

Views on right-to-work legislation among Michigan's local government leaders

By Thomas Ivacko and Debra Horner

This report presents Michigan local government leaders' opinions regarding the state's "right-to-work" legislation, enacted in December 2012 for both private sector (Public Act 348) and public sector unions (Public Act 349). The findings in this report are based on statewide surveys of local government leaders in the Spring 2013 wave of the Michigan Public Policy Survey (MPPS), and focus primarily on views of P.A. 349 regarding public sector employees and unions.

>> The **Michigan Public Policy Survey (MPPS)** is conducted by the **Center for Local, State, and Urban Policy (CLOSUP)** at the University of Michigan in partnership with the **Michigan Association of Counties, Michigan Municipal League, and Michigan Townships Association**. The MPPS takes place twice each year and investigates local officials' opinions and perspectives on a variety of important public policy issues. Respondents for the MPPS include county administrators and board chairs, city mayors and managers, village presidents and managers, and township supervisors, clerks, and managers from 1,350 jurisdictions across the state.

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Key Findings

- Overall, just less than half (47%) of Michigan's local government leaders say they support the state's new public sector right-to-work law, while 22% oppose it. Another third are either neutral regarding the law, unsure, or say it's not applicable to them.
 - » Support and opposition to right-to-work is tied to partisan identification: 60% of Republican local leaders support the right-to-work legislation, while 53% of Democratic local officials oppose it.
- Police and firefighter unions are exempt from Michigan's public sector right-to-work law, and local leaders are split more evenly over these exemptions, with 26% saying they support the exemptions and 33% opposing them.
 - » Democratic local leaders (34%) are somewhat more likely to support these exemptions than are Republican leaders (24%) or Independent leaders (16%).
 - » Regardless of their party identification, officials from jurisdictions that have public sector labor unions are less likely to support police and firefighter exemptions from right-to-work than are officials from jurisdictions without unions. In jurisdictions with public-sector unions, support for the exemptions falls to just 22% of Democratic local leaders, 15% of Republican leaders, and 6% of Independent leaders.
- Overall, local leaders from jurisdictions with public sector unions generally say they expect limited impacts from the right-to-work laws, in terms of their governments' fiscal health, their ability to attract and retain employees, and their relationships with local employee unions.

Background

In December 2012 the Michigan legislature passed and Governor Rick Snyder signed two new laws—Public Acts 348 and 349—pertaining to private and public sector employee unions. These “right-to-work” laws prohibit the requirement that employees must either join a union or provide financial support to a union (dues, fees, assessments, charitable donations in lieu of dues, etc.) as a condition of employment. Public Act 348 applies to most private sector employees in Michigan, with a few exceptions, including agricultural employees and employees covered under the Railway Labor Act.¹ Public Act 349 applies to public sector employees, but specifically excludes public police and fire department employees.² The primary reason the laws’ sponsors gave for these police and firefighter exemptions at the time the laws were enacted was that police and firefighters are unique categories of employees, risking their lives in the line of duty and relying on each other’s support. Thus, any divisions that might be created between employees joining or abstaining from union membership could introduce unacceptable risks in that mutual support. In addition, police and firefighters are prohibited from striking under an earlier law, Public Act 312 of 1969, and so, it was argued, should be exempt from changes to rules under right-to-work. Opponents to the police and fire exemptions pointed out that Michigan has other union employees, such as corrections officers, who face dangerous work conditions,³ and other union collectives, such as teachers’ unions, that are prohibited from striking.⁴ Passage of the right-to-work laws during the legislature’s final session after the 2012 elections was controversial and continues to be contested in the courts.⁵

Right-to-work for public sector employees in Michigan comes at a time when the state’s local governments have been very active in seeking, and receiving, concessions from their employees’ unions. As discussed in a previous MPPS report, while only a quarter (26%) of Michigan’s local governments have unionized employees, 73% of these jurisdictions negotiated with their unions in the last year, with the most common topic of negotiations focused on employee fringe benefits, and the most common outcome being concessions made by the unions.⁶ Overall, 81% of these local government leaders are satisfied with the outcomes of these negotiations, and 76% believe the relationship between their jurisdiction and its employee unions is positive today, up from 66% who felt that way a year earlier. Finally, the MPPS has found that Michigan’s local government leaders have had an increasingly positive assessment about the impact of their jurisdiction’s unions on both the local government’s fiscal health and operations in each of the last three years.

