the start of a school year. The ban was not passed and teacher strikes are still legal in Minnesota. According to news sources three strikes have occurred since 2000.⁸

Montana

Although striking is legal, teacher strikes are rare in Montana the last teacher strike was in 2002.⁹

Ohio

Ohio trails only Pennsylvania in the frequency of teacher strikes—although Pennsylvania has four times as many. Between 2000 and 2007 twenty-three strikes occurred in Ohio.¹⁰

Oregon

There have been two strikes since 2000.

Pennsylvania

Unfortunately, for many students in Pennsylvania teacher strikes are a fact of life. Pennsylvania has been named the “teacher strike capital” of the nation. A decline in strikes occurred due to the introduction of Act 88 in 1992. Act 88 introduced a state mandated 180 school day year. The law deterred striking by cutting down on the length of strikes because the 180 school day year had to be met by June 30. The 1990s represented 16 percent of overall strikes, whereas the 1970s represented 48 percent, and the 1980s 29 percent. From 2000 to 2007, 82 strikes took place. A total of 974 strikes have taken place in Pennsylvania since 1970. During the 2005-2006 school year, 44,000 children were forced out of the classroom due to striking.¹¹

Vermont

There have been three strikes since 2000.

⁸ Tim Pugmire. “Pawlenty wants to prevent teacher strikes”. *Minnesota Public Radio*. May 23, 2005. http://news.minnesota.publicradio.org/features/2005/05/23_pugmiret_teacherstrikes/

⁹ Phone conversation with Montana Education Association.

¹⁰ Phone conversation with Mary Laurent, Administrative Assistant, Ohio State Employment Relations Board.

¹¹ “Negotiations and Strike Status Information”. *Pennsylvania School Boards Association*. June 14, 2007. www.psba.org

Wisconsin

State law in Wisconsin forbids strikes unless the school board and union agree to a strike as a “voluntary impasse resolution”. Due to the restriction on strikes there has not been a teacher strike since 1997.

States Where Teacher Strikes are Prohibited, But Occur

The second category includes states where striking is prohibited, but still occurs. These states prohibit strikes, but they occasionally occur because of several factors; there are no penalties outlined in the law, penalties are not enforced by the court, and/ or teachers have the right to appeal strike claims to the court. Below is a summary of findings from second category states.

Indiana

A teacher strike took place in the city of Gary in 2006.

Massachusetts

Massachusetts experienced its first strike in a decade this past June. Teachers in Quincy went on strike for four days, until a judge warned the union it would be levied a \$150,000 fine if the strike continued.¹²

Michigan

Michigan state prohibits strikes and school board lockouts, if the motive behind the strike is to pressure school boards to decide on terms and conditions of employment. However, if a strike is called for a political reason a loophole exists for unions to strike legally. In addition, employees are allowed to appeal to a circuit court if they are charged with illegal striking. The ability to appeal creates a deadlock in the court system and prevents the enforcement of penalties. The employee penalty is a loss of one day wages per strike day. Penalties for unions are not as severe; unions are fined \$5000 per strike day while school boards are barred from receiving damage costs. Thus, strikes do occur, but are rare. For instance, in September 2006, 7,000 Detroit teachers went on strike. The weakness in the Michigan law is the provision allowing teachers to appeal to the courts and the option to strike for political motives¹³

¹² April Simpson. “Quincy Teachers End Strike”. *The Boston Globe*. June 14, 2007. www.boston.com

¹³ Act 336 S. 433. 202a of the Michigan Constitution, “Analyst Says: Close Teacher Strike Loophole That Allowed Anti-Charter School Protest”. Mackinac Center for Public Policy. October 8, 2003. www.mackinac.org/article.aspx?ID=5822
Thomas W. Washburne and Michael D. Jahr. “Teacher Strikes and Lockouts”. Mackinac Center for Public Policy. February 28, 2007. www.mackinac.org/print.asp?ID=8284

Washington

In 1975 a law was approved recognizing teachers' rights to bargain collectively and resolve impasses through binding arbitration. The court has the right to stop strikes and impose penalties on unions for noncompliance. Yet, there have been 84 strikes in Washington since 1975. In 2003 the Marysville district had a strike which lasted for 49 days. Strikes occur because clear penalties are not outlined for violators and not enforced by judges.¹⁴

States Prohibiting Teacher Strikes, None Occur

The final category includes states where striking is prohibited and never occurs because courts uphold clear penalties for violators. The penalties are significant and provide a disincentive to strike. Below is a summary of findings from the final category of states.