The new right-to-work laws took effect in Michigan on March 27, 2013. However, local government union contracts already in effect prior to that date were “grandfathered in” (i.e., not subject to new right-to-work rules until those contracts are replaced, extended, or renewed). Thus, the implementation of right-to-work laws in communities across Michigan will likely take some time to play out as pre-existing contracts expire at varying times over the coming years.

To help inform ongoing discussions regarding the new laws, the Spring 2013 MPPS explored opinions among the state’s local government leaders—from both jurisdictions that do have employee unions and those that do not—about right-to-work and what they believe its impact will be in their local jurisdictions. (Note: the figures and analyses in this report exclude the 1% of local officials statewide who responded that they were “completely unfamiliar” with Michigan’s right-to-work legislation.)



Local leaders are divided along partisan lines over right-to-work

The MPPS asked local leaders a series of questions regarding their support or opposition to the public sector right-to-work law (P.A. 349 of 2012). Overall, just less than half (47%) say they support the right-to-work law, about a quarter (22%) oppose it, and a third (32%) are either neutral, unsure, or say it's not applicable to them (see *Figure 1a*).

Levels of support and opposition to the public sector right-to-work policy are strongly correlated with local leaders' partisan identifications. As shown in *Figure 1b*, 60% of local officials who self-identify as Republicans say they support right-to-work for public sector unions, including 39% who strongly support it. Conversely, 53% of Democratic local officials oppose it, including 37%, who strongly oppose it. Among self-identified Independent local officials, 45% support right-to-work for public sector unions, while 22% oppose it.

Figure 1a
Local officials' overall support and opposition to the public sector right-to-work law

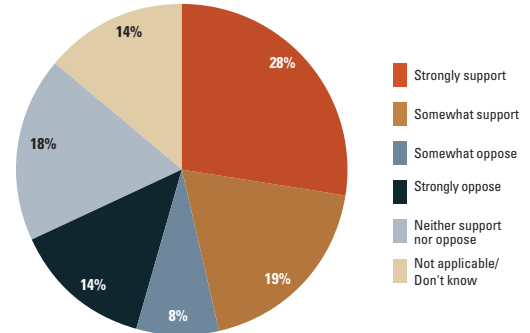
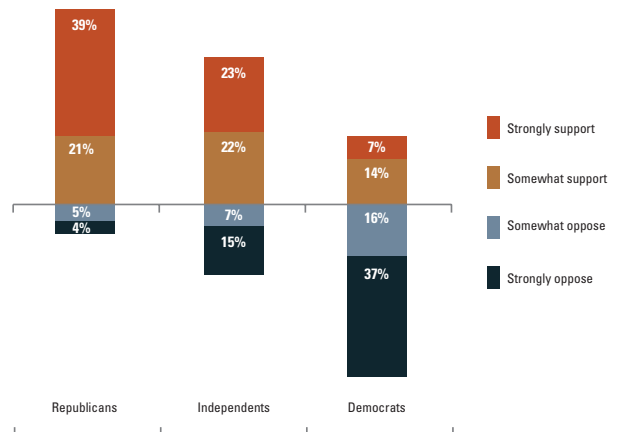


Figure 1b
Local officials' overall support and opposition to the public sector right-to-work law, by partisan identification



Note: responses for "neither support nor oppose," "not applicable," and "don't know" not shown

Opposition to police and fire exemptions is highest among officials from jurisdictions with unions

There is significantly less support among local officials statewide for the provision of Michigan’s right-to-work legislation that exempts public employee police and fire unions from the law than for the public sector right-to-work law itself. Overall, approximately one quarter (26%) of local officials say they support the exemptions, while a slightly larger proportion (33%) of leaders say they oppose them (see *Figure 2a*).

Opinions on the police and fire union exemptions are also strongly correlated with local leaders’ partisan identifications. While 34% of Democratic local leaders support the exemptions, the same is true for only 24% of Republican local leaders, and just 16% of Independent local leaders (see *Figure 2b*). Local officials who identify as Independents are the most likely to oppose (40%) the police and fire union exemptions, including a quarter (25%) who strongly oppose them.

Local leaders’ support for the police and fire exemptions is significantly lower in jurisdictions that have public sector labor unions representing local government employees. Among Republican local leaders from jurisdictions that do *not* have unions, 26% support the exemptions, but this falls to 15% of Republican officials in jurisdictions with unions (see *Figure 2c*). Among Democratic local leaders, 41% support the exemptions in jurisdictions without unions, but this falls to 22% in jurisdictions with unions. And among Independent local leaders, support falls from 22% in jurisdictions without unions to just 6% in those with unions.

Figure 2a
Local officials’ overall support and opposition to the police and fire exemptions in the public sector right-to-work law

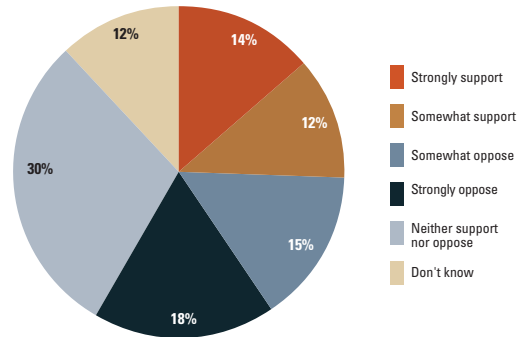
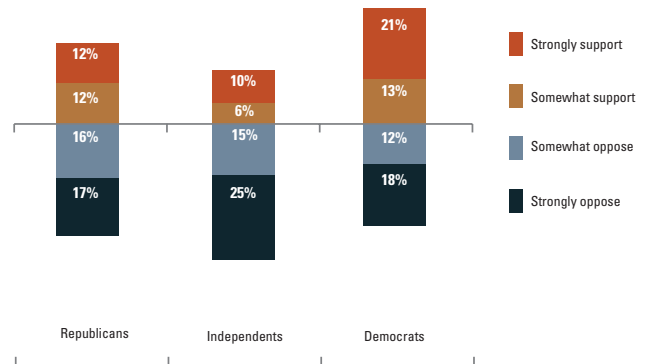
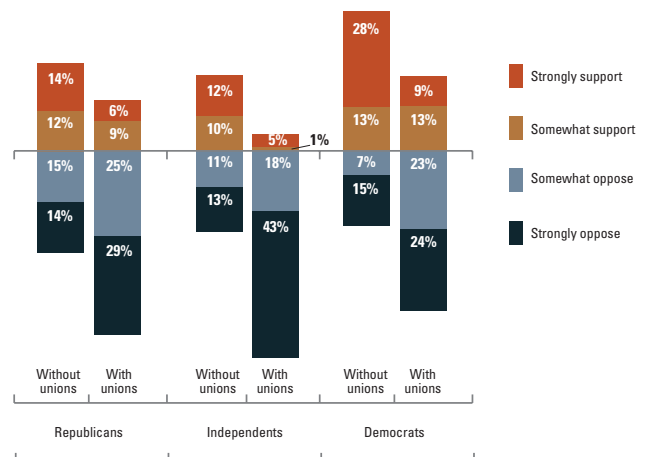


Figure 2b
Local officials’ overall support and opposition to the police and fire exemptions in the public sector right-to-work law, by partisan identification



Note: responses for “neither support nor oppose” and “don’t know” not shown

Figure 2c
Local officials’ overall support and opposition to the police and fire exemptions in the public sector right-to-work law, by union presence in the jurisdiction and partisan identification



Note: responses for “neither support nor oppose” and “don’t know” not shown



Leaders generally foresee limited impacts from right-to-work

When asked to predict the impact of the right-to-work laws, Michigan’s local leaders generally expect either mixed positive and negative impacts, or no significant impact at all on their local jurisdictions.