Florida

Florida has very clear and strict consequences for strike violators. Employees can be terminated from their job and unions receive fines for damages up to \$20,000 per strike day. A judge also has the ability to increase the fine if deemed appropriate. Additionally, the union must wait one year before it can be certified again. Florida's penalties have become so successful that between 1975 and 1987 there was only one strike conducted by teachers.¹⁵

Georgia

Georgia prohibits strikes and violators lose their job and must wait three years for re-employment this prohibition is part of the Georgia Constitution. (S. 45-19-2)

Iowa

In Iowa if an employee violates the strike law, they are charged with a simple misdemeanor. A simple misdemeanor is a fine between \$50-\$500 and/or maximum of 30 days in prison. This is also outlined in the Iowa Constitution. (S. 732.2)

¹⁴ "Marysville Teacher Strikes-Lessons Learned Washington's Courts Repeatedly Rule that Teacher Strikes are Illegal". 2004 Policy Highlighter: Evergreen Freedom Foundation, Vol. 14, No. 16. July 9, 2004. www.affwa.org/highlighters/v14_n16.php

S. Alex Bohler. "Attorney General Confirms Teachers Strikes Not Legal". 2006 Policy Highlighter: Evergreen Freedom Foundation, Vol. 16, No.8. February 2, 2006. www.affwa.org/main/article.php?article_id=1408&number=265

¹⁵ S. 6, Article 1 and S. 447.505 of the Florida Constitution
Michael Makowsky. "The 1968 Florida Teachers' Strike and the Emergence of Teacher Unionism". *Florida Conference of Historians*. <http://organizations.ju.edu/fch/1994makowski.htm>

Maryland

In Maryland the state imposes a penalty on the unions. If unions strike they lose their privilege of representation for two years and can't receive payroll deductions dues for a year. (S. 6-410 of the Maryland Constitution)

Mississippi

Mississippi prohibits strikes. According to the Mississippi Constitution unions face fines of up to \$20,000 per strike day. (S. 37-9-75)

New York

New York passed the Taylor Law also referred to as the Public Employees Fair Employment Act. The Taylor Law in New York consists of five features. First, it gives public employees the right of organization and representation. Second, it requires the state, local government and other political divisions to collaborate with and enter into written agreements with employee organizations representing public employees. Third, it promotes public employers and organizations to agree upon guidelines for resolving arguments. Fourth, it establishes a public employment relations board to help resolve conflicts between public employees and public employers. Fifth, it forbids strikes by public employees and plans consequences for violators. The Taylor Law prohibits strikes and imposes penalties on teachers who do strike. Teachers in New York who do strike lose two days of pay per strike day and the union loses its concession to check off dues for a year.¹⁶

North Carolina

North Carolina prohibits strikes and violation is considered a class 1 misdemeanor as regulated in the North Carolina Constitution. A class 1 misdemeanor is a maximum fine of \$2,500 and/or a maximum of 1 year in prison. (S. 95-99)

Tennessee

By way of the Tennessee Constitution strikes are prohibited. An employee violator is either dismissed or loses his/her tenure status and will be on a "probationary teacher" status for 3 years. (S. 7-56-109 and S. 49-5-610)

¹⁶ S. 210 of the New York Constitution.

Consequences of Teacher Strikes

Teacher strikes harm students, families, and communities. Strikes have financial as well as social consequences. Financial burdens are conveyed by increased property taxes due to inflated teacher contracts and childcare costs during the strike. Social consequences are displayed by strained relationships between teachers and the community and parents. Therefore, strikes reveal the selfish interests of unions and teachers at the public's expense. Teachers are public employees and servants and should act accordingly. Teachers who strike should incur consequences for their actions. We recommend a potent deterrent to teacher walkouts in Pennsylvania such as a two-day loss of wages and benefits for each day of striking.

In short, teachers who are held accountable for their actions are far less likely to strike.