Among jurisdictions that have public employee unions, nearly a third (29%) of local leaders expect the laws to have no significant impact at all on their jurisdictions’ fiscal health (see *Figure 3a*). Of the remainder, 34% believe the laws will have mixed positive and negative impacts, 23% expect a primarily positive impact, and just 5% expect a primarily negative impact.

There are differences in these views by party identification. For example, Republican officials are more likely (32%) to predict right-to-work will have a positive impact on their jurisdictions’ fiscal health, compared to Independent (24%) and Democratic (8%) officials (see *Figure 3b*).

Figure 3a
Local officials’ assessments regarding the impact of right-to-work laws on their local governments’ fiscal health (among jurisdictions with public employee unions)

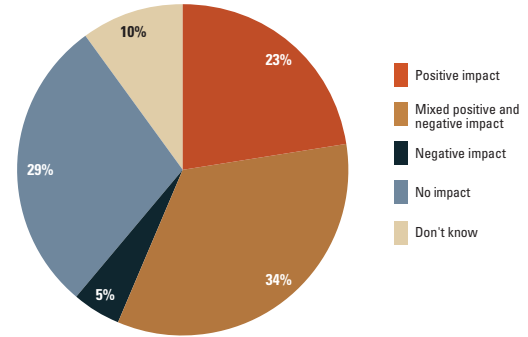
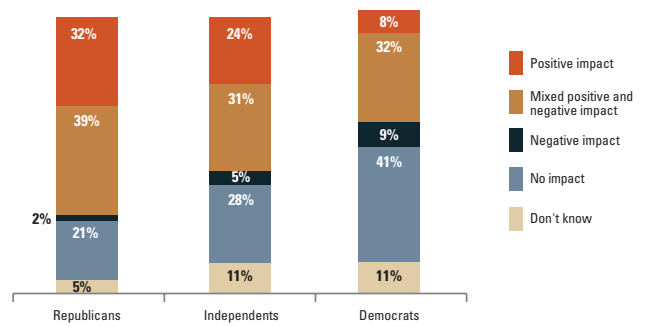


Figure 3b
Local officials’ assessments regarding the impact of right-to-work laws on their local governments’ fiscal health (among jurisdictions with public employee unions), by partisan identification



One of the potential impacts from right-to-work laws relates to the ability of employers—including local governments—to attract and retain desired employees. Statewide, over a third (36%) of local officials from union jurisdictions say right-to-work will have no impact one way or another on this issue (see *Figure 4a*). Meanwhile, 29% expect mixed positive and negative impacts, 16% expect a primarily positive impact, and 9% expect a primarily negative impact.

Republican officials (30%) are most likely to express the opinion that right-to-work will have a positive impact on their ability to attract and retain employees (versus 15% of Independent officials and only 2% of Democratic officials), while 22% of Democratic officials believe it will have a negative impact (versus 6% of Independent officials and 5% of Republican officials), as shown in *Figure 4b*.

Figure 4a
Local officials' assessments regarding the impact of right-to-work laws on their ability to attract and retain employees (among jurisdictions with public employee unions)

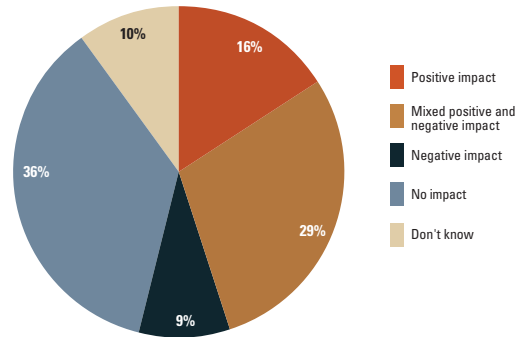
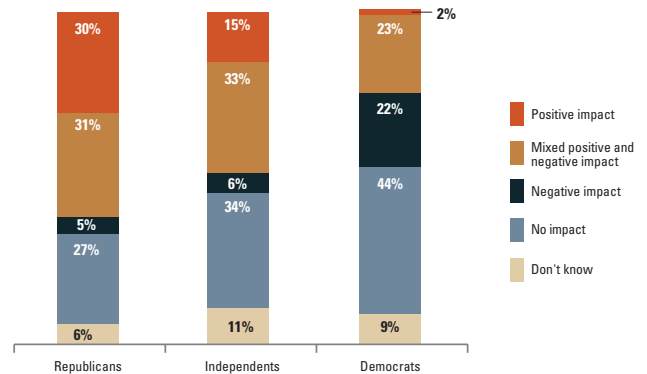


Figure 4b
Local officials' assessments regarding the impact of right-to-work laws on their ability to attract and retain employees (among jurisdictions with public employee unions), by partisan identification





The potential effects of right-to-work on the relationships between local jurisdictions and their employees' unions received the strongest expressions of concern among local leaders from jurisdictions with such unions, with 20% of local leaders in such jurisdictions overall predicting negative outcomes (see *Figure 5a*). Of the remainder, 32% believe right-to-work will have mixed positive and negative impacts on their relationships with their employees' unions, while 9% expect primarily positive impacts, and 28% expect no significant impacts at all.

Again, there are differences in these views according to local leaders' party identifications. Yet, as shown in *Figure 5b*, there is a marked increase among Republican and Independent local leaders predicting negative outcomes from right-to-work on relations at the local level between jurisdictions and their employee unions, as compared to the relatively low levels of concern they express about the policy's impacts on their jurisdictions' fiscal health and employee recruitment (see, respectively, *Figures 3b* and *4b*). However, given that over three-quarters (76%) of local leaders in 2013 report that the relationship between their employees' unions and the jurisdiction's administration is excellent or good as of today,⁷ there may be some buffer of good will to protect against any negative impacts that right-to-work might introduce.

Figure 5a
Local officials' assessments regarding the impact of right-to-work laws on the relationship between their jurisdiction and its unions (among jurisdictions with public employee unions)

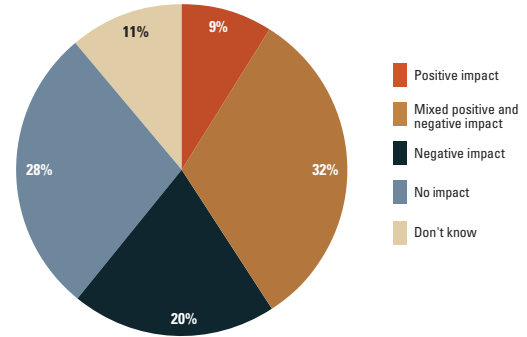
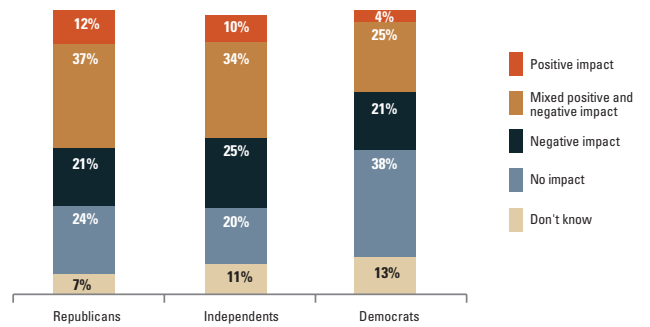


Figure 5b
Local officials' assessments regarding the impact of right-to-work laws on the relationship between their jurisdiction and its unions (among jurisdictions with public employee unions), by partisan identification



Conclusion

The enactment of right-to-work laws in late 2012 set off a political firestorm between proponents and opponents of the legislation across Michigan, and the issue will continue to be active both due to ongoing court battles and because P.A. 349 of 2012 “grandfathered in” existing contracts between local governments and their employees’ unions until the contracts are replaced, extended, or renewed. As a result, the implementation of the law, and its effects, will take some time to play out in communities across Michigan.

In the meantime, when asked about their views of the public sector right-to-work law soon after it went into effect, the MPPS found Michigan’s local government leaders split along partisan lines. Overall, 60% of Republican local leaders support the law, while 53% of Democratic local leaders oppose it. A larger percentage (33%) of local leaders overall oppose the law’s exemptions for police and fire unions than support (26%) the exemptions, and support for these exemptions decreases markedly among leaders of all partisan identifications when looking only at jurisdictions that have unions.

But regardless of their other views, overall, Michigan’s local leaders predict relatively moderate impacts—either positive or negative—from the law, specifically on their jurisdictions’ fiscal health, and their ability to attract and retain desired employees. These leaders do express slightly more concern when it comes to the law’s impact on the relationships between unions and local government administrations. Given that prior MPPS studies have found that local governments have been very active, and very successful, in seeking concessions from their unions in the aftermath of the Great Recession, any worsening of local relationships could be counterproductive for local government fiscal health and operations. However, prior MPPS studies have found that, overall, local leaders believe these relationships today are good, and getting better, and this may provide a buffer of goodwill. Whether right-to-work starts to result in changing relationships—or has other unexpected outcomes—will have to be seen as it takes effect in more and more of Michigan’s local government jurisdictions in the future.

Notes

1. Michigan Public Act 348. (2012). Retrieved from [http://www.legislature.mi.gov/\(S\(mim02g45o5sujl4514zvfif1\)\)/documents/2011-2012/publicact/htm/2012-pa-0348.htm](http://www.legislature.mi.gov/(S(mim02g45o5sujl4514zvfif1))/documents/2011-2012/publicact/htm/2012-pa-0348.htm)
2. Michigan Public Act 349. (2012). Retrieved from [http://www.legislature.mi.gov/\(S\(cgj0xx2inodiydibwub3jaq\)\)/documents/2011-2012/publicact/htm/2012-pa-0349.htm](http://www.legislature.mi.gov/(S(cgj0xx2inodiydibwub3jaq))/documents/2011-2012/publicact/htm/2012-pa-0349.htm)
3. Daum, K. M. (2012, December 8). Right-to-work bill exempts police and fire unions. *Lansing State Journal*. Retrieved from <http://www.lansingstatejournal.com/article/20121208/NEWS04/312080019/>
4. Haglund, R. (2012, December 20). Why Michigan police, firefighters were exempted from new right-to-work legislation. *MLive.com*. Retrieved from http://www.mlive.com/politics/index.ssf/2012/12/policy_reasons_for_exempting_p.html
5. Egan, P. (2013, August 27). UAW to take right-to-work case to Michigan Supreme Court. *Detroit Free Press*. Retrieved from <http://www.freep.com/article/20130827/NEWS06/308270103>
6. Center for Local, State, and Urban Policy. (2012, October). *Michigan’s local leaders satisfied with union negotiations*. Ann Arbor, MI: Center for Local, State, and Urban Policy at the Gerald R. Ford School of Public Policy, University of Michigan. Retrieved from <http://closup.umich.edu/michigan-public-policy-survey/20/michigans-local-leaders-satisfied-with-union-negotiations/>
7. *Ibid.*



Survey Background and Methodology

The MPPS is a biannual survey of each of Michigan's 1,856 units of general purpose local government, conducted once each spring and fall. While the spring surveys consist of multiple batteries of the same "core" fiscal, budgetary and operational policy questions and are designed to build-up a multi-year time-series of data, the fall surveys focus on various other topics.

In the Spring 2013 iteration, surveys were sent by the Center for Local, State and Urban Policy (CLOSUP) via the internet and hardcopy to top elected and appointed officials (including county administrators and board chairs, city mayors and managers, village presidents and managers, and township supervisors, clerks, and managers) from all 83 counties, 277 cities, 256 villages, and 1,240 townships in the state of Michigan.

The Spring 2013 wave was conducted from April 8 to June 9, 2013. A total of 1,350 jurisdictions in the Spring 2013 wave returned valid surveys, resulting in a 73% response rate by unit. The margin of error for the survey as a whole is +/- 1.4%. The key relationships discussed in the above report are statistically significant at the $p < .05$ level or below, unless otherwise specified. Missing responses are not included in the tabulations, unless otherwise specified. Some report figures may not add to 100% due to rounding within response categories. Data are weighted to account for non-response. Contact CLOSUP staff for more information.

Detailed tables of the data analyzed in this report—by jurisdiction type (county, city, township, or village); by population size of the respondent's community; and by the region of the respondent's jurisdiction—are available online at the MPPS homepage: <http://closup.umich.edu/mpps.php>

The survey responses presented here are those of local Michigan officials, while further analysis represents the views of the authors. Neither necessarily reflects the views of the University of Michigan, or of other partners in the MPPS.

Previous MPPS reports

- Michigan local governments continue seeking, and receiving, union concessions (October 2013)
- Michigan local government fiscal health continues gradual improvement, but smallest jurisdictions lagging (September 2013)
- Local leaders evaluate state policymaker performance and whether Michigan is on the right track (August 2013)
- Trust in government among Michigan's local leaders and citizens (July 2013)
- Citizen engagement in the view of Michigan's local government leaders (May 2013)
- Beyond trust in government: government trust in citizens? (March 2013)
- Local leaders support reforming Michigan's system of funding local government (January 2013)
- Local leaders support eliminating Michigan's Personal Property Tax if funds are replaced, but distrust state follow-through (November 2012)
- Michigan's local leaders satisfied with union negotiations (October 2012)
- Michigan's local leaders are divided over the state's emergency manager law (September 2012)
- Fiscal stress continues for hundreds of Michigan jurisdictions, but conditions trend in positive direction overall (September 2012)
- Michigan's local leaders more positive about Governor Snyder's performance, more optimistic about the state's direction (July 2012)
- Data-driven decision-making in Michigan local government (June 2012)
- State funding incentives increase local collaboration, but also raise concerns (March 2012)
- Local officials react to state policy innovation tying revenue sharing to dashboards and incentive funding (January 2012)
- MPPS finds fiscal health continues to decline across the state, though some negative trends eased in 2011 (October 2011)
- Public sector unions in Michigan: their presence and impact according to local government leaders (August 2011)
- Despite increased approval of state government performance, Michigan's local leaders are concerned about the state's direction (August 2011)
- Local government and environmental leadership: views of Michigan's local leaders (July 2011)
- Local leaders are mostly positive about intergovernmental cooperation and look to expand efforts (March 2011)
- Local government leaders say most employees are not overpaid, though some benefits may be too generous (February 2011)
- Local government leaders say economic gardening can help grow their economies (November 2010)
- Local governments struggle to cope with fiscal, service, and staffing pressures (August 2010)
- Michigan local governments actively promote U.S. Census participation (August 2010)
- Fiscal stimulus package mostly ineffective for local economies (May 2010)
- Fall 2009 key findings report: educational, economic, and workforce development issues at the local level (April 2010)
- Local government officials give low marks to the performance of state officials and report low trust in Lansing (March 2010)
- Local government fiscal and economic development issues (October 2009)

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